Old and new minorities:
Reconciling diversity and cohesion

A human rights model for minority integration
Table of Contents

List of Figures and Tables 10
Selected Abbreviations 11
Introduction 13

Chapter 1: The 'Tree Model' for Minority Integration 17
A. State Responses to the Challenge of Diversity and Cohesion 18
B. Multiculturalism: A Critical Appraisal 23
C. The Tree Model for Minority Integration 30
D. International Human Rights Law as a Reference for Minority-Majority Relations
   1. National Courts and International Human Rights Law 36
Conclusions - Human Rights and Minority Protection as Integrating Factors 38

Chapter 2: Old and New Minorities. A Matter of Definition? 40
A. Differences and Similarities between Old and New Minorities 40
   1. Why Do We Need a Common Definition of Minorities? 43
   2. Common Definition of Minorities: Cons and Pros 48
B. Attempts to find a General Definition of Minorities 53
C. Elements of a Minority Definition 55
   1. Objective Factors 56
      a) Ethnic, Cultural, Religious or Linguistic Characteristics 56
      b) Citizenship 56
      c) Numerical Minority 58
      d) Non-dominant Position 59
   2. Subjective Factors 60
      a) Sense of Solidarity, Will to Survive and Self-Identification 60
Conclusion - Beyond the Old/New Minority Dichotomy 62
Chapter 3: Identity, Citizenship and Membership of a Polity 68

A. National Identity and Membership of a Polity 70
B. Is National Citizenship still relevant? 72
C. Citizenship and Sovereignty of Nation-States 76
D. The Challenge of Multiple Citizenship in Nation-States 80
E. European Citizenship and Long-Term Residence 84

Conclusion - Developing Membership and Complementary Identities 89

Chapter 4: Defining a Common but Differentiated Protection of Minorities 93

A. Introduction 93

B. Individual versus Collective Rights: The 'Securitisation' of Ethnic Relations 99

C. Right to Existence and Recognition of Minority Groups 103

D. Equality and Non-Discrimination 109

1. Universal System of Protection: The United Nations 109

2. European System of Protection: The Council of Europe 113
   a) The European Convention on Human Rights 113
      i. Protocol No. 12 115

3. European System of Protection: The European Union 120
   b) The EU Charter of Fundamental Rights 127

4. Equality and Non-Citizens 130
   a) Universal Standards: The United Nations 130
   b) European Instruments: The Council of Europe 133
      i. The European Convention on Human Rights 133
         Protection of 'Integrated' Aliens 135
      ii. The European Social Charter 141
      iii. The European Convention on the Legal Status of Migrant Workers 145
      iv. The European Convention on Establishment 146
   c) European Instruments: The European Union 147
      i. The Council Directive on Family Reunification 147
      ii. The Long-Term Residents Directive 150

5. Specific Aspects of the General Rule of Equality 155
   a) Affirmative Actions 155
   b) Differences of Treatment Based on Citizenship 162
E. The Right to Identity and Diversity 172
   a) Identity Rights and Religion 193

F. Effective Participation in Public Life 211
   1. Political Participation 217
      a) Institutions and Mechanisms for Effective Participation 217
         i) Ministries or National Offices or Officers for Minorities 217
         ii) Advisory and Consultative Bodies 217
         iii) Minority Associations 218
      b) Electoral Representation 219
         i) Dissolution of Political Parties 221
         ii) The Right to Stand for Election 223
         iii) 'Guaranteed' Representation and Quotas 225
      c) Political Participation and New Minorities 226

G. Majority-Minority Relationship: Human Rights as Limits to Tolerance - The
   Diversity Management Decalogue 229

Conclusion - Defining Common but Differentiated Protection of Minorities 239

Chapter 5: Accommodating Diversity and Unity:
The Squaring of the Circle? 244
   A. Integration as Paradigm of an Inclusive Europe 244
   B. Integration Policies as 'Fertiliser' of the Tree Model for Minority Integration 247

Conclusions - The Tree Model: The Best of All Possible
   Integration Models? 253

Bibliography 259