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The Dual Consequences of Politicization of Ethnicity in Romania

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This paper investigates how ethnicity was politicized, to what purpose, and with what outcomes. To explore the evolution and nuances of majority-minority relations we use a single-case study approach (post-communist Romania) that is covered for more than two decades (1990-2011). We use discourse (of political elites) and document (party programs and legislative texts) analysis. Our empirical evidence illustrates how politicization can be a process producing two types of effects for the inter-ethnic relations. Moreover, we show that the structures of opportunity in ethnic relations (i.e. minority rights legislation) lead to different outcomes for the integration of ethnic minority groups over time.

Keywords: ethnic minorities, politicization, elite discourse, political opportunity structures

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I.   INTRODUCTION

The processes of nation and state formation have been challenged in specific ways by the transitions in post-Communist Europe.1 The number of ethnic minorities, their territorial concentration and strength generated situations in which either state division was imminent (e.g. former Yugoslavia) or secession threats were latent. Many political actors transformed these situations into (personal or own group) advantages. Among the new democracies in which ethnicity could be considered a relevant societal division, Romania is an appealing case due to its developments over time. The violent clashes between the majority population and the Hungarian minority in 1990, in the aftermath of regime change, appeared to set the pace of the inter-ethnic relations after the regime change. In this context, the politicization of ethnicity to

spawn national and ethnic solidarity in Romania was the logical consequence. How did this process influence the evolution of inter-ethnic relations in post-communist Romania?

To provide a compelling answer, this paper investigates how ethnicity was politicized, to what purpose, and with what outcomes. We show how ethnicity acquired political salience in post-communist Romania by tracing the evolution of inter-ethnic relations from exclusion to accommodation. We use a qualitative approach that outlines the relationship between the resurgence of ethnic nationalism, political discourses and ethnic inclusiveness over more than two decades (1990-2011). Although there are 20 recognized national minority groups in Romania, we focus on the Hungarian minority due to its size, importance, and active political representation (including the claims-making). To better observe

the nuances and consequences of politicization, we use discourse and document analysis. The political discourses of elites belonging to both majority and minority are crucial for the minority accommodation issues. Claims-making transforms ethnic groups into ethnic categories; such claims, once accommodated, become the structural conditions that direct identity reproduction in the public sphere. To this end, we focus on the discourses of Hungarian and Romanian political elites and investigate political programs, especially those belonging to the political party representing the Hungarian minority in Parliament. The document analysis includes the legislation enacted with respect to minorities' rights. We select the most relevant legal items that have stood at the basis of the expansion of the minority rights regime in post-communist Romania in four key fields: education, local public administration, political representation and anti-discrimination.

So far, existing studies argued that the politicization of ethnicity can have one-sided effects (i.e. positive or negative).2 Our study complements this approach and shows how politicization is a process with two types of influences on the inter-ethnic relations within the same country. In doing so, we propose a multi-layered analytical framework combining behavioral (political elites' discourse) and institutional components (i.e. political opportunity structures). Our analysis illustrates that political involvement is a contextual factor determining ethnic minorities' goal prioritization and inclusion.

This paper starts with a theoretical section presenting our multi-layered analytical framework. The second section discusses the research design, whereas the third and fourth sections develop competing explanations about the influence of what drives the minority inclusion and exclusion. The two used perspectives - political elite discourse and political opportunity structures – reveal particular patterns and lead to different outcomes for the discussed minorities. In the final section we summarize our results and discuss avenues for further research.

II. ETHNICITY AND MOBILIZATION: AN ANALYTICAL FRAMEWORK

The way in which ethnicity becomes politically relevant in a new democracy can be analyzed through Joseph Rothschild's conceptualization of ethnopolitics. Defined as a "dialectical process that preserves ethnic groups by emphasizing their singularity and yet also engineers and lubricates their modernization by transforming them into political conflict groups for the modern political arena"3, the politicization of ethnicity is a process that "stresses, ideologizes, reifies, modifies and sometimes virtually recreates the putatively distinctive and unique cultural heritages of the ethnic groups that it mobilizes".4

Consequently, ethnicity cannot be politicized in the absence of a mobilizing actor. Ethnicity is given political meaning through the mobilization process performed by majority elites, who attempt to "make state a real nation-state, the state of and for the nation"5 and the "nationalizing"6 minority elites who take on a "dynamic political stance"7 in an attempt to impose their claims for specific rights. The politicization of ethnicity thus turns into a process with specific mechanisms and carrying long-term implications if both types of actors engage in the public sphere and mobilize ethnic groups. Their actions and reactions define, on the one hand, the boundaries and content of the framework that grants minority groups specific rights and on the other hand, the degree of participation in mainstream society. Together, the dynamics of interaction between these two shape the level of inclusion and participation of different ethnic groups in the public sphere.

Susan Olzak has characterized ethnic mobilization as "the process by which groups organize around some feature of ethnic identity (for example, skin color, language, customs) in pursuit of collective ends".8 It is a dynamic course of action aiming to shape the institutional and rhetoric context in which ethnicity is given political salience. It is also a process during which ethnic groups are generally projected as

internally homogenous communities, to which unitary interests and actions are accredited. Rogers Brubaker cautions against this tendency – "groupism"9 – emphasizing the difference between groups10 and categories.11 Ethnicity is no longer "nominal", but becomes "activated".12 When mobilization is effective and majority elites are also willing or constrained by various factors, the outcome of the bargaining process is that minorities "are guaranteed not only equal rights as citizens […] but also certain specific minority rights, notably in the domain of language and education (and are thus protected, in principle, against assimilationist nationalizing practices)".13

Mobilization occurs as a result or reaction to the existing political and social opportunities. Mobilization is not only an outcome, but also a cause that leads to changes in structural opportunities: the likelihood that majority elites engage in the expansion of the minority rights framework is significantly higher if minority representatives make claims in this sense and have the bargaining potential to support them.

The Key Role of Discourse

For the most part, parties connect with voters using two types of linkages, those at the elite level and those at the organizational level.[14] Elite communication implies a linkage with voters through direct communication initiated by party leaders or visible party elites (i.e. members of Parliament, ministers, or mayors). The second type of communication uses the party organization as an intermediary (including party members) to establish the connection. In this process, the discourse is the crucial instrument used to mobilize support, send messages, and convey claims. Due to its coverage (increased through the advent of modern means of communication)[15], discourse in general becomes a major profiler of individual and group identities.[16] Following Michel Foucault's perspective, discourse exceeds the barriers of language and becomes a process that facilitates or hinders the transmission of a certain type of information aimed at the creation of patterns of

thinking, social action and interaction.[17] In this sense, by means of selection, interpretation, or distortion, discourses consistent in their themes create a "system of knowledge" that generally rejects any attempts for alternative interpretations.[18]

Along these lines, Critical Discourse Analysis as a method of research has investigated the role of discourse in legitimating views about ethnic groups and identities. Such discourses have generally established relations of superiority and inferiority in different historical and political contexts, endorsing inequality between different ethnic groups in society.[19] For example, majority elite discourse can be officially sanctioned through constitutional provisions which establish "national states" (e.g. post-communist Romania), or exclusion from full citizenship rights (e.g. post-communist Latvia) etc. Transferred to people's everyday lives, discourse secures differences in social rank and access to rights.

Discourse analysis as an analytical tool has been employed by a considerable number of researchers. One can broadly distinguish between the approach that emphasizes the importance of language, and the perspective that highlights the importance of context and structure. This latter perspective is informed by the Foucault's tradition of discourse analysis, and was continued by the work of various authors such as Ernesto Lacalu[20] and Teun van Dijk and Ruth Wodak.[21] The former has been developed by the work of social scientists such as Norman Fairclough,[22] Michael Halliday,[23] Theo van Leeuwen,[24] and Roger Fowler[25].

Earlier research carried out in the framework of Critical Discourse Analysis indicates that state institutions are relevant means that ensure "routine forms of power reproduction".[26] The legal-institutional framework is therefore the carrier of a certain type of discourse that takes the form of a structure. For this reason, its analysis is a guide to understanding the intended outcomes of minority integration as well as the inherent gaps in its architecture. It represents the normative frames in which ethnic relations unfold. As such,

it imposes boundaries to those whose claims and interests were included to a lesser degree in the construction stages. Depending on the interests of the political actors that are represented in the institutions where decisions are taken (i.e. the Parliament, the Government), norms and standards can address some aspects relevant to ethnic relations while neglecting others.

In addition, the political elites exert power through the legal-institutional framework, their role being equally important. They constitute a major factor of political, social or cultural processes of change. According to W.E. Moore, social change can be defined as a "significant alteration of social structures".[27] Such structures are further defined as the "patterns of social action and interaction".[28] Discourse is a key indicator of the evolution of the relation between elites and change. Their role in this regard can be obstructing, supporting or consenting, as they use discourse as a *power* tool. Following Foucault, Ian Hutchby defines the power as "a set of potentials which, while always present, can be variably exercised, resisted, shifted around and struggled over by social agents".[29] As Fairclough has written, discourse is "shaped by relations of power, and invested with ideologies".[30] In this view, discourse "constitutes the social", which is articulated by three dimensions: "knowledge, social relations, and social identity".[31]

The Political Opportunity Structures

As Van Dijk has written, power is "integrated in laws, rules, norms, habits and even a quite general consensus".[32] Together with the institutions that ensure their application, legal standards make up the political opportunities and conditions that structure the conduct of ethnic relations in the public sphere. For the past three decades, social movement studies have generated several theoretical perspectives. Among them, the political opportunity structure or political process explores the structural contextual determinants of the mobilization, success or failure of collective action. Gradually, this perspective has become increasingly used in

other fields of study.[33] Although less than clearly conceptualized, the basic contention is that "activists' prospects for advancing particular claims, mobilizing supporters […] are context-dependent".[34] Ranging between structural and conjectural, the existing literature has identified various political opportunities, such as "the openness and ideological positions of political parties, […] international alliances and the constraints on state policy, […] state capacity, […] geographic scope and repressive capacity of governments" etc.[35]

Under these structural or contextual determinants, political elites make use of political power and create patterns of inclusion or exclusion of minority groups from mainstream political or social life. Tholen and de Vries have defined political inclusion as "having (or more accurate: getting) a formally acknowledged voice in public decision-making in modern societies".[36] On this dimension of political inclusion, four types of political representation have been conceptualized: "simple representative democracy", "deliberative democratic procedures", "representation of difference" and "the full associational model of democracy".[37] These categories have functional use in tracking the evolution of minority accommodation across time. When "inclusion […] is too narrow […] it has in fact exclusionary effects".[38]

The accommodation of diversity requires the establishment of adaptation of institutions that facilitate the process.[39] In their absence, the interests of the groups that are not represented in the decision-making process are excluded.[40] While the separation between inclusion and exclusion of minority groups' interests from the public sphere is clearer in conceptual terms, empirical investigation adds some shades of grey. Such examples would be situations where due to the differences in political mobilization and influence, and in the presence of laws and institutions facilitating inclusion, some minority groups are better represented and their interests better served than in the case of others. As a result, even in the presence of a broad framework of inclusive

conditions, exclusion may still present and needs to be addressed with targeted measures.

In line with the above-mentioned concepts, our approach is informed by the theoretical perspective emphasizing the political process.[41] It provides the tools to explore the structural (i.e. the legal-institutional) factors that influence the framing of ethnicity as politically relevant (i.e. the politicization of ethnicity). We also explore the role of political organisations on the politicization of ethnicity (and implicitly on the evolution of ethnic relations). These political representatives play a crucial role in framing processes[42] by aggregating individual claims and conveying them to macro-level actors.

One such actor is the ethnic political party. There is general consensus that ethnic parties follow a different logic from parties with mass appeals. The functions of interest channeling, aggregation and representation are pursued by the ethnic parties only relative to regional or ethnic groups.[43] The ethnic parties give voice to ethnic political claims and are institutional means to pursue ethnic goals.[44] They portray themselves as the representatives

of particular groups where they seek (and are dependent on) electoral support. Accordingly, the ethnic parties do not seek vote maximization, but rather constant support of the minorities they seek to represent.[45] The centrality of this bondage between the ethnic parties and their voters is underlined by the existing classifications.[46]

Following these features, the political framing of minority claims is a process (built through discourse, actions, decisions, laws) that leads to a certain understanding and predicts (more or less inclusive) outcomes. The key determinants of these frames are legal-institutional conditions and political elites. Framing, defined as "the collective processes of interpretation, attribution and social construction that mediate between opportunity and action"[47], provides the theoretical tools to analyze the role of minority organizations in politicizing ethnicity by conveying claims (presumably representative for the needs of the communities) to macro-level actors, as well as the impact of the negotiation process that results in concrete regulations and policies.
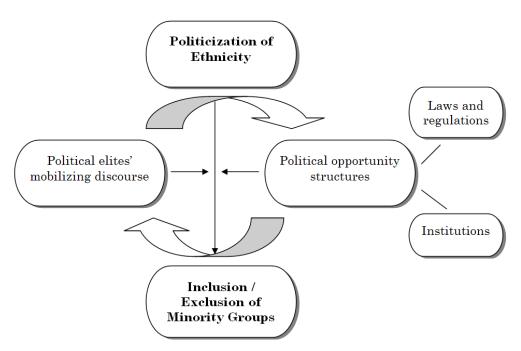
Figure 1: The Impact of Ethnic Politicization on Minority Inclusion

In this process, the ethno-political leaders not only appeal to and solicit the support of their ethnic groups, but also contribute to their construction through a mechanism seen as "reification", being "central to the practice of politicized ethnicity".[48] Although traditionally associated with the study of contentious politics,[49] these theoretical perspectives can also provide an explanatory framework for the influence of structural conditions and actors involved in politicizing ethnicity. Figure 1 summarizes this analytical framework. It shows that the inclusive and/or exclusive outcomes of politicizing ethnicity in a multiethnic state are determined by two key factors: political elites' discourse which acts as a mobilization catalyst and the political opportunity structures (the legal and institutional framework).

III.   RESEARCH DESIGN

Previous studies reveal that political exclusion usually occurs in the absence of specific rights that protect and guarantee the development of minority identity (ethnocultural, religious etc.).[50] However, it can also occur even if the framework for minority rights is in place, but its content is more advantageous to some minority identities rather than others. To illustrate how this mechanism works, we have chosen the Romanian case. Its appropriateness for analysis lies in the longitudinal development of the minority integration of the Hungarian minority over two decades (1990-2011).[51] The beginning of the transition period in the early 90s was characterized by the exclusion of national minorities' identities in the public sphere, whereas starting 1996, coinciding to the first democratic reforms, gradual inclusion was visible.

Following the framework presented in Figure 1, we analyze how ethnicity became a politically contentious field. In doing so, we focus on the discourse of majority and minority political elites and on the evolution of the legal-institutional framework generated as a result of political bargaining. We thus reflect on the evolution of ethnic relations from the "simple representative democracy"[52] where minority members were politically included as any other citizen (mainly through voting rights) to a democracy where the legal-institutional system includes the "representation of difference"[53], a system in which extensive minority rights are guaranteed and promoted and minority groups are represented in the public sphere by ethnic organizations.

To this end, our qualitative approach combines discourse and document analysis. First, we analyze discourse as an indicator marker of the relation between political elites and change. In the Romanian case, it is about the development of a formally comprehensive minority rights regime after an initial period characterized by conflicting rhetoric and violent ethnic conflict (1990-1996). The relevance of discourse analysis in tracing the evolution of ethnic relations in new democracies reflects "a concern about social inequality and the perpetuation of power relationships, either between individuals or between social groups […]".[54] Along these lines, the most significant developments of the minority rights regime can be traced and analysed by looking at the content of political debates between the Romanian and Hungarian political elites.

Our analysis is based in a significant share (but not exclusively) on parliamentary discourses of Romanian and Hungarian political representatives during the analyzed time-frame. Parliamentary discourses are relevant for minority rights debates and adoption of legal regulations because they "symbolize democratic discussion, decision making and power".[55]

They "feature opinions based on different ideologies, and formulated against the background of different interests as represented by members of parliaments (MPs) of different political parties".[56] Our research is based on more than 100 interventions of the Hungarian party and approximately 150 interventions of majority parties collected from Romania's *Official Journal,*[57] among which from the following issues: 1997 (No. 87, No. 102, No. 205, No. 216, No. 217, No. 218); 1998 (No. 228); 1999 (No. 67, No. 92, No. 121, No. 217); 2001 (No. 13, No. 25, No. 179, No. 180); 2005

(No. 138, No. 146); 2006 (No. 31, No. 146, No. 147); 2007 (No. 007, No. 25). We also selected discourses outside parliamentary debates between 2007 and 2011 for their mobilization potential: for example, we analyze the UDMR documents (from party congresses and political programs) due to their relevance for prescribing the general rhetoric lines of the party.

Discourses were selected according to their relevance for the debates on minority rights. We identified the main legal items (including modifications of existing laws) adopted by the parliament and identified the Official Journal issues that reflect the debates in Parliament (Senate and Chamber of Deputies) during the periods when the laws were subject to discussions in plenum. By using key search words (e.g. minority, education, administration, names of political parties etc.) we identified the interventions of the representatives of the political parties whose discourse we analyze.

The discourse selection was made with two criteria in mind: the relevance of political parties and an adequate representation of the main political views on minority rights. To this end, we focused on the political elite of five parties: the Greater Romania Party (PRM), the National Unity of the Romanians Party (PUNR), the Social-Democratic Party (PDSR, later PSD), the National Liberal Party (PNL), and the Democratic Alliance of Hungarians in Romania (UDMR). The PRM and the PUNR display the ultranationalist angle, the PDSR/PSD rhetoric shows the evolution of discourse according to the political context, while the PNL discourse provides some of the most moderate, at times supportive examples of minority rights rhetoric. The Hungarian political elites are the political representatives of the UDMR, the political party[58] representing the interests of this ethnic minority in Romania. UDMR was established in the immediate aftermath of the Romanian revolution, in December 1989 and has been the main voice of ethnic claims on the Romanian public scene ever since.[59]

Our document analysis focuses on the legislation adopted on four key dimensions of minority integration (education, public administration, political representation and anti-

discrimination). These dimensions were chosen for two reasons: they make up the main axes in the development of the post-communist minority rights regime in Romania,[60] and they have been the key claims made by minority political representatives. As the paper will show, the period during which the majority of minority-relevant legal items were adopted and institutions were established started after the 1996 elections. We consequently analyze developments during this time frame by selecting the most important laws that have marked the expansion of minority rights: the law on education (in its various forms), the local public administration law, the law on the election of local public administration authorities and anti-discrimination regulations.

IV.   THE CIRCLE OF POLITICIZATION: THE DISCOURSE ON MINORITY RIGHTS

The factors that have played a key role in steering the evolution of the minority rights regime in post-1989 Romania include the mobilization and claims of UDMR, its frequent access to government coalitions, the choice of the Hungarian elites to engage in negotiations not in violent or any other type of radical contestation, and the pressures of European Union integration and its conditionality on respecting certain standards of human (including minority) rights.[61]

The politicization of ethnicity led to the political exclusion (during 1990-1996) and the political accommodation (1996-present) of minority groups in Romania. In the former, minorities were marginalized and their claims did not receive institutional or legal recognition. After 1996, their participation through their political representatives in the public life, as well as the system of identity recognition and promotion was gradually expanded. Consequently, while ethnic mobilization occurred on the fringes of the political system before 1996, minority claims contributed to the shaping of the Romanian institutional system in

its educational, administrative, judicial and media broadcasting elements after that year.

During 1990-2011, two frames of integration developed: one defended by the Romanian political parties and the other proposed by the UDMR. 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. In UDMR's interpretation, integration can be successfully achieved if equal opportunities are an underlying principle. Its concrete manifestation would be – as UDMR argues – binding decision-making powers in matters that concern minority community affairs and interests. This frame has political connotations and aims at a share in the control over institutions. The following subsections show the evolution of claims and arguments on minority integration (i.e. the shape and content of the minority rights regime) from conflict to cooperation between minority and majority political elites.

1990-1996: The Rebirth of Ethnic Nationalism

During 1990 – 1996, in spite of other administrative, institutional and policy alternatives after the collapse of communism, the political elite decisions (legitimated through a securitizing anti-minority discourse) kept inter-ethnic relations in a state of conflict. More specifically, the Romanian political elites in government during the first six years of post-communism acted toward preserving political opportunities in a state of closure toward accommodating ethnic interests (others than those of the titular nation). The virtual absence of minority-relevant legal provisions constrained the expression of minority identity in the public space, a reality which was reinforced by the limited representation of minorities in state institutions. The only institutional channel available for minorities to voice claims was the Parliament, where the UDMR had 29 Deputies and 11 Senators seats in the 1990-1992

legislative term, and 27 Deputies and 11 Senators seats in the following term (1992-1996).

In the absence of institutional opportunities for negotiating accommodation of claims-making for minority rights, ethnicity was politicized through a conflicting discourse with radical overtones discourse that became one of the non-violent alternatives available for Hungarians to advance claims. Following sharp internal debates, the "moderate wing" of UDMR however took over the presidency of the party in 1993. The new president's (Béla Markó) approach (continuously reelected until 2011) isolated more radical views.

The UDMR discourse focused on autonomy claims. This concept was present in the party's discourse and documents since 1990-1991, taking progressive shape through the "Cluj Declaration" (October 1992) and the document drafted by József Csapó in the early months of 1993 (which discussed the "self-determination" of the Hungarian community and consequently stood at the basis of future UDMR documents). In the 1993 UDMR Program, the Hungarian minority was represented as a "state constitutive factor", "an equal partner of the Romanian nation"[62]. The UDMR also made claims for territorial autonomy as a form of collective rights. At the 3rd UDMR Congress, in 1993, autonomy was first included in a structured form in the party's program. The idiom "partner nation" (*társnemzet*) was included in the 1993 political program. The UDMR was thus claiming the political status of a state-constitutive community. "Internal self-determination"[63] *(belső önrendelkezés)* - also integrated in the 1993 program - was linked to the political status that the UDMR claimed for the Hungarians. According to a definition included in the UDMR Program adopted during the party's 4th Congress (March 1995), *autonomy* was the "right of a national community exercised in the interest of defending, safekeeping and developing its identity".[64] More specifically, the *autonomy of local administrations* with *special status* was granted to "those administrative units where a person belonging to national minorities live in

significant numbers and the inhabiting population accepts this statute by means of a referendum".[65] As follows, territorial autonomy is – in this view – set up as a result of the "association of local public administration, taking the form of a communion of interests".[66] *Cultural autonomy* was "the guarantee of […] cultural life", for "the self-organization of the minority society".[67]

The Hungarian elites envisioned the institutional representation of their claims as being "within the framework of international standards on individual human rights as well as within the framework of certain collective rights [and of] functional and institutionalized forms of autonomy".[68] Demands for "collective rights" and "autonomy" were also prioritized in the UDMR 1996 Electoral Program as means of ethnic, linguistic and religious identity preservation.

The discourse of the post-communist Romanian political parties regarding minority rights can be placed within two categories: the extremist and the opportunistic. The first type of discourse was articulated by the two ultranationalist parties that gained parliamentary representation in Romania in the early 1990s: the PRM and the PUNR. Corneliu Vadim Tudor (the PRM president since 1990), during various interventions in the Senate, on 13 February 1995, accused the UDMR of threatening Romania's national security. PRM has shown remarkable persistence in claiming that "invisible foreign forces" used UDMR for their obscure objectives. The PRM and the PUNR argued against a few issues: the alleged *irredentist* tendencies belonging to the UDMR, its *lack of loyalty* toward the Romanian state, its supposed *conspiracies* with the Hungarian state constantly, before and after 1996.

In an intervention during the debates on modifications to the Law on Education, a PRM member argued that the UDMR was demanding "rights to segregation", it was "pursuing to undermine the Romanian state", an attempt which has "taken on alarming dimensions and cannot conceal the violent, destructive political character".[69] A few key words used repeatedly in various interventions of PRM members are as follows: "irredentist claims", "separatism", "obscure interests", "blackmail", "privileges", "segregationist demands", "isolation", "rights to segregation", "impairment of the Romanian state", "plots against the Romanian state", "self-government […] tantamount to the decomposition of the Romanian national unitary state", "defiance of the Constitution", "territorial integrity", "assault against the independence and sovereignty of the country", "parallel institutions", "extremism" etc.[70]

The PRM and the PUNR were the governing allies of the PDSR during 1992-1995. The latter also displayed very similar rhetoric patterns, especially toward UDMR's autonomy claims, but also showed a higher capacity for discourse adjustments depending on the context (which is discussed in the following subsection). Apart from rhetoric battles, Romanian political parties acted at the level of the institutional structure they controlled (by passing legislation that disregards minority rights – e.g. 1991 local public administration law, 1995 education law). Conflict at the level of discourse escalated through violent street clashes, in March 1990, in Tg.-Mureş. One of the first steps taken towards a marked nationalist slide in early post-communist Romania was the establishment of an ultranationalist organization – the Romanian Hearth Union (*Uniunea Vatra Românească*). As Tom Gallagher has written, this was a self-termed "cultural organization" which was "able to call upon formidable resources in order both to block Hungarian demands and to depict them as threatening the territorial survival of Romania".[71] The Romanian Hearth was formed in February 1990 as a reaction to UDMR and played a significant role in the escalation of the violent interethnic clashes in Târgu Mureş. PUNR was established as the political from the Romanian Hearth in March 1990.

In brief, during this period, ethnicity legitimized positions that had manifest political connotations. This type of politicization escalated into rigid positions that were defended without inclinations for negotiation and compromise. As a result, the level of participation of minority groups (Hungarians and others) to the political and public life was

very limited during the first six years of post-communism.

1996-2011: From Conflict to Accommodation

After 1996, when the democratic forces gained access to government, the structure of political opportunities gradually opened. The UDMR was for the first time included in a coalition government and this moved minority claims into the institutional arena, where negotiations developed. The Hungarian discourse reflected moderate claims, which showed a shift to a *minority rights* discourse that still included references to autonomy, but focused on claims to language use in education and public administration. The emphasis was placed on participation in decision-making in all the areas that directly concerned national minorities, which marked a shift of terminology: instead of autonomy, terms such as decentralization and regionalization were used more often (under the influence of the EU accession process).

In 1996, UDMR emphasized the dual identity of those it represented: their status as citizens of the country and hence "a constituent part of the Romanian state and society"[72] and their belonging as an "organic part"[73] to the Hungarian nation, due to the resemblance in "language, ethnic features, national identity, culture and traditions".[74] The protection of Hungarian identity called for the *decentralization* of state administrative organization, in such a way that "local administrations [could] operate as self-governments".[75] The degree of decentralization supported by the UDMR would entail *self-governance rights* granted to the local communities, a mechanism which was argued to strengthen democratic consolidation. During 1996-2000, the UDMR discourse acquired nuances that seemed less threatening to the Romanian political parties. Occasional exceptions from this line did occur, as for example in the 1996-1997 debate concerning the set up of a separate self-regulating state-financed Hungarian university. The issue of autonomy

resurfaced then in connection with the educational field.

In 2002, at the UDMR Congress, there was 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 called for the decentralization of state administrative organization, in such a way that "local administrations can operate as self-governments".[76] The party programme adopted at the 7th Congress (Satu Mare, January-February 2003) restated 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".[77] "Personal autonomy" was then defined as the formation of a self-standing institutional system of the Hungarians in Romania in education, culture, information, the safeguarding of traditions and protection of monuments.[78] This type of autonomy seemed to borrow from what in earlier versions was defined as cultural autonomy.

Secondly, the "autonomy of local administrations with special status" was described as a status granted to those administrative units where significant minority populations resided and who acknowledged the afore-mentioned status by means of a referendum.[79] "Territorial autonomy" reappears, as the third layer of the UDMR outlook on the institutionalization of autonomous spheres of decision-making for the Hungarians, and was described as an "association of local public administrations"[80]. In education, autonomy was present in the establishment of "an educational system in the Hungarian language based on self-administration and organizational autonomy".[81] In administration, autonomy was visible in claims of transforming regions in self-administrating entities of law.

The 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 9th Congress (2009) outlined the UDMR objectives as those of autonomy and unity.[82] UDMR proposed "to

reform the Romanian state, to rethink the entire public administration, to remove from the Constitution the definition of national state, […] 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".[83] Apart from their value in protecting and promoting the ethnocultural, linguistic and religious identity of Hungarians in Romania, the UDMR claims had marked political implications that are relevant for the balance of institutional power between different ethnic groups. Under the influence of contextual political factors (the need for UDMR's support in passing laws and EU integration), this process moderated the politicization of ethnicity and turned it into a constructive, minority rights - building tool. Politically salient ethnicity became the facilitating device for political inclusion– i.e. institutional political representation of minorities at the national and local level.

The opportunistic type of discourse (identified in the previous subsection) was used by the majority of Romanian political parties (for a synthetic illustration, see Table 1). We 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, the PDSR showed no willingness to cooperate with the Hungarian party and forged an alliance with the PRM and the 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, the PDSR/ PSD negotiated for the UDMR's support in passing normative acts in Parliament. The pressure of the EU integration process considerably aided the UDMR bid for minority language use in administration (the Local Public Administration law adopted in 2001).

Romania's Prime Minister during that period, Adrian Năstase, argued in an intervention in the Parliament during the debates on the revision of the Local Public Administration Law that the respect for the right of national minorities to use their mother tongue would serve as an additional incentive for "the Romanian language to be known by all citizens".[84] Viewed from that perspective, "multiculturalism and cultural pluralism are not ways or attempts to breach national states" and "the values of tolerance and ethnic and cultural pluralism need to be included in legislative practice and in daily behavior".[85]

The rhetoric of the PNL on minority rights has also varied between support for the "right of national minorities to preserve, develop and express their ethnic, cultural, linguistic and religious identities"[86] to rejecting recourse to ethnic belonging in local autonomies.[87] 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 powers (political rights). For example, even during the 2005-2008 mandate, when the UDMR and the PNL were partners in government, the latter did not provide support for the adoption of the *Draft Law for the Status of National Minorities*.

Table 1: The Representation of Discourse Themes in Post-Communist Romania

1990-1996		1996-2011	
Separation		**Accommodation**	
Hungarians	Romanians	Hungarians	Romanians
• Territorial autonomy ("partner nation", "internal self-determination") • "autonomy of local administrations with a special status"	☐ Segregation ☐ Security	• Regionalization (2000) • Cultural autonomy, regional development, decentralization (2002) • Personal/ cultural autonomy, autonomy of local administrations with special status, territorial autonomy (decision-making in local public administration/ regions; and in education – separate state-funded higher education in Hungarian) (2003) • Decision-making powers in relevant fields, regional/ local autonomy (reorganization of public administration), Hungarian official language status on a regional level, decision-making rights (2009)	☐ Security, territorial integrity (PRM, PUNR) ☐ Tolerance and integration, rejection of autonomy (PSD, PNL)

Autonomy claims (especially territorial) have been the highest political stake of ethnicity. It is in these claims that ethnicity took on its most pronounced political meaning and as such, was rejected by Romanian elites as threatening the stability of the institutional-administrative structure of the state throughout the post-communist period. Within this struggle for decision-making powers, the "dogmatization of identity" occurred,[88] but also its accommodation. On account of the difference in claims, the other 19 minority groups officially recognized by the Romanian state[89] have not represented a political challenge to the Romanian elites, due to their reduced numbers, failure to mobilize (e.g. the Roma) or different historical background. Their ethnicity was therefore less politically salient than that of Hungarians whose identity was configured by the UDMR discourse mostly in political terms. However, during 1996-2011, the politicization of ethnicity led to a comprehensive system that currently offers legal and institutional support for the protection, promotion and development of the various layers of minority identity. Several key components of this framework are discussed below.

V. THE LEGAL AND INSTITUTIONAL OUTCOMES OF POLITICIZATION OF ETHNICITY

The institutional framework for minority protection and promotion includes specialized units or departments in various ministries (Ministry of Education; Ministry of Culture); autonomous state authorities (National Council for Combating Discrimination); governmental agencies and departments with territorial offices that have functions of identity promotion and program development (National Agency for Roma, Department for Interethnic Relations); national research institutes (Institute for the Study of National Minorities' Issues); broadcasting (National Radio Broadcasting Company, National Television Broadcasting Company, National Audiovisual Council); property restitution (National Agency for Property Restitution); the Ombudsman etc.

The legal framework that has been gradually extended during the past two decades encompasses numerous laws and regulations - 175[90] by 2008 - in different minority-relevant fields: educational (the use of mother tongue at all levels and forms of state-provided education; in judicial proceedings; and in relations with the local public administration;); civil-cultural (through the promotion of cultural, linguistic and religious identity in the private and public sphere; through state support for the development and funding of minority civil sector organizations); legal (by means of sanctioning ethnic and racial discrimination); political (regulating political participation of elected and appointed minority representatives at the central and local institutional levels; establishing government institutions with specific attributions in minority rights protection or promotion). We explore the key developments in four dimensions that have been the most contentious during the period under review: education, public administration, political representation and anti-discrimination.[91] Table 2 summarizes the most important laws.

Table 2: The Key Legislative Documents on Minority Rights

Education	Public Administration	Political Representation	Anti-discrimination
Law no. 84/1995	Law no. 69/1991	Law no. 67/2004	Government Order no. 137/2000
Government Order no. 36/1997	Law no. 215/2001	Law no. 14/2003 on political parties	Law no. 48/2002
Law no. 84/1995, republished in December 1999		Law no. 373/2004 for the election of the Chamber of Deputies and the Senate	Government Order no. 77/2003
			Law no. 27/2004
			Law no. 324/2006

Education

Minority language use in education has been an unvarying pillar around which the UDMR political programs and discourses have been constructed. Claims for language use in education have had "the objective of creating an educational system in the mother tongue, based on self-government".[92] Language rights have been of strategic interest to the political representatives of the Hungarian community. The most important piece of legislation in this regard is the *Law on Education* (No. 84/ 1995). UDMR condemned the "national exclusivism" of the law,[93] and argued that in the form adopted in 1995, it consolidated "the unitary […]

centralized character of the educational system"[94] and disregarded the interests of the Hungarian community to benefit from mother tongue education.[95] Articles 34, 37, 118, 119, 120 par. 2 and 123. par. 1 encompassed the most significant contentious aspects.[96] Regardless of the antagonism of the UDMR to the minority-blind regulations, the law was adopted. It was subsequently modified in 1997 and 1999 to encompass relevant provisions for mother tongue education.[97] The 1997 amendments 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" (Art. 34). Article 37 introduced the possibility of establishing teaching tracks in minority languages in higher education. Following the 1999 amendments, Article 118 stated that national minorities had "the right to study and to be instructed in their respective mother tongue at all levels and forms of education". Article 123.2 recognized the right "to set up and administer […] own private higher education institutions". The most recent changes in minority language use in education were achieved by the UDMR with the adoption of the Law on National Education no. 1/2011.[98] The law brings forth several significant minority-relevant provisions, among which the teaching of the Romanian language and literature are to be conducted "according to curricula and handbooks designed specifically for the respective minority".[99]

Local Public Administration

The Law on Local Public Administration was adopted in 1991. At that moment, it ignored the regulation of the use of minority languages in relations with the local administration. In terms of language use in administrative proceedings, Romanian was the only option (Article 54). In 2001, in a political context in which after the 2000 elections, the governing party (PSD) had a weak majority in Parliament and needed UDMR support, a modified form of the law was adopted (Law. No. 215/2001). Article 17 states 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 […]"[100]. UDMR interpreted the article as regulating "the exercise of a fundamental right: the free use of mother tongue in public".[101] Hungarian 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"[102] and that this "meant the discovery of the European path toward decentralization".[103]

The law also regulates the use of minority languages during local and county council meetings (Art. 42 par. 2), the publication of local and county council decisions (Art. 50), the petitioning of local authorities (Art. 50, Art. 76 par. 2, Art. 19), bilingual inscriptions (Art. 76 par. 4), the employment of personnel who have advanced knowledge of minority languages in county and/ or local councils (Art. 76 par. 3) etc.[104]

The Political Representation

The National minority groups in Romania have national and local political representation, under the terms of the Constitution and specific electoral regulations. According to Romania's constitution, "the organisations of citizens belonging to national minorities that do not obtain the necessary number of votes during elections to gain representation in the Parliament are each entitled to one deputy mandate, under the provisions of the electoral law".[105] To illustrate with one example, following the 2008 general elections, minority groups gained 49 seats in Romania's Parliament (The UDMR gained 31 seats, while the other 18 seats were gained by the other 18 national minority organizations). The UDMR has been in the governing coalition until May 2012, heading various ministries and other central agencies or departments. There have also been representatives of other minorities that occupy leading positions in institutions such as the

National Agency for Roma, the Ministry of Education, the Ministry of Culture etc.

National minorities also have local representation. After the 2008 elections, there have been 184 mayors, 89 county councilors, 2195 local councilors, and 4 county council presidents affiliated with UDMR. The other minority groups also have local representation (through elected mayors, local and county councilors, county council presidents). With regard to local political representation, Law no. 67/2004 on the election of local public administration authorities, states that "nominations to stand for election can be submitted by organizations of citizens belonging to national minorities represented in Parliament"[106]. Other "legally established organizations of citizens belonging to national minorities can submit nominations if they present to the Central Electoral Bureau a list of members [whose] number […] cannot be less than 15% of the total number of individuals that declared to belong to the respective minority during the most recent census".[107] In the case when the number of members needs to be "larger than 25.000 individuals, the list of members must include at least 25.000 individuals who are residents of at least 15 counties and Bucharest municipality, but not less than 300 persons for each of these counties and Bucharest municipality".[108] The provisions of the law therefore constrained the participation in elections of other organizations representing minority groups (different from those which already had representation in Parliament) and triggered public debates concerning their discriminative character, leading to a law-sanctioned monopoly of representation that works against internal democratic competition for votes.

Article 96 of the same law (67/2004) provides for the allocation of councilor mandates at the local level. The paragraphs regulating the allocation of mandates for minority representatives have been equally contentious: "if none of the organizations of citizens belonging to national minorities - others than the Hungarians - obtained at least one mandate, then one councilor mandate is allocated from the ones left during the first stage of allocation to the organization that attained the electoral threshold and obtained the highest number of valid votes from all those organizations".[109] Although under certain circumstances these provisions may act as a facilitator of local political representation, at an empirical level they have proven to have ambiguous (if not slightly negative) consequences. Briefly put, although formally intended to facilitate the local political representation of minority groups, the concrete application in the given context has on several occasions denied some minority organizations the chance to receive a mandate in the second stage of allocation.[110]

Anti-Discrimination

Romania's Constitution stipulates under Article 4.2. that Romania is the "common and indivisible homeland of all its citizens, without any discrimination owing to race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin."[111] The prevention and sanctioning discrimination have been further regulated through various specific normative items. Government Ordinance No. 137/2000,[112] subsequently modified through Law No. 48/2002 (amended by Government Ordinance No. 77/2003,[113] Law No. 27/2004[114] and Law No. 324/2006[115]) sanctions discrimination based on 14 criteria: race, nationality, ethnicity, language, religion, social category, convictions, sex, sexual orientation, age, disability, non-contagious chronic disease, HIV infection, and the belonging to a disfavored category, as well as "any other criterion".[116] It also provides for the establishment of the National Council for Combating Discrimination as the institution responsible for preventing, mediating, investigating, and sanctioning acts of discrimination in accordance with legal provisions. These modifications served to harmonize Romanian legislation with the provisions of European Directives 43/2000[117] and 78/2000[118] aimed at racial, ethnic and employment equality.

According to the 2007 National Council for Combating Discrimination Activity Report,[119] the number of petitions received increased (in 2007 there were 836, while in 2006 there were only 432).[120] This can be considered as an indicator of the increase in the visibility of the functions and actions of the Council. Out of the total number of petitions registered in 2007, the ethnic category was only second to that of social and professional status; the third rank in discrimination petitions was taken by the disability criterion, followed by the nationality criterion.[121] According to a report released in 2011, "out of the 823 complaints on grounds on racial or ethnic origin that were filed […] the National Council for Combating Discrimination determined that discrimination had occurred in approximately 129 cases. In 103 cases it was found that discrimination on grounds of ethnic origins had occurred, in 22 cases on grounds of national origins, in 2 cases on grounds of ethnic and national origins and in 2 cases on grounds of racial origins."[122] Most cases of discrimination were found to relate to "personal dignity due to ethnic or racial origins, the discrimination in the access to goods and services […], access to restaurant, shops, clubs, cafes […], the rental or acquisition of housing […] administration public services […]".[123]

In light of developments on the European level, the diversity accommodation framework answered the political and cultural claims of the Hungarian minority, this tendency in the public discourse highlights the need to address the distinct situation of this minority through an increased access to socio-economic rights.

VI. CONCLUSIONS

With a longitudinal perspective of the Romanian single-case study, this article illustrates how politicization can be a process producing two types of effects for the inter-ethnic relations. Initially, ethnicity was politicized with negative consequences and ethnic groups were excluded from a socio-economic system that did not recognize their specific needs (between 1990 and 1996). Over time, it produced positive outcomes as soon as minority groups' claims were accommodated (1996-2011). Two mediating factors were at work: the discourses of political elites and the legislative framework. Our analysis of the largest ethnic minority in Romania reveals how these two inter-related variables influenced its inclusion. Elite discourses occurred as a reaction to the lack of an institutionalized legal framework to guarantee and promote identity reproduction in the public sphere. At their turn, discourses and vocal claims for minority rights influenced the development of legislation that not only allowed but also supported the development of different ethnic identities through the state's institutions.

As we argue in the paper, these are the effects of Hungarians' political activism and continuous claims for minority rights. The Romanian state recognizes 20 ethnic groups as national minorities, thereby acknowledging a formal equal status and rights for all of them. This, however, does not mean that in practice all these groups enjoy equal opportunities; or that the rights they formally benefit from necessarily lead to a similar level of integration. The political representation and activism of the political elites appears to be a decisive factor. When closely observing the situation of the most prominent ethnic group in Romania, its political representation is well established and elites push towards claim fulfillment. These findings are consistent with earlier studies showing that the outside politics activism of ethnic Hungarians brought delivered positive policies.[124]

This study bears theoretical, methodological, and empirical implications. On theoretical grounds, it adds a mediating effect to the relationship between politicization of ethnicity and accommodation of ethnic minorities' rights. Two major categories of institutional and behavioral factors play the intervening role, the two being interdependent. Such a framework for analysis is not confined solely to the Romanian context; the latter was used only to illustrate its empirical functionality. Along these lines, from a methodological perspective, our analytical framework combines multi-layered explanations. It shows how inclusive outcomes of politicizing ethnicity in a

multiethnic state are determined by political elites' discourse and political opportunity structures. Empirically, this analysis shows that inclusion can be largely determined by the strength of minority mobilization and political representation. The objectives of the more active ethnic minority are prioritized whereas those of more passive and underrepresented (in the legislature) minorities are marginalized. Under these circumstances, the political representation gains increased weight in the majority-minority relations.

The conclusions derived from our single case study have broader relevance. The Romanian example is an illustrative example of how, in the absence of other conditions, a comprehensive framework for ethnic minorities can represent the consolidation of exclusion under the guise of accommodation. Further research can follow two separate tracks. First, it can focus on the manner in which such a mechanism functions in other multiethnic states. Second, new layers can be added to the analytical model (e.g. individual level) to make it more fine grained for smaller ethnic minorities.

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[7] Rogers Brubaker, *Nationalism Reframed: ...*, p. 60.

[8] Susan Olzak, "Contemporary Ethnic Mobilization", *Annual Review of Sociology*, 9, 1983, p. 355.

[9] The "tendency to take concrete bounded groups as basic constituents of social life, chief protagonists of social conflicts, and fundamental units of social analysis", as defined by Rogers Brubaker, *Ethnicity Without Groups*, Harvard University Press, 2004, p. 8.

[10] A "mutually interacting, mutually recognizing, mutually oriented, effectively communicating, bounded collectivity with a sense of solidarity, corporate identity, and capacity for concerted action", as defined by Rogers Brubaker, *Ethnicity Without Groups,* p. 12.

[11] The "potential basis for group-formation or 'groupness'", as defined by Rogers Brubaker, *Ethnicity Without Groups*, p. 13.

[12] Nominal ethnic identities "are the ethnic identity categories for which we possess the descent-based attributes for membership whether or not we actually profess to be members", while activate ethnic identities "are the ethnic identity categories in which we actually profess, or to which we are assigned membership", according to K. Chandra, "What is an Ethnic Party?", *Party Politics,* 2011, 17(2), p. 154.

[13] Rogers Brubaker, *Nationalism Reframed: ...*, p. 105.

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[18] See Michel Foucault, The *Archaeology of Knowledge…*

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[28] Ibid.

[29] Quoted in Adam Jaworski, Nikolas Coupland (eds.), *The Discourse Reader*, Routledge, 2nd edition, 2006, p. 477.

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[31] Idem.

[32] Teun A.van Dijk, "Critical Discourse Analysis", in Deborah Tannen *et al*. (eds.), *Handbook of Discourse Analysis*, Blackwell, 2001, p. 355.

[33] Immigrant mobilization is one of them. See Ruud Koopmans, "Migrant Mobilization and Political Opportunities: Variation among German Cities and Regions in Cross-National Perspective", *Journal of Ethnic and Migration Studies*, 30, 2004, pp. 449-470.

[34] David S. Meyer, "Protest and Political Opportunities", in *Annual Review of Sociology*, 2004, 30, p. 126.

[35] Ibid., p. 135.

[36] Berry Tholen, Michiel S. de Vries, "The Inclusion and Exclusion of Minorities in European Countries: A Comparative Analysis at the Local Level", *International Review of Administrative Sciences,* 2004, 70 (3), p. 458.

[37] Ibid. In the case of *simple representative democracy,* "neither direct participation nor special arrangements for minorities is created", as "minorities have to join existing channels and organizations and are represented by the political elite"; under *deliberative democratic procedures,* "there can be direct participation between the members of the local elite and individuals but there are no special arrangements for the organization of ethnic minorities"; under *representation of difference* "there can be special organizations and arrangements for minorities and participation occurs through those organizations"; *the full associational model* "is that of the separate organization of minorities and practices of direct participation" (p. 457).

[38] Idem.

[39] Donald L. Horowitz, "Constitutional design: an oxymoron?", in Ian Shapiro, Stephen Macedo (eds.), *Designing Democratic Institutions*, New York University Press, New York, London, 2000, pp. 253-284.

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[53] Idem.

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[56] Idem.

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[59] Sergiu Gherghina, George Jiglau, "The Role of Ethnic Parties in the Europeanization Process - The Romanian Experience", *Romanian Journal of European Affairs* 8(2), 2008, pp. 82-99.

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[83] Ibid.

[84] Adrian Năstase (PSD), published in the *Official Journal* of Romania, Second Part, Year XII, No. 25/2001, p. 22.

[85] Idem.

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[87] Călin Popescu – Tăriceanu, PNL President and Romania's Prime-Minister during 2005-2008, Press release on the return from Budapest, where he participated at the 50 year celebration of the 1956 Hungarian Revolution, at www.gov.ro, 2006.

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[105] Constitution of Romania, art. 62 par. 2, available at http://www.cdep.ro/pls/dic/site.page?den=act2_2&par1=3#t3c1s1a62, accessed in June 2012.

[106] Law no. 67/ 2004 on the election of local public administration authorities, Art. 7 par. 2.

[107] Ibid. par. 3.

[108] Ibid. par. 4.

[109] Ibid. Art. 96 par. 4.

[110] A detailed account of the empirical consequences of this provision following the 2004 and 2008 elections is conducted in István Gergö Székely, "Reprezentarea minorităților naționale la nivel local – o evaluare a legislației electorale românești pe baza rezultatelor alegerilor locale din 2004 și 2008", in Levente Salat (ed.), *Politicile de integrare a minorităților naționale din România....*, pp. 179 - 202.

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[112] G.O. No. 137/2000 at http://legislatie.just.ro/Document.aspx, accessed in June 2012.

[113] G.O. 77/2003 at http://legislatie.just.ro/Lista.aspx, accessed in June 2012.

[114] Law No. 27/2004 at http://legislatie.just.ro/Lista.aspx, accessed in June 2012.

[115] Law No. 324/2006 http://legislatie.just.ro/Lista.aspx, accessed in June 2012.

[116] Law 324/ 2006, Art. 2, par. 1

[117] Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML, accessed in June 2012.

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