



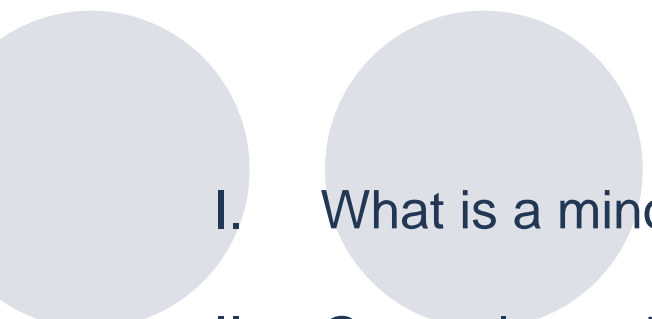

Political Representation and the Participation of National Minorities to Public Life

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Structure of the lecture

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- I. What is a minority?
 - II. General considerations concerning political representation for national minorities
 - III. Who should represent a marginalised group?
 - IV. Minority representation in practice



I. What is a minority?

Defining national minorities

- No universally accepted (or legally binding) definition
- No definition included in the Framework Convention for the Protection of National Minorities, nor in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
- Classic definition: a national minority is ...
 - a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.

Frank Capotorti, Rapporteur of the United Nations
Sub-Commission on Prevention of Discrimination and
Protection of Minorities (1979)

No universal definition...

BUT descriptors commonly used:

- Ethnicity
- Religion
- Language
- Numerical criterion
- Citizenship / durable ties with territory
- Non-dominant position
- Will of the members of the minority to preserve their characteristics and distinctive identity

- ... Silesians? Csangos? Aromanians? Ruthenians?

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II. Political representation of national minorities

General considerations

Representative democracy

- Etymology: demos + kratos (Greek)
- Government of the people, by the people, for the people.
(Lincoln, Gettysburg address, 1863)
- Forms of democracy in the past have excluded slaves, women, those without property;
 - Women were not enfranchised until 1873 (New Zealand), 1918 (Germany), 1920 (US), 1928 (UK), 1945 (France), or even 1971 (Switzerland);
 - Black people in the US were fully enfranchised only after the Voting Rights Act was enacted (1965);
 - Democracy today excludes young people, the mentally ill, prisoners (UK).

Representative democracy

- Direct democracy (decisions taken through direct participation of citizens)
- Representative democracy (decisions taken through elected representative):
 - More practical – societies today are too large and complex for direct democracy
 - Relieves ordinary individuals of burden of decision making
 - Government in the hands of experts
 - More stable - encourages people to accept compromise

Political representation

- Etymology: *repraesentare* (Latin)
- Basic meaning: to make present something that is *not* in fact present; to make present *again*

(Hanna Pitkin, 1972)

- Political representation – the activity of making citizens' voices, opinions, and perspectives 'present' in the public policy making processes.
- Political representation occurs when political actors speak, advocate, symbolize, and act on behalf of others in the political arena.

How should people be represented?

Microcosmic / mirror representation:

- The assembly (e.g. the legislature) is formed in such a manner as to constitute a representative sample of the electorate
- Entails some form of randomised election to government
 - BUT mostly a theoretical model

Selective representation :

- The institutional design gives certain selected groups greater descriptive representation than that which they would be normally able to achieve under the electoral system
- Entails devising special electoral arrangements
 - BUT it presents the problem of defining and selecting the **criteria** specifying **which groups** should be descriptively represented

Which groups should benefit from selective representation?

- The group's contemporary **inequality** as compared to other social groups, and on the other hand a **history of discrimination and oppression**. (Melissa Williams)
- Contemporary **underrepresentation**, **group desire for representation**, possible **intentionality** of the dominant group in **suppressing** the marginalised group throughout **history**. (Jane Mansbridge)

Advantages of selective representation

- **Increased levels of trust** (Jane Mansbridge)
- Refers to a certain '**shared experience**', which triggers the expectation that the interests that the representative will pursue will be common to that of the group
- Improves the **aggregative function of democracy** (producing legitimate decisions where interests conflict)

Critiques of selective representation

- Assumes clear differences of interest among groups and might therefore encourage **political cleavages** along ethnic lines
- Risk of **essentialising**, as it entails selecting a single characteristic that binds all members of the group and categorising the respective characteristic as coinciding with the common interests of the group
- Assumption of unity of interests and identity – it may **obscure cleavages** within the group
 - Ex. the Bulgarian minority in Romania
- Occasionally, it leads to **reduced accountability** of representatives - closely linked to electoral arrangements



III. Who should represent a marginalised group?

Four types of representation

Descriptive representation

- Representation is a matter of accurate resemblance or correspondence
- The function of descriptive representatives is to supply information about those represented.

Symbolic representation

- Focuses on the representative's symbolic 'standing for' someone or something (a people, people's opinion, etc).
- Rests on people's beliefs, involving no rational or objective connection between the representative and the represented

Substantial representation

- Focuses on what the representative does for those s/he represents
- Trustee vs. delegate dilemma

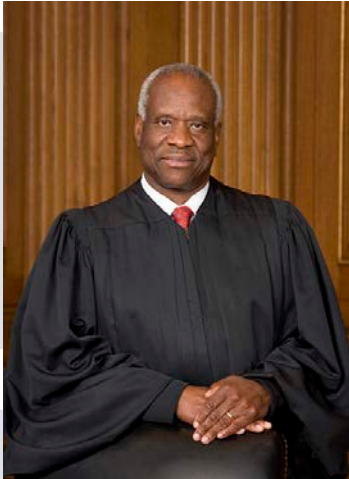
Formalistic representation

- Focuses on the procedures by which a representative is authorised to act, or respectively is held to account following the act of representing.

The problem of descriptive representatives

- The constituency tends to focus on *who* the representative is rather than on *what* the representative does
- We tend to assume that people's characteristics are a guide to the actions they will take
- But it is no simple correlation; the best descriptive representative is not necessarily the best representative for activity or government. (Pitkin)

Is descriptive representation enough?



Clarence Thomas (US Supreme Court judge)

- NAACP opposition to his appointment, due to his conservative stance on affirmative action

Quotes:

- 'the way to stop discrimination on the basis of race is to stop discriminating on the basis of race.'
- 'a State's use of racial discrimination in higher education admissions is categorically prohibited by the Equal Protection Clause.'

Phyllis Schlafly

- Leader of a national campaign against the Equal Rights Amendment in the US
- Argued that the ERA would take away gender specific privileges enjoyed by women, including 'dependent wife' benefits under Social Security
- Argued that 'the ERA would lead to women being drafted by the military and to public unisex bathrooms.'



Descriptive representation and accountability

- The mere presence in legislatures of members of a marginalised group, although often necessary, is not sufficient for the fair representation of the group.
- Descriptive representation needs an accountability mechanism to ensure that the representative does pursue the interests of the group. (Melissa Williams)
- Electoral arrangements -- very important in the case of the representation of national minorities
 - ex. the Jászladány case (Hungary, 2002)



IV. Minority representation in practice

Representation in practice

- Ethnic minorities often find themselves locked out of decision making
- Representation in practice entails a set of arrangements
 - focusing on the identity of the electors (e.g. ethnic parties)
 - focusing on the identity of the representative (e.g. quotas on party lists)
 - taking into account territorial concerns
- Types of such arrangements:
 - Consultative bodies
 - Quotas on mainstream party lists
 - Ethnic parties
 - Reduced electoral thresholds
 - Reserved seats
 - Territorial autonomy

Relevant legislation

1998 CoE Framework Convention for the Protection of National Minorities

(Art. 15) The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

1999 OSCE Lund Recommendations on the Effective Participation of National Minorities in Public Life:

- To set up advisory bodies to act as channels for dialogue between national minorities and national governments
- Ensure special representation of national minorities (through reserved seats in one or both chambers of parliament, or through lower thresholds for representation in the legislature)
- The application of the principle of self-identification
- Different electoral arrangements depending on the territorial distribution of national minorities

Consultative bodies

➤ Role

- Prepare legislative and policy proposals, recommendations
- Monitor developments and comment on relevant government bills
- Increase public awareness related to the situation of minorities

➤ Composition

- Composed exclusively of minority representatives (Croatia, Romania)
- Composed by members of parliament and minority representatives elected by parliament (Macedonia)
- Liaison between minority, parliament and government may be combined in one committee (Denmark)

➤ Typology of consultative bodies by their role:

- Can address the full range of minority questions or on problems pertaining to one minority (e.g. committees for Sorbs or Danes in Germany)
- Can be convened to address specific issues (housing, education, ratification of an international instrument) or can be a permanent body

Risks and challenges to the functioning of consultative bodies

- Gap between formal rules and their implementation
- Non-transparent procedures for appointment of members
- Insufficient transparency concerning the activity of the body
- Unclear procedures for consultation with governmental authorities
- Governments omitting to consult these bodies,
- Governments failing to heed recommendations / opinions in implementing new policies / legislation
- Insufficient staff and / or funds

Quotas on mainstream party lists

- Minority representatives included on electoral party lists
- Can be compulsory or voluntary
- Provides descriptive representation for a minority group
- Improves the aggregative function of democracy
- Risks and challenges:
 - Focus on the identity of the representative, rather than on the identity of electors
 - The minority would have **members** in the legislature but **not chosen representatives** (as they would exercise little control over who is included on the list)
 - Could sometimes be simply a symbolic gesture without practical consequences for the minority group
 - Problematic for very marginalised minorities (ex. the Roma)

Ethnic parties

An ethnic party....

-is an organization that purports to represent a particular ethnic group and seeks political power to impinge on the relative power or position of other ethnic groups. (Ishiyama and Breuning)
- aims to harden and mobilize its ethnic base with exclusive and often polarizing appeals to ethnic group opportunity and threat (Gunther & Diamond)

A few descriptors:

- External descriptors (name, electoral logo, flag)
 - BUT see the case of the MRF in Bulgaria
- Ethnicity of the leadership
 - The 'cuckoo' phenomenon in Hungary
- Ethnicity of the members
 - The problem of open vs. closed electoral registers
- Ideological stand and electoral platform?

Ethnic outbidding: with little scope for new supporters outside the constituency, challenger parties are incentivised to claim they present a 'purer' ethnic alternative (Horowitz)

Reduced electoral threshold

- Denmark, Germany, Italy, Poland – various exemptions to the general threshold for accessing Parliament
- Romania: reduced threshold for minority parties, at 10% of the average number of votes obtained by a mainstream deputy
 - The challenge of ‘ethno-business’

Reserved seats in Parliament

- Slovenia: two reserved seats in the National Assembly for its Italian and Hungarian minorities (not for the Roma minority though)
- Montenegro secures a reserved seat to those minorities amounting to between 1 and 5% of the total population, while minorities over 5% of the total population benefit from three reserved seats
- Croatia similarly secures reserved seats for its national minorities function of their size.

- Risks: can be just a symbolic gesture, as minority representatives may have little voting / bargaining power

Territorial autonomy

➤ Territorial autonomy is..

... an arrangement aimed at granting to a group that differs from the majority of the population in the state, but that constitutes the majority in a specific region, a means by which it can express its distinct identity.
(Lapidoth 1996)

- Division of powers between central authorities and autonomous entities, usually related to culture, economics, and social affairs
- Usually, foreign relations and external security are reserved for the central governments (but there are exceptions: e.g. Aaland, Greenland, Faroe Islands)
- In many cases, to ensure cooperation, the parties establish a joint body in which both the central government and the autonomous authorities are represented (e.g. the Aaland delegation) or a special procedure for settling disputes between the centre and the autonomous body (e.g. the autonomy of Faroe Islands or Greenland contain such a procedure)

Territorial autonomy

Challenges

- Creates minorities within minorities
- The composition in the respective region may change, the former majority of the region could become a minority and consequently the regime of autonomy may lose its *raison d'être*
- This phenomenon can be particularly disturbing if the relocation is encouraged by the central government
- Often seen by majorities as a step towards secession

Other arrangements for the diffusion of power

- Federalism
- Decentralization
- Self-government
- Self-administration

Other options

- No special arrangements (e.g. Slovakia, Macedonia, the Czech Republic)
- National minorities face the same electoral threshold as mainstream parties; alternatively, their presence on mainstream party lists may permit representation in the legislature.



Thank you!

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