

**“Conceptualization, Operationalization and Efficiency: The Case of Non-Territorial  
Cultural Autonomies in Central and South Eastern Europe”**

**Balázs Dobos**

**(Institute for Minority Studies, Centre for Social Sciences)**

**< [dobos.balazs@tk.hu](mailto:dobos.balazs@tk.hu), [balazs.dobos@gmail.com](mailto:balazs.dobos@gmail.com) >**

**Paper presented at the 25<sup>th</sup> ASN World Convention**

**5-8 May 2021**

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## **Introduction: the general patterns of non-territorial autonomy regimes in Central and Eastern Europe**

After the tragic developments that the 20<sup>th</sup> century brought to their rich ethnocultural diversity, the Post-Communist Central and Eastern European countries adopted such minority policies that have been typically viewed in the international literature, as being influenced only by compliance with Western and European standards of minority protection, which ultimately seek to ensure equality between groups and/or individuals through non-discrimination, protection, promotion of culture, public participation, multinationalism and multiculturalism (Osipov 2015a: 59-62). Undoubtedly, the implementation of these standards has been seriously distorted in this part of Europe, and the institutions which were set up ideally with the aim of protecting minorities and preserving their identities and distinct features have in fact been serving to exert state control over them, too (Agarin 2015: 24). The continuing legacy of the nation-state model and the perception and design of public institutions as the almost exclusive property of the dominant nations has excluded minorities (Agarin, Cordell 2016; Cordell, Osipov, Agarin 2015), primarily through securing the institutional positions of majority languages and cultures negatively impacting minorities (Csergő, Regelmann 2017).

On the other hand, the idea of non-territorial and national-cultural autonomy has been also long present in the region. This model can be now considered as a typical Central European phenomenon, as it has many historical precedents, starting with the Ottoman millet system, the seminal ideas from the Austrian social democrats, Karl Renner and Otto Bauer in the multi-ethnic Austro-Hungarian Monarchy, then the Baltic advocates' theories on non-territorial minority self-governments in the interwar period, to the often cited example of the 1925 Estonian law, which, in practice, enabled the country's German and Jewish minorities to elect cultural councils in order to administer their own cultural and educational issues. According to Will Kymlicka, non-territorial autonomy could even be an interesting alternative to the existing Western models of minority rights, to multinational federations and multiculturalism in particular, because it does not imply territorial autonomy compared to traditional, multinational federations tailored to historical ethno-regional groups, but still includes separate institutions with self-governance and language rights (compared to multiculturalism in relation to immigrants) (2000: 202).

Moreover, from the early 1990s onwards, a significant number of countries in the region, including, in particular, Estonia, Croatia, Hungary, Kosovo, Latvia, Montenegro, North Macedonia, Russia, Serbia, Slovenia and Ukraine, have begun to refer, at least in principle and

on paper, to cultural autonomy in their policies and legislations towards internal minorities. In addition, other states, such as the Czech Republic, Lithuania or Slovakia tend to claim that they also implement some forms of cultural autonomy by providing financial support to minority organizations. These developments may have contributed to the fact that since the mid-2000s, an increasing number of research works have started to examine these systems, analysing them from historical, normative-theoretical, practical-operational and comparative perspectives (see esp. Coakley 2017; Cordell, Smith 2008; Malloy, Osipov, Vizi 2015; Malloy, Palermo 2015; Nimni 2005; Nimni, Osipov, Smith 2013; Salat et al. 2014; Smith, Hiden 2012).

Still, there have been serious discussions among various actors about how to define or interpret cultural autonomy (Prina 2020). Matti Wiberg aptly states that even autonomy itself is an extremely diffuse concept, which has been closely associated with many other synonyms in discourse as well as a number of other controversial terms (2005: 177). For many, Yash Ghai's definition of autonomy serves as a point of departure, which refers to means of enabling ethnic groups with distinct identities to exercise direct control over matters important to them, leaving the larger entity to manage common affairs, while it can take many legal forms (2000: 8). Thus, inevitably, many different views of the tremendously broad concept of autonomy have come to light, and consequently, quite diverse arrangements have often been labelled as autonomy in practice. Complicating matters is the fact that the term has become attractive for the policies and communications of some governments, and experts have also begun to use it as a kind of measure when evaluating cases (Peleg 2007: 44).

It is no different in the case of non-territorial autonomy and its synonyms (personal, cultural, extraterritorial, etc.): it has been widely accepted that non-territorial autonomy is not a specific model of diversity management, rather it is merely a general, umbrella term that describes different practices and includes various theories with the aim to represent a specific ethnocultural segment of the society and that does not seek exclusive control over territory (Nimni 2013). While, as a narrower subcategory within the broader concept of non-territorial autonomy, non-territorial cultural or national-cultural autonomy was systematically elaborated by the Austro-Marxist Renner and Bauer in the Austro-Hungarian Monarchy at the beginning of the 20<sup>th</sup> century (Smith, Hiden 2012: xiii). However, the question whether the very term of non-territorial autonomy refers to a kind of special ethnicity-based organization and/or a general principle for establishing group representation has still not been clarified (Suksi 2015: 84). Furthermore, since it aims to bring together those belonging to a minority community, regardless of their size and place of residence in a country in order to preserve their distinct

ethnocultural identities and objective characteristic features, one can ask questions about its relation to territory, to what extent can it be considered non-territorial; hence, should there be a threshold that clearly demarcates it from territorial autonomy? The national-ethnic component also raises questions as to the extent to which non-territorial autonomy is related to ethnicity, as well as to which groups it may be the most appropriate institutional framework, given the extreme complexity and diversity of identities in everyday life, and the strength of ethnicity as a key social structuring-organizing force. Evidently, having its crucial focus on individual participation, it is especially suitable for territorially dispersed and relatively small minorities (Kymlicka 2000: 202; Peleg 2007: 102; Wirsing 2004: 83). Such groups may be satisfied with a limited autonomy or in other cases, cannot expect more in a given situation (Nootens 2015: 47). Last but not least, the degree of power-sharing can also be an issue (Nootens 2015: 33; Osipov 2015b: 179).

A key element of the model of non-territorial autonomy is that, as it seeks to cover potentially all minority members regardless of their place of residence, local or national size, at least one institutional form, ideally with legal personality, needs to be established at local, regional or national level (Heintze 1998: 22). In the countries mentioned above, where autonomy goes beyond mere declaration and has concrete institutional consequences, this involves, in the first group of cases, and most prominently in Russia, that certain minority associations have been entrusted with public tasks affecting the lives of communities, such as maintaining educational and cultural institutions. However, in practice, this idea has been barely implemented in the Russian case (Osipov 2010). Similarly, in Latvia, pursuant to the 1991 law on cultural autonomy, the so-called national societies have the right to develop their own educational institutions.<sup>1</sup> This functionalist approach, in which minority-related public functions are delegated to voluntary minority NGOs, immediately poses the question of legitimacy in at least two ways: for a voluntary organization it is more difficult to reach the less active and committed members of the group; and further, the great number of associations might easily undermine the potential for the autonomous organizations to represent the minority in interactions with the state authorities (Brunner, Küpper 2002: 27). Moreover, in some countries, an association, as a general rule, can represent only the interests of its members and may have only a limited focus.

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<sup>1</sup> Act of 19 March 1991 on the unrestricted development and right to cultural autonomy of Latvia's nationalities and ethnic groups, par. 13.  
[www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Latvia%20Lawculturalautonomy.docx](http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Latvia%20Lawculturalautonomy.docx) (accessed 26 April 2021).

Another group of countries, namely Estonia, Hungary, and several former Yugoslav republics such as Croatia, Serbia, and Slovenia represent another variant, which is more reminiscent of the Austrian theorists' original ideas. In these latter cases, minority voters who are also registered on a voluntary basis have the right to establish their own minority councils or self-governments at different levels through direct or indirect elections. Furthermore, still other examples lie between these two main approaches, meaning that minority bodies have both elected and non-elected members, most notably in Montenegro, where as a result of the 2007 amendment to the country's 2006 minority law, minority councils are partly elected through electoral assemblies, in which those citizens can participate who previously declare their affiliation, although they are not registered.<sup>2</sup> In addition, some key representatives of the communities like minority MPs, minority party leaders or local majors of municipalities in which the minority population constitute local majority, can be members *ex officio*, too, and in certain cases their number is higher than that of the elected members of the councils. The mostly elected 'peoples' congresses' in Russia also lack a mechanism for registration (Osipov 2011) and thus, along with the Montenegrin case, only partly fit the latter category, and therefore are excluded from the present analysis.<sup>3</sup>

However, even the fully elected models in the five countries above (Croatia, Estonia, Hungary, Serbia, and Slovenia) have different historical legacies, operate in diverse political, legal-institutional and social contexts, and offer varying competencies and resources for minority communities that have also diverse characteristics within and across countries. While the self-governing ethnic communities have the right of consent in Slovenia on local and national decisions affecting the protection of minority rights and while the minority self-governments in Hungary and the national councils in Serbia can make decisions in their own affairs (mostly questions of self-organization and interest representation, and powers and competences delegated to them to ensure cultural autonomy) and maintain various cultural and educational institutions, the minority councils in both Croatia and Estonia are much weaker. They are merely consultative and advisory bodies, although in both cases official governmental policies still insist on labelling them as autonomies.

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<sup>2</sup> Montenegro: Law on minority rights and freedoms (2006).  
<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102854/124511/F1020729789/MGO102854%20Eng.pdf>  
(accessed 26 April 2021).

<sup>3</sup> Similarly, the Roma Council in Slovenia where the Roma community does not enjoy the same rights as the recognized Hungarian and Italian minorities, have partly elected and partly appointed representatives (Komac, Roter 2015: 96).

Overall, the wide array of powers of these minority bodies throughout Europe ranging from rather symbolic functions to even co-decision-making as well as the controversy between the continued dominance of the nation-state model, the large extension of state control on minority issues and interethnic relations, and all those positive expectations that led to the spread of various NTA regimes in Central and Eastern Europe, allowed Alexander Osipov to argue that using the concept of cultural autonomy as a descriptive-conceptual and analytical tool is highly questionable in general (2013a: 133), which not only underscores the need to conduct empirical and comparative research in this area, but students of NTA need to examine actually what exists under the broad label of NTA instead.

In addition, minority communities have evidently diverse characteristics within and across countries with existing NTA regimes, while the NTA approach has been also criticized for presuming the existence of relatively stable and well-defined (“essentialist”) ethnic identities and categories. On the contrary, contemporary approaches as well as the Ljubljana Guidelines on the Integration of Diverse Societies published by the OSCE High Commissioner on National Minorities in 2012 tend to emphasize that in everyday practices individual identities can be multiple, multi-layered, contextual and dynamically shifting at the same time, but in the case of NTA regimes, the precise group of individuals who, as members of the community, have the right to access NTA obviously needs to be clarified. Consequently, the model of NTA inevitably raises further theoretical and practical questions and dilemmas about community boundaries, namely who belongs to a given minority (Bauböck 2001), who can represent whom, who can speak on behalf of the group, and how this should be appraised in diverse institutional and social contexts. Existing practices vary on the extent to which they rely more on individuals’ self-identification, subjectivity and choice or tend also to highlight possible objective elements, and whether and how the criteria for recognition and membership, the rules for access to NTA institutions are determined by the competent public authorities or the groups themselves, taking also into account the complexity of identities, the sensitive nature of ethnic data, the often dispersed territorial configuration of minority groups, and not least, the democratic legitimacy and social embeddedness of NTA bodies.

There seems to be a delicate balance in defining group membership, that needs to be carefully addressed by stakeholders. A generous and sufficiently inclusive mechanism, without relying on objective elements, undoubtedly carries the risk that the only subjective criterion, individual choice and self-identification could lead to inflation of group membership and fraud, by including even those who presumably or obviously do not belong to the community. This latter

phenomenon has been widely observed so far and led to a number of scandals in some countries of Central and Eastern Europe, in particular, and commonly referred as “ethnobusiness” or “ethnocorruption”. In contrast, a more exclusionary access to NTA, which relies heavily on possible objective criteria, may prevent the participation of those with weaker ties to the community, thereby undermining the group’s ability to effectively represent itself and influence key decisions affecting its life.

To address the issues above, that some of the existing institutional arrangements in Central Europe retain the form but not the content of minority cultural autonomy or self-governance to preserve distinct minority characteristics, so the creation of these structures with often limited powers was motivated by state concerns to keep an eye on domestic minority affairs, too, the paper from a theoretical perspective, but based on electoral statistics and country experiences, aims to introduce and critically assess the institutional frameworks and practices of non-territorial cultural autonomy in the five countries with elected NTA regimes (see Appendix). The paper hereby focuses on such questions as how the minorities themselves perceive and use these structures under these conditions, whether and to what extent these systems are able to reach, integrate and mobilize potential group members, and whether they increase, entrench or decrease the role of minority elites, and foster internal democracy within the groups concerned. Therefore, NTA elections offer a tool for identifying and critically assessing intra-group and elite dynamics, which aspects have remained understudied in the region (for the few exceptions, see Petričušić 2007; Zuber, Mus 2013). The paper also seeks to contribute to the better understanding of the role and general patterns of these elected regimes in both countries, and assesses whether they can be considered as successful forms of diversity management and minority integration. In doing so, the paper firstly gives a brief overview of the historical-political background and evolution of the autonomous arrangements as well as the main features of the minorities in question, how they managed to gain official recognition and create cultural autonomy. It then takes the analysis further by examining how objective and subjective criteria of group membership are defined, and accordingly, to what extent these regimes are able to cover and mobilize minority members.

### **The origins of the NTA regimes**

According to Kymlicka, there has been a widespread belief in Post-Communist Central and Eastern Europe, that minorities are rather disloyal to the state, seek secession, cooperate with its external enemies, and therefore pose a security threat. As a result, the major task for the

majority political elites in several cases was to increase their nation- and state-building efforts and, in general, to build a strong state, which justifies weakening influential minorities with potentially strong positions (2007).

While the right of minorities to exist has been long recognized and violent oppression and non-voluntary assimilation has become unacceptable according to international standards, a number of special rights, even cultural autonomy, can additionally be granted to minorities to counterbalance the state, which is far from being neutral in terms of language and culture. It was even a key element of the Soviet nationality policy, especially for non-titular nationalities, to support and develop their cultural activities, *inter alia*, by establishing institutions until they would merge in the future (Osipov 2015a: 64). The display of the apolitical, non-nationalist values of the communities, mainly publication of books and journals in native languages, the official support for their cultural events, festivals, performance of folk songs and dances significantly led to folklorization, and these tendencies from the late 1940s, early 1950s could be observed in various countries in the region even outside the Soviet Union. These, in turn, contributed to maintaining the idea of a generous minority policy which also sought to permanently declare equality.

This particular historical legacy, more precisely the widely accepted view that a minority policy should basically involve hardly destabilizing and politically sensitive, mostly folkloristic, cultural activities, may later have contributed to the renaissance of the idea of cultural autonomy and its acceptance by the national majorities after the fall of the Communist regimes, which in many cases still tend to associate autonomy with separatism. This leads further to another crucial factor that even if the introduction of autonomy had already been formally accepted in democratic settings, in such circumstances, due to the majorities' objections to the minorities' demands for autonomy, the actual possibilities and competences of minority bodies had to be more or less narrowed. This is also closely related to the key characteristics of the non-territorial model itself, since it may have become attractive to several countries precisely because it includes practical limits to the power that can be transferred to minorities (Coakley 1994: 311) - if there is any power-sharing at all. Examining the issue of power-sharing, Tove Malloy concluded that the role of the minority councils in Estonia is more symbolic, while the other four countries, including Croatia provide minorities with a voice in the decision-making processes by allowing them to participate or make certain decisions (2015: 3-4). By contrast, yet similarly analysing the powers of minority self-governments and councils throughout



Central Europe, Levente Salat found that despite their strong legal entrenchment, they actually have rather symbolic competencies (2015: 260-261).

The fact that autonomies were often established only in a formal sense, encouraged a number of scholars to take a more critical approach (see esp. Osipov 2010, 2013b; Smith 2010, 2013). In their view, these arrangements were created in a top-down manner, were neither results of the pressure of the minorities, nor motivated by normative ideas of justice to manage ethnocultural diversity, but they were much more influenced by instrumentalist and other practical considerations instead (see, e. g. Yupsanis 2016), such as international pressure, compliance with external standards, or internally driven expectations of reciprocity. Consequently, allowing minorities to take over the administration of often symbolic and apolitical affairs (primarily culture and education) may prevent and neutralize their possible more far-reaching and even territorial claims. As a consequence, there has been a crucial need to assess the extent to which these regimes meet minority demands and to support and strengthen bottom-up activities, democratic accountability and effective representation.

### **Minorities and NTA regimes**

Given the factors above, it is of crucial importance to understand on one hand how the relevant laws and policies regulating the affairs of NTA models tackle and conceptualize identities: whether there are definitions and/or enumeration of groups, whether they are based on subjectivity or more on objective elements. There are also significant differences among the existing practices as regards the criteria for group membership as well as the rules for access to NTA institutions, and not only as to whether they are administered by the competent public authorities or by the minorities themselves, but also as to how they negotiate and find solutions in terms of who should be included, who should represent and whom in these contexts. Further, there needs to be a closer at whether and how they approach the issue of individual choice and possible abuse, commonly known as “ethnobusiness”, especially in light of potential intra-group rivalries and ethnic outbidding.

As pointed out by F. Barth, ethnicity as well as the demarcation of community boundaries are the result of social marking-labeling processes, in which the individual and other actors also play an integral role in a dialectical way. Ethnicity can vary enormously in different settings, especially in terms of its political presence, role in social interactions, cultural diversity, and temporal-historical stability and durability. According to the institutionalist tradition, the actors

and debates of individual perception, internal self-identification and external classification that accompany the construction and formation of ethnic boundaries are not only individuals and groups, but also external factors such as political institutions, which are also able to influence not only the strength of boundaries, but even their existence. The result of these depends on the given institutional context, including what type of boundary can be drawn meaningfully and acceptably, on the distribution of power between actors, on their interests of differentiation, and finally on existing social networks.

Another aspect is that the nature of belonging to formal communities, its main components, must be defined in some way. International law has not been able to offer a universal and even legally binding definition nor there is a guidance on how to define group membership of certain ethnocultural groups interpreted by possible distinct objective and subjective criteria, while it is evident that without members one could hardly speak of a community. Following the elements of the various attempts to elaborate a definition (F. Capotorti, Council of Europe), in close connection with one of the prominent debates of nationalism theories and identity research, two possible directions have emerged to solve the problem. They are divided in such a way whether identity is to be understood as a given, natural, permanent, and predetermined, or, conversely, as a mere selected and constructed social category. Within both, the role of the group itself in determining ethnic affiliation is also an issue. The first approach focuses on potential objective distinguishing features when examining minority affiliation, while the key element of the latter is the individuals' self-identification and free choice. The relevant instruments of international law and country-level legislations usually seek to find some balance between the two approaches, individuals' choices and the social reality of the group, and are generally based on the subjective aspect of membership, but complement it with possible objective elements, sources of individual identities. As a result, the individual's free choice and the various objective aspects of belonging to that community together constitute the criteria for group membership.

A common feature of the NTA regimes is the classic paradox of democratic representation: in order to meet minority protection standards, they must ensure that minority rights can be exercised only by minority members, meaning that albeit voluntarily, they must register themselves. However, this should be done in such a way that NTA bodies have sufficient social background and democratic legitimacy to make them able to effectively represent the whole group and in order to make decisions and express opinions on issues affecting the community. At the same time, however, even the existing European cases have different competencies,

functions, and institutional structures in many respects, as they also face different challenges due to their broader legal-political contexts and the specificities of their communities, to which they may also respond differently.

In most cases, there is an official definition adopted to describe the main criteria that need to be satisfied by domestic minorities when seeking to become official ones, and/or an expandable list of the communities, either in the constitutions (Croatia, Slovenia) or in the relevant minority laws. The 2002 Serbian law only gives a definition for the term ‘minority’,<sup>4</sup> so does the Croatian law from the same year,<sup>5</sup> while the 1993 Estonian and the recent 2011 Hungarian laws contain both definitions and official lists.<sup>6</sup> As shown in Table 1 below, the official minority definitions usually involve almost the same group of possible objective elements, and the necessary subjective criterion. While in practice, in two of them, NTA has been applied only to two small communities in each case, namely to Finns and Swedes in Estonia, and Hungarians and Italians in Slovenia, while in Hungary the law covers 13 communities, and in both Croatia and Serbia elections were usually held for more than 20 national and ethnic groups.

**Table 1: the key elements of the official minority definitions**

	<b>Croatia</b>	<b>Estonia</b>	<b>Hungary</b>	<b>Serbia</b>
<b>Citizenship</b>	X	X	X	X
<b>Numerical minority</b>	–	–	X	X
<b>Traditionally settled</b>	X	X	X	X
<b>Long-term ties</b>	–	X	X	X
<b>Ethnic, linguistic, cultural, religious differences</b>	X	X	X	X

<sup>4</sup> Serbia: Law on Protection of Rights and Freedoms of National Minorities, Article 2. <http://ravnopravnost.gov.rs/wp-content/download/law-national-minorities-serbia.pdf> (accessed 26 April 2021).

<sup>5</sup> Croatia: Constitutional Act on the Rights of National Minorities, Article 5. [https://www.legislationline.org/download/id/7660/file/Croatia\\_law\\_rights\\_national\\_minorities\\_2002\\_en.pdf](https://www.legislationline.org/download/id/7660/file/Croatia_law_rights_national_minorities_2002_en.pdf) (accessed 26 April 2021).

<sup>6</sup> Hungary: Act 179 of 2011 on the Rights of National Minorities. 1. §, Appendix 1. [http://2010-2014.kormany.hu/download/a/10/80000/A%20nemzetis%C3%A9gek%20joga\\_EN.pdf](http://2010-2014.kormany.hu/download/a/10/80000/A%20nemzetis%C3%A9gek%20joga_EN.pdf) Estonia: National Minorities Cultural Autonomy Act. 2. §. <https://www.riigiteataja.ee/en/eli/519112013004/consolide> (accessed 26 April 2021).

<b>Subjective criterion: motivation</b>	X	X	X	X
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As a general rule, in all five countries there are direct elections, except in Serbia where the national minority councils were elected indirectly until 2010,<sup>7</sup> and at certain levels in other countries where organs of representation are created indirectly, such as the national and regional minority self-governments (MSGs) in Hungary until 2014, the (national) coordination of minority councils and representatives in Croatia, and the highest body of self-governing ethnic communities in Slovenia. In Estonia and Serbia, autonomous bodies are elected only at the national level by proportional electoral systems, while the other three countries adopted majoritarian systems even at the local level. In three cases, NTA bodies are elected for four years, in Estonia their mandate is only for three, and in Hungary for five years since 2014. In all the countries concerned, it was not the minorities that defined and adopted the electoral rules of minority elections, but the government (Estonia) or parliament, in such a manner that either the relevant provisions of the law on local elections now have to be applied to NTA elections (Slovenia), or a separate law determines their conditions (Croatia, Hungary, Serbia).

With the exception of Hungary at the 2014 minority elections and Slovenia, the access to minority institutions has been traditionally reserved for nationals of the countries concerned who belong to an officially recognized minority and where special minority elections are held, they are also expected to express their affiliation by subscribing to minority electoral rolls. In addition, when elections are held at local level, too, these systems take into account the census or general voter registry data concerning the local sizes of minority populations: for example, in Croatia, elections of local minority councils can be held if the local share of the minority population is at least 1.5% or there are minimum 200 group members. In Hungary, at least 25 persons are required for the local elections to be held.

However, the procedure of enrolment in the electoral register, in particular, necessarily leads to a politicization of ethnicity, as a result of which identity becomes a mandatory, divisive, and prescriptive category, rather than an ordinary practice, where there is no room to experience its

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<sup>7</sup> In Serbia, direct elections can be held if at least 40% of the group members are registered. If not, voters can still create their national councils indirectly, as was the case for the Croatian, Macedonian, Montenegrin and Russian communities at the latest elections in 2018.

multiple, contextual, situational, or dynamic nature. One must also consider the fact that the minorities in question are relatively small in size, and usually at an advanced stage of cultural-linguistic assimilation. They mostly live territorially scattered throughout the countries, and often possess multiple, porous, blurred and in some cases even contested identities, therefore, it is impossible to draw clear-cut boundaries between communities. Furthermore, especially in the Balkan context, there have been several ways for state policies to intervene and manipulate not only the inter-ethnic, but intra-group affairs and community boundaries, too, among others, by supporting the rise of new identities (Muś, Korzeniewska-Wiszniewska 2013). Despite their overall small size, a number of groups have various subgroups in the region, which can often become a fertile ground for internal rivalries, ethnic outbidding over who could represent more effectively, and contestation over group boundaries at the political level. The need to declare individual identities by registering in minority electoral rolls often involves extra efforts and costs for group members, while some communities, most prominently Roma still need to face various forms of prejudice and discrimination, too. Given the above factors, therefore, it is often quite challenging for minority communities how to reach, mobilize and unite potential group members, especially the less committed and assimilated segments, taking also into account the fact that only a few of them have become politically mobilized along ethnic lines and managed to create their own ethnic parties, mostly in Croatia and Serbia where the political mobilization of specific, usually larger and territorially more concentrated communities can be traced back to the time of the violent breakup of Yugoslavia, thus preceding the creation of later arrangements for autonomy. Among them, only the number of Serbs in Croatia, Bosniaks, Hungarians and Roma in Serbia, and Germans and Roma in Hungary exceeds one hundred thousand according to the official census.

At national level, when determining group membership, the individuals' self-identification proves to be the decisive criterion as a general rule, following the international documents: the relevant provisions declare that minority members shall have the right to express their affiliation (Croatia, Hungary, Serbia, and Slovenia) or maintain their belonging (Estonia), but usually add that this right shall be exercised pursuant and under the conditions of the relevant legislation. However, in addition to the subjective element, it is quite rare for a legislation on group membership to include more or less detailed objective components, as it is in Slovenia, where *“the right to vote and be elected a member of the council of municipal self-governing ethnic community is reserved for members of ethnic community that have the right to vote and are*

*registered in a special municipal register of voters of citizens - members of ethnic community.*<sup>8</sup> According to the 2013 law on voter registration, individuals may only be included on the list if they have been on any of the previous lists, maintain long-lasting ties with the minority, aim to preserve minority characteristics, or have family connections with someone belonging to the group (Komac, Roter 2015: 107). However, none of the two respective communities, the Hungarians and Italians have elaborated the further details of the above criteria so far.

Similarly, in Estonia, minorities, practically Ingrian Finns and Swedes have the right to compile and administer their electoral registers as well as to create their own management bodies to monitor the elections. Like in Slovenia, a person is entered or deleted from the minority register on the individual's request. Active voting rights are granted to those who are enrolled in the minority register, while the right to be elected is reserved for those who are enrolled and have residence in the relevant electoral district.<sup>9</sup> The application form contains only the very basic personal data, such as name and surname, date and place of birth, sex, nationality and mother tongue, personal ID code, marital status, data on minor children, residence, religion, and signature.<sup>10</sup> In addition, the Swedish minority asks the applicants to write some words about their connection with the Estonian Swedes, name some important questions related to the community, and include photos about themselves.<sup>11</sup> So in practice it works quite simply: *"we have a paper to fill in and they have to send it"* to the members of the cultural council, and the Ministry only checks whether there are only citizens registered.<sup>12</sup> For the other group, *"there is a question for the younger generation that grandparents were part of the Ingrian Finnish or Finnish community, you do have to have your roots, not random people from the street. (...) The family background is the key, but it is not like that we are the FBI who checks everyone."*<sup>13</sup>

No electoral abuse has been reported from these two communities in Estonia, neither from Slovenia. Reasons for this may include the relatively small number of the communities and their NTA bodies, the possible lower profile in society, high degree of socio-economic integration, the requirement for stricter, objective elements in the Slovenian system, or the

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<sup>8</sup> Law on Self-Governing Ethnic Communities (5 October 1994), Art. 8. <https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Slovenia/lawself-governingethniccommunities.docx> (accessed 26 April 2021).

<sup>9</sup> Vähemusrahvuse kultuurinõukogu valimise eeskiri (Rules for the election of national minority cultural council, 06. 05. 2003) <https://www.riigiteataja.ee/akt/578630> (accessed 26 April 2021).

<sup>10</sup> National Minorities Cultural Autonomy Act. 8. §.

<sup>11</sup> <http://www.eestirootslane.ee/files/Eestirootslane-2013-1.pdf> (accessed 26 April 2021).

<sup>12</sup> Interview with Ülo Kalm, former Head of the Swedish Cultural Council in Estonia (Haapsalu, 24 August 2017).

<sup>13</sup> Interview with Anatoli Schultz, Head of the Estonian Union of Ingrian Finns (Tartu, 25 August 2018).

rather symbolic, consultative role of minority councils in Estonia. because what could be observed in this first group of cases instead is that these relatively small, highly assimilated communities with a disadvantageous age structure seek to expand the boundaries of their communities and involve especially from the younger generations those who are even more assimilated and less committed to preserve the distinct minority features, or even those who do not belong to the community: *“to be on the list it is nothing more that you have to be Estonian citizen, you have to have some interests in the Estonian Swedes, so you can be Estonian, and be very interested in our questions and culture.”*<sup>14</sup> Consequently, potential abuses can be hardly considered in these two cases.

In the other three cases, registers are administered by state authorities and as a general rule they are in charge of conducting and monitoring elections, partly because there are a higher number of minority communities, of which some are much larger as to their size. In Croatia, only minority members have active and passive voting rights who are residents in the self-government unit, and according to the Law on the Register of Voters, the general register contains information on voters' nationality, which is entered on the basis of voters' declaration before competent state authority bodies in counties. At the minority elections, each polling station has an excerpt from the general one, specifically only on nationality.<sup>15</sup> Similarly in Serbia, those have the right to vote and be elected (with certain exceptions, like judges) who have been voluntarily registered in the special minority electoral lists, which is managed permanently by the competent ministry.<sup>16</sup> However, electoral abuses have been reported from both countries: in Croatia, for instance, at the 2016 parliamentary elections, a Hungarian MP claimed that hundreds of ethnic Croats and Roma had changed their nationality before the elections to vote for one of the competing Hungarian candidates.<sup>17</sup> In Serbia, as a result of fraud, forging of signatures and electoral lists, blackmailing, parties managed to get ethnic Serbs and conformist Romanians from their own parties to be elected onto the Romanian national council to dominate it in the interest of the Serbian government (Hein 2014: 133-134).

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<sup>14</sup> Interview with Ülo Kalm.

<sup>15</sup> Zakon o popisima birača (2007) [https://narodne-novine.nn.hr/clanci/sluzbeni/2007\\_02\\_19\\_772.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2007_02_19_772.html) (accessed 26 April 2021).

<sup>16</sup> Serbia: Law on National Councils of National Minorities. <http://fer.org.rs/wp-content/uploads/2018/03/Law-on-National-Councils-in-Serbia.pdf> (accessed 26 April 2021).

<sup>17</sup> Minority MPs Warn about Sudden Influx of New Minority Voters. <https://www.total-croatia-news.com/item/13947-minority-mps-warn-about-sudden-influx-of-new-minority-voters> (accessed 26 April 2021).

In Hungary, due to the minorities' initial rejection of registration, referring to their negative historical experiences, between 1994 and 2006 every Hungarian citizen had the right to vote for, and be elected to MSGs. The voting took place in the same polling stations used in local municipality elections and on the same day.<sup>18</sup> As one result, the number of votes cast was significantly beyond even the estimated number of minorities, and these 'sympathy-votes' coming from the ethnic majority or other minorities usually advantaged those candidates whose last names started with the first letters of the alphabet, a phenomenon which introduced serious distortions in minority public life (Szabó 2005: 225). It was even more serious and posed a threat for the entire model that, similarly to some cases in Serbia, some of the persons elected were presumably or obviously non-members of the specific community. The vague nature of identities among the minorities in Hungary, the lack of objective criteria and group control result in permanent debates about group boundaries and potential electoral abuses. Since most local minority representatives, registered as electors, elected indirectly the MSGs in the capital city and at the national level, those could also be affected by abuses (as well as the preferential mandates for minority candidates in local governments). The ethno-business factor gained importance in intra-community conflicts<sup>19</sup> and debates between local municipalities and MSGs.

In order to reduce the incidence of abuses, pursuant to the 2005 amending law, the right to vote was limited to members of the recognised minorities. Minority voters and candidates now had to declare their affiliation by previously registering in minority electoral rolls administered by the head of the local electoral office, who, however, had no competence to assess affiliation with the minority. It imposed further requirements on minority candidates: only certain minority associations had the right to run candidates.<sup>20</sup> Notwithstanding these amendments, both the results of 2006 and 2010 elections and some local scandals raised further doubts about whether the changes had achieved their goal.<sup>21</sup> The recent 2011 law – similarly to the Croatian and Serbian systems – takes census results as a basis for calling elections: according to the new provisions, elections shall be called if the number of persons belonging to a certain minority

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<sup>18</sup> Non-citizens established in Hungary had the right to vote in the municipality elections, therefore, *de facto* they could also vote for minority self-governments.

<sup>19</sup> For instance, for the same reasons, Romanian institutions, local MSGs, associations, and parents objected to the plan of the National Self-Government of Romanians in Hungary to take over the most relevant minority educational centre in early 2008.

<sup>20</sup> Act 114 of 2005 on the election of the representatives of minority self-governments and the amendment of certain Acts concerning national and ethnic minorities. The 2005 consolidated text of the 1993 Minority Rights Act 77 of 1993 on the Rights of National and Ethnic Minorities (as of 25 November 2005) is available online at: <http://www.kisebbsegibudsmann.hu/data/files/128317683.pdf> (accessed 26 April 2021).

<sup>21</sup> Comparing the results of 2001 census and the 2010 list of settlements where elections were held with at least 30 registered minority voters, it could be observed that in 34% of cases there were not 30 persons belonging to the same community.

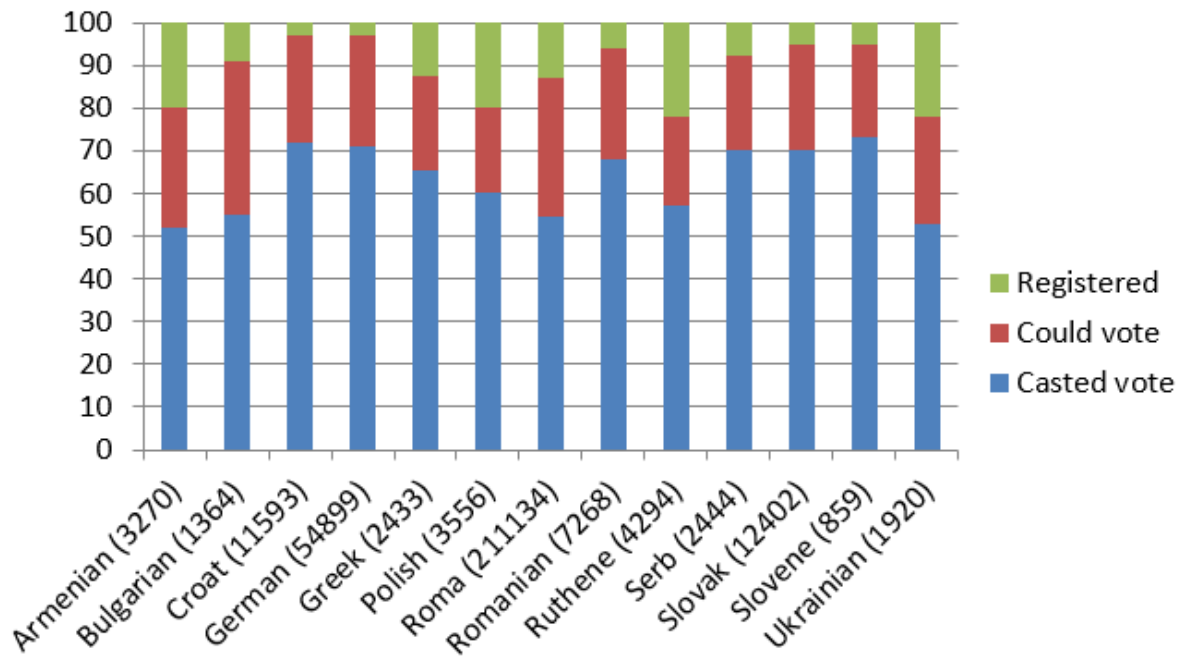


reaches 25 according to the latest census data, while group members still need to register themselves. Candidates furthermore are now obliged to make statements on their knowledge of minority language, culture and traditions, and were not previously members of an MSG of any other minority in the past ten years, but the validity of these declarations can be hardly checked in practice.

### **The Integrative Effect of NTA Regimes**

Considering the key features of the minorities in question, and consequently the overall low salience of ethnic issues in public life, it can be argued that both the registration process and voting itself (usually conducted on different days than general elections and in separate polling stations) could mean higher costs for group members (Birbir 2007: 223). Where elections are held at local level and additionally certain thresholds are adopted for the elections to be announced, like a required number of registered voters or group members according to latest census results, it could result in situations in which significant number of group members, because of their territorial dispersion, low level of organization and political mobilization, could not elect their representative and autonomous bodies in their municipalities, therefore they have a limited access to minority rights and institutions. For instance, in Hungary at the latest minority elections in 2019, around 20% of each relatively new, less organized and territorially highly dispersed communities, such as Armenians, Poles, Ruthenians and Ukrainians were not able to create minority self-governments due to these institutional barriers (Chart 1).

### **Chart 1: registered and participating minority voters in Hungary (2019, %)**



Moreover, the need to declare their identities and register themselves may even have a demobilizing effect on the groups in question, which may particularly true for Hungary where there have been numerous efforts over the past decade to modify and restrict electoral rules in order to prevent electoral fraud. As a result, significant parts of these communities may abstain from minority elections, so the number of registered minority voters was consistently less than the number of those who had declared themselves persons belonging to the officially recognized minority communities during the latest censuses, and was even less than the estimated number of the ethnic group within the population (see Table 2 below, taking note of the fact that census results included those such as minors who did not have the right to participate in minority elections).

**Table 2: Number of individuals belonging to national and ethnic minorities in Croatia, Hungary and Serbia according to the censuses of 2011, and the number of registered, eligible minority voters in Croatia and the total number of registered voters in Hungary and Serbia at the latest NTA elections<sup>22</sup>**

<sup>22</sup> Sources: Croatian Bureau of Statistics <https://www.dzs.hr/> Electoral statistics: [www.izbori.hr](http://www.izbori.hr) Hungarian Central Statistical Office: 2.1.6.1 Population by nationality, age group, highest education completed and sex, 2011 [www.ksh.hu/nepszamlalas/docs/tables/regional/00/00\\_2\\_1\\_6\\_1\\_en.xls](http://www.ksh.hu/nepszamlalas/docs/tables/regional/00/00_2_1_6_1_en.xls) Electoral statistics: [www.valasztas.hu](http://www.valasztas.hu) Statistical Office of the Republic of Serbia: Population by ethnicity and sex, by municipalities and cities (2011): [media.popis2011.stat.rs/2014/eksel/Opstine/1\\_Stanovnistvo%20prema%20nacionalnoj%20pripadnosti%20i%20polu,%20po%20opstinama&gradovima.xls](http://media.popis2011.stat.rs/2014/eksel/Opstine/1_Stanovnistvo%20prema%20nacionalnoj%20pripadnosti%20i%20polu,%20po%20opstinama&gradovima.xls) Electoral statistics: <http://arhiva.rik.parlament.gov.rs/latinica/izbori-za-nnm-2018.php> (all accessed 26 April 2021).

Minority	Croatia		Hungary		Serbia	
	2011 census	2019 elections	2011 census	2019 elections	2011 census	2018 elections
<b>Albanian</b>	17.513	13.916	-	-	5.809	36.456
<b>Armenian</b>	-	-	3.571	3.270	-	-
<b>Askali</b>	-	-	-	-	n. a.	2.708
<b>Austrian</b>	297	31	-	-	-	-
<b>Bosniak</b>	31.479	12.817	-	-	145.278	106.326
<b>Bulgarian</b>	350	93	6.272	1.364	18.543	18.201
<b>Bunjevtsi</b>	-	-	-	-	16.706	7.849
<b>Croat</b>	-	-	26.774	11.593	57.900	n. a.
<b>Czech</b>	9.641	6.717	-	-	n. a.	1.483
<b>Egyptian</b>	-	-	-	-	n. a.	3.893
<b>German</b>	2.965	1.094	185.696	54.899	4.064	2.592
<b>Gorani</b>	-	-	-	-	7.767	-
<b>Greek</b>	-	-	4.642	2.791	n. a.	2.458
<b>Hungarian</b>	14.048	10.902	-	-	253.889	129.471
<b>Italian</b>	17.807	16.984	-	-	-	-
<b>Jewish</b>	509	184	-	-	-	-
<b>Macedonian</b>	4.138	3.090	-	-	22.755	n. a.
<b>Montenegrin</b>	4.517	3.168	-	-	38.527	n. a.
<b>Polish</b>	672	123	7.001	3.556	-	345
<b>Roma</b>	16.975	11.877	315.583	211.134	147.604	66.570
<b>Romanian</b>	435	-	35.641	7.268	29.332	20.391
<b>Russian</b>	1.279	597	-	-	3.247	-
<b>Ruthene</b>	1.936	1.299	3.882	4.294	14.246	7.934
<b>Serb</b>	186.633	170.406	10.038	2.444	-	-
<b>Slovak</b>	4.753	2.856	35.208	12.402	52.750	29.509
<b>Slovene</b>	10.517	6.452	2.820	859	4.033	2.128
<b>Turkish</b>	367	69	-	-	-	-
<b>Ukrainian</b>	1.878	1.084	7.396	1.920	4.903	2.677
<b>Vlach</b>	29	-	-	-	35.330	26.584

In addition, in most of the countries and in case of many minorities, the number of registered voters shows a declining trend in time: in Croatia, for instance it reached its peak in 2011 with ca. 361 thousands persons altogether, but it decreased to ca. 163 thousands by 2019, while the size of only three constituencies, the Albanian, the Bosniak and the Roma grew constantly over time. The Serbian community alone lost more than 100 thousands of voters in one and half decade. By contrast, in Serbia there were ca. 436 thousands of registered voters for the 2010 elections of national councils, their number showed a moderate growth to ca. 465 thousands in 2018, but at the same time, some traditional minorities in Vojvodina, like Bunjevtsi, Hungarians, Ruthenes, and Slovaks as well as the Vlach community in Eastern Serbia decreased.

As to the integrative effect of elected NTA systems, the question is not only about that to what extent these arrangements are able to cover potential group members and provide incentives to register themselves for the elections, but also whether they encourage voter participation which needs to be addressed as well. Most theories of modern representative democracy conventionally hold that broad participation in public life is desirable and a larger number of people who cast their votes would result in greater legitimacy, accountability and representativity of the elected body, because more preferences and interests of the diverse political community would gain visibility and voice in decision-making. Although voters' behavior, their decision to participate or not are certainly influenced by a number of factors, including their socio-economic status, and in NTA elections, however, external electoral institutions and procedures seriously constrain them, too: in addition to the separate and highly sensitive registration, the perceived efficacy, the utility of voting – whether it makes sense for often largely assimilated culturally and linguistically, or in other cases socially excluded group members to declare their identities by attending a highly non-competitive election (for an often weakly functioning body) – should be also taken into account. In the literature, it is often held that list-proportional electoral systems are more likely to result in higher turnouts, since they encourage greater competition, parties are more interested in contesting elections, and, not least, voters become more motivated to vote (Birch 2003: 79).

In the present cases, however, it seems that instead of the adopted electoral formula, much depends, rather on the day of elections as well as the location of polling stations. Generally speaking, if minority elections were on the same day as local elections and even at separate polling booths, they usually produced higher voter turnouts as it was the case in both Hungary and Slovenia. To test the hypothesis above, in the two most prominent proportional regimes,

however, only a weak correlation between the number of lists and voter turnout could be identified, namely in the case of Serbia (0,18), and a moderate one (0,45) for the latest elections of national MSGs in Hungary. The issue of voter turnout is especially striking in Croatia where extremely low turnouts were recorded, probably because of the unclear mandate of the minority self-governments, the lack of willingness of municipalities to support these minority bodies, the lack of appropriate capacities and results, and not least of the fact that minority elections are not on the same day as local elections (Petričušić 2015: 63-64, see Table 3), as it is the case in the neighbouring Slovenia and Hungary.

**Table 3: voter turnout at the elections of national minority councils in Croatia, 2003-2019 (%)**<sup>23</sup>

<b>Administrative units</b>	<b>2003</b>	<b>2004</b>	<b>2007</b>	<b>2011</b>	<b>2015</b>	<b>2019</b>
<b>County</b>	10,21	6,35	9,88	10,44	13,49	12,60
<b>City</b>	10,84	8,99	8,04	9,45	12,26	10,87
<b>Village</b>	22,13	16,20	17,02	15,93	22,96	23,30

In this regard, the idea is that elections may create more accountable, effective, transparent, and potentially more visible organizations that have the potential to unite and mobilize communities as much as possible. In practice, however, even in Hungary, which saw probably the highest turnouts, data show decline from one election to another. But still, minority voters in Hungary were more active than in Serbia, where the average voter turnout was much below 50% at the latest minority elections (for the latest results see Table 4). However, in all cases, it is also of crucial importance how community leaders, ethnic activists, and minority organizations, parties seek to mobilize and integrate less committed members.

**Table 4: voter turnout at the latest minority elections (%)**<sup>24</sup>

	<b>Croatia (2019)</b>	<b>Estonia (2019, 2020)</b>	<b>Hungary (2019)</b>	<b>Serbia (2018)</b>	<b>Slovenia (2018)</b>
<b>Albanian</b>	13	-	-	39	-

<sup>23</sup> Source: <http://www.izbori.hr> (accessed 26 April 2021).

<sup>24</sup> Sources: Croatia: <http://www.izbori.hr> Estonia: <http://www.eestirootslane.ee/sv/2016> Hungary: [www.valasztas.hu](http://www.valasztas.hu) Serbia: Republic Electoral Commission. Izbora za članove nacionalnih saveta nacionalnih manjina. <http://arhiva.rik.parlament.gov.rs/latinica/izbori-za-nnm-2018.php> Slovenia: municipal websites.

<b>Armenian</b>	-	-	62	-	-
<b>Askali</b>	-	-	-	45	-
<b>Austrian</b>	10	-	-	-	-
<b>Bosniak</b>	23	-	-	52	-
<b>Bulgarian</b>	2	-	59	57	-
<b>Bunjevtsi</b>	-	-	-	26	-
<b>Croat</b>	-	-	74	-	-
<b>Czech</b>	17	-	-	58	-
<b>Egyptian</b>	-	-	-	56	-
<b>Finnish</b>	-	n. d.	-	-	-
<b>German</b>	14	-	72	47	-
<b>Greek</b>	-	-	73	13	-
<b>Hungarian</b>	34	-	-	37	65
<b>Italian</b>	8	-	-	-	62
<b>Jewish</b>	18	-	-	-	-
<b>Polish</b>	39	-	74	45	-
<b>Macedonian</b>	11	-	-	-	-
<b>Montenegrin</b>	6	-	-	-	-
<b>Roma</b>	27	-	56	50	-
<b>Romanian</b>	-	-	70	48	-
<b>Russian</b>	23	-	-	-	-
<b>Ruthene</b>	16	-	69	51	-
<b>Serb</b>	10	-	74	-	-
<b>Slovak</b>	16	-	73	34	-
<b>Slovene</b>	5	-	76	29	-
<b>Swedish</b>	-	62	-	-	-
<b>Turkish</b>	7	-	-	-	-
<b>Ukrainian</b>	18	-	64	41	-
<b>Vlach</b>	-	-	-	54	-

## Conclusions

The major aim of the paper, from a theoretical perspective but based on electoral laws and statistics, country experiences and interviews with minority leaders was to explore, in a

comparative manner, the general patterns of non-territorial autonomies in the five Central and South Eastern European countries concerned, in terms of how these regimes conceptualize identities and how they might affect group strategies. The elected variant of NTA regimes inevitably opens up the question of how to determine legal subjects, since the creation of electoral rolls needed to face significant problems in the region, and simultaneously the dilemma of how to ensure the democratic legitimacy of such bodies and how to preserve the freedom of expression, including change in identity declarations. The question has been closely intertwined with the broader issue of the effective participation of minorities in public life, the personal data protection, and the recognition of multiple identities. It may depend also on the role, resources and scope of these bodies, as defined by the specific laws, whether there is more prominent political-representative role with decision-making competences on certain key issues (most notably in Hungary, Serbia, and Slovenia), or their focus is more on education and culture with only some consultative powers (Croatia, Estonia).

At first sight, it seems that the dilemma can be somewhat mitigated by the participation of the group in assessing affiliations, and there are good reasons to allow the group itself to manage membership issues in institutions and to control who is allowed to belong to the group (as it is the case in Estonia and Slovenia), especially since there has not been any evidence for fraud reported from these two countries. But the lack of electoral abuses could be owed to group characteristics and strategies as well, that they seek to attract the more assimilated segments of their communities. However, a generous and too inclusive mechanism without relying on the objective features has the risk that the subjective criteria alone, the self-identification of any person may result in the inflation of group membership, and may cover even those who do not have any relationships with the group concerned, as experienced in the another group of cases. By contrast, a too exclusive mechanism, so providing only limited access by crucially referring to objective criteria can prevent those who are at risk of assimilation to join, and overall, the entire group to represent itself effectively and influence decision-making.

In addition, the paper demonstrated that when compared with census data, the existing elected regimes in the region are only partially able to cover the potential group members – with the exception of Estonia where at least 50% of them are required for the elections to be held, and Slovenia where both of the respective communities live territorially concentrated. In addition, with the exception of Hungary and Serbia in general, minority elections show rather a decreasing trend in the number of registered voters. Furthermore, in the three countries with the largest number of minority population, the decreasing number of voters produced relatively low

and even declining voter turnout (Croatia and Serbia), or, interestingly enough, increasing participation in Hungary.

## References

- Agarin, Timofey (2015): The dead weight of the past? Institutional change, policy dynamics and the communist legacy in minority protection. In: Cordell, Karl; Agarin, Timofey; Osipov, Alexander (eds.): *Institutional Legacies of Communism. Change and Continuities in Minority Protection*. London, Routledge. 14–30.
- Agarin, Timofey; Cordell, Karl (2016): *Minority Rights and Minority Protection in Europe*. London, Rowman & Littlefield.
- Bauböck, Rainer (2001): *Territorial or cultural autonomy for national minorities?* IWE Working Papers Series, No. 22. <https://eif.univie.ac.at/downloads/workingpapers/IWE-Papers/WP22.pdf>
- Birch, Sarah (2003): *Electoral Systems and Political Transformation in Post-Communist Europe*. Houndmills, Palgrave Macmillan.
- Birnir, Jóhanna Kristín (2007): *Ethnicity and Electoral Politics*. Cambridge, Cambridge University Press.
- Brunner, Georg; Küpper, Herbert (2002): European Options of Autonomy: A Typology of Autonomy Models of Minority Self-Governance. In: Gál Kinga (ed.): *Minority governance in Europe*. Budapest, Local Government and Public Service Reform Initiative – Open Society Institute. 13-36.
- Coakley, John (1994): Approaches to the Resolution of Ethnic Conflict: The Strategy of Non-territorial Autonomy. *International Political Science Review*, 3. 297–314.
- Coakley, John ed. (2017): *Non-territorial Autonomy in Divided Societies. Comparative Perspectives*. Abingdon, Routledge.
- Cordell, Karl; Agarin, Timofey; Osipov, Alexander eds. (2015): *Institutional Legacies of Communism. Change and Continuities in Minority Protection*. London, Routledge.
- Csergő Zsuzsa; Regelmann, Ada-Charlotte (2017): Europeanization and Minority Political Action in Central and Eastern Europe. *Problems of Post-Communism*, 5. 215–218.
- Ghai, Yash ed. (2000): *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States*. Cambridge, Cambridge University Press.
- Hein, André Michael (2014): *Does Transnational Mobilization Work for Language Minorities? A Comparative Study on Romanians in Serbia, Bulgaria, Ukraine and Hungary*. Zürich, Lit Verlag.



- Heintze, Hans-Joachim (1998): On the legal understanding of autonomy. In: Suksi, Markku (ed.): *Autonomy: applications and implications*. The Hague, Kluwer Law International. 7-32.
- Komac, Miran; Roter, Petra (2015): The Autonomy Arrangement in Slovenia. In: Malloy, Tove; Osipov, Alexander; Vizi Balázs (eds.): *Managing Diversity Through Non-Territorial Autonomy. Assessing Advantages, Deficiencies, and Risks*. Oxford, Oxford University Press. 93-115.
- Kymlicka, Will (2000): Nation-building and minority rights: comparing West and East. *Journal of Ethnic and Migration Studies*, 2. 183–212.
- Kymlicka, Will (2007): National Cultural Autonomy and International Minority Rights Norms. *Ethnopolitics*, 3. 379-393.
- Malloy, Tove (2015): Introduction. In: Malloy, Tove; Osipov, Alexander; Vizi Balázs (eds.): *Managing Diversity Through Non-Territorial Autonomy. Assessing Advantages, Deficiencies, and Risks*. Oxford, Oxford University Press. 1-15.
- Malloy, Tove; Osipov, Alexander; Vizi Balázs eds. (2015): *Managing Diversity Through Non-Territorial Autonomy. Assessing Advantages, Deficiencies, and Risks*. Oxford, Oxford University Press.
- Malloy, Tove; Palermo, Francesco eds. (2015): *Minority Accommodation through Territorial and Non-territorial Autonomy*. Oxford, Oxford University Press.
- Muš, Jan; Korzeniewska-Wiszniewska, Mirella (2013): Divide et impera principle. Minority oriented state policy in the Balkans. *New Balkan Politics*, 13. 73-89.
- Nimni, Ephraim ed. (2005): *National Cultural Autonomy and its Contemporary Critics*. Abingdon, Routledge.
- Nimni, Ephraim (2013): The Conceptual Challenge of Non-Territorial Autonomy. In: Nimni, Ephraim; Osipov Alexander; Smith, David J. (eds.): *The Challenge of Non-Territorial Autonomy: Theory and Practice*. Oxford, Peter Lang Academic Publishers. 1-24.
- Nimni, Ephraim; Osipov Alexander; Smith, David J. eds. (2013): *The Challenge of Non-Territorial Autonomy: Theory and Practice*. Oxford, Peter Lang Academic Publishers.
- Nootens, Geneviève (2015): Can Non-Territorial Autonomy Bring an Added Value to Theoretic and Policy-Oriented Analysis of Ethnic Politics? In: Malloy, Tove; Palermo, Francesco (eds.): *Minority Accommodation through Territorial and Non-territorial Autonomy*. Oxford, Oxford University Press. 33-55.
- Osipov, Alexander (2010): National Cultural Autonomy in Russia: A Case of Symbolic Law. *Review of Central and East European Law*, 1. 27-57.

- Osipov, Alexander (2011): *The “Peoples’ Congresses” in Russia: Failure or Success? Authenticity and Efficiency of Minority Representation*. ECMI Working Paper, No. 48.
- Osipov, Alexander (2013a): Non-Territorial Autonomy as a Way to Diversity Policies: The Case of Russia. In: Nimni, Ephraim; Osipov Alexander; Smith, David J. (eds.): *The Challenge of Non-Territorial Autonomy: Theory and Practice*. Oxford, Peter Lang Academic Publishers. 133–148.
- Osipov, Alexander (2013b): Non-Territorial Autonomy during and after Communism: In the Wrong or Right Place? *Journal on Ethnopolitics and Minority Issues in Europe*, 1. 7-26.
- Osipov, Alexander (2015a): Soviet parity of nations or Western non-discrimination. Is there a dilemma for Russia? In: Cordell, Karl; Agarín, Timofey; Osipov, Alexander (eds.): *Institutional Legacies of Communism. Change and Continuities in Minority Protection*. London, Routledge. 59–73.
- Osipov, Alexander (2015b): Autonomy as Symbolic Production. The Case of Contemporary Russia. In: Malloy, Tove; Palermo, Francesco (eds.): *Minority Accommodation through Territorial and Non-territorial Autonomy*. Oxford, Oxford University Press. 179–196.
- Peleg, Ilan (2007): *Democratizing the Hegemonic State. Political Transformation in the Age of Identity*. Cambridge, Cambridge University Press.
- Petričušić, Antonija (2007): Minority Specific Bodies at the Local Level: the Case of National Minority Councils and their Coordinations in Croatia. [http://academos.ro/sites/default/files/biblio-docs/102/418273.petricusic\\_minority\\_specific\\_bodies\\_croatia.pdf](http://academos.ro/sites/default/files/biblio-docs/102/418273.petricusic_minority_specific_bodies_croatia.pdf)
- Petričušić, Antonija (2015): Non-territorial Autonomy in Croatia. In: Malloy, Tove; Osipov, Alexander; Vizi Balázs (eds.): *Managing Diversity Through Non-Territorial Autonomy. Assessing Advantages, Deficiencies, and Risks*. Oxford, Oxford University Press. 53-68.
- Prina, Federica (2020): Nonterritorial Autonomy and Minority (Dis)Empowerment: Past, Present, and Future. *Nationalities Papers*, 3. 425-434.
- Salat Levente et al. eds. (2014): *Autonomy Arrangements Around The World. A Collection of Well and Lesser Known Cases*. Cluj-Napoca, Romanian Institute for Research On National Minorities.
- Salat Levente (2015): Conclusion. In: Malloy, Tove; Osipov, Alexander; Vizi Balázs (eds.): *Managing Diversity Through Non-Territorial Autonomy. Assessing Advantages, Deficiencies, and Risks*. Oxford, Oxford University Press. 249-273.
- Smith, David; Cordell, Karl eds. (2008): *Cultural Autonomy in Contemporary Europe*. London, Routledge.

- Smith, David; Hiden, John (2012): *Ethnic Diversity and the Nation State. National Cultural Autonomy Revisited*. London, Routledge.
- Smith, David (2010): Non-territorial cultural autonomy in contemporary Europe: reflections on the revival of an idea. In: Breen, Keith, and O'Neill, Shane (eds.): *After the Nation? Critical Reflections on Nationalism and Postnationalism*. Basingstoke, Palgrave Macmillan. 84-102.
- Smith, David (2013): Non-Territorial Autonomy and Political Community in Contemporary Central and Eastern Europe. *Journal on Ethnopolitics and Minority Issues in Europe*, 1. 27-55.
- Suksi, Markku (2015): Non-Territorial Autonomy. The Meaning of '(Non)-Territoriality'. In: Malloy, Tove; Palermo, Francesco (eds.): *Minority Accommodation through Territorial and Non-territorial Autonomy*. Oxford, Oxford University Press. 83–115.
- Szabó Orsolya (2005): Regulations concerning national and ethnic minorities in Hungary: the minority law and the process of its modification. In: Tóth Ágnes (ed.): *National and Ethnic Minorities in Hungary 1920-2001*. Boulder, Social Science Monographs. 200-225.
- Wiberg, Matti (2005): Ambiguities in and Clarifications of the Concept of Autonomy. In: Skurbaty, Zelim A. (ed.): *Beyond a One-Dimensional State: An Emerging Right to Autonomy?* Leiden, Boston, Martinus Nijhoff. 177–190.
- Wirsiing, Robert G. (2004): The Autonomy Puzzle: Territorial Solutions to the Kashmir Conflict. In: Guelke, Adrian (ed.): *Democracy and Ethnic Conflict: Advancing Peace in Deeply Divided Societies*. Houndmills, Palgrave Macmillan. 80–102.
- Yupsanis, Athanasios (2016): Cultural Autonomy for Minorities in the Baltic States, Ukraine, and the Russian Federation: A Dead Letter. In: *Polish Yearbook of International Law*, Vol. 36. Warsaw, Wydawnictwo Naukowe Scholar. 109–135.
- Zuber, Christina Isabel; Mus, Jan Jakub (2013): Representative claims and expected gains. Minority council elections and intra-ethnic competition in Serbia. *East European Politics*, 1. 52-68.

**Appendix: the main institutional features of elected NTA regimes in Central and South Eastern Europe**

	<b>Croatia</b>	<b>Estonia</b>	<b>Hungary</b>	<b>Serbia</b>	<b>Slovenia</b>
Main legal sources	Constitutional Law on the Rights of National Minorities (2002); Law on the Elections of National Minority Councils and Representatives (2019)	National Minorities Cultural Autonomy Act (1993); Local Government Election Act (2002); Rules for the Election of National Minority Cultural Council (2003)	Act on the Rights of Minorities (2011); Act on Local Elections (2010); Act on the Electoral Procedure (2013)	Act on National Councils of National Minorities (2009)	Act on Self-governing Ethnic Communities (1994); Act on Local Elections (1994); Statutes of Municipal Self-governing Ethnic Communities
Minorities concerned	Albanian, Austrian, Bosniak, Bulgarian, Montenegrin, Czech, Hungarian, Macedonian, German, Polish, Roma, Ruthene, Russian, Slovak, Slovene, Serb, Italian, Ukrainian, Jewish, Turkish	Finnish, Swedish	Bulgarian, Greek, Croat, Polish, German, Armenian, Roma, Romanian, Ruthene, Serb, Slovak, Slovene, Ukrainian	Albanian, Ashkali, Bulgarian, Bosniak, Bunjevtsi, Czech, Egyptian, Greek, Croatian, Macedonian, Hungarian, Montenegrin, German, Roma, Romanian, Russian, Ruthene, Slovak, Slovene, Ukrainian, Vlach	Hungarian and Italian
Election management bodies	State and municipal election commissions at various levels	General election committee elected by minority associations and approved by the government. One appointed	State and municipal election commissions at various levels	Republic Electoral Commission	Municipal minority election commissions

		representative of the government. Local committees established by the general one			
Right to vote	Registered, min. 18 year-old Croatian citizens belonging to national minorities	Registered, min. 18 year-old Estonian citizens belonging to national minorities	Registered, min. 18 year-old Hungarian citizens belonging to minorities	Registered, min. 18 year-old Serbian citizens belonging to national minorities	Registered, min. 18 year-old voters belonging to Hungarian and Italian communities only in ethnically mixed areas
Polling lists	Based on individual application. Prepared by a central state authority. Procedure established by the Parliament	Based on individual application. Prepared by minority cultural associations. Published. Procedure established by the government.	Based on individual application. Prepared by local election offices. Procedure established by the government	Based on individual application. Prepared by a central state authority. Procedure established by the Parliament	Based on individual application. Prepared by self-governing ethnic communities. Procedure established by the Parliament
Elections can be held if	1,5% share in the local population or 200 members at local, 500 at regional level (according to census results)	At least half of the registered persons have entered the polling list	Local level: at least 25 (30 from 2024) persons declared their minority affiliation at the latest census. Regional: min. 10 local elections are announced. National: announced by law	Direct: if at least 40% of the group members are registered Indirect: less than 40% are registered	
Elected autonomous bodies	Local and regional minority councils and representatives	National cultural councils	Local, regional and national minority self-governments	National councils	Council of municipal and national self-

					governing ethnic communities
Number of mandates	10 in municipalities, 15 in towns, and 25 in counties	Between 20 and 60. Determined by the general election committee according to electoral districts.	3-4 at local, 7 at regional, 15-47 at national level according to the number of registered minority voters. Determined by the Minority Act.	15-35 (according to census results). Determined by the Act on National Councils.	5-12. Determined by the law and the local statutes of self-governing ethnic communities
Electoral term	Four years	Three years	Five years	Four years	Four years
Nomination of candidates	Minority organizations or at least 20 members in municipalities, 30 in towns, and 50 in counties	Minority cultural association or union of such associations. Independent candidates with at least 20 registered supporters from the given constituency.	Only certain minority associations specified in the Minority Act. At least 5% support of those registered (and min. 5 persons) at local level.	Group of voters, minority associations, registered minority political parties. At least 1% (and 50 persons) support	Independent candidates with at least 10 registered supporters from the given constituency.
Eligibility to stand for election	Registered, min. 18 year-old Croatian citizens belonging to national minorities	Registered, min. 18 year-old Estonian citizens belonging to national minorities	Registered voters (Hungarian + resided EU citizens) who were not candidates of any other minority in the previous two minority elections. Declaration about their affiliation.	Registered, min. 18 year-old Serbian citizens belonging to national minorities	Registered, min. 18 year-old voters belonging to Hungarian and Italian communities only in ethnically mixed areas
Election date	Date announced by the government	Three days, incl. one Sunday	Day of local elections	Date announced by the government	Day of local elections
Voting system	In person at polling stations	In person at polling stations or by post to	In person at polling stations	In person at polling stations	In person at polling stations

		local lists of candidates in the electoral districts			
Minimum voter turnout required		At least 50% of those entered in the polling lists	No requirement	No requirement	
Electoral threshold		5%	Min. 5% for minority lists at regional and national levels	No threshold	
Distribution of seats	Majoritarian (block vote)	Proportional (d'Hondt method)	Local: majoritarian (block vote) Regional and national: list-proportional	Proportional (d'Hondt method)	Majoritarian (block vote)