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**On the Effectiveness of the  
OSCE Minority Regime**

Comparative Case Studies on Implementation of  
the Recommendations of the High Commissioner  
on National Minorities of the OSCE

A Research Project of IFSH

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## Foreword

During the past decade, early warning and conflict prevention have acquired substantial importance, at least in terms of political rhetoric. But a look at what has actually been done has a sobering effect. What we see is relatively few initiatives, for which scant resources are provided, inadequately developed tools for the job and too little cooperation between the participants. Viewed in this context, the High Commissioner on National Minorities (HCNM) of the OSCE represents one of the most highly developed instruments for early warning and preventive measures. The activities of the incumbent, Max van der Stoep, have been given uniformly high ratings by political figures and in the scholarly literature. What is lacking, however (and the subject of our investigation, the HCNM, is unfortunately typical for the state of political science) is a theoretically conducted and empirically based analysis of the effectiveness of the High Commissioner as an instrument of prevention. The investigation outlined here is intended to help close this research gap.

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## 1. Summary

This project aims to examine the effectiveness of the OSCE minority regime on the basis of the implementation of the recommendations of the OSCE's High Commissioner on National Minorities. The *empirical objective* is to investigate, using comparative case studies, whether and to which degree the High Commissioner's recommendations during the period 1993 to 2000 have been implemented in legislation and in practice with regard to the Russian minorities in Estonia, Latvia and the Ukraine; Hungarian minorities in Romania and Slovakia; and the Albanian minority in Macedonia. The *theoretical objective* is to explain the differing forms of implementation of the High Commissioner's recommendations through the linkage of partial theories (theories of transformation and nationalism, regime analysis) which have been hitherto largely unconnected within the framework of multi-level 'games'. On the basis of these empirical and theoretical analyses we intend to formulate *policy recommendations* aimed at a better understanding of the possibilities for dealing preventively with ethno-political conflict situations and for optimizing the effectiveness of the OSCE minority regime.

## 2. Status of Research, Preliminary Work at IFSH

### 2.1 Status of Research

The goal of this section is to provide the instruments both for the empirical analysis as well as for the theoretical reflection. This includes reflecting upon the question of what explanatory force the various (partial) theories might have and how these different levels of action can be tied together.

Any project that seeks to investigate the effectiveness of the OSCE minority regime in transformation countries of central and eastern Europe must combine the latest research on the CSCE/OSCE with knowledge gained from regime analysis as well as theories of transformation and nationalism. While these partial theories certainly deal with the same subject, they do it from various points of view and for different levels of action. The core subject of *regime analysis* are the possibilities and limitations of *international cooperation*; so far it has had a difficult time dealing with the *domestic political implementation* of sets of international rules already agreed upon. And this issue remains a closed book to regime analysis when it looks at states as unified actors. Conversely, it is usually difficult for *transformation theories*, which study the interplay of structures and actors in the various phases of

systemic change, to make the connection to the international level. On the other hand, *nationalism theory*, which is newer, claims to be able to look at the domestic, international and trans-national levels in an integrated way.

### 2.1.1 CSCE/OSCE

*General Status of Research.* Owing to significant changes in function and institutional configuration we make a distinction between the 'old' CSCE that existed until 1990 and the new 'CSCE/OSCE'. While the former was a series of conferences aimed at cooperative defusing of one conflict situation - the East-West confrontation - which influenced all sectors of political life, the 'new' CSCE/OSCE has developed since the Charter of Paris in 1990 into a (still) relatively weak organization with a range of instruments focused mainly on conflict prevention, crisis management, post-conflict rehabilitation and arms control.

Despite these differences, the status of research on the 'old' CSCE and the 'new' CSCE/OSCE reveals certain parallels. Most of the approximate 6,000 publications on the CSCE (Schlotter 1997: 7) consist of descriptive texts as well as investigations of particular fields of activity or periods of time relating to the CSCE without any theoretical framework to guide the analysis. Another group of articles is prescriptive in nature and often the two types appear in tandem. One important group of authors is made up of participants in the various conferences and negotiations; this part of the literature "frequently provides detailed information on patterns of interests, negotiating tactics and bargaining processes" (Schlotter 1997: 37)<sup>1</sup>. This finding with respect to the CSCE has also been applicable to the CSCE/OSCE since 1990. Here, too, the analyses of particular events (e.g. Bloed 1994) or sectors (e.g. Bloed/van Dijk 1991; Bloed/Leicht/Nowak/Rosas 1993), as well as the prescriptive articles, tend to dominate. The most informative ones often originate from people who have participated directly in the process (e.g. Hennig 1995; Höynck 1996; von Tscharnier/von Castelmur 1996; Guldemann 1997; Honsowitz 1997). The most comprehensive account of the development of the CSCE/OSCE between 1990 and 1996 was presented by Ghebali (1996); topical articles are published especially in the "Helsinki Monitor", the "OSCE Yearbook" produced by IFSH (1995,1996,1997) and in certain publications of OSCE bodies such as the "ODIHR Bulletin" and the "OSCE Newsletter".

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<sup>1</sup> Translations from German-language literature are those of the author.

By contrast the number of theoretically based analyses on the CSCE and OSCE, both before and after 1990, has been minimal. In the English language literature the subject has been scarcely dealt with, not least because the relative disdain with which politicians in the United States view the CSCE/OSCE has made it an unattractive subject for political scientists there. The first German language studies done on a theoretical basis dealt with the effects of rules laid down in the CSCE (Kühne 1997) on inter-state behaviour and hence with an issue which today would be regarded as belonging to regime analysis. After isolated and mostly inconsequential attempts at the beginning of the eighties to view the CSCE process as "symbolic security policy" (Schissler 1980) or, like Karl W. Deutsch, as a "pluralistic security community", the investigation of the CSCE process on a theoretical basis did not acquire noticeable momentum until the mid-eighties as a result of the regime analysis approach that had in the meantime been received in the Federal Republic of Germany.

This relates, on the one hand, to work done by the Tübingen working group surrounding Rittberger. In addition to a number of sector analyses, among them those by Efinger on confidence- and security-building measures (1990) and von Zürn on inner-German trade (1990), substantial theoretical consideration was devoted to regime analysis and its application to the East-West context (Efinger/Rittberger/Zürn 1988; Rittberger/Zürn 1990). Based on a problem-structural approach (cf. 2.1.2), one of the central conclusions was that conflicts over values and power - e.g. those having to do with human and minority rights - are the ones least amenable to settlement through an international regime (Efinger/Zürn 1990: 75-78). It is questionable, however, whether this proposition, derived from an analysis of the old East-West relationship, can be transferred unchanged to the OSCE context of today. Not only are the power relationships in the OSCE world different than those in the old East-West pattern but also our understanding of what constitutes and what does not constitute illegitimate interference in the sovereign affairs of a state has shifted substantially. Thus the CSCE participating states at the 1991 human dimension meeting in Moscow declared that "the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating states and do not belong exclusively to the internal affairs of the state concerned." (Bloed 1993: 606) This calls for a new investigation, under altered circumstances, of what problem areas are open to conflict settlement through a regime, and to what extent.

On the other hand, Schlotter, following preliminary work by Ropers and Schlotter (1989), presented so far the most comprehensive theoretically based analysis of the CSCE up to 1990, in which he concludes that "the CSCE's contribution to resolving the East-West conflict has until now been underestimated in the fields of academics and politics. The CSCE process provides new evidence that international institutions, along with a democratic society, constitute the foundation of peaceful relations between states" (1997: 396).

Theoretically based investigations of the 'new' CSCE/OSCE (from 1990 on) have so far not gone beyond preliminary efforts (Staaack 1992). This represents at once a weakness in available research and a research opportunity. Although the instrument of regime analysis has been developed and refined for more than 20 years, it has scarcely been used to date to investigate the 'new' CSCE/OSCE. This project seeks to help close this research gap.

*The OSCE minority regime and the High Commissioner on National Minorities.* Neither in form nor content is the OSCE minority regime a unified institution. Rather, it represents a multi-layered structure that has developed incrementally, in the manner typical of the CSCE/OSCE. Even so, on a primary level normative and instrumental<sup>2</sup> elements can be identified which constitute the core of the minority regime. They are set forth, in particular, in the Copenhagen Document of 1990 (Bloed 1993: 439-465) and in the mandate of the HCNM, which is a constituent part of the Helsinki Decisions of 1992 (Bloed 1993: 715-721). On a secondary level regime elements can be found relating to general provisions of the human dimension and, in addition, the mechanism of the human dimension, the implementation meetings, options for sanctions "in cases of clear, gross and [...] violations of relevant CSCE commitments" concerning the "protection of human rights, democracy and the rule of law" (Prague Document of 1992, in: Bloed 1993: 832) and the Office for Democratic Institutions and Human Rights (Bloed 1993: 554-555; 744-748). These two levels are closely linked to one another. A third level is mainly related to instrumental elements that have no direct relationship to human rights and minority issues but can be used for purposes related to them, e.g. the various councils, follow-up meetings, missions, etc. (Bloed 1993: 711-715; 722-730; Bloed 1997: 153-156).

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<sup>2</sup> If we make a strict conceptual distinction between regime and organization, the High Commissioner would have to be viewed as one organizational element of the OSCE which was established for the purpose of preventing conflicts by implementing the OSCE minority regime.



The HCNM is "an instrument of conflict prevention". He "will provide 'early warning' and, as appropriate, 'early action' at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area" (Bloed 1993: 715-716).

The concept of a *minority* is not defined in any CSCE/OSCE document nor, a fortiori, is its further refinement, *national minority*<sup>3</sup>. Still, the choice of the concept 'national minority', along with the relevant provisions of the mandate, makes clear that the minority conflicts which are within the competence of the HCNM are, in particular, the ones that show a potential for international escalation - and that is generally the case when the minority in question can appeal to a patronage state<sup>4</sup> or 'kin state' which is often located in the vicinity. Thus the HCNM represents a "security-oriented approach to minority rights" (Alfredsson/Türk 1993: 175) or, one might say, the primarily political approach of the OSCE as compared with the more legal approach of the Council of Europe (FIER 1997a: 41). Finally, one can also view the HCNM as the instrument of an indirect strategy which presses for the granting of minority rights because their observance is a necessary condition of peace and stability.

Impartiality, independence, confidentiality and responsibility can be called the most important *working principles* of the HCNM. His independence finds expression in the fact that he chooses 'his own' cases and for this neither the agreement of OSCE bodies nor of the affected country is required. The principle of confidentiality is evident in the fact that before taking action he does not even need to inform the Permanent Council of the OSCE (the Chairman-in-Office must be informed, however) and that the HCNM's

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<sup>3</sup> Nonetheless, the High Commissioner has said: "I would dare to say that I know a minority when I see one." (van der Stoep 1993: 22-25). Because there is no agreed upon definition of the concept of a minority in scholarship or in politics, we shall for the time being use the fundamental definition given by Capotorti: "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." (1979: 96) We would not, however, regard the criterion of citizenship ("being nationals of the State") as part of the definition. For basic information on the definition of 'minority' see Shaw 1992: 1-31.

<sup>4</sup> We join Offe in characterizing as patronage state a state that assumes for itself the right or duty to care for the citizens of another state who have the same nationality as those who constitute the titular nation in the first-mentioned state (1994: 145). We characterize as minority state a state in which one or more minorities live.

positions are stated publicly only when a consensus has been reached among all participants. The HCNM's accountability to the Chairman-in-Office demonstrates his responsibility and in addition it has become customary for him to report regularly to the Permanent Council. The HCNM must not take action in individual cases and he is prohibited to consider national minority issues in situations involving organized acts of terrorism. The *instruments of his work* are the collection of information, visits to appropriate countries, the use of experts and the making of recommendations to the appropriate government<sup>5</sup>; in addition he may issue formal early warning declarations and recommend early action, upon which the Senior Council must then decide. In fact, the HCNM has never used these last two options. None of the measures of the HCNM is binding nor does any of them have compulsory character (Zaagman 1994: 119-25, 142-53, 159-64; FIER 1997a: 21-35).

Because of his range of possible actions the HCNM has become the centre-piece of the OSCE minority regime. In accordance with Donnelly's classification of human rights regimes, we for the present rate the OSCE minority regime as one of "weak implementation" - stronger than one that is merely declaratory or promotional but weaker than an "enforcement regime" (1986:603). During the last five years almost a quarter of the OSCE's participating states have allowed an international institution to intervene in very specific ways in one of the most sensitive areas of national policy.

The results of the HCNM's work were given consistently favourable evaluations at the OSCE implementation meetings on the Human Dimension in 1994 and 1996 (Buchsbaum/Hammer/Suntinger/Tretter 1994: 76; Pentikäinen 1997: 10). Glover, however, emphasizes that it is difficult to estimate the precise effect (1995: 59). Schlotter combines the two: "In the final analysis the results of the High Commissioner's work are not easy to measure but his activity is generally regarded as the [emphasis in original] success story of the C/OSCE after 1990." (1996: 116)

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<sup>5</sup> Recommendations are first sent confidentially to the appropriate government and later released by the Permanent Council of the OSCE for publication. (Some recommendations are documented in: Bloed 1993: 1065-1100; Bloed 1997: 649-829, and in the "Helsinki Monitor").

### 2.1.2 Regime Analysis

According to the classical definition by Krasner international regimes are defined "as sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations" (1982: 186). Rittberger added the requirement that only those sets of rules should be regarded as regimes which bring about a certain measure of observable behavioural orientation (1993: 9-10). In what follows we shall characterize as regimes only those international institutions that meet the 'Rittberger criterion'; ineffective or not very effective sets of rules, under the terms of Keohane (1993: 27-28), will not be left out of consideration but will be referred to as proto-regimes.

Regime analysis<sup>6</sup>, which developed beginning in the mid-seventies in the United States and was taken up about a decade later in (West) Germany, was initially based squarely on the relationship between the two concepts of "power and interdependence" (Keohane/Nye 1977/1989). Regimes were viewed on the one hand as regulatory instruments based on norms and rules for dealing with interdependence relationships (Keohane/Nye 1977/1989: 19); as "intermediate factors" (the same: 21) or as "intervening variables" (Krasner 1982: 185) between the underlying power structure and specific political consequences; on the other hand, they were seen as "autonomous variables" (Krasner 1982a) that bring about independent effects. Hasenclever, Mayer and Rittberger, who have once again taken up this aspect, emphasize that the specific element which regimes add to interdependence relationships lies in their normative character and in "their functional role as manifestations of international governance" (1997a: 4). According to our current level of understanding it can be said that, *first of all* regimes cannot be separated from the interdependence relationships on which they are

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<sup>6</sup> Even a cursory account of the strands of theory in regime analysis would exceed the space available in this section. Hasenclever, Mayer and Rittberger (1997) distinguish between three main schools of thought with numerous variations and much overlapping: Interest-based theories (neoliberalism - we prefer the term 'institutionalism') identify international regimes that deal with the failure of political markets (Keohane 1984; Axelrod/Keohane 1986), in terms of situation and problem structures (Efinger/Rittberger/Zürn 1988; Rittberger/Zürn 1990; Efinger/Zürn 1990; Rittberger 1993) and in terms of the processes of institutional bargaining (Young 1989, 1991, 1994). Power-based theories (realism) emphasize hegemony (Kindleberger 1981), distributional conflicts (Krasner 1991, 1993) and relative gains (Grieco 1988, 1993). Weak knowledge-based theories explain regimes through the role of ideas and epistemic communities (P. Haas 1989, 1993), strong knowledge-based theories through the idea of an international society (Hurrell 1993), the role of communications processes (Müller 1994) and/or the effect of social identities (Wendt 1994). In what follows we shall limit ourselves to a problem-oriented description of those theoretical aspects that are of importance for our project.

based. *Secondly*, they regulate asymmetric relationships in such a way that the role of power is not obscured and the cooperation embodied in the regime cannot be separated from the structure of the underlying conflict (Keohane/Nye 1977/1989: 10; Effinger/Rittberger/Zürn 1988: 61-62). *Thirdly*, regimes expand inter-dependence relationships by adding a normative instrument of regulation with independent effects. And, *fourthly* the concept of interdependence itself makes clear that "foreign policy is integrally related to domestic structures and processes" (Haggard/Simmons 1987: 499) because one necessary condition of independence lies in an adequate level of international linkage and division of labour.

There is a broad consensus today which reaches far into the realistic school of thought (Krasner 1991, 1993; for the opposing position see Mearsheimer 1995) that regimes are effective or can be so. A striking contrast, however, is provided by the long raised complaint, (Young 1986: 115; Keohane/Nye 1987: 742-743; Nollkaemper 1992: 54) that relatively few studies dealing with the effectiveness of regimes are available.<sup>7</sup> As we see it this shortage of theory-based empirical analyses of effectiveness is no coincidence but results from four areas of weakness in the field of theory, one of which relates specifically to the institutionalist (and cognitive) school of thought while the other three concern the rationalist<sup>8</sup> schools. *The first weakness lies in neglecting the power-political context of a given regime.* The development of theory since the end of the seventies produced within the institutional paradigm a relative separation between the analysis of international regimes and the interdependence and power relationships supporting them (Kohler-Koch 1989: 51); regimes were for the most part investigated on their own terms. German research on regimes has so far attached little value to factors related to the power structure. More recently, however, Hasenclever, Mayer and Rittberger have not only dealt thoroughly with various realist approaches (1997: 83-135) but are arguing the case for giving priority to the search for mutually supportive aspects of the two big schools of thought (1997: 135).

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<sup>7</sup> For attempts to deal in theoretical-conceptual terms with the problem of regime effectiveness, see Nollkaemper 1992 and Breitmeier/Wolf 1993; for an empirical study of effectiveness, Müller 1993 is particularly good.

<sup>8</sup> The basic assumption of institutionalism, which is shared by realism, is, in the words of Keohane: "Rationality means that [actors] have consistent, ordered preferences, and that they calculate costs and benefits of alternative courses of action in order to maximize their utility in view of those preferences. [...] Variations in [actors'] behavior are accounted for not by variations in their values, or in the efficiency of their internal organizational arrangements, but by variations in characteristics of the [...] system" (1984: 27). Thus both institutionalism and realism start with a strongly systemic approach which rules out the domestic political level as an independent variable in explaining international actions.

Three additional weaknesses of theory result from the fact that the two leading schools of thought (institutionalism and realism) agree on the assumption that states should be regarded as rationally acting utility maximizers, with the state that acts in a unitary way representing the individual (Hasenclever/Mayer/Rittberger 1997: 23).

*The second weakness of rationalist theories of action lies in the externalization of domestic political processes and structures.* There is widespread criticism that both the realist and the institutionalist variants of regime analysis leave the domestic political dimension largely out of consideration. Haggard and Simmons (1987: 499) as well as Milner (1992: 481) blame this on the use of game theory or rather, in the case of realism, on the anarchy assumption - and they call for the (re)integration of domestic policy as an elementary prerequisite for understanding international cooperation. There appear to be two promising ways to achieve this. One can, as Zürn determined, use domestic policy to create "foreign policy types that are regime-conducive" (1993: 292). This would be logical in situations involving regime creation. Or one can join Moravcsik in an approach based on preference structures, first of social and then state actors (1992, 1997), and building on this foundation (along the lines of Risse-Kappen) a model for domestic political conflict which links the potential for social conflict to the possibilities for political solutions (1991, 1995) and ties the various preference and conflict structures together by way of the interdependence concept. This course which, in contrast to the main trend in the discipline of international relations, proceeds from the constituent units to the system and for precisely that reason is particularly suitable for investigations of the *effectiveness of regimes*, is the one we shall follow (see below and section 3.2.1).

*The third weakness of rationalist theories of action lies in the externalization of the actors' orders of preference.* Ultimately it makes no difference whether the rational utility maximizer is conceived of as a defensive or offensive positionalist (realism) or as a maximizer of interests (institutionalism); what is of vital importance is that in this approach changes in the actors' orders of preference cannot be investigated because they are obscured by definition. Changes in the orders of preference are important, because it is only by registering them that the effect of regimes can be explained. For there is a logical contradiction between the model of individual utility maximization and the assumption of norm-guided cooperation within the framework of regimes. A way out of this dilemma can perhaps be found in the proposal of Hasenclever, Mayer and Rittberger, drawing on Weber's

theory of ideal types (1972: 12-3), to bring together the two aspects of strategic rationality (*Zweckrationalität*) and value rationality (*Wertrationalität*) (1997a: 25). This type of behaviour would follow neither the rational logic of benefits nor universal values but, rather, the specific scale of values of a national political system. Agreement or difference between this scale of values and that of the regime in question could serve as a standard for measuring the regime's effectiveness or robustness (*ibid.*). This way of attacking the problem, however, has certain consequences for the basic theoretical assumptions of the institutional approach as well as of all strongly systemic approaches: for, if the specific scales of values or orders of preference of individual states are taken as variables for explaining the effects of regimes, then a weak systemic approach is needed to link the explanation of how orders of preference are formed in the domestic political context with the explanation of their international effectiveness when they encounter the orders of preference of other international actors.

*The fourth weakness of the rationalist theory of action lies in its limited ability to take account of communications processes.* It is generally undisputed that "[s]tates can and do communicate" (Milner 1992: 480), that this communication is relevant for the development of cooperation and is not taken sufficiently into consideration in the rationalist theory of action (Zangl/Zürn 1996: 348). What is very much in dispute - especially in the debate that is being conducted in Germany - is whether a new theory of communicative action is needed (Müller 1994, 1995) or whether the mode of argumentative communication can be integrated into rationalist theories (Keck 1995; Zangl/Zürn 1996). As things now stand, this discussion cannot be made productive for empirical work so that we shall limit ourselves to "determining the relative importance of argumentative and strategic behaviour for the various levels" (Zangl/Zürn 1996: 362) in order to draw conclusions about the specific requirements of a theory of communicative action or to get more ideas about whether and how such a theory can be linked to rationalist action theories.

None of the schools of thought in regime analysis has so far been in a position to explain the whole range of problems. This applies especially to human rights and minority regimes. Against this background of specific strengths and weaknesses of the various schools of thought, the liberal theory of international relations developed by Moravcsik (1992, 1997), which has not yet found much acceptance in Germany, could be helpful.

Moravcsik makes three basic assumptions: *Firstly*, he regards individuals and social groups with specific interests and preferences as the basic actors in international politics (1997: 516). *Secondly*, he assumes that states always represent a certain portion of the preference orders of the social actors (1997: 518). With his *third* assumption, Moravcsik moves from a domestic political theory to a (weak) systemic one: "The configuration of interdependent state preferences determines state behaviour" (1997: 520). The link between national preference orders and international behaviour lies in the "concept of policy interdependence" (ibid.). Ultimately, Moravcsik says, "the form, substance, and depth of cooperation [and conflict - the author] depends directly on the nature of these patterns of preferences" (1997: 521). At the same time, Moravcsik's approach remains open to "any multicausal synthesis with realist and institutionalist theory" as long as the priority of socially based state orders of preference, as the fundamental explanatory variable, is not called into question (1997: 543). Using Moravcsik's approach as our starting point, we plan to take the following steps:

- *First* we assume that the relative distance between the ethno-political preference orders of majority and minority(ies) represents the ethno-political conflict potential of a country, and that the preference order of the OSCE minority regime represents an offer of a solution that can be applied flexibly by the HCNM. The effectiveness of the regime can be measured by the size of the gaps between the three orders of preference. Since the concept of an "ethno-political preference order or scale of values" (we use these concepts as synonyms) is still very general and lacking in content, we shall look in the next section (2.1.3) at nationalism theories to see what they might contribute to filling it out and making it empirically operational.
- *Second* we turn to the question of what processes in transformation countries determine which actors will be able to get their specific preference orders accepted at the state level. For this purpose we shall, in section 2.1.4, examine transformation theories to see what they can contribute to conceptualizing and making empirically operational the institutionalization of political representation in the transformation countries of central and eastern Europe.
- *Third* we shall attempt in our work program (3.2.1), on the basis of Risse-Kappen (1991, 1995), to combine the conflict potential represented in the preference orders of majority and minority(ies) with the potential for conflict solution that may (possibly) lie in political repre-

sentation so as to create a general, ethno-political model of conflict structure.

- *Fourth* we shall include the factor of power conceptually by viewing regimes as theme-oriented, independently effective, normative instruments of regulation of generally asymmetrical interdependence relationships. With regard to the OSCE minority regime, we want to investigate *which relative position power* can claim as an explanatory factor and how power as an explanatory factor relates to other factors, especially the effectiveness of the relative distance between the preference orders of the actors (cf. 3.2.2). Since this question links the national level with the international and trans-national levels, we will first discuss the relationship between the various levels of inter-action in terms of multi-level 'games' in section 2.1.5.
- *Fifth* we assume that the *method of pursuing preferences* can ideally typically be of a strategic or communicative kind. This relationship seems to us to be sufficiently interesting to look into even though there has so far been no significant theoretical work done on it. Following a suggestion of Zangl and Zürn (1996: 362) we want first to clarify at what levels and under what conditions strategic behaviour appears to be inadequate as an explanation and in need of supplementation by elements of communication theory.

### 2.1.3 Theories of Nationalism

In the few years since the upheaval of 1989/1990 expectations about ethno-political developments in Central and Eastern Europe have twice changed substantially. Indeed there were few who believed in "the end of history" (Fukayama 1989) but the hope that "ethno-nationalistic conflicts could be defused and settled without the use of force" (Senghaas 1990: 87) was widespread. With the war in Yugoslavia this feeling was completely turned around. In the meantime, the view has found acceptance that developments in the CIS and in Central Europe are taking different courses qualitatively, that the territory of former Yugoslavia (minus Slovenia) should be regarded as a special case and that in the rest of Central Europe there is "no automatic spiral of rising nationalism based on social tensions" (Segert/Machos 1995: 302). These occasionally dramatic changes in scholarly expectations, directly dependent on certain events (or non-events), underline the fact that there is little available to meet the need for a theory of nationalism with explanatory power. Because the *mainstream* of social science has for decades tended to discount the national factor as an outworn category, owing to



the growing integration of Western European states, there has been a clear "loss of reality in the analytical work of social science" (Schödl 1993: 124). In view of the large number of ethno-political conflicts, both manifest and latent, we must now examine the extent to which older approaches or, alternatively, the newer tools of institutionalism can contribute to explaining them.

At the centre of classical theories of nationalism are questions about the character of the nation and its relationship to the nation-state. The answers are for the most part to be derived from the varying development of nation-states and the self-image of the corresponding nations of Western, Central and Eastern Europe.<sup>9</sup> In the development of theory, the developmental type in Western Europe provided the basis for the so-called subjective approach while the development in Central and Eastern Europe underlies the so-called objective approach. Subjective definitions of the nation emphasize as their constitutive element the decision (Kohn 1948: 15) and the act of will involved in building a nation (Schieder 1991: 69; see also Weber 1972: 242 and 258; Lepsius 1990: 233; Anderson 1993: 15). The subjective approach assumes that a state exists within firm borders (Kohn 1948: 3-4) and is accordingly state-oriented. However, as representatives of the subjective line of thought themselves admit, the concept is neither easy to bring into focus nor universally applicable but, rather, derived from the development of Western European nation-states (Schieder 1991: 69-71).

The objective approach attempts to define a nation by using objective criteria such as descent, language, culture, history, etc. (Brunner 1996: 18). Because neither firm borders nor nation-states existed in Eastern and Central Europe, "neither the territory nor the state play a decisive role" in the objective approach (Brunner 1996: 18). But this concept, too, is not easy to bring into focus or universally applicable and its criteria are not clear. An additional point is that objectively drawn up criteria for a nation can be easily reinterpreted as quasi natural features essential to the character of the nation - a process that actually encourages the creation of national myths.

Neither of these classical schools provides an adequate framework for analysis of today's ethno-political conflicts in Central and Eastern Europe.<sup>10</sup>

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<sup>9</sup> Cf. the three types of nations according to Lepsius: "civic nation" (*Staatsbürgernation*), "cultural nation" (*Kulturnation*), and "people's nation" (*Volksnation*) (1990: 235-45).

<sup>10</sup> Deutsch developed his concept of people and nation as a function of the capabilities, possibilities and habits of large groups of people in respect to communication (Deutsch 1953), as an "all-purpose communications network" (Deutsch 1972: 204) of an ethnic

For one thing, the distinction between subjective and objective approaches, despite occasional attempts to revive it, has long since been overtaken (Mommson/Martiny 1971: 637). Moreover, both lines of thought, in light of progress that has been achieved in other sectors of political science, have a number of methodological weaknesses.

The *first weakness* of the approaches focused on the nation is that the nature of the respective definitions leads almost unavoidably to one-sided and exaggerated statements about the character of ethno-political conflicts. While a certain inevitability of ethno-political conflict does seem to follow from the objective approach, the subjective approach suggests a largely arbitrary manipulability of the ethnic factor, including the possibility of ending this manipulation with equal arbitrariness.

The *second weakness* of the traditional nation-based approaches is that they fail to take account of the latest insights of the 'new' institutionalism. According to the latter, institutions represent value and procedural systems which not only determine and limit the range of possible actions of actors but also establish their preference orders and interests (Brubaker 1996: 24). Institutions are not simply given but are the result of bargaining processes involving various actors.

Closely related to this is the third weakness of the approaches focused on nations which is that they do not take account of the interactive character of related action patterns - in our case the interaction between the nationalizing state, the national minority and the "patronage state" (Offe 1994: 145) or kin state nor of the internal differentiations and debates within these units, not to mention the reciprocal influences between these two levels.

In contrast to the approaches focused on the nation, we do not conceive of nations as political collectives, and thus actors, but as political institutions. For us, the 'nation' represents neither the analytical starting point nor the central analytical category; it is, rather, in whatever institutional form it may

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group or a people. Whether Deutsch's communications theory could serve as the basis for a modern institutionalist theory to explain ethno-political conflicts must remain open here. It is indisputable that this approach has many innovative elements, especially its way of overcoming the dualism between the subjective and objective principle, the concept of "ethnic learning" (Deutsch 1953: 148) and the linkage between nation and nationalism and the processes of economic modernization, the social layers that support them and the opening to the level of actors which is thereby achieved. Although Deutsch is still frequently quoted, his framework of analysis, which was developed in the fifties, has not experienced much further development, nor has it been tested through empirical studies to any great extent.

take, the result of processes of debate and bargaining between political actors (Brubaker 1996: 18) that must be further defined. The political institution called 'nation' cannot be defined in terms of immanent characteristics but is the result of a fundamentally open development process which must, and can, be investigated empirically. Thus an institutionalist theory of nationalism does not use definitions of the nation as its starting point but tries to grasp the actors and processes that create *very specific kinds and structures of nations*. Because it is not nations but political actors who bring about nationalism (ibid.: 17) we do not speak of ethnic conflicts but of ethno-political ones (Sapper 1997: 326).

By the *ethnification of political conflicts* we understand the introduction into the political process of elements related to ethnic groups in the sense of communities defined by descent, language and culture (Kimminich 1985: 25; Weber 1972: 237; Heckmann 1992: 36-38). According to Offe, the ethnification of political conflicts can be an entirely "rational" strategy" for certain actors. He gives a number of reasons for this, from "overcoming the old regime" to the "economic function of borders" and "ethnicity as a strategic resource of status groups" (1994: 151-169). The weaknesses of the political system during the transformation process appear to be of central importance for the ethnification of political conflicts (Sapper 1997: 329; Schöpflin 1997: 6) and we shall return to this factor in the work program (cf. 3.2.2). Another group of factors are historical determinants such as the dichotomic thinking in friend-enemy categories which was particularly intense during the era of real socialism and in varying degrees and ways continues to influence the culture of conflict in the transformation societies of Central and Eastern Europe (Sapper 1997: 329-330). But we should also not forget factors that work in the opposite direction such as the conditions for membership in the EU and NATO which can cause countries that are willing and able to integrate, if not to deethnificize their political culture, at least to get their ethno-political conflicts under better control (cf. 3.2.2).

We agree with Brubaker that the *three most important actors in ethno-political conflicts* are "nationalizing states", national minorities and "external homelands" (1996: 55ff.) or kin states, which stand in a triadic relationship of interaction with one another. The concept of a 'nationalizing state', in contrast to 'nation-state', highlights, based on the self-image of the state in question, the incomplete or still-to-be-finished character of this nationalization process (Brubaker 1996: 63). Nationalizing states do not see themselves (yet) as completed nation-states, but definitely want to achieve that status. A national minority views itself as a nation which is ethno-culturally different from the majority nation and seeks recognition of this difference

along with certain cultural and/or political rights in order to secure and maintain its distinct identity (ibid.: 60).<sup>11</sup> Quite apart from numerical relationships, however, a group that is regarded as not politically dominant can be considered a minority. The concepts of 'minority' and 'majority' do not represent established, immanent magnitudes but in each case develop out of specific strategies and bargaining processes on the part of actors. In the case of the Russians this can go beyond the creation of an ethnic group in the narrow sense and lead to national-cultural or language-based minorities ("Russian-speaking") (Kolstoe 1995; Lebedeva 1995; Chinn/Kaiser 1996). The kin state assumes a specific right to care for those citizens of another state who belong to the nation which constitutes the majority in the kin state.<sup>12</sup> Conversely, the kin state provides the focal point for trans-national activities of the minority.

The nationalizing state, the national minority and the kin state have an interdependent and interactive relationship (Brubaker 1996: 69) that includes domestic political, international and trans-national levels and can best be understood through multi-level 'games' (Putnam 1988; Zangl 1994, 1995; cf, 2.1.5). The widespread notion of unified actors must, however, be abandoned (Brubaker 1996: 62); the behaviour of minorities, nationalizing states and kin states results from contradictory individual interests and strategies within these groups of actors. Hence, the three-sided relationship is determined by the interaction of the three groups of actors but, beyond that also by the reaction of each group of actors to the behaviour of sub-units of the other two corresponding groups. In this connection, it is not only the domestic political relationship between majority and minority that is fundamentally asymmetrical (Sapper 1997: 329) but the trans-national relationship between the kin state and the minority also has essentially the same character. Thus one can speak of a double asymmetry between ethno-political conflict situations in which the national minority stands between the rival claims of the nationalizing state and the kin state. In complex ethno-political conflict situations, where there are a number of national minorities in a state and/or the same national minority plays a role in a number of states, the three-sided approach must be an analytical framework with a

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<sup>11</sup> We distinguish between migration minorities which (even a long time ago) immigrated to the minority state, and political minorities which came about through the collapse of states or the drawing of new borders. Many observations - in Romania, for example, with respect to the German or Hungarian minority - suggest that political minorities are in the habit of making much more extensive demands (we owe this thought to Gerhard Seewann, conversation on 16.1.1998).

<sup>12</sup> The discussion as to whether parts of the Russian population in the 'near abroad' will, in the long run, develop an identity of their own as a diaspora that is distinct from the core population of Russia has not yet been concluded (cf. Kolstø 1996).

number of poles (Brusis 1997: 69); for example, then the interaction between various national minorities living in the same country and their kin states can acquire relevance (cf. 2.1.5).

*There remains the question of what categories can be used to comprehend the content of ethno-political conflicts.* Since ethno-political conflicts concern the relations between nations as well as between nations and the state, the *character of nation- and state-building strategies* appears to be suitable as the main analytical category. Linz/Stepan distinguish between unifying and differentiating nation-building strategies and between inclusionary and exclusionary state-building strategies of the *majority* and through the superimposition of these two strategy levels arrive at a four-field table concerning four types of ethno-political strategies: an "exit" strategy involving an exclusionary state-building and a unifying nation-building strategy in which the minority is either driven out or at least encouraged to leave the country on its own initiative; an isolation strategy made up of an exclusionary state-building and a differentiating nation-building strategy which grants the minority civil and social rights but not political ones; an assimilation strategy made up of an inclusionary state-building strategy and an unifying nation-building strategy which does give political rights to the minority, but at the price of their ethno-cultural identity; and, finally, a strategy of balance based on an inclusionary state-building strategy and a differentiating nation-building strategy which draws the minority into the construction of the state but does not seek in the process to take away their cultural particularity (Linz/Stepan 1996: 429).

This concept has the significant advantage of describing both the relationship between nations as well as their relationship to the state in terms of general schemes of value preferences. However, Linz/Stepan limit themselves to the state- and nation-building strategies of the majority and thus fail to take account of the inter-active nature of the relationship between majority, minority and kin state. Moreover, they leave out the factor of territoriality, to which both Brubaker (1996: 30) and Offe (1994: 145-146) ascribe central importance as a criterion of ethno-political institutionalization. Since the presence or absence in state-building strategies of the factor of territorial differentiation plays a big role in the relationship between majorities and minorities - the latter frequently demand 'territorial autonomy' whereupon the former generally fear that there is a desire for secession - we have combined the approaches of Brubaker and Linz/Stepan in such a way as to distinguish, in connection with state-building, both between ethno-territorial and non-ethno-territorial and between inclusionary and

exclusionary strategies; in connection with nation-building between unifying and differentiating strategies. When these three characteristics are superimposed the result is an eight-field scheme which we view as an ethno-political value or preference table for one group of actors. The ethno-political conflict potential does not emerge from this one table (the majority in Linz/Stepan) but from the distance between the ethno-political preference tables for the majority, the minority and the kin state. The greater the difference between these preference tables, the greater is the ethno-political conflict potential (cf. 3.2.2).

*Table 1: Ethno-political Preference Table*

		State-building Strategy			
		Non-territorial		Territorial	
		Inclusionary	Exclusionary	Inclusionary	Exclusionary
Nation-building	Unifying	Assimilation	Expulsion Emigration	-	Secession Division
Strategy	Differentiating	Balance	Isolation	Territorial Autonomy	Confederation

This ethno-political preference table certainly does not represent a new approach to a theory of nationalism. But it gives us an instrument of analysis, compatible with regime analysis, that can take account of and compare in terms of value categories both individual strands of action and institutional development strategy, for the three groups of actors as well as external actors - the HCNM, for example. With our empirical material in hand, we plan to investigate the theoretical question of what explanatory force can be assigned to our instrument for analyzing preference structures based on the three categories of state- and nation-building, along with territoriality; and also the extent to which other categories must be added in order to be able to explain the dynamics of ethno-political conflicts.

#### **2.1.4 Transformation Theories**

Since our investigation is concerned with post-communist states which are going through complex transformation processes, it is important to examine the emergence and influence of these processes on the development and control of majority-minority conflicts.

With regard to transformation in Central and Eastern Europe, we join Merkel in viewing this process as a "change of system" (initially in

Beyme/Nohlen 1991: 690-700) which is tantamount to "the dissolution of the old structure of political rule and the construction of a new one" (1994: 13). The concept of 'system' has the advantage, in comparison with the 'regime' concept<sup>13</sup> of being more comprehensive and including, along with the political aspects of the system, the social, economic and cultural ones (ibid.: 13) whose simultaneous (and at the same time not simultaneous) change - Offe talks about the "dilemma of simultaneity" (1994: 57ff.) - constitutes the special difficulty and historic uniqueness of the transformation in Central and Eastern Europe. By transformation we understand the entire process of systemic change "with substantial loss of differentiation and then redifferentiation in agreement with the new principles, norms and environmental requirements" (Merkel 1994: 13) and their long-term institutionalization and internalization. On the other hand "transition could refer to the developmental stage between the collapse or fall of a regime and the establishment of a durable new political order" (Glaeßner 1994: 126).

For the purposes of our investigation it is permissible to concentrate on the political dimension of the transformation process and to regard economic development as an external factor.<sup>14</sup> Economic development is certainly of great importance for the *long-term maintenance* of democracy (Przeworski et al. 1996: 49), but no direct relationship can be demonstrated between the level of economic development and the probability of democratization (ibid.: 40). Since democracies make it possible to have alternative policies and changes of government without a change of regime they are even more flexible in easing socio-economic difficulties than are authoritarian regimes. Linz and Stepan estimate that young democracies have about eight years time (two governmental periods) to achieve economic improvements (1996: 79). Because this period of time largely corresponds to the period we are investigating and the economic dimension is not part of the OSCE's arsenal of preventive instruments (FIER 1997a: 12), we are not including the economic dimension in our variables but are viewing it as an external factor.

There is general agreement now about dividing the transformation process into three phases: liberalization, democratization and consolidation (Merkel/Sandschneider/ Segert 1996: 13). However, it turns out to be difficult to define them precisely and to determine the sequence of phases. The phases

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<sup>13</sup> The concept of regime as used here has a different meaning from the regime concept used in connection with international regimes. Here, regime refers to a "more permanent form of political rule" than is signified by governments (Eicher 1998: 42).

<sup>14</sup> With regard to this paragraph cf. Eicher 1998, Chapter 3.2 Democracy and Capitalism, 72-78.

can (ideally) succeed each other. But they can also exist in a relationship of tension to one another, whereby individual elements of one phase prevent the appearance of other elements in subsequent phases (Nohlen/Thibaut 1994: 198; Karl/Schmitter 1991: 270f.).

Consolidation<sup>15</sup> is of critical importance for our investigation. It is the most difficult to deal with and takes the longest time. The consolidation phase begins with the establishment of a democratically elected government. There is a wide variety of opinions on the advantages and disadvantages of particular governmental, electoral and party systems but it is in the semi-presidential systems of Eastern Europe that consolidation has made the least progress (Linz 1993, 1993a; Lijphart 1993; Mainwaring 1993; Merkel 1996: 77-80; Merkel/Sandschneider/Segert 1996: 25-9).

According to Merkel (1995: 5; 1996: 12; 1997: 11) consolidation can be understood as a "sequence of three interlocking phases" which in terms of content and time to a large extent combine and fold into each other: structural consolidation (constitution, organization of the state, rule of law); representative consolidation (intermediate representation of interests, especially parties); and the civil/cultural "consolidation of a civic culture" (Merkel 1997: 11). In his latest article on the systems change Merkel adds to this trio the phase of behavioural consolidation (1997: 11). Like the division into three transformation phases, this distinction is analytical in character.

One necessary condition for the *long-term* success of consolidation is the existence of a national identity and secure borders (Linz/Stepan 1996: 16-37; Plasser/Ulram/Waldrauch 1997: 41f.). But if there are serious differences over the right to citizenship or the territorial borders of the state are in dispute, Linz and Stepan speak of a "stateness problem" (1996: 16). At the beginning of consolidation, recognition of ethnic identity has priority over all other lines of conflict (Wolff-Poweska 1997: 25), even over issues related to distribution of wealth and to class (Offe 1994: 137). Identity conflicts are different from other socio-economic conflicts, in which goods can be shared, because they involve *apparently* indivisible values, and for this reason there is the danger that ethno-centric friend/foe patterns will develop. Contrary tendencies, which might favour the creation of multiple identities,

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<sup>15</sup> On the other phases and modes of transformation see, among others, Bos 1994; Bova 1991; Dix 1994; Eicher 1998; Huntington 1991/92; Karl/Schmitter 1991; Linz/Stepan 1996; Mainwaring 1992; Merkel et al. 1996; O'Donnell/Schmitter/Whitehead 1986; Przeworski 1991, 1992; Remmer 1991; Valenzuela 1992; von Beyme 1994; Waldrauch 1994; Winderl 1994.



quickly run up against their limits (at this stage), owing to the lack of consolidation and the precarious economic situation (Sapper 1997: 330). Thus there is the danger, in ethnically divided post-communist societies, that the conflict potential will grow, intensified by newly acquired rights of participation, organization and communication - while the capacity of the still labile political systems to regulate these conflicts through collectively binding decisions is starkly overtaxed (Offe 1994: 150f.). In consolidated democracies, by contrast, the relationship between ethnic forces and the state is subject to regulation by democratic mechanisms (Schöpflin 1997: 7). However, this statement leaves unanswered the question of why consolidated democracies like France and Great Britain have had, and continue to have, unsolved ethno-political conflicts. Thus when Sapper equates consolidation with the creation of new structures for regulating conflicts (197: 329ff.), it is understood that although consolidation represents a necessary condition, it is by no means a sufficient one for the control of ethno-political conflicts. Because political identities are not fixed quantities and can be easily instrumentalized, the character of democratic institutions becomes a particularly important criterion for the success of consolidation (Linz/Stepan 1996: 35). Political institutions become the "missing link between the systemic macro-level and the micro-level of action theory" (Merkel 1996: 74).

According to Merkel/Sandschneider/Segert there are two criteria, in particular, that are of decisive importance for the success of democratic consolidation: "social and political inclusion" and "institutional efficiency" (1996: 24-25), with particular importance being attached to the principle of inclusion in ethnically fragmented societies (Merkel 1996: 97). In such societies, therefore, consolidation can only be successful if the state is able to ensure "inclusive and equal citizenship" (Linz/Stepan 1996: 33-37), including full civil rights, for all citizens. The factor of inclusion can be tested through the "mode of political decision-making" (Merkel 1996: 95) in the classic confrontation between consensus and majority principle. The factor of efficiency can be operationalized on the one hand as the 'degree of efficient delimitation of competences between the individual organs of the state' in the sense of a functional division of labour between institutions on the horizontal level (Rüb 1996: 63) or, on the other hand, in terms of whether and to what extent the political decision-making process takes place within the institutions constitutionally provided for it (Rüb 1996: 62).

The success of a consolidation process is by no means assured. It can come to a halt at any stage and in a variety of configurations or it can 'reverse'

itself. One of the main causes of threatened non-consolidation or of long-lasting blockages of consolidation could lie in the effects of certain state- and nation-building strategies. This connection between the general course of transformation and its ethno-national element, which may be dominant under certain conditions has not so far been adequately examined, either by transformation theory or by research on nationalism (but see Linz/Stepan 1996: 401-433). Key issues in this context are:

- Which specific state- and nation-building strategies are compatible with a positive course of consolidation and which not? Where are the lines of fracture and what is the indispensable minimum for successful consolidation? How is it defined?
- Conversely, is there a minimum of democratic consolidation that is needed to get the processes of state- and nation-building going in such a way that they do not prevent or hinder further consolidation? In what time framework?
- Are there correspondences between certain types of consolidation processes and specific state- and nation-building strategies?
- And, going further: Is the conceptual framework for the nationalizing behaviour of states in terms of nation- and/or state-building at all adequate for coming to grips with the specifics of nationalisms as they are operative today (Brubaker 1996: 10)?

### **2.1.5 Levels of Interaction and Multi-level 'Games'**

According to Brubaker the three central actors in conflicts configured around national minorities are the majority, the minority and the kin state (1996: 4). Owing to the expansion of western integration, the EU and NATO, as international organizations that establish conditions for membership, must be included as additional group of actors.<sup>16</sup> Hence the structure of interaction between participants in a majority-minority conflict can be represented by four inter-locking levels of action and communication:

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<sup>16</sup> The same holds true in principle for the Council of Europe and the OSCE. But because these two organizations must be rated as creating no more than "weak obligations" (Rittberger 1994: 33) and because their membership requirements differentiate little or scarcely at all, and since membership in them does not establish a relationship of complex interdependence, they are neglected at this level of analysis *as actors effective at an all-encompassing level*.

- the *majority-minority relationship* in the minority state in question (level I);
- the *bilateral-international relationship* between the governments of the minority state and the kin state (level II);
- the *multilateral-international relationship* between the governments of the minority state or the kin state and the western organizations EU and NATO (level III);
- the *trans-national relationship*<sup>17</sup> between the minority and its kin state, especially the government of that state (level IV).

Additional levels of interaction - for example the domestic political one in the kin state or the transnational one between various minorities of the same nationality - are not of sufficient importance for our investigation's purposes to justify including them in a research design that must be kept parsimonious. Taking Putnam's (1988) concept of 'win sets' as a starting point, a substantial literature has developed over the past ten years on two- or multi-level 'games' (Moravcsik 1993; Evans 1993; Zangl 1994, 1995) which have been more and more frequently used (e.g. the case studies in Evans/Jacobson/Putnam 1993; Patterson 1997). One 'win set' for a given level x is determined by the quantity of all possible bargaining results on level y which can be politically implemented on level x (Putnam 1988: 437). What is important for our analysis is that this concept can be combined with the most varied theories (Putnam 1998: 442). The concept of the 'win set' is supplemented by that of the 'acceptability set' which describes the quantity of negotiating results preferred by an actor (Moravcsik 1993: 30). The preference differences between government and opposition and, through them, the effects of changes of coalitions and governments, can be determined from the deviations between 'win' and 'acceptability sets'.

## 2.2 Preliminary Work at IFSH

Problems of *conflict prevention and conflict management* in the transformation states of Central and Eastern Europe and the CIS, and the normative, instrumental and political problem-solving abilities of the CSCE/OSCE related thereto have for years constituted the most important field of research for the IFSH.

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<sup>17</sup> By transnational relations we understand, departing from Kaiser's definition (1969: 95ff.) and in accordance with that of Risse-Kappen, regular interactions across state borders involving the participation of at least one non-state actor who is not acting at the behest of a national government or an international organization (1995: 3).

Although the IFSH tends to be oriented toward practice, the Institute's staff have, both in research and teaching, concerned themselves with the theoretical treatment of transformation processes in Central and Eastern Europe and with the resurgence of old and new nationalisms that those processes involve. During the winter semesters of 1995/1996 and 1996/1997, for example, Gießmann gave seminars at the Faculty of Philosophy and Social Sciences at the University of Hamburg on the subject of "Democratization in Eastern Central Europe - a Comparative Look at Systemic Change" and on "Possibilities and Limits of International Influence on Social Transformation Processes"; in the summer semester of 1997 he held a seminar at the Adelphi University in Garden City, New York, on "Transition from Communism to Capitalism: The East German Phenomenon". Also in the summer semester of 1997, Lutz held an advanced seminar on the question "Is There a Democracy Beyond Democracy as We Know It?" Zellner/Dunay (1998) devoted a chapter to working up theories of nationalism. Eicher (1998) offers a survey of transition theories along with an innovative rational-choice approach, taking account of political cultures.

Since 1995 the IFSH has been publishing the "OSCE Yearbook" which generally brings together about 30 first-hand essays on developments in the OSCE area, on the responsibilities, instruments and procedures of the OSCE, and on its organizational development (IFSH 1995, 1996, 1997, 1998a). The OSCE Yearbooks have in the meantime started appearing in Russian and English (IFSH 1996a, 1997a, 1998). Institute staff members have worked on a number of *general and specific OSCE issues*, among them the normative and institutional development of the CSCE/OSCE (Jaberg 1998), the role of the OSCE in a European security structure (Lutz 1995, 1996, 1997), the question of the CSCE/OSCE's potential of the future of security policy (Jaberg 1992, 1998; Gießmann 1996), democracy as a creative task of the OSCE (Gießmann 1996a), and the positions of the individual participating states of the OSCE (Tudyka 1996). In addition, Tudyka produced an OSCE Handbook (1997). In the winter semester of 1997/1998, Lutz held an advanced seminar at the Faculty of Philosophy and Social Sciences of the University of Hamburg on the subject of "The OSCE - Organization, Activities, Actors".

The publication of the OSCE Yearbooks would not be possible without a broad network of international cooperation, both with scholars working on the relevant issues and with various OSCE institutions (Secretariat, ODIHR, HCNM). The OSCE, along with the German Foreign Minister and responsible divisions of the Foreign Ministry, have over the years provided substantial support for the "OSCE Yearbook". This intensive cooperation was re-

flected in a series of events, among them a lecture by the incumbent High Commissioner, van der Stoep, in March 1997 and a round-table talk on "Evaluating the state of the OSCE: interlocking institutions, longterm missions, internal structure" in October 1997 which was put on in cooperation with the European Centre for Minority Issues (Flensburg) and the Institute for Cultural Studies in the Science Center of North Rhine-Westphalia (Essen) and brought scholars and OSCE experts together.

In the field of conflict control, along with conceptual work on conflict prevention and non-military solution of conflicts (Jaberg 1994; Jaberg/Klingenburg/Mutz 1994; Klingenburg 1994; Schlichting 1994), work was done on the relationship between the right of self-determination and minority rights (Heintze 1994) as well as on the current responsibilities and weaknesses of the OSCE in the field of preventive diplomacy (Kreikemeyer 1995; Gießmann 1996). Among the *specific areas of conflict control* particular attention was given to the significance of the OSCE Court of Conciliation and Arbitration (Lutz 1995a, Lutz/Zagorski 1996) and to ideas for the use of international police; projects were begun on both of these issues. Staff members of IFSH also followed with interest the political efforts of the EU and the OSCE to assist in the management of minority problems by means of a Stability Pact for Europe (Ehrhart 1996; Dunay/Zellner 1996) as well as the follow-up initiatives SECI (Southeast European Cooperative Initiative) and the Royaumont process (Ehrhart 1998a). A number of projects were undertaken on problems relating to *peacekeeping actions* on the dividing line between non-military and military conflict management. In addition to conceptual pieces (Lutz 1993; Ehrhart/Klingenburg 1994; Klingenburg/Schnabel 1997) there were analyses of national interests in peacekeeping missions (Ehrhart/Haglund 1995; Ehrhart 1996a) and an investigation of peacekeeping missions by particular actors (Kreikemeyer 1994) and in particular regions (Ehrhart/Klingenburg 1996).

This project is thus tied in to a number of other undertakings in IFSH, each of which investigates different aspects of conflict prevention and management relating to the kind of primarily internal conflict that has predominated in the OSCE area since 1989/1990.

In the field of *country and area analyses*, the "Security Handbook" (Gießmann/Schlichting 1995; Gießmann 1997/1998) should be mentioned which, for Central and Eastern European states (Gießmann 1995, 1997/1998a, 1997/1998b; Eicher 1997/1998) and for the CIS area (Schlichting 1995), provides basic military and security analyses. In addi-

tion, the members of the "*Working Group on CIS and European Security*" (under the direction of Ehrhart) have in recent years carried out a number of projects on the problems of the area generally and on individual countries, particularly *Ukraine*. Among them are works on the CIS area as a field of tension between integration and renationalization (Ehrhart/Kreikemeyer/Zagorski 1993), crisis management within the CIS (Ehrhart/Kreikemeyer/Zagorsk 1995) and on Russian policy in armed conflicts within the CIS (Kreikemeyer/Zagorski 1997). With regard to Ukraine, investigations were done on Western policy approaches (Ehrhart 1997), the western orientation of Ukrainian security policy (Kutschow 1997) and, on a broad scale, the question of international cooperation with Ukraine (Ehrhart/Thränert 1998). Another focal point of the work was the *southern Slavic area*, starting with an investigation of the role of the UN and NATO (Karádi/Klingenburg 1995; Ehrhart/Klingenburg 1996), OSCE crisis management in the Balkan war (Klingenburg 1995), and the overall pattern of western actions (Mutz 1996) from an analysis of the Peace Agreement of Dayton (Karádi/Klingenburg 1996; Karádi 1997) to a general portrayal of the southern Slavic wars of dissolution and the attempts of a variety of bodies in the international community to control them (Karádi/Klingenburg 1999). As part of a project supported by the Volkswagen Foundation, Zellner examined (along with the Institute's external partner, Dunay) *Hungarian foreign policy* as influenced by the competing forces of western integration, policy toward neighboring countries, and minority policy (Zellner 1993; Zellner/Dunay 1995, 1998). The analysis of relations with neighboring countries focused on Romania and Slovakia. During the winter semester of 1998/1999 Eicher and Zellner will hold an exercise at the Institute for Political Science of the University of Hamburg on "Majority-Minority Conflicts in Central and Eastern Europe: Theoretical Approaches and Case Studies (Hungarian Minorities in Romania and Slovakia / Russian Minorities in Estonia and Latvia".

All in all, the staff of IFSH has been able in recent years to acquire substantial expertise on Central and Eastern European countries and the CIS area and to establish a broad network of cooperative partners there. With Russia, Ukraine, Hungary, Romania, Slovakia, Albania and the post-Yugoslav area, this covers the largest part of the countries in which we wish to examine the effectiveness of the OSCE minority regime.

### 3. Objectives and Work Program

One prerequisite of the project is an analysis of the principles, norms, rules and procedures of the OSCE minority regime, of its relationship to other normative and instrumental elements in the OSCE context (especially the security dimension), and of the way in which it is related to and distinct from other minority regimes - that of the Council of Europe, for example. In doing this, the precedent-setting interpretation of the High Commissioner's mandate by the practice of the incumbent (since 1993: Max van der Stoep<sup>18</sup>) must be taken into account. On this foundation, then, a consistency analysis of the regime is to be conducted, with a high level of internal consistency in the regime serving as an indicator of its strength and/or efficiency (Breitmeier/Wolf 1993: 347). In addition, there is to be a value-structure analysis of the principles, norms and rules of the OSCE minority regime following the classification set forth in Section 2.1.3 on "Theories of nationalism" and providing the basis for a comparison of the specific preference structures of the regime, the majority and the minority.

#### 3.1 Objectives

*The empirical objective of the project* lies, on the one hand, in the investigation of the effectiveness of the OSCE minority regime in light of the implementation of the HCNM's recommendations and, on the other, in examination of the plausibility of the hypotheses established on the basis of theoretical considerations. The time period under investigation is from 1993 until 2000. The investigation is to encompass six of the 13 cases in which the HCNM has so far been involved, namely, Russian minorities in Estonia, Latvia and Ukraine<sup>19</sup>, the Albanian minority in Macedonia and Hungarian minorities in Romania and Slovakia. There are a number of substantive and methodological criteria that argue for this case selection and they have to do with both limitation and inclusion. Apart from the cost of research, it is particularly+ methodological considerations that argue for *limiting the selection to six countries*. The cases of Serbia/Kosovo and Serbia/Vojvodina cannot be included in the investigation at the present time because the

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<sup>18</sup> On 2 July 1998, the Permanent Council of the OSCE extended van der Stoep's term of office by one year beyond the two three-year terms provided for in the mandate, until 31 December 1999. It remains to be seen how his successor will interpret the mandate and whether there will be changes in the course that has hitherto been followed.

<sup>19</sup> The HCNM's activity in Ukraine is concentrated on the Crimea. A number of his written recommendations relate to problems of the Crimean Tatars but in the overall context of the Crimean conflict they also affect, indirectly, the Russians in Ukraine.

OSCE participation of the Federal Republic of Yugoslavia is suspended and the HCNM, having received no entry permission, has not been able to work there. Albania (Greek minority) and Croatia (esp. the Serbian minority) would burden our investigation with two more minority state-kin state relationships. As for Lithuania and Moldova, the HCNM visited each of them only once and made no written recommendations. Hungary appears to have been included not so much because of the problems of the Slovakian minority who live there as because of the requirements of reciprocal diplomacy. Doubts about comparability owing to differing cultural and historical conditions argued against the inclusion of Kazakhstan and Kyrgyzstan.

A number of political, methodological and theoretical considerations favour the *selection of the six cases*:

- External Russian and Albanian minorities constitute the current political focal point of the HCNM (IFSH 1997) while external Hungarian minorities were an important focal point of the CSCE when the HCNM first concerned himself with this issue in 1993 (Zaagman 1994: 172). This corresponds to the assessments (both in the literature of that time and currently) of the explosive potential for security policy of the external Hungarian (Brown 1992: 404; Schöpflin 1993: 1), Albanian (Brunner 1996: 159) and Russian (Brubaker 1996: 108) minorities. The problems surrounding the Hungarian minorities - especially owing to internal political conditions in Slovakia until the change of government in fall of 1998, and the possibility of a set-back in Romania despite the basic treaties both of these countries have concluded with Hungary - can by no means be regarded as 'solved'; this is made clear by the fact that the HCNM has not been able to bring his work to a conclusion in either of the two countries.
- In *methodological terms* at least *three groups of cases* are required to provide an adequate basis for a comparative case study. Because the case groups have one important characteristic in common - namely, the kin state - all comparisons that touch upon this characteristic can only be made between the three groups of cases and not between all six.
- With regard to the empirical *plausibility probe* of the hypotheses that emerge from the *theoretical considerations*, it is important that their independent variables be sufficiently varied:



- *Relative strength of the minority.* The cases we have chosen represent 10.1 or 7.1%<sup>20</sup> for Romania (1992), 14.6 or 10.8% for Slovakia (1991), 27.3 or 22.1% for Ukraine (1989)<sup>21</sup>, 33.6 or 23.1% for Macedonia (1994), 38.5 or 30.3% for Estonia (1989), and 48 or 34% for Latvia (1989) and thus cover the whole range of "nationalities states" as they are called by Brunner (1996: 44, 178, 181, 184, 189, 196).

- *Reconstitution of state and nation.* In five of our six cases, a process of new construction or reconstruction of state and nation is, at varying stages, in progress. Only in Romania is this not the case.

- *The nature of the main problem.* While problems of state-building appear to harbour the greatest potential for conflict in Estonia, Latvia and Ukraine (the categories used here are not meant to anticipate the investigation), in the other three cases, problems of nation-building appear to be in the forefront.

- *Level of democratic consolidation.* A considerable range in the level of democratic consolidation can be observed in these six *minority states* - from the two Baltic states to Macedonia and Ukraine. Of the three *kin states* only Hungary appears to have a high level of democratic consolidation while in Albania and Russia it is (very) low.

- *Power advantage of the kin state.* In comparison with the minority states, Russia is a superior kin state while Albania and Hungary are (roughly) equal.

- *Chances of integration.* Our cases represent a broad range of chances for integration into the EU and NATO. Estonia leads the *minority states* (having been invited to negotiations on EU admission) followed by the countries with association relationships (Latvia, Romania, Slovakia) as well as Macedonia and Ukraine, as countries with which cooperative relationships exist. The Baltic states and Romania are known to be candidates for the second round of NATO expansion. As for the *kin states*, the range proceeds from very good chances of integration (Hungary) to privileged (Russia) or simple (Albania) cooperative relations.

The six cases must be dealt with in three case groups in order to understand better what are the possibilities and limitations of preventive conflict management under sufficiently varied conditions.

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<sup>20</sup> The first figure represents the population share of all minorities, the second the share made up by the Albanian, Russian or Hungarian minority in the country in question.

<sup>21</sup> Because of the complicated identity relationships in Ukraine, which affect some minorities as well as parts of the titular nation, it will be difficult, until the all-Ukrainian census planned for 1999, to provide dependable figures on the Russian minority (Pirie 1996; Kuzio 1996).

An investigation of the effectiveness of a regime calls *firstly* for identifying areas of agreement or similarities between the rules of the regime and state behaviour. If correspondences are found, this poses, *secondly*, the question whether the actions of the state have actually been influenced by the rules of the regime or by other factors (Nollkaemper 1992: 64). *Thirdly*, not only the implementation of the rules of the regime must be examined but also the more important question of the extent to which the goals of prevention and stability associated with the regime have been achieved (Hasenclever/Mayer/Rittberger 1997: 2). The investigation of the first stage means that in each of the six countries under investigation the recommendations of the HCNM and the behaviour of the state in question must be compared in detail, over the whole time-period of the investigation, in accordance with the unified classification of our preference structure (cf. 2.1.3). The second and third questions call for a process-analysis which would include the domestic political process in the relevant countries, *all* related activities of the HCNM (such as seminars, etc.) and, as necessary, other OSCE activities, as well as the political process between the minority state and kin state. Taken together, this constitutes the *first part of the empirical section* of the project.

*The theoretical goal of the project* lies in the attempt to explain whatever efficiency or inefficiency has been found in the regime by identifying the factors which explain the observance or non-observance of regime rules by the state actors (Nollkaemper 1992: 64). In the course of this analysis we intend to take the following steps, which build upon one another:

- We assume that the strategies of both majority and minority, as well as the OSCE minority regime itself, each represent a specific ethno-political value or preference structure. The contradictions between the preference structures of the majority and the minority constitute the ethno-political conflict potential; the preference structure of the OSCE minority regime represents a possible offer of a solution which can be used flexibly by the HCNM. Our *basic preference-structural hypothesis* asserts that indications as to the effectiveness of the OSCE minority regime can be found in the points of agreement and the differences between the three preference structures.
- In a second step, we want to examine whether and to what extent ethno-political preference structures and their political/tactical instrumentalization by particular groups of actors are influenced by progress in the transformation process and especially by the various phases of democratic consolidation. Our *starting hypothesis* here is that as consolidation moves forward the latitude for the tactical instrumentaliza-

tion of preference structures at first becomes less, while in the later phases the latitude for changes in the preference structure itself increases.

- In a third step we investigate, on the international level, the influence of asymmetrical interdependence relationships on the development of majority-minority conflicts, distinguishing between non-complex interdependence (in the sense of the kin state's classic superiority based on power) and complex interdependence based on intensified cooperation with or integration into EU and NATO. Here, our *starting hypothesis* is that complex interdependence relationships influence majority-minority conflicts more powerfully than do non-complex ones, bearing in mind that the configuration of the various interdependence relationships must be taken into consideration in each case.
- In a fourth step we shall examine the (relative) influence of trans-national communications processes between the minority and the kin state on the relationship between majority and minority within the host state. Our *starting hypothesis* for this purpose is that the relative density of the trans-national communications process in comparison with the internal one, the level of democratic consolidation in the kin state, and the relative distance between the preference patterns communicated by kin state and minority and those of the majority in the minority state can provide indications as to whether the trans-national communications processes are likely to aggravate or alleviate the internal relationship between majority and minority. Despite the substantial lack of any theoretical foundation we find these considerations sufficiently interesting to include them in the research plan.

The theoretical question, broadly stated, has to do with the relationship between the various explanatory dimensions and the reciprocal influences they have on each other. To attempt an answer one must formulate a series of hypotheses, put them into usable form and test them for plausibility (Eckstein 1975: 97-108), at first in one dimension and then tied together, by way of multi-level 'games' (Putnam 1988). That constitutes the *second part of the empirical section* of the project. Better linkage of a variety of component theories, on the basis of empirical examination and the refinement of parameters for theoretical components still to be created, should contribute to a better understanding of security-oriented minority regimes.

*Policy recommendations* are to be worked out on the basis of empirical analysis and of attempts at theoretical explanations of the effectiveness or non-effectiveness of the OSCE minority regime. They could involve the

interpretation and the use of available instruments, the continuing normative development of the regime and the further development of the HCNM's mandate - but also the matter of cooperation with other instruments of prevention (including those of the OSCE).

### **3.2 Work Program**

Since the categories of empirical analysis depend on theoretical considerations and the second part of the empirical portion of the project consists of the plausibility probe of theoretically based hypotheses, we start the work program with the theoretical construction of variables for the domestic level (3.2.1). In a second step we create independent variables for the bilateral, multilateral and trans-national levels and set up hypotheses regarding the effective relationships between independent and dependent variables on various levels (cf. 3.2.2).

#### **3.2.1 Variables on the Domestic Level**

The domestic level is of central importance for our investigation because it is here that the ethno-political preference structures of the actors, which make up the conflict potential, are formed and because it is only on this level that solutions can be found and the terms of the OSCE minority regime implemented. For that reason we need, as our point of departure, a structural model of domestic political conflict that establishes a relationship between the *conflict potential* which emerges from the differences between majority and minority as shown in the ethno-political preference table, and the changing potential for conflict solution in the course of the transformation process.

Indeed Moravcsik established a theoretical foundation for the international behaviour of state actors but this has not so far been linked with a domestic political structural model. To attain such a *structural model of ethno-political conflict* we combine Risse-Kappen's *general model of domestic conflict* (1991, 1995) with Moravcsik's ideas on preference structures and specify this model for the ethno-political dimension. Risse-Kappen distinguishes between three groups of factors (1995: 21-23):

- We understand the *structure of society*, with regard to the extent of social fragmentation and mobilization and in the ideal-typical version

of 'strong' and 'weak' societies, to be an independent variable which represents the general social conflict potential.

- We understand the nature of the *social/political mechanism for association and coalition-building*, in its consensual and polarized forms, to be an independent variable which represents the general potential for political conflict control.
- We regard the *structure of political institutions*, with a view to the extent of their centralization (centralized vs. fragmented), viz. the degree of state strength, as an intervening variable which represents the ability of the central state to enforce its will over society.

The fruitfulness of this approach lies in the further development of the concept of state strength (initially, Katzenstein 1976) by linking it to the social and political conflict structure in a manner that can be called process-oriented - "how political systems respond to societal demands" (Risse-Kappen 1991: 484). We refer to the dependent variable, which expresses the relationship between problem potential and the potential for solutions, as the '*general level of conflict control and/or stability of conflict control*'.

The independent variable '*ethno-political fragmentation and mobilization*', as the measure of ethno-political conflict potential, corresponds to the independent variable '*general social fragmentation and mobilization*' as a measure of the general social conflict potential. We use the extent of civil-cultural consolidation to measure the independent variable '*general social fragmentation and mobilization*' because the process of civil-cultural consolidation has a significant influence on the origin, formation and formulation of conflict in the social realm.

We define the variable '*ethno-political fragmentation*' as the difference between the ethno-political preference tables, i.e. the state- and nation-building strategies of majority and minority; the greater this difference is, the higher will be the degree of ethno-political fragmentation.<sup>22</sup> Because the extent of mobilization of minority<sup>23</sup> and majority does not necessarily follow from particular state- and nation-building strategies (Brubaker 1996:

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<sup>22</sup> 'Ethnic fragmentation' is, on the one hand, a dependent variable but (as input into a structural model of domestic political conflict) can also be regarded as an independent variable, with the result that we treat this variable as dependent or independent according to the question being asked in the investigation.

<sup>23</sup> The extent of mobilization of a minority can, for example, be operationalized as the relationship between votes cast for minority parties and the number of eligible voters of the minority, or as the relative membership strength of minority organizations.

Table 2: Structural Models of General Domestic and Ethno-political Conflict

	General conflict control	Ethno-political conflict control
Independent Variables	<p>General structure of society  <i>Social fragmentation and mobilization (ideological/ political)</i>                      (high/low fragmentation = weak/strong civil society)</p> <p>(Measure for general social conflict potential)</p>	<p>Ethno-political structure of society  <i>Ethno-political fragmentation and mobilization</i> (operationalized as difference between nation-/state-building strategies of majority and minority + size of minority + extent of mobilization of majority and minority)</p> <p>(Measure of ethno-political conflict potential)</p>
	<p>Social/political mechanism for association and coalition-building</p> <p><i>Democratic Consolidation (structural + representative consolidation)</i>                      (Measure for general conflict-solving potential)</p>	<p>Specific ethno-political mechanism for association and coalition-building</p> <p><i>Ethnopolitical Integration</i>                      (Measure for ethno-political conflict-solving potential)</p>
Dependent Variable, rough	General level of conflict control	Level of ethno-political conflict control
Intervening Variable	State structure / political institutions (Centralization vs. Fragmentation)	
Dependent Variable	General stability of conflict control	Stability of ethno-political conflict control

166-167) but is a function of *all* options for action at any given time on the basis of collective learning processes, the variable 'ethno-political fragmentation' must be characterized in terms of the size of the minority and the empirically established extent of mobilization of minority and majority.

We determine the *general social conflict-solving potential* through the independent variable '*democratic consolidation*' in structural and representative forms, and the *specific ethno-political conflict-solving potential* through the independent variable '*ethno-political integration of the minority*'<sup>24</sup> There is a reciprocal relationship between the two fragmentation variables as well

<sup>24</sup> Provisional operationalization of the variable 'ethno-political integration of the minority': high: lasting cooperation between majority and minority in government and/or opposition, institutionalization of cooperation between government and minority; middle: occasional cooperation between majority and minority in government and/or opposition, weak institutionalization of cooperation between government and minority; low: political isolation of the minority, lack of institutionalized cooperation between government and minority.

as between the variables 'democratic consolidation' and 'ethno-political integration of the minority'.

The dependent variable '*level of ethno-political conflict control*' or, after being filtered through the intervening variable '*state structure*', the '*stability of ethno-political conflict control*' is measured in the same categories that were applied to the ethno-political conflict potential, namely, the ability of a political system to put through measures for gradually or substantially inclusionary state-building, and measures for gradually or substantially differentiating nation-building.

With regard to the intervening variable '*state structure*', with the ideal-typical versions of centralistic and decentralized, we assume that a decentralized state structure opens up greater opportunities for participation which enhance the stability of ethno-political conflict control, while a centralistic state structure tends to lower the stability of conflict control.<sup>25</sup>

We describe the level of ethno-political conflict control or, as the case may be, stability of conflict control, as low when it only allows for measures of acute crisis management; as medium when it allows for measures of gradually inclusionary state-building and gradually differentiating nation-building; and as high when it allows for measures of substantially inclusionary state-building and substantially differentiating nation-building. Taken all together, this gives us a framework of analysis (see Table 2) whose dependent variables (level of conflict control and stability of conflict control) reflect the relationship between the general and/or the ethno-political conflict potential and the available means for finding solutions.

### **3.2.2 Hypotheses Within and Between Levels**

In what follows we formulate our assumptions about central causal relationships in the form of hypotheses. Because the hypotheses rest on varying and, in part, conflicting assumptions, they are to some extent themselves contradictory. However, because we do not want to restrict ourselves from the outset to the hypotheses that correspond most closely to our preliminary

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<sup>25</sup> At least on paper, all six of our cases represent centralistically organized states, with the result that the intervening variable would have no consequences for our investigation. However, because we have doubts in some cases about the ability of the states actually to implement centrally reached decisions, we are for the time being retaining the intervening variable. In what follows we shall, for the sake of brevity, generally refer only to the level of ethno-political conflict control.

views - this would curtail the study's explanatory radius at too early a stage  
- this contradictoriness has been consciously accepted.

*Preference-structural Starting Hypothesis*

H.1: The less/greater the difference between the ethno-political preference patterns of majority and minority, the greater/less is the probability that the OSCE minority regime, or the recommendations of the HCNM which represent a specific preference pattern, will become effective.

On the basis of this general starting hypothesis, a worst-case assumption regarding preference structures can be formulated which minimizes the probability of the effectiveness of the OSCE minority regime:

H.1 (a): If the ethno-political preference patterns of majority and minority do not aim in the same direction in any of their three dimensions the probability is low that the specific ethno-political preference pattern represented by the OSCE minority regime and the recommendations of the HCNM will become effective.

We postulate as a necessary but by no means sufficient condition for the effectiveness of the OSCE minority regime and the implementation of the recommendations of the HCNM:

H.1 (b): The probability that the OSCE minority regime will become effective and the recommendations of the High Commissioner be implemented rises if the ethno-political preference patterns of majority, minority and OSCE/HCNM point in the same direction in at least one dimension.

All of the following core hypotheses (2 to 7) and derivative hypotheses are thus related to the preference-structural starting hypothesis by virtue of formulating supplementary conditions which, directly or indirectly, affect the ethno-political preference patterns of majority and minority and, through them, the ethno-political conflict potential.



### *Hypotheses Regarding the Domestic Level (I)*

Five of the minority states we are investigating emerged from the collapse of multi- or bi-national federations. In these cases in addition to the already complex transformation process, the new constitution of state and nation must also be dealt with, so that the problems of democratic consolidation exceed the average (Segert 1997: 88). In view of the weakness of the state and of civil society, the new constitution of state and nation is influenced more strongly by ethno-political criteria (Schöpflin 1997: 9-10) and the possibility of keeping the conduct of ethno-political conflicts within democratic structures is less.

H.2: If state and nation in a minority state are newly constituted or - after a long interruption - reconstituted, the probability is great that a high degree of general and (at least latent) ethno-political fragmentation, worse than average problems with democratic consolidation and a low level of ethno-political integration will lead to a low level of general and ethno-political conflict control.

This is all the more true when the new constitution is linked to a "stateness problem" (Linz/Stepan 1996: 16) - i.e. either the state's borders and/or access to citizenship are in dispute. How the specific starting situation will further develop depends essentially on the progress of democratic consolidation:

H.3: The more/less advanced democratic consolidation is in a minority state, the higher/lower is the probability that the general and ethno-political level of conflict control will be high or rising/low or falling.<sup>26</sup>

Since progress in structural and representative consolidation is one measure of the conflict solution potential, the minimum domestic political requirements for successful ethno-political conflict management can be formulated as follows:

H.3 (a): The longer the stage of structural consolidation remains incomplete and representative consolidation remains weak in a minority state, the

<sup>26</sup> In view of the fact that there are states in Western Europe in which democratic consolidation is very advanced but the ethno-political level of conflict control does not keep pace with it (e.g. France with respect to Corsica), Hypothesis 3 must be regarded as a classic case of a hypothesis that formulates a necessary but not adequate effect-relationship.

greater is the probability that the level of ethno-political conflict control will remain weak or decline.

Moreover, we assume not only that the level of democratic consolidation affects the level of ethnic conflict control but that the reverse relationship also exists (Linz/Stepan 1996: 36) and come, therefore, to the following hypothesis:

H.3 (b): The longer the level of ethno-political conflict control in a minority state remains low or declines, the greater is the probability that there will be delay, obstruction or even setbacks in the process of democratic consolidation.

Thus lack of progress in democratic consolidation and the inability to exercise ethno-political conflict control reinforce each other in a downward spiral, resulting in growing likelihood of a violent outcome to the conflict and/or massive external intervention.

*Hypotheses on the Domestic Political, Bilateral and Multi-lateral Levels (I, II and III)*

H.4: The lower/higher the level of conflict control in a minority state, the greater is the probability that bilateral relations between the minority state and the kin state will deteriorate/improve.

We assume, in addition, that the relationship between effects postulated in Hypothesis 4 depends on parallelism or non-parallelism between domestic political developments in the minority state and the kin state:

H.3+H.4: The more/less parallel the process of democratic consolidation in a minority state and a kin state and the more/less advanced it is, the greater is the probability that the level of ethno-political conflict control in the minority state will grow/decline and that the bilateral relationship between the minority state and the kin state will improve/deteriorate.

To supplement our assumption that the control of ethno-political conflicts depends *primarily* on domestic factors, the thesis can be put forward that a foreign power with superior power potential can, by threatening the minority state with disadvantages or denying it advantages, force it to meet the demands of the minority. In this we conceive of power as characterized by

Table 3: Core Hypotheses and Derivative Hypotheses<sup>27</sup>

Independent Variables	Effect →	Dependent Variables
<i>Preference-structural starting hypothesis</i>		
<b>H.1</b> <b>Difference between ethno-political preference structures of majority and minority</b>	---	→ <b>Probability of effectiveness of OSCE regime and HCNM</b>
H.1(a) No tangency between preference patterns of majority, minority and HCNM	---	→ Low probability for effectiveness of OSCE regime and implementation of the recommendations of the HCNM
H.1(b) Preference patterns of majority, minority and HCNM point in the same direction in at least one dimension	---	→ Necessary condition for effectiveness of the OSCE regime and implementation of the HCNM's recommendations
<i>Level I</i>		
<b>H.2</b> <b>New constitution of state + nation</b>	---	→ <b>Ethno-political fragmentation / democratic consolidation / ethno-political integration / level / stability of conflict control</b>
<b>H.3</b> <b>Democratic consolidation</b>	---	→ <b>Level / stability of conflict control</b>
H.3(a) Completion of structural consolidation	→	→ Level / stability of conflict control
H.3(b) Low level of conflict control	---	→ Democratic consolidation
<i>Levels II + I</i>		
<b>H.4</b> <b>Level of conflict control in the minority state</b>	---	→ <b>Bilateral relations (proportional/reciprocal)</b>
H3+H4 Democratic consolidation in minority and kin state	---	→ Level / stability of conflict control and bilateral relations
<b>H.5</b> <b>Superior power potential of kin state</b>	---	→ <b>Fulfillment of minority demands</b>
<i>Levels III + I + II</i>		
<b>H.6</b> <b>Chances of integration of minority state and kin state</b>	---	→ <b>Level / stability of conflict control and bilateral relations</b>
H5+H6 Chances of integration minority state	-	→ Chances of influence of non-integrated kin state
H6+H2 (a) Parallel development of democratic consolidation/chances of integration	---	→ Level / stability of conflict control and bilateral relations
H6+H2 (b) Democratic consolidation and chances of integration kin state	---	→ Relative separation from the reciprocity principle kin state
H6+H2 (c) Democratic consolidation and chances of integration minority state	---	→ Relative separation from the reciprocity principle minority state
H4 (a) Relative separation from the reciprocity principle in minority and kin state	→	→ Change of government in minority state and kin state
<i>Levels IV + I + II</i>		
<b>H.7</b> <b>Density/quality of communication between minority and kin state</b>	---	→ <b>Ethno-political mobilization / ethno-political integration / level and stability of ethno-political conflict control</b>
H7+H3 Interactive relationship between minority and kin state and democratic consolidation kin state	---	→ Ethno-political mobilization / ethno-political integration / level and stability of ethno-political conflict control

little sensitivity and vulnerability in a (strongly) asymmetrical interdependence relationship (Keohane/Nye 1977/1989: 12-13) and we distinguish between complex and non-complex interdependence relationships. Non-

<sup>27</sup> The hypotheses are arranged, first, according to core hypotheses (bold print) and derivative hypotheses and, second, according to the levels of action to which they relate. The number(s) assigned to the derivative hypotheses indicate(s) the core hypothesis(es) from which it/they are derived; the letter in brackets which follows indicates a numeration within the same combination group. Since all hypotheses are arranged according to levels of action, it is possible that a derivative hypothesis, e.g. H.4 (a), may be found in a different box of the table than its core hypothesis.

complex, asymmetrical interdependence relationships can exist between a kin state with superior power potential and a minority state which is economically dependent on the former or can be militarily threatened by it. Although the denial of advantages can play a role in this relationship, the negative aspect ('sticks') clearly predominates in cases of non-complex interdependence. The concrete manifestation of complex interdependence in the Euro-Atlantic context is the relationship of Western integration with its core organizations, the EU and NATO. We assume that transformation countries that are drawing closer to the EU and NATO will increasingly adapt themselves to the 'rules of the game' as established by those organizations. The reason for this is, on the one hand, the ability of the EU and NATO to deny desired goods (cooperation, membership) and, on the other hand, its possible willingness to grant these things ('carrots'). Thus we come to the following hypothesis on the exercise of power in complex and non-complex interdependence relationships:

H.5: The greater the power potential of the kin state in its relationship to that of a neighboring minority state, the more likely it is that the government of the minority state will meet important demands of the minority.

In this connection, we do not use the concept of conflict control because a solution imposed from outside does not stem from the ability of a society to deal with its conflicts in an orderly institutional framework and may indeed reduce this ability over the long term.

H.6: The greater/smaller the chances of a minority or kin state being taken into the EU or NATO, the greater/smaller is the probability of a high level of ethno-political conflict control and of a cooperative development of the bilateral relationship.

In the next step, two possible groups of cases are to be investigated: *First*, a minority state can be a vulnerable part either of a non-complex or of a complex interdependence relationship:

H.5+H.6: The greater/smaller the chances of a minority state's inclusion in structures of complex interdependence (EU and NATO), the greater/smaller is the probability that the minority state will resist the demands of a neighboring kin state that has superior power and is not included in these structures of complex interdependence with regard to the treatment of minorities

protected by the kin state, taking its lead instead from the organizational leaders of complex interdependence.

*Secondly*, a number of states can be candidates for inclusion in structures of complex interdependence (EU and NATO). For that reason we combine Hypothesis 6 with our hypotheses on the relationship between democratic consolidation and the level of conflict control (H.3.A, H.3.B and H.3+4), initially assuming a parallel development in the minority state and the kin state and then an unequal one.

H.6+H.2 (a): The less/more advanced democratic consolidation is in the minority state and the kin state and the smaller/greater the chances are of the minority state and kin state being included in the structure of western integration, the smaller/greater is the probability that the bilateral relationship between the minority state and the kin state will improve and that the level of ethno-political conflict control in the minority state will be high or rising.

H.6+H.2 (b): The more/less advanced the degree of democratic consolidation in a kin state is and the greater/smaller the chances are for a kin state to be included in the structure of western integration, the greater is the probability that the bilateral relationship between minority and kin state will improve/deteriorate even if the degree of ethno-political integration of the minority in the minority state and the level of ethno-political conflict control there do not climb or decline/rise.

This latter hypothesis postulates the relative, positive or negative, separation of a kin state from the reciprocity principle. A corresponding hypothesis applies to the minority state. In both of the separation hypotheses we assume that the domestic win set in the country in question is broader than the acceptability set of the government, so that a new government with a changed acceptability set can turn away from the reciprocity principle formulated in Hypothesis 4. We assume, however, that a separation from the reciprocity principle that goes too far can be corrected by a change of majority or shift of power in domestic politics and, hence, we speak of a relative separation from the reciprocity principle:

H.4 (a): The farther and the longer a kin state, in its relationship to a minority state (or the other way around), separates itself from the principle of reciprocity between the level of ethno-political conflict control and the char-

acter of bilateral relations, and the less advanced democratic consolidation is in the country that is separating itself from reciprocity, the more probable it is that there will be a change of government or coalition in that country resulting in a renewed worsening of bilateral relations and/or of the level of conflict control.

*Hypotheses on the Domestic Political, Bilateral and Trans-national level (I, II and IV)*

Because we assume that the modes of strategic and communicative behaviour combine with each other, especially on the trans-national level, we want to investigate the interactive relationship between a kin state and 'its' minorities:

H.7: The more/less intense the trans-national interactive relationship between the government of a kin state and 'its' minority is and the more/less the ethno-political preference structures thereby transmitted diverge from those of the majority, the greater/smaller is the probability that the ethno-political mobilization of the minority will rise, its ethno-political integration and the level of ethno-political conflict control will decline, and the bilateral relationship between the minority state and the kin state will deteriorate.

H.7+H.3: The lower/higher the degree of democratic consolidation in a kin state, the greater/smaller is the probability that in the interaction between kin state and minority ethno-political preference patterns will be transmitted which deviate substantially from those of the majority and that, as a consequence, the ethno-political mobilization of the minority will rise, its ethno-political integration and the level of ethno-political conflict control will decline, and the bilateral relationship between the minority state and the kin state will deteriorate.

### **3.2.3 Outline of the Theoretical Work**

Although it is not easy to describe the continuation of the theoretical work in detail but the following steps can be given in rough outline:

- Continuation of the scholarly discussion in the pertinent areas of theory, refinement of the analytical instruments of the project;
- Refinement of the hypotheses, particularly the derivative ones;

- Comparison of the ethno-political preference patterns of majority, minority and HCNM as well as of the status of implementation of the HCNM's recommendations for individual minority states, for the groups of minority states with minorities of the same nation, and for all six minority states:
- Plausibility probe of the hypotheses, on the basis of the empirical material that has been gathered, for the individual minority states, for the groups of minority states with minorities of the same nation, and for all six minority states - asking which hypotheses explain changes in the differences between the ethno-political preference patterns of the majority, minority and the HCNM, and which ones do not.
- Heuristic examination of the project's analytical instruments in light of the results of the plausibility probe of hypotheses.

### **3.2.4 The Empirical Implementation of the Project**

The implementation of the project, qualitatively as well as quantitatively, is quite demanding. Depending on the final operationalization, it calls for establishing about three dozen sets of data for six countries over a period of eight years as shown in table 4. Some of the data sets can be acquired relatively easily (e.g. the number of parties in parliaments or the chances of inclusion in EU and NATO) and for others material is already available for our use. Still others, such as the ethno-political preference patterns of the various actors or the extent of ethno-political integration require thorough process analyses before a classification can be undertaken. There is also the problem that a substantial portion of the material cannot be obtained from the usual international sources (including the internet), but must be acquired locally in up to nine languages (in addition to the working languages, English and German). This relates in particular to the variables 'structural consolidation', 'representative consolidation' and 'ethno-political fragmentation and mobilization'. This will require, apart from the two main project researchers, the use of one paid researcher for each minority country. Moreover, there are some variables which will have to be tested for the three kin states, even if not with the same degree of thoroughness.

*a) Examining the Status of Implementation of the HCNM's Recommendations*

- Survey of all recommendations of the High Commissioner for the six states under investigation from 1993 until 2000 and their classification according to the ethno-political preference pattern developed in section 2.1.3 on "Theories of Nationalism";
- Summarizing these classifications to create country profiles with respect to the HCNM's recommendations;
- Uniting the country profiles together to create an overall profile of the HCNM's recommendations, including the identification of possible typical divergences from one country to another;
- Surveying the status of implementation of the HCNM's recommendations in law and practice, and classification according to the ethno-political preference pattern;
- Process analysis on the question of whether correspondences between the recommendations of the HCNM and state behaviour represent a causal relationship;
- Interviews with the HCNM and his advisers as well as with officials of OSCE missions and other OSCE institutions;
- Interviews in the six minority countries with officials of ministries, minority associations, parties, etc. on the status of implementation of the HCNM's recommendations and on the process analysis; we have planned two phases of a week each per country in September/October 1999 and in September/October 2000.

Experience has shown that a careful study of sources and documents leaves a core of questions, especially ones concerning the reconstruction of processes and their evaluation as well as changes of interest and preferences, which can only be clarified through interviews with the participants (officials of ministries, parties, minority associations, OSCE personnel). On the other hand, a thorough working up of the material is necessary in order to make efficient use of the brief interview time available. For that reason we plan to begin interviews in the minority countries only after nine months of preliminary work have been completed. Moreover, interviews with the HCNM's advisers will be held first to prepare the way for the more costly interviews in the minority countries. For reasons of methodology - especially the desire to achieve greater distance/objectivity with regard to the subject matter and the interviewees - all interviews will in principle be conducted by the two main project researchers. Oral, partially standardized,



Table 4: Summary of operationalization (provisional)

Variable	Operationalization
1. Civil cultural consolidation	(still to be completed)
2. Structural consolidation	<ul style="list-style-type: none"> <li>• Rule of law (e.g. as per Gastil 1989/1990 [11].)</li> <li>• Decision-making modus of the political system (majority vs. consensus principle)</li> <li>• Institutional efficiency (efficient limitation of competences between state organizations and decision-making within constitutionally defined institutions)</li> </ul>
3. Representative consolidation	<ul style="list-style-type: none"> <li>• Type of integration of the parties</li> <li>• Number of members of the parties</li> <li>• Number of parties and parliamentary election alliances in the parliament</li> <li>• Aggregation index (share of strongest fraction : number of fractions)</li> <li>• Volatility rate</li> <li>• Voters' turn-out</li> <li>• Stability of the government (type, number, average duration of the government)</li> <li>• Opinion polls on confidence in democracy</li> </ul>
4. Ethno-political fragmentation and mobilization	<ul style="list-style-type: none"> <li>• Difference in the ethno-political preference patterns of majority and minority</li> <li>• Size of the minority settlement pattern</li> <li>• Mobilization of majority and minority (e.g. protest actions)</li> <li>• Relative success in elections by minority parties and nationalist parties of the majority</li> <li>• Membership in minority organizations and nationalist parties of the majority</li> </ul>
5. Ethno-political integration	<ul style="list-style-type: none"> <li>• <i>High</i>: lasting political co-operation between majority and minority, institutionalization of the cooperation between government and minority</li> <li>• <i>Mid</i>: occasional political cooperation between majority and minority, weak institutionalization of the cooperation between government and minority</li> <li>• <i>Low</i>: political isolation of the minority, absence of institutionalized cooperation between government and minority</li> </ul>
6. Power relation kin state / minority state	<ul style="list-style-type: none"> <li>• inhabitants + GDP + military potential</li> </ul>
7. Chances of integration into EU and NATO	<ul style="list-style-type: none"> <li>• <i>High</i>: membership or invitation to accession negotiations</li> <li>• <i>Mid</i>: association agreement with EU/named candidate of second wave of NATO expansion</li> <li>• <i>Low</i>: simple or privileged cooperative relationships</li> </ul>
8. Density and character of the interaction between kin state and minority state	<ul style="list-style-type: none"> <li>• <i>Density</i>: a) institutionalization of the interaction between political elites b) share of the minority, that watches TV programmes of the kin state regularly</li> <li>• <i>Character</i>: ethno-political preference patterns</li> </ul>
9. Level of ethno-political conflict regulation (dependent variable)	<ul style="list-style-type: none"> <li>• <i>High</i>: capable of measures of substantially more inclusive state-building strategies or substantially more differentiating nation-building strategies</li> <li>• <i>Medium</i>: capable of measures of gradually more inclusive state-building strategies or gradually more differentiating nation-building strategies</li> <li>• <i>Low</i>: capability of measures of acute crisis management</li> </ul>

interview formats will be used, which have the advantage of combining a fixed list of questions with the possibility of a flexibly conducted conversation.

- Comparison of the status of implementation of the HCNM's recommendations(classified according to the ethno-political preference pattern) between the minority states with minorities of the same nation and between all six minority states under investigation.

*b) Review of Hypotheses for Explaining the Status of Implementation of the HCNM's Recommendations.*

- Working out the final operationalization of the variables plus test runs;
- Identifying and acquiring the standard sources and documents needed for an empirical review of the operationalizations, in particular reports of the OSCE, the Council of Europe, other international organizations, governments and large NGOs (e.g. Amnesty International, International Helsinki Federation);
- Creating a data bank;
- Empirical working up of the operationalizations of the variables for the years 1993 to 2000;
- Expert interviews in September/October 1999 and September/October 2000 to follow up on and provide more depth for issues on which the accessible written material is inadequate, for example in connection with the variable 'ethno-political integration'.

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