



Introduction: Realising Linguistic, Cultural and Educational Rights Through Non-Territorial Autonomy

David J. Smith and Ivan Dodovski

This volume brings together a body of expertise gathered within ENTAN—European Non-Territorial Autonomy Network (www.entan.org), a European Cooperation in Science and Technology (COST) Action dedicated to analysing the concept of Non-Territorial Autonomy (NTA) and its potential to accommodate the needs of different ethno-cultural and ethnolinguistic communities within a single state framework. Associated in terms of its origins with ideas developed by Austrian Social Democrats Karl Renner and Otto Bauer during the final years of the Habsburg Empire, NTA was originally conceived as a way of resolving rival group-based claims for territorial sovereignty. Seeking to break the conceptual link between ethno-cultural nationhood and claims to the exclusive ownership of a given territory, Renner and Bauer defined nations as voluntarily constituted ‘communities of persons’. Each such community, they argued, should have the right to create institutions of cultural self-governance encompassing all citizens professing membership of the relevant group, irrespective of where they reside within the overall state territory (Bauer, 2000; Renner, 2005). While this NTA model was never fully

D. J. Smith (✉)
University of Glasgow, Glasgow, Scotland, UK
e-mail: david.smith@glasgow.ac.uk

I. Dodovski
School of Political Science, University American College Skopje, Skopje, North
Macedonia
e-mail: dodovski@uacs.edu.mk

adopted within a Habsburg context, it has continued to inform policy and practice on the management and accommodation of ethnic diversity into the third decade of the twenty-first century. Today, the NTA label is applied to a broad spectrum of arrangements across the world. Particularly noteworthy has been its widespread adoption in Central and Eastern Europe and the Western Balkans during the period following the collapse of communism, which has helped to inspire a renaissance of scholarly interest in the concept since the start of the 1990s (Prina, 2020; Smith, 2020). This is epitomised not least by the work of ENTAN: since its establishment in 2019, the Network has brought together more than 100 experts from 36 countries, who continue to advance the state of the art in NTA research.

The present volume comprises a selection of peer-reviewed papers originally presented at the Third ENTAN Conference, hosted by Ovidius University, Constanța, on 13–14 May 2022. The conference took place against the backdrop of Russia's ongoing war against Ukraine, whose border with Romania lies just 200 kilometres north of Constanța along the Black Sea Coast. Catastrophic for Ukraine and evoking concerns around European security and stability more broadly, the current war testifies to the terrible consequences that can ensue when a state instrumentalises—indeed, weaponises—minority issues in pursuit of external geostrategic or domestic political objectives. As such, the war should serve to further underline the importance of exploring and disseminating information regarding good-practice arrangements and multilateral approaches that support the sustainable accommodation of diversity. This was the message imparted by the Conference in Constanta, which attracted wide public interest, including from local media. In attendance alongside 32 in-person and online academic participants from 20 countries were the Secretary of State in the Department for Interethnic Relations of the Romanian Government and a Deputy from the Romanian Parliament representing the Democratic Union of Turkish-Muslim Tatars in Romania. As well as affirming the principles of diversity accommodation central to ENTAN's mission, these speakers acquainted delegates with local arrangements within the surrounding local region of Northern Dobruja, one of the most multicultural within Romania.

The first ENTAN Conference held in Belgrade in 2019 explored NTA as a form of plurinational democracy, and it was followed by the publication of *Non-Territorial Autonomy in Theory and Practice: A 2020 Report* edited by Marina Andeva. The second ENTAN Conference held in Budapest in 2021 was dedicated to NTA as an instrument for the effective participation of minorities, and resulted in a conference proceedings volume edited by Balázs Vizi, Balázs Dobos and Natalija Shikova. The Third Conference, led by ENTAN's Working Group on Cultural Identities, shifted the focus of discussion towards how and in what contexts different modalities of NTA can enable the practical realisation of minority linguistic, cultural, and educational rights. This theme was considered especially timely and relevant given that

on 1 March 2023 it will be 25 years since the Council of Europe Framework Convention on National Minorities (FCNM) and the European Charter for Regional and Minority Languages (ECRML) first came into force. With the FCNM having been ratified by 39 states and the ECRML by twenty-five at the time of writing, these two instruments provide relevant benchmarks against which to assess the efficacy of various NTA-style arrangements across Europe.

At the level of general principles, the FCNM emphasises the importance of linguistic rights in relation both to Articles 3 and 5 (preservation of a person's identity or identities) and to Articles 4 and 6 (non-discrimination and the promotion of full and effective equality). This importance is reiterated in Articles 9–17 concerning access to the media, public and private use of languages, education, and effective participation (Advisory Committee, 2012; Council of Europe, 1995). The FCNM similarly covers the right to education (good quality, free primary and general and equal access to secondary) as well as rights *in* education (how such education should be shaped in terms of content as well as form), setting obligations—complementary to those under ECRML—regarding teaching *in* and teaching *of* minority languages in public and in private schools and at all levels. Also emphasised is the obligation to pursue *intercultural* education in curricula, as part of a whole-society approach aimed at increasing mutual knowledge and tolerance and encouraging dialogue between groups (Advisory Committee, 2006; Council of Europe, 1992, 1995).

The extent to which NTA can be seen to embody and deliver on these normative principles constitutes a common thread running across the contributions to this volume, which discuss a range of cases spanning northern, western, central and eastern and south-eastern Europe. At the same time, these contributions convey the range of different meanings attached to NTA, a concept which has remained beset by an ‘absence of conceptual clarity’ (Malloy, 2015, p. 3). Until comparatively recently, NTA was predominantly understood through the prism of ethnic conflict regulation and state security and integrity, as a catch-all alternative to what was perceived as the more politically destabilising option of territorial autonomy (Coakley, 2016; Roshwald, 2007). Already implicit in Renner and Bauer's (failed) vision of reforming the Habsburg state within its existing territorial boundaries at the start of the twentieth century, such thinking resurfaced during the 1990s in response to the welter of ethnonational claims that arose in central and eastern and south-eastern Europe during and after the fall of communism and the demise of the USSR and Yugoslavia. It has, however, since been comprehensively debunked by a range of authors arguing from both a practical and a normative standpoint (Bauböck, 2001; Kymlicka, 2007; Purger, 2012). Today it is widely held that while NTA may be well-suited to the needs of some smaller and territorially dispersed minorities, in other contexts it is best regarded as a *complement* to territorially based arrangements rather than as some kind of ‘one-size-fits-all’ approach to containing national minority demands within

sovereign states (Palermo, 2015; Purger, 2012). This view is indeed reflected in ECRML, which clearly distinguishes between the needs of ‘non-territorial’ minority languages and those that can be clearly identified with a particular area of a state. The interrelationship between territorial and non-territorial linguistic, cultural and educational rights provision is also reflected upon from a variety of angles within the present volume, in the contributions by David J. Smith, Valentina Cornea et al., Konstantinos Tsitselikis and Natalija Shikova & Immaculada Colomina Limonero.

The blurring of the ‘territorial vs. non-territorial’ binary reflects a broader shift in the literature away from security and towards greater consideration of whether and how NTA can actually empower minorities to realise their rights as part of ‘normal’, everyday democratic politics (Malloy et al., 2015; Marsal, 2020; Smith & Hiden, 2012). As the contributions to this volume make clear, however, in a situation where international legal norms retain a vague framework character that affords wide latitude to individual states in terms of legislation and its implementation, attention to specific institutional and political contexts becomes crucial when assessing the actual practice (or potential) of NTA in this regard. In relation to central and eastern and south-eastern Europe, for instance, conceptualising NTA as a category of *practice* rather than a category of analysis (Osipov, 2018) has proved effective in bringing to light inherited legacies of communist (and pre-communist) systems of governance that reified ethnicity as part of a strategy of top-down control by the state, as well as the ‘hidden agendas’ (Malloy, 2015, p. 3) of different political actors and their impact upon the everyday situation of persons belonging to minorities. These issues, it need hardly be added, are not merely confined to the post-communist world, but have wider relevance across all the regions considered in this volume. One especially novel and interesting feature of the collection is the consideration given to the role of external ‘kin-states’ and the important implications (often in the form of ‘collateral damage’ [Prina, 2020]) this carries for the practice of NTA and the overall situation of minorities in different contexts. This is a theme addressed by David J. Smith and Andreea Udrea in relation to Hungarian minority autonomy in Serbia and Romania respectively, Martin Klatt in his consideration of the Danish-German borderland, and to some extent by Oskar Mulej in his analysis of Sudeten German NTA proposals in 1930s Czechoslovakia.

The opening two chapters of this volume explore NTA and linguistic and educational rights provision from a comparative and cross-regional perspective. Vladimir Đurić and Vasilije Marković analyse the institutionalised NTA arrangements that currently exist in Finland, Hungary, Serbia and Slovenia and their role in implementing linguistic rights, focusing on the overarching legal framework and the public powers exercised by NTA bodies. Delving further into two of these case study countries, David J. Smith then assesses the efficacy of NTA as a modality for ensuring meaningful minority cultural self-determination, through a reflection on the very different contexts of Serbia

(Hungarian NTA arrangements in Vojvodina) and Sápmi (Sámi NTA arrangements in Norway, Sweden and Finland). While one of these cases concerns a territorially concentrated national minority population and the other a territorially dispersed indigenous people, Smith finds that both illustrate the practical difficulties inherent in any attempt to decouple territorial and national politics along the lines originally suggested by Renner and Bauer.

Smith's discussion of Hungarians in Serbia also introduces the role that external kin states can play in nurturing but also (in many cases) undermining minorities' distinctive cultural identities and claims to agency. Martin Klatt develops this dimension further through a discussion of NTA arrangements in the Danish-German borderland of Schleswig. Focusing on the dispute over school funding that arose in Schleswig-Holstein during 2010, Klatt shows that even this widely acknowledged best-practice NTA arrangement raises important questions about the respective responsibilities of kin states and states of residence vis a vis cross-border ethnic groups. Andreea Udrea develops this point further in her chapter on Hungarians in Romania, arguing that, far from facilitating autonomy and agency, kin- and home-state policies have served merely to enmesh the minority in a nexus of dependence. In the chapter that follows, Oskar Mulej discusses how, in interwar Czechoslovakia, the originally intended liberal purposes of NTA were subverted by the far-right Sudeten German Party (SdP). In 1937, the SdP—a party claiming to represent an archetypal kin minority of the interwar period—advanced legislative proposals which, based on an involuntary, binding and essentialising definition of nationality, would have transformed Czechoslovakia into a federation of autarchic ethnonational communities. In so doing it rejected the path of accommodation within the democratic Czechoslovak nation-state in favour of allegiance to an ethnicised—and transnational—conception of *Volksgemeinschaft* that was gaining ever greater traction following the rise to power of the Nazis in Germany. In this way, Mulej's chapter underlines how illiberal, groupist notions of NTA (and their circulation across state borders) can challenge liberal states and societies. While it relates to a historical example, it also carries clear resonances for contemporary debates, given the increasingly egregious violation of liberal minority rights norms demonstrated by many of today's kin states.

The remaining chapters of the volume all offer case studies of NTA and linguistic, cultural and educational rights in relation to individual states and minority groups. The first of these, by Valentina Cornea, Mirela Paula Costache and Andreea Elena Matic, provides an interesting counterpoint to Udrea's earlier discussion of Romania. While a formal draft law on minority NTA—first presented to parliament in 2005—still remains in abeyance, Cornea et al. adopt a New Public Management approach in order to argue that Romania's decentralised administrative system has created at least the premises and a favourable context for the development of minority NTA. This is followed by Konstantinos Tsitselikis' diachronic analysis of how minority linguistic rights have developed in Greece, which, along with France, is an

example of a longer-standing member of the Council of Europe that has adopted neither the FCNM nor the ECRML. In this regard, its approaches to minority linguistic protection have remained rooted in the 1923 Treaty of Lausanne, wherein they continue to rest on a ‘fragmented and ambivalent’ combination of territorial and non-territorial elements.

Katinka Beretka goes on to further develop the volume’s discussion of NTA in Serbia, through an in-depth practice-focused analysis of the two Linguistic Rights strategies adopted to date by the country’s Hungarian National Minority Council. Ljubica Djordjević then adopts a similar approach in relation to NTA practices in Slovenia, using the regular monitoring reports produced by the Advisory Committee to the FCNM as a basis for the first systematic assessment of the actual impact that Italian and Hungarian Self-Governing National Communities have carried for minority protection. In a similar vein, Balázs Dobos analyses how the growing institutionalisation of NTA in Hungary has impacted upon the linguistic, cultural and educational rights of minorities within the country. He discerns an uneven picture across different minority communities, introducing also the example of the Roma, which provide the focus for the final chapter by Natalija Shikova and Immaculada Colomina Limonero. Here, in a ground-breaking West–East comparison of the issues faced by Roma communities in Spain and North Macedonia, the authors restate the case for Roma NTA in two contexts where linguistic and other rights are generally provided through the territorial paradigm. Despite the many problematic issues that have been documented with regard to already existing forms of Roma NTA in Hungary and elsewhere, the authors maintain that this approach remains relevant in terms of delivering the vision of minority rights embodied by FCNM and ECRML.

Indeed, the application of NTA in diverse historical and contemporary contexts invites closer consideration precisely because of its promise to provide answers to recent challenges (Dodovski, 2021). This volume comes in the wake of an expanding body of scholarship which appraises NTA not only as a facet of autonomy but also as a field of study in its own right (Prina, 2020). We hope that it may also foster further interest in the study and application of non-territorial autonomy and reinvigorate the discussion about linguistic, cultural and educational rights of minorities by offering research ideas and findings, both multidisciplinary and interdisciplinary, so as to develop new modalities for the accommodation of differences in the context of growing challenges stemming from globalisation, regionalisation and European supranational integration.

Acknowledgements As a token of acknowledgement, we thank the members of the organising committee of the third ENTAN conference in Constanța, as well as all colleagues who took part in the conference and the contributors to this volume. Special thanks go to the hosts of the conference: Professor Adrian Stoica-Constantin,

Dean of the Faculty of Law and Administrative Sciences, and Associate Professor Flavia Lucia Ghencea from Ovidius University.

August, 2022

REFERENCES

- Advisory Committee on the Framework Convention for the Protection of National Minorities. (2006). Commentary on Education under the Framework Convention for the Protection of National Minorities. ACFC/25DOC(2006)002. Strasbourg, 2 March 2006.
- Advisory Committee on the Framework Convention for the Protection of National Minorities. (2012). Thematic Commentary No. 3. The Language Rights of Persons Belonging to National Minorities under the Framework Convention. ACFC/44DOC(2012)001 rev. Adopted On 24 May 2012. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c108d>
- Andeva, A. (Ed.). (2020). *Non-territorial autonomy in theory and practice: A 2020 Report*. UACS. https://entan.org/wp-content/uploads/2020/12/NTA-in-Theory-and-Practice-A-2020-Report_web_final.pdf
- Bauböck, R. (2001). *Territorial or cultural autonomy for national minorities?* [IWE Working paper 22]. Österreichische Akademie der Wissenschaften Forschungsstelle für institutionellen Wandel und Europäische Integration.
- Bauer, O. (2000). *The question of nationalities and social democracy*. University of Minnesota Press.
- Coakley, J. (2016). Conclusion: Patterns of non-territorial autonomy. *Ethnopolitics*, 15(1), 166–185.
- Council of Europe. (1992). European Charter for Regional or Minority Languages. European Treaty Series—No. 148. Strasbourg, 5.XI.1992. <https://rm.coe.int/1680695175>
- Council of Europe. (1995). Framework Convention for the Protection of National Minorities. European Treaty Series—No. 157. Strasbourg, 1.II.1995. <https://rm.coe.int/168007cdac>
- Dodovski, I. (2021). The emerging significance of non-territorial autonomy: A foreword. In B. Vizi, B. Dobos, & N. Shikova (Eds.), *Non-territorial autonomy as an instrument for effective participation of minorities* (pp. 7–12). Centre for Social Sciences, Budapest and University American College Skopje. https://entan.org/wp-content/uploads/2021/10/ENTAN-volume_Non-Territorial-Autonomy-as-an-Instrument-for-Effective-Participation-of-Minorities_2021_final.pdf
- Kymlicka, W. (2007). National cultural autonomy and international minority rights norms. *Ethnopolitics*, 6(3), 379–393.
- Malloy, T. H. (2015). Introduction. In T. H. Malloy, A. Osipov, & B. Vizi (Eds.), *Managing diversity through non-territorial autonomy: Assessing advantages, deficiencies, and risks* (pp. 1–15). Oxford University Press.
- Malloy, T. H., Osipov, A., & Vizi, B. (Eds.). (2015). *Managing diversity through non-territorial autonomy: Assessing advantages, deficiencies, and risks*. Oxford University Press.

- Marsal, S. (2020). National minority rights and democratic political community: Experience and perspective of the OSCE High Commissioner on National Minorities. *Nationalities Papers*, 48(2), 267–272.
- Osipov, A. (2018). Can ‘non-territorial autonomy’ serve as an analytical term? Between ‘thick’ and ‘thin’ approaches. *International Journal on Minority and Group Rights*, 25(4), 621–646.
- Palermo, F. (2015). Owned or shared? Territorial autonomy in the minority discourse. In T. H. Malloy, A. Osipov, & B. Vizi (Eds.), *Managing diversity through non-territorial autonomy: Assessing advantages, deficiencies, and risks* (pp. 13–32). Oxford University Press.
- Prina, F. (2020). Nonterritorial autonomy and minority (dis)empowerment: Past, present, and future. *Nationalities Papers*, 48(3), 425–434.
- Purger, T. (2012). Ethnic self-governance in Serbia: The first two years of the national minority councils. *South-East Europe International Relations Quarterly*, 3(2), 1–17.
- Renner, K. (2005). State and nation. In E. Nimni (Ed.), *National cultural autonomy and its contemporary critics* (pp. 15–48). Routledge.
- Roshwald, A. (2007). Between Balkanization and banalization: Dilemmas of ethno-cultural diversity. *Ethnopolitics*, 6(3), 365–378.
- Smith, D. (2020). Introduction to the special issue on national cultural autonomy in diverse political communities: Practices, challenges, and perspectives. *Nationalities Papers*, 48(2), 224–234.
- Smith, D. J., & Hiden, J. (2012). *Ethnic diversity and the nation state: National cultural autonomy revisited*. Routledge.
- Vizi, B., Dobos, B., & Shikova, N. (Eds.). (2021). *Non-territorial autonomy as an instrument for effective participation of minorities*. Centre for Social Sciences, Budapest and University American College Skopje. https://entan.org/wp-content/uploads/2021/10/ENTAN-volume_Non-Territorial-Autonomy-as-an-Instrument-for-Effective-Participation-of-Minorities_2021_final.pdf

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter’s Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter’s Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

