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# The Post-Accommodation Stages of Ethnic Relations: Challenges to Integration Goals

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**Abstract**
The paper addresses the emerging post-accommodation stages in majority-minority relations. It looks in particular at post-communist Romania and engages in three analytical steps: first, it reviews the key minority claims expressed during the past twenty years and their time sequence; second, it analyzes how majority political actors have framed minority integration (by identifying key patterns of discourse, and investigating legislative-institutional developments). This approach illustrates how minority and majority political discourse has reflected the evolution of the minority rights framework in post-communist Romania, uncovers the underlying frames of minority integration and explores several possible challenges to the anticipated goals of diversity accommodation (by looking at the structural-institutional level, the community level and the interests of political actors).

**Keywords:** national minorities, political discourse, integration, claims, evaluation

# Introduction

Research on ethnic relations in Central and Eastern Europe has seldom investigated the challenges that may deviate minority accommodation instruments from their initially projected course and anticipated outcomes. Aiming to address this gap, but faced with the absence of systematic macro and micro evaluations of the impact of legal regulations and policies, the overall goal of the paper is to bring into focus some of the existing challenges of the post minority accommodation period. It looks in particular at post-communist Romania and engages in three analytical steps: first, it reviews the key minority claims expressed during the past twenty years and their time sequence; second, it analyzes how majority political actors have framed minority integration (by identifying key patterns of discourse, and investigating legislative-institutional developments). This approach illustrates how minority and majority political discourse has reflected the evolution of the minority rights framework in post-communist Romania, and uncovers the underlying frames of minority integration. Finally, the paper explores several possible challenges to the anticipated goals of diversity accommodation (by looking at the structural-institutional level, the community level and the interests of political actors).

To this end, the paper relies on discourse analysis. According to the findings of various analyses carried out in the framework of Critical Discourse Analysis, the most important control-exhibitors are state institutions themselves, a mechanism which ensures "routine forms of power reproduction."[1] Discourse is a key marker of the relationship between political elites and social change. It signals belonging and identity and contributes to the positioning of social actors (individual and/or collective). It consequently shapes social and political relations, and has the capacity to manipulate structures as well as agency. Discourse is a mobilizing factor which accounts for collective action. It endorses social distance, but it is also a means to stimulate cooperation. Elites construct the identity of those they represent by using this power tool. Externalized through discourse, identity acquires political, not only cultural connotations. It becomes the mover of claims to political power and a powerful means of socialization. Discourse analysis as an

analytical tool has been employed by a considerable number of researchers. One can broadly distinguish between the approach that analyzes discourse by bringing forward the weight of the language used, and the approach that emphasizes the importance of the context in which the text is written or uttered. This latter perspective is informed by the Foucauldian tradition of discourse analysis, and was continued by the work of various authors, among which Teun van Dijk.[2] The former, however, has more recently been developed by the work of social scientists such as Norman Fairclough,[3] Michael Halliday,[4] T. van Leeuwen,[5] R. Fowler[6] etc. Critical discourse analysis reveals how majority and minority political elites bargain their claims or concessions for the enactment of minority rights. Beyond existing differences in interpretation, focus or methodology, discourse analysis lays significant emphasis on understanding and identifying the effects produced by discourse at social, political and psychological levels. In general, the researchers that have used this method have shown how discourse shapes reality and creates identities. There are accounts that explain discourse as representations or as (re)constructing reality.

# 1. Key minority claims

The evolution of interethnic relations during the post-communist period in Romania has yielded remarkable positive developments. The number of adopted normative acts – 175[7] by 2008, to which a few more have been added since, as well as their variety (in fields such as language use in education and relations with the local public administration, the cultural sphere, judicial proceedings, the media etc.) describes a comprehensive minority rights legal-institutional framework. The factors that have played a key role in steering the evolution of the minority rights regime in post-1989 Romania include the high-leveled mobilization and claims of the main political representative of the Hungarian minority; Romania's fragmented political party system and the constant need for governing coalitions in which often the Hungarian party was the determining factor that ensured majority; the choice of the Hungarian elites to engage in negotiations, not in violent or any other type of radical contestation; the pressure of European Union integration and its conditionality on respecting certain standards of human (including minority) rights; the absence of strong Roma (unified) mobilization to steer the establishment of the minority rights regime in other areas than those strategic for the Hungarian minority (including the limited influence given by votes in Parliament – only one vote exercised by the representative of the Roma organization in the Chamber of Deputies). This mixture of key factors has determined a certain dynamics of political bargaining reflected in political discourse and debates on various policies, measures and legislative items, as the brief analysis of this paper will show. Due to the key role played by UDMR, this paper focuses only on its claims and shows how discourse has reflected the evolution of the minority rights framework in post-communist Romania.

Throughout the early post-communist period (1990-1996), interethnic relations were shaped by two opposing axes: the Hungarian party (the Democratic Union of Hungarians in Romania –UDMR) and the existing Romanian parties. Relations between them were predisposed to *conflict*. The Romanian parties generally viewed the Hungarian party as a fringe element on the political scene. Excluded from political negotiations, UDMR claims escalated to autonomy demands. The emphasis on such claims radicalized Romanian parties' opposition to the granting minority rights even at lower level claims (i.e. language rights in education). The political stance of the Hungarian minority during that time was characterized by "reactance"[8]: a situation in which rights are perceived as being oppressed. After 1996, due to a convergence of domestic and external factors, the Romanian and Hungarian political elites entered a new stage in their relations, defined by political *cooperation*. Throughout this period, UDMR was part of the governing coalitions (1996-2000, 2004-2008, 2009-April 2012). It supported the governing party of the 2000-2004 period (Social Democratic Party - PSD) from Parliament, a political relationship that facilitated the adoption of the Local Public Administration Law in 2001, which held important minority-relevant provisions. During 2004-2008, UDMR emphasized the claims for *cultural autonomy* (introduced in the *Draft Bill for the Status of National Minorities in Romania*),[9] which has not yet been adopted at the present time (april 2012).

UDMR discourse has set several key objectives: state-supported minority language education at all levels; linguistic rights in local public administration, the media and the judiciary; the return of property confiscated by the communist regime from the religious denominations; and the attainment of cultural and territorial autonomy. I have selected the topics concerning *education*, *administration* and *autonomy*. The

importance attributed to these two issues in UDMR discourse outweighs others (media, judicial proceedings etc.), as they bear higher relevance for the political power relations between the Hungarian community and the Romanian state. These political claims have attempted and partially succeeded in curtailing the authority of the Romanian elites "to define the ethnic situation"[10] in post-communist Romania.

Although criticized for its compromises with the Romanian political elites, UDMR has decisively contributed to substantial positive changes for the Hungarian minority as well as the other nineteen recognized minority groups. Romanian-Hungarian dialogue was strongly encouraged by international pressures, especially in view of Romania's NATO and European Union (EU) integration, and also by the political weight of UDMR (and other minority representatives') votes in the Parliament, which have often ensured stable governing coalitions. Therefore, the evolution of the minority rights regime in Romania can only be explained within a multiple factor framework.

## 1.1. Language rights in education

Minority language use in education has been an unvarying pillar around which the UDMR political programs and discourses have been constructed. Education is "the will for independence, in view of the objective of creating an educational system in the mother tongue, based on self-government".[11] Such a system would "extend the institutional autonomy",[12] while the "state centralized system is gradually decomposing".[13] Language rights have been of strategic interest to the political representatives of the Hungarian community. The demand for language use at all levels and stages of the system of education has been an unchanging UDMR discursive marker. The most important piece of legislation in this regard is the *Law on Education* (No. 84/ 1995). UDMR has argued that in the form adopted in 1995, the Education Law "consolidates the unitary, etatist, centralized character of the educational system"[14] and disregards the interests of the Hungarian community and disposes of its "constitutional right of being educated in our native-language."[15] Condemning the fact that "the provisions of the law are formulated in the spirit of the unitary national state and national exclusivism",[16] UDMR maintained that the educational process is more difficult for children whose mother tongue is not Romanian. Articles 34, 37, 118, 119, 120.2 and 123.1 encompassed the most significant contentious aspects.[17] Regardless of the antagonism of UDMR to the minority-blind regulations of the law, it was passed through the Parliament. At the time, the ruling party (Party of the Social Democracy in Romania - PDSR) was supported in Parliament by two extreme-right parties: Greater Romania Party (PRM) and the Party of the Unity of the Romanian Nation (PUNR).

The 1995 Education Law was subsequently modified (the changes adopted in 1997 and 1999 were particularly relevant for minority mother tongue education)[18]. The 1997 minority-relevant amendments to the Education Law stipulate that "persons belonging to national minorities have the right to study and be instructed in their mother tongue at all levels and forms of education, under the conditions stipulated by this law" (Art. 34). Article 37 introduced the possibility of establishing teaching tracks in minority languages in higher education. In 1999, the Education Law was amended again. Article 118, stated that "members of national minorities have the right to study and to be instructed in their respective mother tongue at all levels and forms of education". Article 123.2 "recognizes the right of persons belonging to national minorities to set up and administer their own private higher education institutions, under the conditions of the law". The most recent changes in minority language use in education were achieved by UDMR with the adoption of the Law on National Education no. 1/ 2011.[19] The law brings forth several significant minority-relevant provisions, among which that the teaching of Romanian language and literature will be conducted "throughout the undergraduate studies according to curricula and handbooks designed specifically for the respective minority"[20]; and that the teaching of Romania's geography and history during primary, secondary and highschool education in minority languages teaching units will be carried out according to "curricula and handbooks identical with those used in Romanian language teaching units, with the obligation of transcribing and learning place names and other Romanian names in Romanian"[21].

The establishment of a Hungarian independent state university has ranked among the highest avowed UDMR objectives (yet unfulfilled), together with acquiring "decision-making, structural and financial independence of the already existing higher education Hungarian lines [...]".[22] When defending claims to higher education in the Hungarian language, UDMR evoked the right to use minority languages as epitomizing "a factor of the right to preserve identity [...]. This right meets the basic requirements of democratic states, appears as a constitutional right and denotes a means against assimilation".[23] Education

represents in some fairly recent examples of UDMR discourse "the will for independence, in view of the objective of creating an educational system in the mother tongue, based on self-government".[24]

## 1.2. Language rights in local public administration

The Law on Local Public Administration was adopted in 1991. At that moment, it hardly contained reference to the use of minority languages in the relations with the local administration, which raised the vocal opposition of UDMR. In terms of language use in administrative proceedings, Romanian was the only option (Article 54). In 2001, in a political context in which the governing party (PSD) after the 2000 elections had a weak majority in Parliament and needed UDMR support, a modified form of the law was adopted (Law. No. 215/ 2001). Article 17 stated that "In the administrative-territorial units in which the citizens belonging to national minorities are in a proportion that exceeds 20% of the number of inhabitants, the authorities of the local public administration shall also ensure the usage, in their relations with them, of mother tongue, in conformity with the provisions of the Constitution, of the present law and of the international conventions to which Romania is part-taker"[25]. UDMR interpreted the article as regulating "the exercise of a fundamental right: the free use of mother tongue in public"[26]. UDMR representatives in Parliament have argued that the revision of the Local Public Administration Law and the inclusion of minority-relevant provisions was a "basic principle of local autonomy"[27] and that this "meant the discovery of the European path toward decentralization".[28]

## 1.3. Autonomy Claims

Autonomy - sometimes referred to as internal self-determination[29] - has been a constantly recalled principle beginning with the early '90s. At the 3rd UDMR Congress, in 1993, the autonomy model was first included in a structured form in the party's program. The idiom "partner nation" (*társnemzet*) was included in the 1993 political programme. UDMR was thus claiming the political status of a state-constitutive community. "Internal self-determination" *(belső önrendelkezés)* - also integrated in the 1993 programme - was linked to the political status that the UDMR claimed for the Hungarians. Autonomy was, however, not given a functional definition and invited manifold interpretations, particularly from Romanian politicians. The Hungarian minority was defined as a "political community",[30] that "reflected a state in a state minority society organization model, which, starting out from the mobilizing capabilities of a movement profiting from identity ideology, presented the demand for autonomy strategy".[31]

During 1993-1996, two factors influenced the evolution of autonomy claims. On one hand, the deficient Romanian-Hungarian dialogue encouraged a more radical attitude on the part of UDMR, as also did Hungary's politics towards the Hungarians abroad and Council of Europe's 1201 Recommendation concerning the viability of territorial autonomies in states with significant minority populations. On the other hand, the establishment of the Democratic Convention of Romania (CDR) and its rapprochement toward UDMR, resulting in pressures made on the Hungarian party to diminish its autonomy claims. After the 1996 elections, the governing coalition included UDMR. Consequently, UDMR's approach shifted to a *minority rights* discourse that relegated autonomy demands to the backdrop and focused on claims to language use in education, public administration, the media and the judiciary proceedings, representation, participation and cultural rights.

In 2002, at the UDMR Congress, there is a marked discursive turn towards cultural autonomy, coupled with the idea of regional development and decentralization. Avowed as the most important goal, the "safeguarding of the national identity" of the Hungarians in Romania calls for the decentralization of state administrative organization, in such a way that "local administrations can operate as self-governments".[32] UDMR emphasized the right of national minorities to have decision-making powers in the domains that are relevant to the preservation of their identity. The party programme adopted at the 7th Congress (2003) reaffirms that the protection of the identity and the rights of the Hungarians in Romania "are possible only through the institutions of autonomy established within the framework of the rule of law".[33] During 2005-2008, cultural autonomy was presented as the key medium-term objective of the Union. The 9th Congress (2009) outlined the objectives of UDMR: autonomy and unity.[34] In this view, UDMR proposed "to reform the Romanian state, to rethink the entire public administration, to remove from the Constitution the definition of national state, to offer a new status to minority or regional languages, to

truly impose the Hungarian language as an official language on a regional level, to construct the system of local and regional autonomies at the level of the whole country […]".[35]

## 2. Framing of minority integration by political actors

Through a significant part of its minority rights claims, UDMR contributed to the shaping of the Romanian institutional system in its educational, administrative, judicial and media broadcasting elements. However, despite progress in extending minority rights, the views of Romanian and Hungarian politicians have remained locked in opposition on several key issues: separate state funded higher education in the Hungarian language, autonomy and until recently (a barrier overtaken with the adoption of the 2011 Educational Law), disagreements on the teaching of Romania's history and geography. While the Hungarian discourse has generally relied on the argument that the lack of distinctive measures aimed to address minority specific needs results in *de facto* discrimination, the discourse of Romanian parties argued the reverse (with different levels of intensity, depending more on power/ opposition status than ideological arguments): separate regulations are a potential trigger for inequality.

The discourse of the post-communist Romanian political parties regarding minority rights can be placed within two large approaches: the radical extreme-right, and the opportunistic discourse.[36] The first type of discourse has been articulated by the two ultranationalist parties that have gained parliamentary representation in Romania beginning with 1990: Greater Romania Party (PRM) and the Party of the National Unity of the Romanians (PUNR). These parties have argued against the alleged *irredentist* UDMR tendencies, against its *disloyalty* toward the Romanian state, against its supposed *conspiracies* with the Hungarian state etc.[37] PRM and PUNR were the governing allies of the Party of the Social Democracy in Romania (PDSR) from 1994 to 1996.

In the second category above-identified as opportunistic discourse the majority of Romanian political parties can be included. However, for reasons of brevity, I only illustrate the rhetoric of the Social Democratic Party and the National Liberal Party. The rhetoric of the Social Democrats (Party of the Social Democracy in Romania – PDSR, which became the social-democratic Party – PSD in 2001) illustrates rhetoric adaptation to the national and international political context. During 1990-1996, PDSR showed no willingness to cooperate with the Hungarian party and allied itself with the PRM and PUNR ultranationalists, while the party's rhetoric emphasized the importance of protecting state integrity, unity and security. It was during this mandate that the 1991 Administration law and the 1995 Education law were passed, in almost complete disregard to minority rights. During the 2000-2004 mandate, PDSR/ PSD negotiated for UDMR's support in passing normative acts in Parliament. The pressure of the EU integration process considerably aided UDMR bid for minority language use in administration (the Local Public Administration law adopted in 2001). The rhetoric of the National Liberal Party (PNL) on minority rights has also varied. The limits of support for minority rights were visible when transgressing the borders between cultural rights and demands that – once granted – would result in conceding a significant share of the decision-making process. For example, even during the 2005-2008 mandate, when UDMR and PNL were partners in government, PNL did not provide support for the adoption of the *Draft Law for the Status of National Minorities*. Autonomy claims have constantly inflamed strong opposing reactions throughout the post-1989 time frame, regardless of political affiliations. The reactions of Romanian authorities to such claims are grounded in the perceived challenge to the present constitutional order. As a rejoinder to such claims, Romanian parties have displayed an approach that can be termed as "politics of negation".[38] "Conceding" to the individual rights of the Hungarians, the Romanian elites were, however, unwilling to negotiate on autonomy claims. Within this struggle for decision-making powers, the "dogmatization of identity" occurred.[39]

What results from this brief analysis are two frames of integration: one proposed by UDMR and the other defended by the Romanian parties. *Integration* - in the understanding attributed to it by majority elites – results from the granting of individual rights that are aimed at the preservation and promotion of (especially) cultural forms of identity (i.e. language rights in various public spheres). In UDMR's interpretation, *integration* can be successfully achieved if *equal opportunities* are an underlying principle. Its concrete manifestation would be – UDMR argues – binding decision-making powers in matters that concern minority community affairs and interests. This frame is therefore more politically-oriented and aims at political and economic power that results from the control over political institutions.

The legal-institutional framework that has been gradually extended and established during the past two decades encompasses numerous laws and regulations in different minority-relevant fields: education, public administration, anti-discrimination, health, political participation, culture and denominations. The legal component is complemented by equally extensive institutional elements, both at national level and local level: specialized units in ministries (Ministry of Education; Ministry of Culture); autonomous state authorities (National Council for Combating Discrimination); governmental agencies and departments with territorial offices (National Agency for Roma, National Agency for Property Restitution, Department for Interethnic Relations); national research institutes (Institute for the Study of National Minorities' Issues) etc.

Thus framed, minority integration has several fundamental inbuilt axes: Educational (the use of mother tongue at all levels and forms of state-provided education); Civil-Cultural (through the promotion of cultural, linguistic and religious identity and through state support for the development and funding of minority civil sector organizations); Legal (by means of sanctioning ethnic and racial discrimination and regulating the use of minority languages in judicial proceedings); Political (facilitating relations with the local public administration by the use of mother tongue in administrative proceedings; regulating political participation of elected and appointed minority representatives at the central and local institutional levels).

The minority rights regime thus extensively covers the fields that are most important for the preservation of minority identity. The reflection of these measures at the social level for the minority groups' well-being as well as for the interaction between different ethnic groups and the majority population is, however, lacking adequate measurement to this date. Concrete (especially quantitative) data about legislation implementation is scarce, often not systematic (research has been done in selected cases with limited geographical span).[40] Research conducted so far (especially in connection with the use of minority languages in relations with local public authorities and education) has identified several key problems of implementation: deficiency in numbers and adequate training of human resources; lack of adequate financial allocations for the accurate implementation of legislation; lack of a satisfactory technical minority language terms to serve the purposes of administrative proceedings; lack of appropriate school handbooks in different minority languages etc.[41]

These are only some deficiencies of legislation implementation. They do, however, point to the ongoing process of minority integration, which does not end with the adoption of national policies or strategies. Often, it is the concrete mechanisms that need to be devised to implement policies that are most telling for their success or failure. Moreover, it is in the implementation stages that most often reveals the inbuilt weaknesses: for example hiring minority representatives in the police force is highly problematic in the case of the Roma, who often lack the necessary education level.[42] Unless these problems are systematically identified at the local level throughout the country and corrective measures are applied, the existence of extensive legislative provisions is far from ensuring satisfactory outcomes.


# 3. Challenges to diversity accommodation

There are no consistent and comprehensive (especially quantitative) evaluations of the impact of minority rights' protection and promotion measures adopted and implemented during the post-communist period in Romania (addressing all national minority groups throughout the country). Without an evaluation of the situation on the ground, the malfunctions of the system cannot be thoroughly identified, nor addressed through corrective mechanisms. As a result, the relative success or failure of legal provisions and policies cannot be adequately measured, nor constitute a stepping stone for future stages. Instead, strategies, policies or measures continue to be designed unsystematically, without following the logical sequence of building new measures and directions of action upon the evaluation of previous results. Under such conditions, the task of carrying out rigorous research about the sources of distortion is complex and is limited by the lack of data. However, academic research ought to address this challenge and indicate the fundamental dimensions that may harbor sources of distortion of intended minority integration outcomes (as explicitly or implicitly included in legal items). Therefore, without aiming at a comprehensive listing of such sources, this paper simply looks at three key interconnected dimensions that are most likely to conceal challenges for diversity accommodation outcomes. These three dimensions are the following: structural-institutional, community, and interests of political actors. I identify and discuss some notable inbuilt challenges, without aiming to provide a definitive list. Similar attempts have been made in migration

studies, where the key factors have been identified: "factors arising from the social dynamics of the migratory process; factors linked to globalization and transnationalism; and factors within political systems".[43] This paper retains the structural dimension and adds components related to political and social actors, which creates a better suited analytical framework for ethnic relations in Romania.

## 3.1. Structural-institutional challenges

As this paper has shown, the minority rights framework (including its institutional component) has been extended progressively, being generally driven by specific UDMR claims and external conditionality. This gradual extension has, therefore, not been made according to a strategic plan for minority integration that recognizes the significant differences between Romania's twenty recognized minority communities[44] and addresses their integration and identity-promotion needs in a targeted fashion. By consequence, some key elements that would have enabled the evaluation of performance and impact are absent: feasible wide-ranging public policies that facilitate a cohesive application of existing legislative items; clear-cut and assessable goals and objectives; explicit time-frames for implementation; functional requirements at the national and local levels (including institutional development, capacity-building, selection and training of knowledgeable human resources etc.) etc.

The only strategy of this kind was devised with a view to integrating the Roma minority. In this case, the first such attempt was made through the adoption in 2001 of a ten-year *Strategy of the Government of Romania for Improving the Condition of the Roma* (under the Decade of Roma Inclusion framework). The Assessment of the Roma Strategy Implementation Mechanism Evaluation Report identifies "data gaps" in the "appropriate Strategy monitoring and evaluation plans with defined verifiable indicators and benchmarks for the measurement of programme implementation and impact".[45] Another fundamental gap, which ought to in fact represent the starting point of strategic action are the "generally recognised […] figures […] regarding socio-economic status and needs of the disadvantaged Romanian population including the Roma".[46] The second attempt is very recent: the *Strategy of the Government of Romania for the Inclusion of Romanian Citizens belonging to the Roma Minority* (2012-2020). The Strategy was adopted by Government Decision in December 2011.[47] As avowed, the Strategy "ensures the continuity of the measures taken by the Strategy of the Government of Romania for improving the condition of the Roma for the period 2001-2010 and aims at fully benefiting from the results thus obtained."[48] Less clear on what the results actually are, the strategy is built around six domains of action: education, employment, health, housing and small infrastructure, culture, and preventing and fighting against discrimination.[49] The mechanism for monitoring and assessment of the implementation of the strategy is equally vague, especially with regard to the concrete forms of cooperation between the institutions with attributions of implementation and the specific indicators aimed to measure impact.[50]

The above examples serve to illustrate a significant source of distortion of minority integration outcomes: once legal standards or strategies are adopted, there is significant less concern for the subsequent steps of the process: implementation and evaluation of impact. Several factors contribute to this situation: lack of political will; competition between politically appointed heads of institutions; lack of adequate numbers and training of human resources; absence of evaluation of training needs for civil servants and affiliated personnel working in public institutions; rigidity of institutional structures; extreme politicization of policy formulation, which does not include independent qualified experts; lack of planning of data collection for the short, medium and long-term and a related limited cooperation with specialized research institutes; overlapping institutional attributions and lack of cooperation between them in project and programme implementation; failure to design strategies of inclusion and rights-granting without taking into account the differences between ethnic communities, and therefore the need for diverse instruments of integration; the variety of local political practices etc. Overall, the presence of these factors indicates that without the creation of a certain set of conditions that are necessary for achieving effective results, strategic or legal-institutional goals aimed at diversity accommodation remain confined to the rhetoric level.


## 3.2. Community–level challenges

Legislation or policies aimed at minority protection and integration can only be successful in the given contexts where they are adopted if they match the claims and needs of the members of the respective communities. The function of political organizations that represent minority groups is precisely that of

aggregating individual needs into claims and arguing in their favor in decision-making fora. This is the case of the nineteen organizations representing the twenty recognized national minorities in Romania's Parliament (the Czech and the Slovak minorities are represented by the same organization). If, however, there are considerable differences between the two levels – the articulated claims and the individual needs of the members of minority communities – one of the fundamental conditions for the success of diversity accommodation is removed.

Access to the political stage also raises issues of internal legitimacy. The legislation in force in Romania places constraining conditions on the participation in elections of organizations of citizens belonging to national minorities other than those that already have parliamentary representation.[51] The utility function of political competition for votes is therefore limited, together with the emergence of critical voices that would contribute to keeping a relative balance between community needs and the claims and actions of political representatives. Data collection is a key task also from this perspective. Equally important is the continuous involvement of members of the community in the process that leads to claims-making on the national stage and the development of legal, institutional and policy instruments. The systematic failure or unwillingness for such active participation to occur leads to the disconnection of the community from its political representative, as well as from the results of its activities on the political stage. Seeing the objective socio-economic and demographic conditions in Romania (i.e. the concentration of a large percentage of individuals in fairly remote villages; low occupational status etc.), the deficient community involvement in political actions largely rests on insufficient attempts of minority organizations to attract, motivate and involve members in their activities (especially the youth).

The case of the Roma minority is perhaps the most telling for the failure of political representative to mobilize the community they claim to represent. It is indeed highly problematic to measure the degree to which the claims articulated by political representatives actually fit the needs of the communities. This can be argued to be especially problematic in the case of the Roma, given their heterogeneity, geographical spread across Romania's territory, as well as their specific cultural and socio-economic characteristics. The failure of Roma politicians to identify and aggregate the needs of individuals of their community into political claims and socio-economic policies may explain to a considerable degree the existing problems of inclusion.

## 3.3. Vested interests of political actors

This type of challenge leads into the third dimension that can represent a key source of challenges to diversity accommodation: vested interests of political actors. Intra- or inter-party conflicts can lead to positive outcomes in terms of the representation of community interests, but can also lead to a fragmentation that is detrimental to its mobilization (Brass 1991). To illustrate the latter, I refer again to the Roma minority. Despite their real and self-perceived discrimination, the Roma display very weak patterns of mobilization. Mobilization "presumes the presence and active participation of a leader or leaders enjoying some measure of authority in the ethnic community, as well as of individuals capable and willing to equip the group with some organizational form".[52] This process has been considerably impaired in the case of the Roma minority. As opposed to the minority that is closest to it in numbers – the Hungarian one – the Roma have very different characteristics, among which the lack of a tradition of political mobilization, which has determined attitudes of rejection of the socio-political and cultural patterns imposed by the majority population. This rejection, has, however, not been complemented by alternative nation-building projects, which would have entailed consistent patterns of mobilization. Also by comparison with the Hungarian minority (among others), the fundamental pressing challenges of Roma integration lie not in political, but socio-economic integration. A dense network of Roma NGOs has developed throughout the past two decades, but civic mobilization is also at low levels, especially for those Roma lacking education, despite a considerable number of projects and programmes aimed at their social inclusion (implemented by NGOs as well as by state institutions and financed from the national budget or structural funds[53]).

Another related possible source of deviation occurs when the allocation of funds from the national budget to project-based activities carried out by NGOs is not carried out according to a pre-set objective and transparent selection criteria, and on the basis of key strategic directions of action (determined on the basis of previous evaluation of the status quo), but preference is given to politically-affiliated NGOs.

Establishing clear criteria of selection and complying with them during the selection process reduces the risk of politicization of fund use and clientelism.

# Conclusions

The question that deserves analysis considering the present situation is "What happens after *recognition*[54] has occured?". Identity politics is a dynamic phenomenon. More often than not, contending debates rather than compromising dialogues are more mobilizing. Identities "are constructed through relations of power and secured via [...] discursive practices."[55] As shown in this paper, political debates, bargaining and compromises have led to the establishment of an extensive minority rights framework in post-communist Romania, both in its legal and institutional components. The establishment of institutions specifically dealing with minority issues (protection of rights, promotion of identity, anti-discrimination, social inclusion etc.) was backed by significant yearly budget allocations aimed at supporting their objectives and activities, as well as external financing sources (before and after EU integration).

The complexity of the legislative system put in place since 1990 is matched by the variety of national minority groups: the Hungarian and the Roma minorities are the largest ones, but the differences between them are significant both in terms of mobilization, type of claims and integration issues, as well as geographical dispersal; the other eighteen recognized national minorities are numerically reduced. As a result, they face problems that are inbuilt in their condition: difficulty in attaining the necessary number of pupils for organizing classes with minority language tuition, problems related to the preservation of culture and traditions etc. As follows, if national legislation tends to largely ignore these differences, it is the implementation stage of the process that has to tackle them. This entails the identification of targeted mechanisms of implementation that aim at ensuring the best possible outcome for each type of minority.

The factors that have determined agenda-setting and the debates revolving around the adoption of legislative items and the creation of the relevant institutional framework are quite thoroughly researched, but the implementation and evaluation stages of minority rights legislation, policies and measures are considerably less addressed. Aiming to sketch the analytical elements needed to address this gap, this paper has reviewed the key minority claims expressed during the past twenty years (national minority language use in education and local public administration, and autonomy), has analyzed how majority political actors have framed minority integration (by identifying key patterns of discourse, and exploring legislative-institutional developments). This approach has illustrated how minority and majority political discourse has reflected the evolution of the minority rights framework in post-communist Romania, it has uncovered the underlying frames of minority integration, and has tentatively explored and illustrated several possible challenges to the anticipated goals of diversity accommodation (by looking at the structural-institutional level, the community level and the interests of political actors).

# Endnotes

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