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**EU Conditionality, Double Moderation and Change in Minority Rights:
Bulgaria in Comparative Perspective**

Submitted for the degree of Doctor of Philosophy

by

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The School of Politics and International Relations

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Abstract

This dissertation proposes a two-level model that explains under which external and domestic conditions substantive reforms take place in minority rights policies in new EU member and candidate countries. Due to the politicised nature of EU conditionality and high adoption costs of reforms for national governments, minority rights reforms are generally considered among the most difficult areas whereby EU's impact tends to remain limited. However, as demonstrated with reference to the Bulgarian case, significant improvement in inter-ethnic relations can take place despite the patchy nature of EU conditionality and high domestic adoption costs. The analytical model sketched out in this study, therefore, criticises mainstream accounts of Europeanisation as they are inclined to conceive the domestic area as an obstacle, which impedes compliance in aspiring states. As such, this dissertation argues that the domestic realm can also be exploited as an opportunity space that empowers EU leverage, which in turn, informs minority-friendly policies through direct and indirect ways. Along these lines, it develops a more comprehensive approach that acknowledges the complex interaction of external and domestic parameters affecting contentious policy areas and cases. Drawing on 85 semi-structured in-depth elite interviews and driven by a set of empirical puzzles with reference to Bulgaria as well as the contrasting cases of Croatia and Montenegro, this dissertation argues that major changes could take place in minority rights regimes when (a) domestic dissatisfaction leads to double moderation between majority and minority elites, (b) EU-level pressure remains consistent and credible, and (c) state capacity undergirds effective implementation in new member and candidate countries. This dissertation makes two important contributions to scholarship: first, it develops a novel theoretical framework that accounts for the dynamics of complex transformation in the minority rights policies that existing top-down and bottom-up approaches cannot entirely explain. Second, by applying the two-level model to Bulgaria, Croatia and Montenegro, it sheds empirical light on three understudied Balkan countries with tormented past concerning majority-minority relations.

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Table of Contents

Abstract.....	ii
Acknowledgements.....	iii
CHAPTER I. Introduction.....	1
1.1. Problem statement and research question	1
1.2. Case selection.....	8
1.3. Main argument and contributions to the literature.....	11
1.4. Chapter outline.....	16
1.5. Dynamics of EU conditionality in a changing Europe	19
CHAPTER II. Conceptual Framework: Europeanisation as a Two-level Process ..	23
2.1. Introduction.....	23
2.2. Brief overview of literature and research puzzle	24
2.3. Conceptual framework: How Europeanisation works?	27
2.3.1. Causal logic of Europeanisation	30
2.3.2. Direction of change in Europeanisation.....	39
2.3.1. Two-level model on Europeanisation of minority rights.....	45
2.4. Minority rights conditionality of the EU	53
2.5. Research Design: Case selection and methodology.....	60
2.6. Conclusion	69
CHAPTER III. Minority Rights Reforms in Bulgaria (1989-1999)	71
3.1 Introduction.....	71
3.2. Turkish minority in Bulgaria: From tolerance to assimilation.....	72
3.3. Explaining peaceful transition: Democratisation-Europeanisation nexus	84
3.3.1. Domestic dissatisfaction: Changing political preferences	86
3.3.2. External conditionality: EU-led pressure.....	103
3.4. Conclusion	111
CHAPTER IV. Reform & Stagnation: Minority Rights in Bulgaria (1999-2017) .	113
4.1. Introduction.....	113
4.2. The candidacy process (1999-2007): Reform and resistance	114
4.2.1. External dynamics: EU-led pressure.....	115
4.2.2. Bulgarian ethnic model challenged: Shifting domestic preferences.....	121
4.3. Post-membership period (2007-2017): Stagnation, not reversal	134
4.3.1. External dynamics: EU-led pressure.....	135
4.3.2. Making sense of stagnation: Changing domestic preferences	138
4.4. Conclusions.....	151

CHAPTER V. Different Paths to Europeanisation of Minority Rights	154
5.1. Introduction.....	154
5.2. Transformation of minority rights in Croatia.....	155
5.2.1. Tudjman era: Stagnation in minority rights	156
5.2.2. Post-Tudjman era: Explaining domestic dissatisfaction.....	165
5.2.3. External dynamics: Explaining EU-level pressure	168
5.3. Transformation of minority rights in Montenegro.....	174
5.3.1. Domestic dissatisfaction: High expectations	175
5.3.2. EU-level pressure: High leverage, never seen before.....	183
5.3.3. When state capacity matters?.....	186
5.4. Comparative analysis of Bulgaria, Croatia, and Montenegro.....	193
5.5. Conclusion	207
CHAPTER VI. Conclusion	209
6.1. Revisiting research puzzle and conceptual framework.....	210
6.2. Empirical findings.....	219
6.3. Eliminating alternative explanations.....	227
6.4. Avenues for further research.....	230
Bibliography	232
Appendix 1. Breakdown of Interviews.....	266
Appendix 2. Interview Questions	269
Appendix 3. Notes on Table 5.1.....	272

List of Figures and Tables

Figures

Figure 2.1. Causal mechanisms of Europeanisation	38
Figure 2.3. Two-level model.....	52

Tables

Table 2.1. Operationalisation of variables	58
Table 2.2. Minority groups in Bulgaria, Croatia and Montenegro	64
Table 3.1. Parliamentary elections in Bulgaria (1990-2001).....	102
Table 4.1. Parliamentary elections in Bulgaria (2001-2017).....	140
Table 5.1. International instruments on minority rights protection.....	181
Table 5.2. Montenegro's main state capacity indicators (percentile rank, 0-100)	187
Table 5.3. Montenegro's main state capacity indicators (absolute scores).....	188
Table 5.4. Different paths to Europeanisation of minority rights	199
Table 5.5. Comparative capacity indicators of Bulgaria, Croatia and Montenegro	203
Table 6.1. Interaction of domestic and EU-level factors (Bulgaria and Croatia).....	219
Table 6.2. Interaction of domestic and EU-level factors (Croatia and Montenegro)	226

CHAPTER I. Introduction

1.1. Problem statement and research question

On 29 July 1997, the Bulgarian President Petar Stoyanov, during a state visit to Turkey, officially denounced the wrongdoings of the former Bulgarian elites who forced the Turkish minority community to change their names, denied their social and political rights, and forcibly displaced more than 340,000 of them in 1989. Stoyanov, in his important speech at the Turkish Parliament, described the events as the “most embarrassing and unacceptable episodes of Bulgaria’s recent history.”¹ The apology of the Bulgarian President at the time was perceived as a clear reflection of the transformation in Bulgaria’s minority rights regime and, partially an outcome of the ruling elites eagerness to develop closer relations with the EU and its neighbours. One decade later, in 2007, Bulgaria joined the EU along with Romania, and in January 2017, the country celebrated its ten years of membership. Last three decades marked the significant transformation of Bulgaria’s minority rights policies from systematic exclusion to inclusion, which helped the country to join the ranks of the EU.

Building on comparative evidence and driven by a set of empirical puzzles, this dissertation aims to reveal under which external and domestic conditions substantive reforms take place in minority rights regimes of the new EU member and candidate countries. This dissertation, accordingly, sketches out a ‘two-level model’ that explains

¹ Petar Stoyanov, “Bulgaristan Cumhurbaşkanı Petar Stoyanov’un, Genel Kurula hitaben konuşması,” *TBMM Tutanak Dergisi*, 127. Birlesim, 29 July 1997: 73. <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d20/c032/tbmm20032127.pdf>

the causal dynamics of continuity and change in minority rights policies. Challenging mainstream analytical frameworks in Europeanisation research, which tend to consider the domestic area as an impediment that should be overcome toward rule adoption,² the two-level model proposes that the domestic area may also act as enabler in terms of rule adoption and norm compliance depending on the configurations of elite coalitions between minority and majority leaders. As such, this dissertation focuses on the domestic factors as drivers of possible change along with EU-level dynamics. Two-level model, offering an interactive non-hierarchical framework, focuses on external and domestic drivers simultaneously to weight in the EU factor by placing it into its proper context to avoid over-determination of ‘Europeanisation’ as a possible driver of change.³

It is true that the EU has developed its material and normative capacities over the last decades and, with this, it has become a central player in regional and global affairs.⁴ According to some scholars, one of the distinctive features of the EU is that it has qualitatively changed the debate on the nature of power and influence in international affairs. Thanks to its ontological foundations, as Manners suggested, the EU has the “ability to shape conceptions of ‘normal’ in international relations as a ‘normative

² Frank Schimmelfennig and Ulrich Sedelmeier “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe,” *Journal of European Public Policy* 11, no. 4 (2004): 661-679.

³ It should be stated at the outset that Europeanisation is not considered as a phenomenon only emanating from the EU as a regional international organisation. Within the context of this research that focuses on minority rights area, Europeanisation is also framed as a set of pan-European ideas, norms, and regulations involving other non-EU but European regional organisations. For a critical overview, see chapter 2.

⁴ Richard Whitman, “The EU: Standing Aside from the Changing Global Balance of Power,” *Politics* 30, no. S1 (2010): 24-32.

power.⁵ As such, the EU's international presence is linked to a values-based approach with an explicit emphasis on rule of law, human rights, and democracy as the main parameters constituting the EU's domestic and external identity.⁶ The EU's relations with member and candidate states are also informed by its ontological stance as these principles are placed "at the centre of [EU's] relations with its Member States and the world."⁷ The EU, therefore, has the ability to transform target states through a set of principles and ideas that are drawn from its normative credentials.

The EU's direct and indirect impact on domestic polities – i.e., Europeanisation, has become one of the well-established areas in the field of European studies despite "the precise meaning and scope of the term remain unclear."⁸ The scholarly literature on the EU's impact on domestic polities has advanced significantly in terms of theoretical rigour and empirical substance recently.⁹ On that note, the mechanisms of Europeanisation are well documented especially in established policy areas, such as environment, trade, agriculture, and economic policy.¹⁰

⁵ Ian Manners, "Normative Power Europe: A Contradiction in Terms?" *Journal of Common Market Studies* 40, no. 2, (2002): 239.

⁶ Richard G. Whitman, "The Neo-Normative Turn in Theorising the EU's International Presence," *Cooperation and Conflict* 48, no. 2 (2013): 172.

⁷ Ian Manners, "The European Union as a Normative Power: A Response to Thomas Diez," *Millennium: Journal of International Studies* 35, no. 1 (2006): 176.

⁸ Trine Flockhart, "Europeanization or EU-ization? The Transfer of European Norms across Time and Space," *Journal of Common Market Studies* 48, no. 4 (2010): 788.

⁹ For an overview see: Paolo Graziano and Maarten P. Vink (ed.) *Europeanisation: New Research Agendas*, (Basingstoke: Palgrave Macmillan, 2007). Also see: Kyriakos Moumoutzis and Sotirios Zartaloudis, "Europeanization Mechanisms and Process Tracing: A Template for Empirical Research," *Journal of Common Market Studies* 54, no. 2 (2016): 337-352.

¹⁰ For an overview see: Claudio M. Radaelli, "Whither Europeanization? Concept Stretching and Substantive Change." *European Integration Online Papers* 4, no. 8 (2002): 1-25. Also see: Ulrich

The EU conditionality is assumed to be a technical set of standards applied to all aspiring states in a uniform way. However, as current research, whether rational-choice or sociological-institutionalist oriented, has already underlined conditionality is itself a politicised concept.¹¹ This is partially because of the fact that political climate in which integration unfolds cannot anymore be considered as “a permissive consensus.”¹² Stated differently, the integration process has become politicised over the last two decades in which citizens turned into more active players in informing the time, speed, and direction of European integration through electoral forms of political participation and referendums.¹³ Apart from that, mainstream accounts have already pointed that distribution of power between member and candidate states and “sense of duty” on part of the EU should also be taken into consideration while accounting for the dynamics, content, and scope of EU conditionality applied to aspiring states. Liberal intergovernmentalist accounts, for instance, suggest that the primary dynamics of the EU enlargement and political outcomes depend on inter-state bargaining and power relations between the EU member and candidate countries.¹⁴ As such, not only the EU’s decision to enlarge but also the emphasis put on the negotiation titles are in part shaped by state

Sedelmeier, “Europeanisation in New Member and Candidate States,” *Living Reviews in European Governance* 6, no. 1 (2011): 5-52.

¹¹ James Hughes, Gwendolyn Sasse, and Claire Gordon, “Conditionality and Compliance in the EU’s Eastward Enlargement: Regional Policy and the Reform of Sub-national Government,” *Journal of Common Market Studies* 42, no. 3 (2004): 523-551.

¹² Liesbet Hooghe, and Gary Marks. “A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus.” *British Journal of Political Science* 39, no. 1 (2009): 1-23.

¹³ Pieter de Wilde, Anna Leupold and Henning Schmidtke, “Introduction: the Differentiated Politicisation of European Governance,” *West European Politics* 39, no. 1 (2016): 3-22.

¹⁴ Andrew Moravcsik, “Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach,” *Journal of Common Market Studies* 31, no. 4, (1993): 473-524; Andrew Moravcsik, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht* (Ithaca: Cornell University Press, 1998).

preferences and bargaining capacity of actors.¹⁵ The constructivist accounts, on the other hand, suggest that EU's enlargement decision is informed by dominant norms that form EU's collective identity. The negotiation process, accordingly, is shaped by sense of responsibility on part of the EU to include the states that are normatively considered as part of Europe.¹⁶ In summary, whether rationalist or constructivist, main frameworks analysing EU's relations with target countries highlight that conditionality is more than a technical exercise. This inference is more pronounced especially concerning politically sensitive areas – such as minority rights reforms investigated in this research.

The Europeanisation of minority rights is a very disputed issue in both member and candidate countries.¹⁷ It is also one of the areas in which progress appears to be more problematic in comparison to more technical policy areas that entirely fall under the scope of the EU *acquis communautaire*. The study of the EU's impact on minority rights policies is challenging for two particular reasons. First, the rules and regulations concerning minority rights are not precisely defined as part of the EU membership conditionality. Despite this, the EU has put increasing importance on the protection of minorities in the post-Cold War era especially following the development of the Copenhagen criteria that set the basic normative framework of the EU's relationship with target states, EU-level minority rights regime has not been considered entirely efficient

¹⁵ Andrew Moravcsik and Milada Anna Vachudova, "National Interests, State Power, and EU Enlargement," *East European Politics and Societies* 17, no. 1 (2003): 42-57.

¹⁶ Helene Sjursen, "Why Expand? The Question of Legitimacy and Justification in the EU's Enlargement Policy," *Journal of Common Market Studies* 40, no. 3 (2002): 491-513; Helene Sjursen, "A Certain Sense of Europe? Defining the EU through Enlargement," *European Societies* 14, no. 4 (2012): 502-521.

¹⁷ Bernd Rechel, "What Has Limited the EU's Impact on Minority Rights in Accession Countries?" *East European Politics and Societies* 22, no. 1 (2008): 171-191.

yet.¹⁸ The EU heavily relies on other international organisations – particularly Council of Europe (CoE) and Organization for Security and Co-operation in Europe (OSCE), to improve the status of national minorities in member and candidate states. As such, the CoE and OSCE regulations, along with Copenhagen criteria, form the basis of EU’s conditionality on minority rights protection. However, these regulations appear to be relatively broad and lack specificity in terms of operationalisation. This provides ample leeway for national policy-makers to interpret minority regulations in different ways to the extent that it paves the way for notable inconsistencies and implementation gaps. For instance, Schweltnus, Balazs, and Mikalayeva eloquently point out diverging interpretation of national governments in the field of minority regulations.¹⁹ The EU is also criticised due to the politicised nature of minority rule adoption that diverge considerably between ‘old’ and ‘new’ member states. Johns, for example suggests, “double standard becomes apparent” regarding the treatment of national minorities across western and eastern European members.²⁰ It is also likely that states in the post-membership process may revoke minority protection and non-discrimination measures

¹⁸ David J. Galbreath and Joanne McEvoy, *The European Minority Rights Regime: Towards a Theory of Regime Effectiveness* (Basingstoke: Palgrave Macmillan, 2012).

¹⁹ Guido Schweltnus, Lilla Balázs and Liudmila Mikalayeva, “It ain't over when it's over: The Adoption and Sustainability of Minority Protection Rules in New EU Member States,” *European Integration Online Papers* 13, no. 24 (2009).

²⁰ Michael Johns, “‘Do as I Say, Not as I Do’: The European Union, Eastern Europe and Minority Rights,” *East European Politics and Societies and Cultures* 17, no. 4 (2003): 682-699. Also see, Christophe Hillion, “Enlargement of the European Union: The Discrepancy between Membership Obligations and Accession Conditions as Regards the Protection of Minorities,” *Fordham International Law Review* 27, no. 2 (2003): 715-740.

due to the ambivalent nature of EU minority conditionality and post-membership monitoring problems associated with technocratic EU institutions.²¹

Second, as logical extension of the first point, the ambivalence of conditionality on minority rights make it a ‘hard case’ to reveal how the EU informs domestic rule adoption. For instance, one of the mainstream Europeanisation accounts, external incentives model, suggests that rule compliance depends on the credibility of EU commitments and the size of rewards in return for domestic compliance.²² The model also argues that rule adoption takes place depending on the outcome of rationalist cost-benefit calculations. Top-down hierarchical approaches, on a broader scale, conceptualise the domestic realm as an obstacle that must be overcome to ensure rule compliance in the relevant policy area. On that note, high domestic adoption costs for governments prevent rule adoption.²³ As a result, as the argument goes, compliance becomes a likely policy outcome if national policy-makers perceive domestic costs of rule adoption relatively low and EU conditionality is perceived consistent and credible.

This dissertation maintains that adoption of minority-friendly regimes is a difficult case for mainstream top-down approaches as the EU norms in the minority policy area are not clearly defined and consistently implemented. Furthermore, domestic compliance costs are likely to be very high due to the politically sensitive nature of inter-ethnic relations that is likely to be perceived as a challenge to the sovereignty of the

²¹ Nevena Nancheva, “Imagining Policies: European Integration and the European Minority Rights Regime,” *Journal of Contemporary European Studies* 24, no. 1 (2016): 132-148.

²² Schimmelfennig and Sedelmeier “Governance by Conditionality.” Frank Schimmelfennig and Ulrich Sedelmeier, “Introduction,” in *The Europeanisation of Central and Eastern Europe*, edited by Frank Schimmelfennig and Ulrich Sedelmeier (Ithaca and London: Cornell University Press, 2005): 1-28.

²³ Ibid.

Westphalian nation-states.²⁴ However, as discussed with reference to empirical cases in this dissertation, compliance in minority rights may still take place even though adoption costs appear to be relatively high for domestic ruling elites and EU regulations are politicised and contested in the field of minority rights. That being said, rule compliance in minority rights policies tends to follow diverging patterns across cases, which leads to an intriguing puzzle on the domestic and external conditions under which minority-friendly policies are adopted in states aspiring to become EU members. This dissertation offers a two-level model that integrates domestic factors and EU conditionality to solve the puzzle as to how complex interaction of multi-level factors feed into diverging outcomes in minority policies.

1.2. Case selection

This dissertation focuses on Bulgaria's minority rights regime as a 'deviant case' for mainstream Europeanisation accounts as it hardly fits into the existing templates. As Jack S. Levy suggests, "deviant case study research designs focus on observed empirical anomalies in existing theoretical propositions, with the aim of explaining why the case deviates from theoretical expectations and in the process refining the existing theory and generating additional hypotheses."²⁵ As such, deviant cases serve the aim of refining

²⁴ On the question of sovereignty, minority rights, and multiculturalism, see Jennifer Jackson Preece, *National Minorities and European Nation-State System* (Oxford: Oxford University Press, 1998); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995).

²⁵ Jack S. Levy, "Case Studies: Types, Designs, and Logics of Inference," *Conflict Management and Peace Science* 25 (2008): 13.

existing explanations and offering new frameworks.²⁶ All three junctures in Bulgaria investigated in the following chapters – pre-candidacy period (1989-1999), candidacy (1999-2007), post-membership (2007-2017) – can be considered as difficult cases that hierarchical models of conditionality do not entirely account for.

First, as briefly mentioned above, top-down models of Europeanisation are inclined to assume that domestic area poses an impediment toward external rule adoption (see chapter 2). It is not, however, entirely possible to explain pre-candidacy period in Bulgaria (1989-1999) with reference to top-down frameworks, as significant transformation in minority rights policies took place mainly thanks to the conciliatory approach of the domestic elites – which this dissertation framed as ‘double moderation,’ rather than explicit EU conditionality. Second, the minority reform performance of the Bulgarian government during the candidacy process also creates puzzles that are difficult to accommodate within the context of mainstream accounts. The literature suggests that EU impact reaches its zenith during the candidacy process and the aspiring states are more eager to comply with the EU rules and norms. However, as demonstrated in chapter 4, the reform performance of the Bulgarian governments fell short of expectations in the candidacy process, especially in comparison to the pre-candidacy period. This was the case, even when the Turkish minority party, Movement for Rights and Freedoms (MRF) joined the government as a coalition partner. On the other hand, the changing domestic political scene put the famous ‘Bulgarian ethnic model’ into jeopardy, as anti-minority sentiments surfaced and became more organised than the 1990s. Bulgaria’s candidacy

²⁶ John Gerring, *Case Study Research* (New York: Cambridge University Press, 2007): 105-115.

process, therefore, leads to new puzzles regarding the domestic and external scope conditions of reform-activism or reform-inertia in the minority rights area.

Third, post-membership developments regarding minority-majority relations in Bulgaria lead to new empirical puzzles as well. The conditionality literature suggests that EU leverage decreases considerably once the states join the EU. As Börzel and Schimmelfennig demonstrate “once countries become members, the EU’s political integration capacity weakens.”²⁷ In this regard, recent democratic regression and anti-minority sentiments in several new member and candidate countries is an illustrating case in point – an important point addressed below. Despite challenges it currently faces and discernibility of anti-minority sentiments, the resilience of the Bulgarian ethnic model provides new empirical evidence to reveal under which domestic and external conditions minority-friendly policies are harder to reverse.

The empirical puzzles emanating from the Bulgarian case provide new avenues to revise and refine the relevant strand of literature. However, as Levy suggests, “the examination of deviant cases is not the end of inquiry, as the theory refined on the basis of deviant case analysis must be subject to subsequent testing against new evidence by applying the revised hypotheses to other cases or to unexamined aspects of the same case.”²⁸ To this end, this dissertation also compares two new member and candidate countries with the Bulgarian case in chapter 5 to explore different constellations of domestic and external factors as parts of the ‘two-level model’ sketched out in chapter 2. The Croatian and Montenegrin cases are also investigated along with Bulgaria for two

²⁷ Tanja A. Börzel and Frank Schimmelfennig, “Coming together or Drifting Apart? The EU’s Political Integration Capacity in Eastern Europe,” *Journal of European Public Policy* 24, no. 2 (2017): 278.

²⁸ Levy, “Case Studies,” *Conflict Management and Peace Science*, 13.

main reasons. First, these two Western Balkan countries – which are new member and candidate states, respectively – also have a heavy baggage concerning inter-ethnic relations due to regime changes following the dissolution of Yugoslavia. Thus minority issues have been at the forefront of their relations with the EU since early 1990s. Second, different combinations of domestic and external factors lead to contrasting policy outcomes in these three cases, which share difficult background conditions, are expected to help overcoming problems associated with “selecting extreme cases on the dependent variable.”²⁹

1.3. Main argument and contributions to the literature

Drawing on three contentious cases – Bulgaria, Croatia, and Montenegro, this dissertation explores continuity and change in minority rights policies in new member and candidate states through two-level analytical framework. In-depth analysis of Bulgaria and comparative account of the three cases are illuminative to reveal the causal patterns of transformation in minority-majority relations in states located in the periphery of Europe and to assess the role of the EU over the process. Accordingly, main question addressed in this research is as follows: How do the different modes of interactions between EU-led conditionality and domestic-factors inform the degree of change in the minority rights policies?

By addressing the main question posed above and focusing on the ‘domestic’ in particular, this dissertation aims to contribute to the literature in two main ways. First, it develops a new framework that accounts for the dynamics of complex transformations in

²⁹ David Collier and James Mahoney, “Insights and Pitfalls: Selection Bias in Qualitative Research,” *World Politics* 49, no. 1 (1996): 59.

the minority rights area that existing top-down and bottom-up approaches, *per se*, cannot entirely explain (see chapter 2). The cases selected in this dissertation are particularly challenging as the violent nature of inter-ethnic relations have dominated the Balkans region for decades.³⁰ Several Balkans states implemented aggressive nationalist programmes glorifying dominant ethnic groups and eliminating minority communities through employment of violent exclusion and suppression tactics in different shapes and forms. One can suggest that identity construction in these states used to follow a pattern of exclusion and discrimination against ethnic minorities.³¹ Most recently, the fall of communism in 1990s and bloody dissolution of Yugoslavia sparked a new wave of political violence that transformed the entire region into a conflict zone. Despite the early failure of the EU to contain Yugoslavian wars and avoid humanitarian tragedies in Europe's sphere of interest, as Juncos suggested, it has gradually become a central actor in the region that played its role in transforming the political and economic systems of the countries located in the Balkans region.³² Parallel to this, minority regimes in the regional states also significantly transformed over the last three decades, which signified the peaceful coexistence of minority and majority communities.

The three cases covered in this dissertation also passed through major paradigm shifts (see chapter 5). The emergence and consolidation of 'the Bulgarian ethnic model' in the post-1990 period is a striking example of inter-ethnic moderation and mutual

³⁰ Brad K. Blitz, eds., *War and Change in the Balkans: Nationalism, Conflict, and Cooperation* (Cambridge: Cambridge University Press, 2006); Misha Glenny, *The Balkans (1804-1999): Nationalism, War, and the Great Powers* (London: Granta Books, 1999).

³¹ Neophytos G. Loizides, "Religious Nationalism and Adaptation in Southeast Europe," *Nationalities Papers* 37, no. 2 (2009): 206.

³² Ana E. Juncos, "The EU's post-Conflict Intervention in Bosnia and Herzegovina: (re)Integrating the Balkans and/or (re)Inventing the EU?" *Southeast European Politics* 6, no. 2 (2005): 88-108.

toleration.³³ The state of Turkish minority rights demonstrated massive shifts from *exclusion* to *inclusion* and, as relevant chapters demonstrate, Bulgaria now appears to have an effective minority-friendly regime. The gradual exclusion of the Turkish minority in Bulgaria started in early the 1960s as part of the state's "homogenisation" policies. Todor Zhivkov, who ruled Bulgaria with an iron fist for 35 years (1954-1989), increasingly perceived the Turkish minority as a threat in terms of the stability and order. As a result, the collective identity of Turks was first ignored, and then, denied by the Bulgarian government at the time. Zhivkov's anti-minority policies reached its zenith with the so-called "national revival process" in the late 1980s as a result of which more than 340,000 Turks were forced to leave Bulgaria.³⁴

The post-1990 developments that coincided with substantive democratisation of Bulgaria marked significant improvements with regards to inter-ethnic relations. From the perspectives of mainstream theories on democratisation and ethnic conflict – such as Mann and Brubaker, Bulgaria can be considered as a plausible case in terms of further escalation of inter-ethnic conflict.³⁵ However, contrary to the expectations, Bulgaria experienced peaceful transition to democracy. As such, the emergence of inclusive minority policies enabled gradual integration of ethnic Turkish community into Bulgarian

³³ Antonina Zhelyazkova, "The Bulgarian Ethnic Model," *East European Constitutional Review* 10, no. 4 (2001): 62-66; Benedict E. DeDominicis, "The Bulgarian Ethnic Model: Post-1989 Bulgarian Ethnic Conflict Resolution," *Nationalities Papers* 39, no. 3 (2011): 441-460.

³⁴ R. Ercüment Konukman, *Tarihi Belgeler Işığında Büyük Göç ve Anavatan: Nedenleri, Boyutları, Sonuçları*, yayına hazırlayan Kutlay Dogan (Ankara: Türk Basın Birliği, 1990): 61, 71. Maria Bakalova gives the total number as 360,000. See: "The Bulgarian Turkish Names: Conflict and Democratic Transition," *Innovation* 19, no. 3-4 (2006): 235.

³⁵ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe*, (Cambridge: Cambridge University Press, 1996); Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2004).

socio-political mainstream, which marked a shift in minority policies. However, as suggested in the previous section, existing explanations fall short of accommodating the causal factors that informed the emergence and consolidation of Bulgarian ethnic model and the EU's role thereof. Having taken the stock of studies on conditionality, this dissertation aims to contribute to the literature by reconceptualising the domestic field as a potential driver for change. In this sense, 'double moderation' between domestic minority and majority leaders is offered as a necessary condition that facilitates the emergence of minority-friendly policies (see chapter 2 and chapter 5).

Second, this dissertation aims to contribute to the literature by applying the two-level model to the transformation of majority-minority relations in Croatia and Montenegro along with Bulgaria. The two post-conflict Western Balkan states refer to other striking cases through which EU rules and norms on minority rights made its way into conflict-ridden countries in the region.³⁶ Following the civil war in Croatia, inter-communal relations between ethnic Croats and Serbs improved significantly in the 2000s – as Croatian governments adopted EU regulations on minority protection that formed legal and institutional framework to design peaceful co-existence of different ethnic groups. Montenegro, another Western Balkan state, also refers to a striking but

³⁶ There are several different definitions of "conflict" in the literature (for a comprehensive review, see Tropp, 2012). The term "post-conflict" is defined as follows in this study. According to Junne and Verokren (2004), post-conflict is "a conflict situation in which open warfare has come to an end. Such situations remain tense for years or decades and can easily relapse into large-scale violence." The three cases examined in this dissertation are categorised as "post-conflict" because in Bulgaria, the Turkish minority were targeted by the Bulgarian militia during the peaceful demonstrations in the winter of 1984-85 which resulted in the death of over a hundred members of Turkish minority community. Until 1989, they were subject to systematic state repression, imprisonment, internal displacement, and forced migration. The other two cases are also categorised as "post-conflict" because those states (Croatia and Montenegro) gained their independence following the bloody dissolution of Yugoslavia, which had long-lasting ramifications in terms of inter-ethnic relations and societal cleavages.

underexplored case as it hosts several ethnic groups.³⁷ Montenegro started accession negotiations with the EU in 2012 and minority rights posed one of the central concerns attached to EU conditionality. As demonstrated in chapter 5, Montenegrin governments avowedly adopted pro-EU stance, which in turn, informed the minority policies of the Montenegrin ruling elites significantly. The comparative analysis of Bulgaria, Croatia and Montenegro provide solid cases that demonstrate under which conditions minority reforms take place and remain stagnated in the new member and candidate countries. These three cases, altogether, pose significant challenges for the mainstream Europeanisation accounts. The external incentive model, for example, does not entirely explain the dynamics of change in minority regimes of Balkan states. As demonstrated in following chapters, this dissertation argues that EU-impact diverges significantly across cases depending on combinative impact of three main factors: EU-pressure in the form of external conditionality, double moderation of minority-majority leaders, and state capacity.

The comparative analysis of Bulgarian and Croatian cases demonstrates the causal weight of domestic factors as ‘double moderation’ between minority and majority elites emerges as a necessary condition for substantive policy transformation. As such, rule compliance in the field of minority rights does not take place in the absence of inter-elite moderation regardless of the degree of EU-pressure. The comparative analysis of Montenegro and Croatia also reveal the importance of ‘state capacity’ as a mediating factor that links domestic willingness for reform and EU-pressure toward effective implementation of minority policies. In the Europeanisation literature, state capacity is

³⁷ Jelena Dzankic, “Montenegro’s Minorities in the Tangles of Citizenship, Participation, and Access to Rights,” *Journal on Ethnopolitics and Minority Issues in Europe* 11, no. 3 (2012): 40-59.

addressed in an implicit manner at best and completely ignored in most cases. Given the fact that the EU dealt with states which had sufficient degree of state capacity in the previous enlargement waves, the capacity problems associated with recent candidates and the ways in which it informs reform performance appears to be a neglected aspect in the literature. This dissertation makes the point that weak state capacity poses an impediment in terms of the effective implementation of minority reforms even though domestic elites are willing to adopt EU regulations and external conditionality is consistently applied. Having taken stock of the literature, the two-level model revises and re-frames the existing explanations to account for the complex transformations in new member and candidate countries. In conclusion, this research suggests that domestic dissatisfaction leading to ‘double moderation,’ ‘EU-level pressure’ and ‘state capacity’ constitute necessary conditions that jointly inform effective improvement in minority rights regime in new member and candidate states.³⁸

1.4. Chapter outline

This dissertation maintains that ‘double moderation’ in the domestic realm and the consistency of EU-level conditionality informs the progress and endurance of minority rights protection in member and candidate countries. It also argues that the outcome of the domestic and EU factors are conditioned by the degree of state capacity – a neglected aspect in the relevant literature. To develop and substantiate this main argument, chapters are organised as follows: Chapter 2 offers a critical review of the literature on the conceptual vocabulary and theoretical frameworks on Europeanisation. It is possible to

³⁸ For the definition and operationalisation of these concepts, see chapter 2 and table 2.1.

review the mainstream explanations along two major strands: (1) the logic of causality – rationalist vs. constructivist and (2) the direction of change – top-down vs. bottom-up. This review section aims to demonstrate that literature on EU’s transformative impact does not entirely explain the dynamics of status quo and change in minority rights policies. This chapter, then, sketches out two-level model that integrates domestic and EU-level factors to account for the gap in the relevant strand of research. The research design, methodological issues and information about data collection are also covered in this chapter.

The rest of the dissertation applies two-level model to three different periods in Bulgaria. As such, empirical chapters explore the combined effects of the EU conditionality and domestic factors. Accordingly, chapter 3 focuses on transformation of minority rights in Bulgaria between 1990 and 1999. The period in question poses intriguing empirical puzzles to test the hypotheses in terms of the weight of domestic and EU-level factors as substantive transformation took place in minority-majority relations. In line with the main argument, this chapter, by focusing on ‘double moderation’ between majority and minority ruling elites, demonstrates that domestic realm does not always pose an impediment for effective Europeanisation. The chapter also discusses why this is a counterintuitive finding that the hierarchical top-down approaches fall short of explaining adequately. This chapter, finally, explores the indirect ways through which European level factors act as a source of legitimate policy frames that domestic minority and majority leaders in Bulgaria relied on during transition period and afterwards.

Chapter 4 discusses the Bulgarian governments’ minority rights policies between 1999 and 2017. The post-1999 period refers to a critical juncture during which the EU-

pressure considerably increased because of the candidacy process. This chapter argues that Bulgaria, again, poses a paradoxical case, as minority rights improvements remained modest despite Turkish minority party secured seats in the Parliament and leverage of the EU increased remarkably over Bulgaria as part of the candidacy process. This chapter proffers the view that Bulgarian ethnic model is challenged in this episode since increasing institutional power of Turkish minority party and rising anti-minority sentiment among Bulgarian mainstream parties jointly jeopardised the consensus on double moderation between minority and majority elites. This chapter, therefore, demonstrates how different combinations of domestic and EU-level factors inform Bulgaria's minority reforms performance. Finally, this chapter discusses post-membership process to understand whether external conditionality ceases and rule-compliance weakens following the membership.

Chapter 5 extends the scope of the debate by comparing the Bulgarian case with Croatia and Montenegro. The minority regimes in both cases changed significantly over the same time frame in different directions and degrees. The variance in outcomes enables exploring different combinations of explanatory factors that form parts of the two-level model. This chapter puts the pieces of puzzle together to address how different modes of interactions between external conditionality and domestic factors inform the degree of change in the minority rights policies in the new member and candidate states.

Finally, chapter 6 concludes the dissertation. This chapter, first, revisits the research puzzle and summarises empirical findings. Main alternative explanations are also addressed in this part to demonstrate how two-level model builds on and expands

current accounts of Europeanisation. The final section points to new avenues for further research.

1.5. Dynamics of EU conditionality in a changing Europe

The recent problems that Bulgarian ethnic model encounters coincide with the rising wave of de-Europeanisation in several EU member states. The Bulgarian ethnic model, which was consolidated during the 1990s, currently appears to be under stress as European-level dynamics that facilitated multi-ethnic co-existence has taken a turn for the worse, especially in the aftermath of ‘Europe’s multiple crises’. The recent developments provide new insights to reconsider the resilience of the Bulgarian ethnic model and sustainability of minority rights reforms given the reversing fortunes of European integration project.³⁹ On that note, Central and East European members, such as Hungary and Poland, have experienced significant setbacks in terms of democracy, rule of law, and human rights.⁴⁰ Hungary, for instance, appears to move towards “building an illiberal state” under the premiership of Viktor Orbán.⁴¹ The Orbán government, resorting to populist-nationalist policies, has put several illiberal policies into implementation that constrained the activities of civil society organisations, curtailed

³⁹ For a recent review on changing dynamics of European integration and *dis*-integration, see Douglas Webber, “How Likely is it that the European Union Will Disintegrate? A Critical Analysis of Competing Theoretical Perspectives,” *European Journal of International Relations* 20, no. 2 (2013): 341-365.

⁴⁰ Attila Àgh, “Decline of Democracy in East-central Europe: the Last Decade as the Lost Decade in Democratization,” *Journal of Comparative Politics* 7, no. 2 (2014): 4-33; Daniel Kelemen, “Europe’s Other Democratic Deficit: National Authoritarianism in Europe’s Democratic Union,” *Government and Opposition* 52, no. 2 (2017): 211-238.

⁴¹ Victor Orban, “Full Text of Viktor Orban’s Speech at Baile Tuşnad speech,” July 26, 2014, <https://budapestbeacon.com/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo -of-26-july-2014/>

the freedom of media, and restricted democratic rights and freedoms.⁴² Likewise, Orban has adopted an explicitly anti-minority and anti-migrant rhetoric that has shrunk the democratic space considerably for minority populations.⁴³

The attractiveness of the liberal norms and values advocated by the EU also faded in Poland – a country labelled as the poster child of Europeanisation due to the scale and speed of economic and democratisation reforms along the lines of the EU since 1990s.⁴⁴ The current Law and Justice Party government, which swept the Polish Parliament in 2015 elections, has implemented a series of illiberal policies that raise question marks with regards to the quality of democracy, rule of law, and human rights. The conservative populists in Poland, gathered under the umbrella of Law and Justice Party, gained strong support of the population. The EU president Donald Tusk, who also happens to be the former prime minister of Poland, for instance, argued that the country “was moving backwards and eastwards.”⁴⁵ The European Commission also launched an infringement procedure on the ground that Polish government violated the principle of judicial independence.⁴⁶ Similar to the Hungarian case, the scapegoating of migrants and minorities constitutes an integral aspect of exclusionary political discourse and illiberal slant of the governing Law and Justice Party. For instance, the representatives of the

⁴² Agnes Batory, “Populists in Government? Hungary’s ‘System of National Cooperation’,” *Democratization* 23, no. 2 (2016): 294-296; János Kornai, “Hungary’s U-Turn,” *Capitalism and Society* 10, no. 1 (2015): 1-24.

⁴³ Ivan Krastev, “Eastern Europe’s Illiberal Revolution,” *Foreign Affairs* 97, no. 3. (May/June 2018): 49.

⁴⁴ Wojciech Przybylski, “Can Poland’s Backsliding Be Stopped?” *Journal of Democracy* 29, no. 3 (2018): 52-64.

⁴⁵ Wojciech Moskwa and Rodney Jefferson, “Poland’s Populist Turn,” *Politico*, December 25, 2016, <https://www.bloomberg.com/quicktake/poland>

⁴⁶ European Commission, “*Press Release: Rule of Law: European Commission takes next step in infringement procedure to protect the independence of the Polish Supreme Court Press Release*,” August 14, 2018, http://europa.eu/rapid/press-release_IP-18-4987_en.htm

minority communities in Poland felt compelled to write a letter to the Polish president expressing “concern about what they see as a rising wave of aggression based on nationality, race and religion.”⁴⁷

The declining appeal of the EU and its weakening anchor role over member and candidate states are closely associated with the ‘multiple crises’ that European integration is passing through.⁴⁸ The stagnation in European economies and structural problems of the euro area, the migration crisis, and the Brexit conundrum represent different aspects of EU’s multiple and multi-dimensional challenges. On a broader scale, as Sakwa points out, “there is a crisis in the development of European continentalism” that invites geopolitical rivalries, internal divisions, and “thereby the spectre of war” as exemplified by the conflict in Ukraine.⁴⁹ The domestic and external challenges that the EU currently faces jeopardise the appeal of the EU over target states as they reduce the allure of the liberal model undergirding EU norms and values. The growing intolerance toward minorities and migrant communities in an increasingly illiberal political context that lauds electoral majoritarianism rather than political pluralism constitutes an integral aspect of the emerging trend. It is striking to note that the Bulgarian case, as discussed in chapter 4, seems to protect itself from the vagaries of illiberal surge until now despite apparent problems associated with the quality of democracy and rule of law in the

⁴⁷ The Associated Press, “Minority Groups in Poland Decry Aggression, anti-Semitism,” *Atlantic Broadband*, February 4, 2018. http://www.atlanticbb.net/front_controller.php/news/read/category/Europe%20News/article/the_associated_press-minority_groups_in_poland_decry_aggression_antisem-ap

⁴⁸ For a comprehensive analysis of the EU’s multiple crises, see Desmond Dinan, Neill Nugent and William E. Paterson, eds., *The European Union in Crisis* (London: Palgrave Macmillan, 2017).

⁴⁹ Richard Sakwa, “The Death of Europe? Continental Fates after Ukraine,” *International Affairs* 91, no. 3 (2015): 553-554. Also see Richard Sakwa, *Frontline Ukraine: Crisis in the Borderlands* (London and New York: I. B. Tauris, 2016).

country. The Bulgarian ethnic model, though facing challenges, manages to survive the recent wave of de-Europeanisation taking place in several other cases. The two-level model offered in this dissertation is likely to shed light to the resilience of the minority-majority relations in Bulgaria in comparison to the Croatian and Montenegrin cases. The next chapter, to this end, sketches out the conceptual framework and places it into the existing literature.

CHAPTER II. Conceptual Framework: Europeanisation as a Two-level Process

2.1. Introduction

This chapter offers a conceptual framework that explains reform dynamics in minority rights policies in new member and candidate countries with particular reference to Europeanisation literature. Europeanisation is a burgeoning yet controversial area in European studies. As Olsen suggests, the term is “applied in a number of ways [for] a variety of phenomena and processes of change” and it “has many faces.”⁵⁰ In general, the concept has become integral part of the frequently applied frameworks to analyse transformations in domestic polities (i.e., institutions), politics, and policies of the target states in several fields, including but not limited to foreign policy, cohesion policy, environmental policy, and macroeconomic policy.⁵¹ Despite the term has been a growth industry in European studies, the conceptual underpinnings, mechanisms, and the outcome of the EU impact is still a matter of controversy. The impact of the EU is especially controversial in areas, such as minority rights policies, where the EU’s policy templates are not clearly defined and consistently implemented. This dissertation aims to shed light on this area by developing a conceptual model that account for the continuity and change of minority policies in new member and candidate countries. The following section focuses on the stages of Europeanisation literature and sketches out the research puzzle. The third section offers a conceptual framework to reveal how Europeanisation

⁵⁰ Johan P. Olsen, “The Many Faces of Europeanisation,” *Journal of Common Market Studies* 40, no. 5 (2002): 921.

⁵¹ Tanja Börzel and Thomas Risse, “When Europe Hits Home: Europeanisation and Domestic Change,” *EIoP Online Papers* 4, no. 15 (2000): 2.

works and applies it to the minority rights policies. The fourth section discusses the main aspects of cases selected and addresses issues pertaining to research design. The final section concludes the chapter.

2.2. Brief overview of literature and research puzzle

The Europeanisation literature that explores the EU's impact on member-states has proliferated parallel to the EU enlargement waves and expansion of the EU's policy competences. It is plausible to suggest that the literature is expanded and refined as each enlargement wave brought new set of novel empirical and conceptual puzzles regarding the causal mechanisms and mediating factors through which EU conditionality makes its way into domestic politics.

The first wave of Europeanisation, which refers to pre-2004 enlargement and confined to the dynamics and mechanisms of policy changes in old member states constitutes a distinct and well-established research agenda. Featherstone and Radaelli demonstrated in a comprehensive account within the context of old member states that Europeanisation had been mainly conceptualised as the impact of the EU-level pressures on national public institutional systems, which they labelled as “domestic [institutional] adaptation to the pressures emanating directly and indirectly from EU membership.”⁵² The first wave of Europeanisation research concentrates on the implementation of the EU regulations in policy domains where the EU has very clear policy templates in terms of fundamental rules and supranational norms. The policy areas such as cohesion policy,

⁵² Kevin Featherstone and Claudio M. Radaelli (eds.), *The Politics of Europeanisation* (Oxford: Oxford University Press, 2003): 7.

environmental policy, and transport policy and the rule adoption capabilities of the old member countries in the well-established policy domains have been the main focus of the literature in question. As Graziano and Vink aptly point out the “classic” policy domains, which concerned the old member-states, “have been extensively studied.”⁵³

The second wave, which primarily deals with the Central and East European Countries (CEECs) which entered the EU in 2004 and 2007, also emerged as a promising research area that deal with the mechanisms of substantial economic and political regime transformations.⁵⁴ As each enlargement brought new puzzles, the causal mechanisms through which the EU hits domestic economic social, political, and institutional arrangements were also modified. Radaelli and Pasquier note that the early and traditional research mostly focused on top-down mechanisms of Europeanisation and mainly revolved around the conceptual and definitional issues.⁵⁵ Their contributions to the emergence and consolidation of a new research agenda notwithstanding, these studies did not put adequate emphasis on the complex dynamics and different modalities of policy transformations in new member and candidate countries. The second wave of Europeanisation literature dealing with new EU member and candidate states, therefore, is still considered as a work in progress. As Sedelmeier underlines “the Europeanisation

⁵³ Maarten P. Vink and Paolo Graziano, “Challenges of a New Research Agenda,” in *Europeanisation: New Research Agendas*, edited by Paolo Graziano and Maarten P. Vink (Basingstoke: Palgrave Macmillan, 2007): 7.

⁵⁴ For an overview see, Ulrich Sedelmeier, “Europeanisation in New Member and Candidate States,” *Living Reviews in European Governance* 6, no. 1 (2011): 5-52; Mileda, A. Vachudova, *Europe Undivided: Democracy, Leverage and Integration After Communism* (Oxford: Oxford University Press, 2005).

⁵⁵ Claudio M. Radaelli and Romain Pasquier, “Conceptual Issues,” in *Europeanisation: New Research Agendas*, edited by Paolo Graziano and Maarten P. Vink (Basingstoke: Palgrave Macmillan, 2007): 39-41.

of candidate countries has emerged only recently as a separate research area.”⁵⁶ Theoretically-informed empirical works on new cases, according to Vink and Graziano, are still pending to “explain different degrees of Europeanisation between countries, weighting the explanatory value of the European sources of domestic change against alternative explanations, and trying to understand [different] meanings of ‘EU pressure.’”⁵⁷

This implies that the study of new member and candidate countries as part of the new wave of Europeanisation literature might shed light on the causal mechanisms through which the EU influences domestic politics and institutional arrangements in these polities.⁵⁸ One important puzzle that recent accounts of Europeanisation point out is the diverging outcomes of EU-level pressure. There are two aspects to the issue. On the one hand, one needs to explain when/how the EU-level pressure paves the way for substantial policy transformations in target countries. Stated differently, what determines the rule adaptation and transformation in domestic polities? On the other hand, recent empirical research, observing and documenting contrasting adaptation capacity of the member and candidate countries, aims to place the impact of EU conditionality into its proper context by taking domestic policy preferences and institutional arrangements more seriously. The main puzzle addressed in this dissertation is to determine scope conditions that account

⁵⁶ Ulrich Sedelmeier, “Europeanisation in New Member and Candidate States,” 5.

⁵⁷ Maarten P. Vink and Paolo Graziano, “Challenges of a New Research Agenda,” 17.

⁵⁸ Another strand of research, which is not covered in this dissertation, focuses on the EU’s transformative impact over countries that are not considered as part of enlargement process but still in its sphere of interest. For a comprehensive account, on the EU neighborhood policy, see Elena Korosteleva, *The European Union and its Eastern Neighbours: towards a more Ambitious Partnership?* (London: Routledge, 2012). Also see Elena Korosteleva, “The EU, Russia and the Eastern Region: The Analytics of Government for Sustainable Cohabitation,” *Cooperation and Conflict* 51, no. 3 (2016): 365-383.

for the compliance performance of target states especially in policy areas where clear templates that undergird EU conditionality do not exist.

The premise of this dissertation is that this puzzle points to the importance of developing comprehensive frameworks that account for EU-level and domestic factors simultaneously to account for complex causality. Stating differently, delineating the temporal and contextual patterns of Europeanisation proves crucial to explain the interaction of ‘top-down’ and ‘bottom-up’ perspectives to reveal the diverging impacts of EU conditionality on target states (see below).

The concept of Europeanisation, however, cannot be studied in the abstract. This dissertation investigates the Europeanisation of minority rights in Bulgaria and contrasts the findings with Croatia and Montenegro. It seeks answers to the following research question: How do the different modes of interactions between EU-led conditionality and domestic-factors inform the degree of change in the minority rights policies in the recent member and candidate countries? To address this question, the next section delves into the literature on Europeanisation and sketches out a ‘two-level model.’

2.3. Conceptual framework: How Europeanisation works?

The vast literature on the subject matter illustrates that Europeanisation is a contested term.⁵⁹ This section locates the critical approach adopted in this dissertation into the existing literature as its main starting point. The critical perspectives on Europeanisation can be grouped under two broader categories.

⁵⁹ For an extensive literature review, see Ulrich Sedelmeier, “Europeanisation in New Member and Candidate States.”

The first strand of criticism focuses on the flawed *ontological logic* and *hegemonic usage* of the term. The dominant accounts of Europeanisation, according to this view, assume the EU as a predominant “civilizing actor” that represents universal values and exports these norms to hierarchically inferior subjectivities. Zielonka, for instance, argues that the EU’s approach to its periphery involves the use of an imperial paradigm blended with a normative discourse.⁶⁰ Sakwa convincingly suggests that the EU adopted a monist understanding of Europeanisation which relies on the notion of “historical West” – i.e., the prioritization of the Atlantic community and its allies.⁶¹ This narrow usage of the term fails to incorporate the multiple traditions of ‘greater Europe’ by subsuming other European states such as Russia in line with a pluralist pan-European agenda.⁶² Since the EU “effectively claimed to be the sole legitimate voice of Europe”, Sakwa points out, the narrow usage of ‘Europeanisation’ basically “described as conforming to EU conditionality.”⁶³ As such, the euphemistically hierarchical usage of the term “normative power” is itself considered as a form of hegemony.⁶⁴ Similarly, Flockhart also offers a compelling critique of the current literature on Europeanisation by pointing that the existing definitions and conceptualisation of the term, despite being

⁶⁰ Jan Zielonka, “Europe’s new Civilizing Missions: the EU’s Normative Power Discourse,” *Journal of Political Ideologies* 18, no. 1 (2013): 35-55.

⁶¹ Richard Sakwa, “One Europe or None? Monism, Involution and Relations with Russia,” *Europe-Asia Studies* (forthcoming, 2018): 2.

⁶² Ibid., 1-3. For a comprehensive historical perspective see Richard Sakwa on the missed opportunity of creating a pan-continental European community see Richard Sakwa, *Russia against the Rest: The Post-Cold War Crisis of World Order* (Cambridge: Cambridge University Press, 2017).

⁶³ Ibid., 2. Also see Petr Kratochvil, “The Discursive Resistance to EU-Enticement: The Russian Elite and the (Lack of) Europeanisation,” *Europe-Asia Studies* 60, no. 3 (2008): 397-422.

⁶⁴ Thomas Diez, “Normative Power as Hegemony,” *Cooperation and Conflict* 48, no. 2 (2013): 194-210.

broad and theoretically inclusive, are still flawed as they mainly focus on the EU.⁶⁵ Flockhart argues that existing approaches tend to focus on “political processes which relate almost exclusively to change brought about by the EU, thereby *de facto* excluding other processes which may also logically be regarded as Europeanization.”⁶⁶ This narrow construction of the term, the argument goes, does not only limit the scope but also imply a euro-centric and permanently superior construction of EU identity. To overcome the narrow focus of the literature, Flockhart offers a distinction between ‘Europeanization’ and ‘EU-ization’, the latter being restricted to the EU’s direct impact on domestic policies, institutions, and norms whereas the former refers to a more comprehensive historical and sociological content of the term.⁶⁷

The second line of criticism directed to the dominant accounts of Europeanisation is mainly about the *direction and nature of causality* that inform contrasting policy outcomes and the relative weight of the EU conditionality in the process. The critical perspectives on that front mainly question the explanatory power of top-down hierarchical approaches and focus on the domestic-level to account for diverging degree of policy and political compliance across cases. While acknowledging the eye-opening role of the ontological criticisms toward Europeanisation literature summarised in the preceding paragraph, this dissertation mainly confines itself to the limits of this second group of critical accounts – though it draws from insights of former perspectives where

⁶⁵ Trine Flockhart, “Europeanization or EU-ization? The Transfer of European Norms across Time and Space,” *Journal of Common Market Studies* 48, no. 4 (2010): 789.

⁶⁶ *Ibid.*, 790.

⁶⁷ Also see Helen Wallace, “Europeanization and Globalization: Complementary or Contradictory Trends,” *New Political Economy* 5, no. 3 (2000): 369-382.

relevant. The rest of this section reviews the literature from this particular angle and sketches a two-level model to explain the policy shifts in minority policies.

Approached from the latter point of view, one concurs that different accounts define the concept as a shortcut to denote domestic impact of the EU. As Goetz put it, Europeanisation is often described “as a cause in search of an effect.”⁶⁸ The dominant approaches develop a certain level of bias that overemphasise the hierarchical factors and tend to conceive domestic area as an obstacle and impediment, which should be overcome during Europeanisation process. In fact, as the emerging literature tries to grasp, the domestic realm can act as an opportunity space that empowers the EU’s transformative impact via direct and indirect ways.⁶⁹ In order to rectify this bias, this research proposes a two-level analytical model that account for the dynamics of continuity and change in the minority rights policies. This study, therefore, aims to build on the existing literature and expand it by offering a more dynamic and interactive account without prioritising one level of analysis vis-à-vis the other yet explicitly acknowledging the interactive impact of these two levels on the observable outcome.

2.3.1. Causal logic of Europeanisation

The existing literature can be grouped along two interrelated dimensions to offer a conceptual framework that explains the dynamics of EU’s diverging impact concerning minority rights policies in new member and candidate countries: (a) rationalist-

⁶⁸ Klaus H. Goetz, “European Integration and National Executives: A Cause in Search of an Effect?” *West European Politics* 23, no. 4 (2000): 211-231.

⁶⁹ For a discussion in this direction, see: Gözde Yılmaz, “It is Pull-and-Push that Matters for External Europeanisation,” *Mediterranean Politics* 19, no. 2 (2014): 238-258

constructivist nexus and (b) external-domestic nexus. As such, a critical review of the literature proves useful to assess the *causal logic* and *direction of change* in Europeanisation research agenda.

The first dimension concerns the logic of causality. The main question that all accounts need to address is how European policies, regulations, and norms affect domestic institutional structures.⁷⁰ Thus Europeanisation frameworks deal with different versions of institutionalist accounts. As Vink and Graziano suggest;

Europeanisation scholars have reverted almost without exception to the broad spectrum of theories that fall under the umbrella of the so-called ‘new institutionalism’. In fact, one might even go as far as to say that the Europeanisation research agenda as such exemplifies the institutionalist turn in the political science of the 1980s.⁷¹

The causal mechanisms through which change takes place, however, considerably diverge according to different logics. It should be stated at the outset that the major challenge on Europeanisation is to establish the causal significance of external conditionality and offer explicit causal mechanisms through which the EU informs domestic change especially in areas that fall within the scope of ‘soft EU law.’⁷² As such, two major explanations derive from distinct causal logics and mechanisms: (1) the

⁷⁰ One approach adopts a strict view on the sources of Europeanisation and tends to equate the concept with the EU. Another strand adopts from a more comprehensive stance and includes other international organisations such as CoE and OSCE into consideration as well. Since this dissertation deals with the minority rights policies of Bulgaria, Croatia, and Montenegro, the second approach is adopted as the EU heavily relies on the Council of Europe and OSCE concerning the minority rights regulations.

⁷¹ Maarten P. Vink and Paolo Graziano, “Challenges of a New Research Agenda,” 13.

⁷² For a debate on ‘hard law vs. soft law’, see David M. Trubek and Louise G. Trubek, “Hard and Soft Law in the Construction of Social Europe: the Role of the Open Method of Co-ordination,” *European Law Journal* 11, no. 3 (2005): 343–364.

rationalist and (2) the constructivist frameworks of Europeanisation.⁷³ These two approaches also provide useful toolkits to conceptualise the dynamics of persistence and change in minority rights regimes in member and candidate countries, which this research mainly focuses on.

Rationalist frameworks, also known as ‘logic of consequences,’ examine the ways in which new resources, formal institutions, and opportunities inform actors’ interests to achieve pre-determined goals.⁷⁴ The main assumption of rationalist theory is that rational actors are goal-oriented utility maximisers that act according to cost-benefit calculations.⁷⁵ This suggests that if domestic elites view the political costs of compliance in the area of minority rights higher than the perceived benefits, they are likely to resist change.⁷⁶ The Europeanisation process, from a rationalist point of view, “is conceived as an emerging political opportunity structure which offers some actors additional resources to exert influence, while severely constraining the ability of others to pursue their goals.”⁷⁷ EU conditionality enables new opportunities for domestic pro-change actors to form interest-based coalitions and defend their causes, which in turn, changes the

⁷³ Also see, Ian Bache and Stephen George, *Politics in the European Union* (Oxford: Oxford University Press, 2006): 58-65; Mark Pollack, “The New Institutionalisms and European Integration,” in *European Integration Theory*, edited by Antje Wiener and Thomas Diez (Oxford: Oxford University Press, 2004): 137-159.

⁷⁴ Mark A. Pollack, “Rational Choice and EU Politics,” in *The SAGE Handbook of European Union Politics*, edited by Knud Erik Jørgensen, Mark Pollack, Ben Rosamond (London: Sage, 2007): 41.

⁷⁵ Andrew H. Kydd, “Methodological Individualism and Rational Choice,” in *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal (Oxford: Oxford University Press, 2008): 425-443.

⁷⁶ For an analysis in the Central European context, see Peter Vermeersh, “EU Enlargement and Minority Rights Policies in Central Europe: Explaining Policy Shifts in the Czech Republic, Hungary, and Poland,” *Journal of Ethnopolitics and Minority Issues in Europe* 1, no. 1 (2003): 1-32.

⁷⁷ Tanja Börzel and Thomas Risse, “When Europe Hits Home,” 6.

distribution of power in domestic politics.⁷⁸ The logic of consequences works efficiently especially in areas where EU conditionality is established clearly in the EU *acquis*. From this point of view, rule adoption in the field of minority rights is likely to remain patchy in member and candidate states, as EU conditionality still is not well-established due to the politically contested and analytically porous nature of the minority concept. Although “the respect for and protection of national minorities” was enshrined in the Copenhagen criteria, the legal foundation of minority rights in EU law is not as comprehensive as established policy areas.⁷⁹ Therefore national governments, more often than not, have ample discretion over the implementation of minority policies, which are likely to undermine the fundamentals of the European minority regime.⁸⁰

Börzel and Risse suggest that EU conditionality works through two mediating factors according to the logic of consequences: veto points and formal institutions. Individual and collective veto players operating at different institutional contexts – depending on how much they are empowered within the context of interactions with the EU – can promote certain policy reform proposals and impede others through using veto power in decision-making procedures.⁸¹ Formal institutions, on the other hand, can empower certain actors over others to seize new material opportunities. From the logic of

⁷⁸ Christoph Knill and Dirk Lehmkuhl, “The National Impact of European Union Regulatory Policy: Three Europeanization Mechanisms,” *European Journal of Political Research* 41, no.2 (2002): 258; Adrienne Héritier et al., *Differential Europe: New Opportunities and Restrictions for Member-state Policies* (Lanham, MD: Rowman & Littlefield, 2001).

⁷⁹ Gwendolyn Sasse, “The Politics of EU Conditionality: The Norm of Minority Protection during and beyond EU Accession,” *Journal of European Public Policy* 15, no. 6 (2008): 842.

⁸⁰ Ece Özlem Atikcan, “European Union and Minorities: Different Paths of Europeanisation,” *Journal of European Integration* 32, no. 4 (2010): 375-392.

⁸¹ For an overview of veto players, see George Tsebelis, *Veto Players: How Political Institutions Work* (Cambridge: Cambridge University Press, 2002).

consequences point of view, the EU might have indirect impact on the improvements of minority rights by promoting the establishment and consolidation of power sharing institutions in candidate and member countries through broader democratisation reforms. For instance, the changes in the electoral systems, such as proportional representation, might embark on a series of changes in the power balances in majority-minority relations, which lead to more inclusive power-sharing mechanisms and better representation of minorities at the domestic political arena.⁸²

On the other hand, constructivist frameworks, which rely on ‘logic of appropriateness,’ primarily focus on shared norms, convergence on identities and social learning as the main dynamics of rule adoption.⁸³ The main point is ontological prioritisation of social processes, which informs the ways through which individuals form their preferences in line with dominant norms and values that shape their perception of rationality and rational action.⁸⁴ The social constructivist approaches prioritise the processes through which actors construct particular interests rather than assuming political structures and interest functions of actors given.⁸⁵ Preferences of actors are amenable to change not only because of shifting cost-benefit calculations but also due to the change in acquired norms and values that inform the ultimate goals, not only

⁸² Alina Mungiu-Pippidi, “The Influence of EU Accession on Minorities’ Status in East Central Europe”, *Romanian Journal of Political Science* 7, no.1 (2007): 63-64.

⁸³ Thomas Risse, “Social Constructivism and European Integration,” in *European Integration Theory*, edited by Antje Wiener and Thomas Diez (Oxford: Oxford University Press, 2004): 159-176. For a lucid critique of rationalist approaches in broader international relations literature, see Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996).

⁸⁴ Börzel and Risse, “When Europe Hits Home,” 8.

⁸⁵ As Wendt suggests, famously, this perspective highlights “ontological dependence of structure on process.” See Alexander Wendt, “Anarchy is what States Make of it: The Social Construction of Power Politics,” *International Organisation* 46, no. 2 (1992): 406.

instruments. This perspective suggests two main mechanisms that are likely to invite domestic change through social learning. The first factor is change agents, also known as ‘norm entrepreneurs,’ which are interlocutors advocating policy change in the particular area with a capacity to form pro-reform coalitions through alternative frames along the lines of European norms.

The second mechanism is the fortification of civic political culture that undergirds consensus-building and public deliberation through the penetration of EU norms, values, and ideas penetrate into domestic polities. The civic political culture might help underpinning social learning processes along European values, i.e., socialization, which Checkel defines as “a process of inducting actors into the norms and rules of a given community.”⁸⁶ Once certain norms and rules have been internalised, they start to form the normal, right or benign behaviour.⁸⁷ Accordingly, the ruling minority elites are likely to have new opportunities to develop alternative frames with regard to the underlying principles of minority-majority relationship and ensure ownership of their discourse thanks to the legitimizing role of the European institutions and actors. The EU, as an actor that puts emphasis on political pluralism and multiculturalism, is considered to have major impact on member and candidate countries since it promotes certain norms and values in the broader areas of democratic governance, rule of law, human rights and

⁸⁶ Jeffrey T. Checkel, “International Institutions and Socialization in Europe: Introduction and Framework,” *International Organization* 59, no. 4 (2005): 804.

⁸⁷ For a broader debate on the dynamics of norm creation, dissemination, and internalization see, Martha Finnemora and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52, no. 4 (1998): 887-917.

minority issues.⁸⁸ Depending on the intensity of inter-ethnic moderation and depth of norm internalisation, as the argument goes, it becomes a less likely option for national governments to shift the main parameters of minority rights policies as rule compliance creates normative and institutional lock-in effects in later stages.

The more recent literature has explored new causal mechanisms and offered alternative typologies through which the EU informs policy change at the domestic level. For instance, Moumoutzis and Zartaloudis identify four distinct causal mechanisms that could be operationalised with reference to rationalist and constructivist explanations: (1) instrumental learning, (2) social learning, (3) naming and shaming, and (4) peer pressure.⁸⁹ Policy learning, which is the most popular explanation in Europeanisation literature, can be either in the form of instrumental or social learning. Accordingly, in instrumental learning, domestic policy-makers assess the new information they acquire as a result of EU-level interactions and adjust their policies if they calculate that this would facilitate achieving their goals. The social learning, on the other hand, leads to alteration in policy ends. As such, social learning does not only lead to a change in policy instruments but also goals and ends of the policies pursued. In case the EU provides new material opportunities to the domestic policy-makers in achieving their goals, this refers to instrumental learning. On the other hand, when the EU informs the ways in which domestic policy-makers conceive the problem itself that leads to the change in policy objectives, then, social learning takes place.

⁸⁸ On the concept of ‘civilian power’ and ‘normative power’, see Richard Whitman, *From Civilian to Superpower?* (Basingstoke: Palgrave Macmillan, 1998). Ian Manners, “Normative Power Europe: A Contradiction in Terms?” *Journal of Common Market Studies* 40, no. 2 (2002): 235–258.

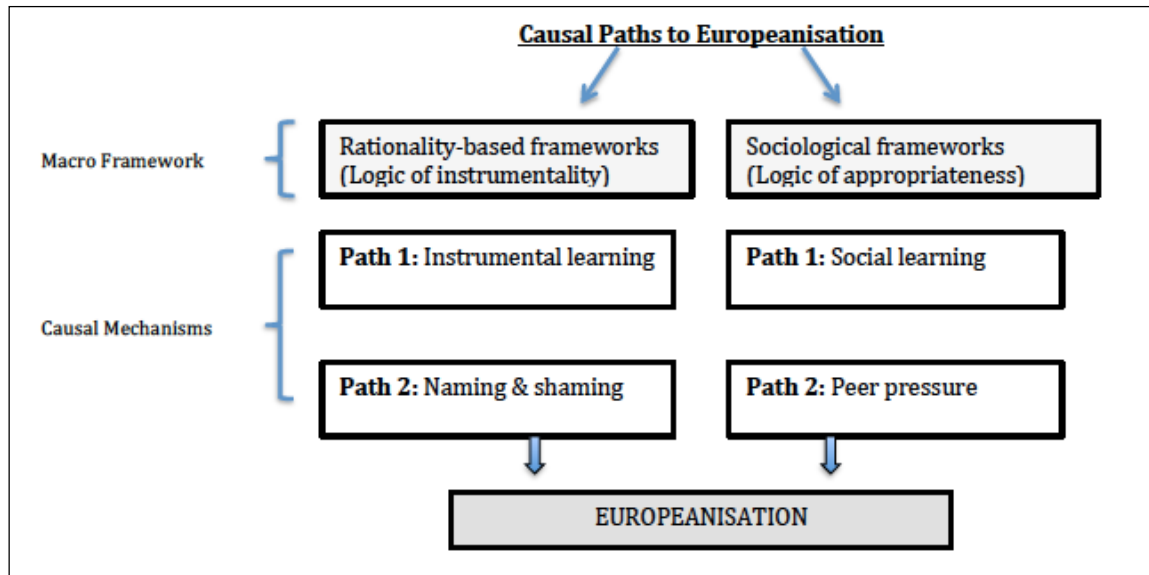
⁸⁹ Kyriakos Moumoutzis and Sotirios Zartaloudis, “Europeanization Mechanisms and Process Tracing: A Template for Empirical Research,” *Journal of Common Market Studies* 54, no. 2 (2016): 337-352.

Naming and shaming and peer pressure refer to other, rather rarely observed, causal mechanisms in the literature on Europeanisation. It is suggested that in non-binding EU policy areas under-performing countries can face the pressure from peers and other EU institutions, which in turn lead to increasing political pressure. This might also result in the increasing possibility of the ruling elite to lose in the earliest elections due to the domestic audience cost. Through naming and shaming and peer pressure mechanisms, the EU is likely to motivate the national policy makers informally and indirectly, as the ruling elite might feel obliged to change the dominant policy course in order not to lose prestige and perform poorly in domestic elections.⁹⁰ The latter two mechanisms, however, assume that the EU plays a progressive role in domestic political scene and receiving the support of EU institutions is considered as a positive development in terms of domestic empowerment that turns into a source of power and legitimacy all the time. This linear and progressive interpretation of the EU's domestic impact, however, proves naive given the recent developments in the EU member countries. Especially, the rise of nationalist-populist movements across European states and their ability to increase vote shares through Eurosceptic political rhetoric suggests that the EU's transformative power via naming and shaming and peer-pressure should be taken cautiously.⁹¹ The different causal paths through which the EU leverage informs domestic policies are demonstrated in figure 2.1 below.

⁹⁰ Moumoutzis and Zartaloudis, however, suggest that the naming and shaming is rationalist in nature, while peer pressure is about norms and values so can be explained in sociological terms.

⁹¹ For a recent and comprehensive overview of the rising Euroscepticism in the EU, see Benjamin Leruth, Nicholas Startin, Simon Usherwood, eds., *The Routledge Handbook of Euroscepticism*, London: Routledge, 2017. Also see Catherine E. De Vries, *Euroscepticism and the Future of European Integration*, Oxford: Oxford University Press, 2018.

Figure 2.1. Causal mechanisms of Europeanisation



Source: Author's compilation

This dissertation maintains that these causal mechanisms, i.e. rationalist and social-constructivist interpretations and four distinct ways of operationalisation of these overarching frameworks (see figure 2.1), are not necessarily mutually exclusive in explaining the continuity and change in minority rights policies. In fact, identifying causal mechanisms is an empirical challenge as diverging causal pathways might be at work at different cases and policy areas. Thus, *a priori* exclusion of one approach in favour of the other is likely to result in omitted mechanisms problems, which in turn, paves the way for incomplete causation or over-determination of the causal variable under investigation.⁹² One should admit that the dichotomic portrayal of these two distinct accounts masks more complex mechanisms that enable and enfeeble the improvement in different policy areas. Given the limitations of mono-causal explanations

⁹² Sidney Tarrow, "Bridging the Quantitative-Qualitative Divide in Political Science," *The American Political Science Review* 89, no. 2 (1995): 471-474

in political science, recent scholarship has started to develop synthetic frameworks that capture complex but more nuanced portrayal of the diverse set of causal factors at work.⁹³ The synthetic Europeanisation frameworks, along these lines, are also applied in several studies.⁹⁴ For instance, Börzel and Risse⁹⁵ and Börzel⁹⁶ adopt multi-causal frameworks that incorporate twin-track set of factors from rational choice and constructivist variants of institutionalist approaches to reveal the exact causal mechanisms at work. Along the same lines, this dissertation shall offer an eclectic approach as part of the two-level model sketched in the next section.

2.3.2. Direction of change in Europeanisation

The second dimension concerns the interactions between EU and domestic-level factors and their particular impact on the degree and direction of change in member and candidate states. As Bulmer argues, one of the most important debates in the field is whether “Europeanisation is exclusively a top-down phenomenon or whether it is in part horizontal.”⁹⁷ This dissertation challenges the conventional top-down accounts on the ground that hierarchical approaches are likely to over-estimate the EU-factor and

⁹³ For a comprehensive account on the benefits and procedures of eclecticism in political science, see Rudra Sill and Peter Katzenstein, *Beyond Paradigms: Analytic Eclecticism in the Study of World Politics* (New York: Palgrave Macmillan, 2010).

⁹⁴ However, one should add at this point that eclectic theorising in Europeanisation studies is a controversial issue. For an overview see, Simon Bulmer, “Theorizing Europeanization,” in *Europeanisation: New Research Agendas*, edited by Maarten P. Vink and Paolo Graziano (Basingstoke: Palgrave Macmillan, 2007): 52-53.

⁹⁵ Tanya Börzel and Thomas Risse, “Conceptualizing the Domestic Impact of Europe,” in *The Politics of Europeanisation*, edited by Kevin Featherstone and Claudio M. Radaelli (Oxford: Oxford University Press, 2003): 57-79.

⁹⁶ Tanya Börzel, “Europeanisation: How the European Union Interacts with its Member States” in *The Member States of the European Union*, edited by Simon Bulmer and Christian Lequesne (Oxford: Oxford University Press, 2005): 45-69.

⁹⁷ Simon Bulmer, “Theorizing Europeanization,” 51.

eschews the capacity of the domestic field toward adaption and change. Stated differently, mainstream approaches tend to underestimate the importance of domestic-level factors as they concentrate on top-down adjustment mechanisms.⁹⁸ The top-down perspectives mainly focus on supranational mechanisms of Europeanisation since it was assumed that “what matters for domestic actors and institutions is how the delegation to the European level affects policy outcomes in the domestic arena.”⁹⁹ Accordingly, the single most decisive factor for the degree of domestic change in this literature is *goodness of fit*. According to Risse, Cowles, and Caporaso, the degree of pressure from the EU leads to adaptational response at the domestic polities. Their argument is rather straightforward and mechanic:

Degree of adaptational pressure generated by Europeanisation depends on the ‘fit’ or ‘misfit’ between European institutions and domestic structures. The lower the compatibility between the European institutions, on the one hand, and national institutions, on the other, the higher the adaptational pressures.¹⁰⁰

The ‘goodness of fit’ analyses tend to conceive the EU policies standard, homogenous, and clearly defined that are implemented in a coherent and consistent manner. Furthermore, they assume domestic arena as a passive entity that absorbs the EU directives and regulations based on diverging resilience of status quo forces. Accordingly, the EU’s role is mainly conceptualised as a “lock-in effect” or a

⁹⁸ For instance see, Frank Schimmelfennig, Ulrich Sedelmeier, ed. *The Europeanisation of Central and Eastern Europe* (Ithaca and London: Cornell University Press, 2005).

⁹⁹ Simon Hix and Klaus Goetz, “Introduction: European Integration and National Political Systems,” *West European Politics* 23, no. 4 (2000): 3-4.

¹⁰⁰ Maria Green Cowles, James Caporaso, and Thomas Risse ed. *Transforming Europe: Europeanisation and Domestic Political Change* (Ithaca: Cornell University Press, 2000): 7.

“reinforcement mechanism.”¹⁰¹ The efficiency of EU conditionality, as such, is framed as the outcome of the EU external incentive and candidate state’s domestic costs of compliance.

The ‘external incentives model’, offered by Schimmelfennig and Sedelmeier, for instance, argue that four sets of factors determine the compliance performance of candidate states: determinacy of conditions, size of adoption costs, speed and size of rewards, and the credibility of threats and promises.¹⁰² Accordingly, the likelihood of adopting EU regulations by the member states increases (1) if the EU has clear set of conditionality criteria in respective policy area, (2) if rule adoption is perceived to bring considerable benefits in foreseeable future, (3) if the cost of adopting EU conditionality is considered less than the anticipated benefits, and finally, (4) if the member and candidate states perceive the EU as a credible actor regarding the threats and rewards in the event of non-compliance and compliance with the conditionality criteria.¹⁰³

This dissertation suggests that external incentives model and other hierarchical approaches do not capture the complexity of Europeanisation process in minority rights due to three main reasons. First, hierarchical cost-benefit perspectives are likely to be biased, as they tend to risk overestimating the causal significance of the EU, which invites an identification problem regarding the motives and mechanisms of effective rule adoption and substantive policy change. Also, these approaches mainly deal with the

¹⁰¹ Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, “Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey,” *Journal of Common Market Studies* 41, no. 3 (2003): 495–518.

¹⁰² Frank Schimmelfennig and Ulrich Sedelmeier, “Introduction,” in *The Europeanisation of Central and Eastern Europe*, edited by Frank Schimmelfennig and Ulrich Sedelmeier (Ithaca and London: Cornell University Press, 2005): 12.

¹⁰³ *Ibid.* 12-16.

ways in which the EU shapes domestic realm without explicitly acknowledging domestic responses to emerging opportunity structures. The fit/misfit frameworks start the analysis with the identification of the divergence between the domestic and external levels. Then, with reference to the casual mechanisms and intervening variables, these hierarchical frameworks try to explain the factors that lead to domestic rule adoption and policy transformation. However, Knill and Lehmkuhl¹⁰⁴ and Heritier and Knill,¹⁰⁵ inter alia, have demonstrated that misfit is not always a precondition for the Europeanisation of domestic arena. Thus linear top-down explanation of domestic rule adoption does not always capture the complexity and multi-faceted aspect of Europeanisation.

The second reason why hierarchical fit/misfit frameworks prove inadequate explaining the mechanisms of policy transformation in member and candidates states concerns the type of policy area. The hierarchical approaches, for instance external incentive model, tend to have more explanatory power especially in well-established policy areas. Accordingly, consistent and credible EU conditionality and low domestic adjustment costs explain the effective rule adoption in member and candidate states. By definition, these frameworks exclude policy areas where EU conditionality is not well established, porous, and subject to interpretation. However, Europeanisation takes place in ambiguous policy areas as well. Then, what explains the dynamics, scope conditions, and mechanisms of rule adoption in the areas concerned?

¹⁰⁴ Christoph Knill and Dirk Lehmkuhl, "How European Matters: Different Mechanisms of Europeanisation," *European Integration Online Papers* 3, no. 7 (1999).

¹⁰⁵ Adrienne Héritier and Christopher Knill, "Differential Responses to European Policies: A Comparison", in *Differential Europe: New Opportunities and Restrictions for Member-state Policies*, Adrienne Héritier et al. (Lanham, MD: Rowman & Littlefield, 2001): 257-294.

The issue of minority rights, which is the focal point of this research, is a very good example to explore this question. Sasse rightly points out that minority conditionality should not be effective according to these perspectives as the EU conditionality is not credible and consistent.¹⁰⁶ The literature suggests that EU's approach to minority rights diverge considerably across cases. As Tocci underlines, the issue is highly politicised: "the choice of which conditions to emphasise, how to interpret them and what benchmarks to set is inevitably subjective and 'political.'"¹⁰⁷ Furthermore, adopting minority-friendly policies would be extremely costly for the incumbent political elites, especially in post-conflict societies, such as the three cases examined in this dissertation. Thus a coherent conceptual framework of Europeanisation needs to concentrate on how EU conditionality and domestic factors operate in minority policies – which this dissertation aims to develop in the following pages.

One should also concentrate on historical evolution of the EU's approach to the protection of national minorities to account for temporal factors. As stated above, minority condition of the EU is highly ambiguous and contested.¹⁰⁸ Rather than being a policy realm that clear-cut regulations and policy standards are implemented, it remains mostly a political concern that is mainly operationalised in a selective fashion as part of

¹⁰⁶ Gwendolyn Sasse, "EU Conditionality and Minority Rights: Translating the Copenhagen Criterion into Policy," *EUI Working Paper RSCAS*, no. 16 (2005).

¹⁰⁷ Nathalie Tocci, "Unpacking European Discourses: Conditionality, Impact and Prejudice in EU-Turkey Relations," in *Conditionality, Impact and Prejudice in EU-Turkey Relations*, edited by Nathalie Tocci (IAI-TEPAV Report, 2007): 14.

¹⁰⁸ James Hughes and Gwendolyn Sasse, "Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEECS," *Journal on Ethnopolitics and Minority Issues in Europe* 14, no. 4 (2015): 26-59.

broader democratic conditionality.¹⁰⁹ Furthermore, old and core member states have diverging policies in regard to the definition and treatment of minorities, which suggest that EU lacks a standard template. The old member countries such as France, Greece, Belgium, and Germany have significant differences in their treatment of national minorities. Furthermore, as Koinova highlights, “the new applicants are also treated differently from each other”¹¹⁰ mainly because of the diverging priorities of core member states in their bilateral relations with the candidate states. The discussions on minority rights conditionality – which will be explored in further detail in the following section – suggest that the EU’s approach is not always consistent and credible in certain policy areas. The Europeanisation in minority rights seems to have more multi-faceted nature and hierarchical cost-benefit frameworks fail to grasp this complexity, as external conditionality is ambiguous and domestic adoption costs are very high.¹¹¹

Third, hierarchical Europeanisation frameworks need to be tested with reference to the new member and candidate countries to assess the effects of EU conditionality. As stated in the preceding section, the overwhelming majority of the Europeanisation research deals with West European cases, and recently with the Central and East European states. The comparative literature, however, is still underdeveloped about the ways in which the EU informs stability and change in the countries that have become

¹⁰⁹ Guido Schweltnus, “Double Standards? Minority Protection as a Condition for Membership,” in *Questioning Enlargement: The EU in Search of Identity*, edited by Helene Sjursen (London: Routledge, 2006): 186-200.

¹¹⁰ Maria Koinova, “Challenging Assumptions of the Enlargement Literature: The Impact of the EU on Human and Minority Rights in Macedonia,” *Europe-Asia Studies* 63, no. 5 (2011): 811.

¹¹¹ Based on this interpretation, some scholars define conditionality as a “process.” James Hughes, Gwendolyn Sasse, and Claire Gordon, *Europeanization and Regionalization in the EU’s Enlargement to Central and Eastern Europe: The Myth of Conditionality* (Basingstoke: Palgrave Macmillan, 2004).

member and/or candidate in the post-2004. As will be discussed in more detail in the case selection section below, this dissertation aims to build on and expand the existing accounts by sketching out a two-level model and applying it in three post-conflict societies that have recently become members of the EU (Bulgaria and Croatia) and hold candidacy status (Montenegro).

2.3.1. Two-level model on Europeanisation of minority rights

This dissertation focuses on causal pathways in a way that put emphasis on the interactive nature of EU and domestic identifiers that inform policy outcomes.¹¹² All three factors discussed above suggest that dynamics of Europeanisation need to be reassessed with particular reference to the domestic factors and how they respond to EU conditionality.

EU conditionality in the realm of minority rights is best understood with reference to Ladrech's useful classification of policy areas. Ladrech analyses EU's diverging impact on member and candidate countries with reference to 'soft EU policy' and 'hard EU policy.'¹¹³ The impact of the EU is expected to be more pronounced and direct in areas where hard EU policy applies and less influential and indirect in policy realms where soft EU policy applies.¹¹⁴ Given the fact that the EU does not have strict regulations codifying volumes of documents and institutionalised arrangements that set unequivocal standards for minority rights protection, it is one of the areas that makes it

¹¹² For an early account see, Tanja A. Börzel, "Pace-Setting, Foot-Dragging, and Fence-Sitting: Member State Responses to Europeanisation," *Journal of Common Market Studies* 40, no. 2 (2002): 193-214. Also, with reference to the Turkey's minority regime change, see Gözde Yılmaz, "It is Pull-and-Push."

¹¹³ Robert Ladrech, *Europeanisation and National Politics* (Basingstoke: Palgrave Macmillan, 2010): 30.

¹¹⁴ *Ibid.*

difficult to assess the EU impact. That being said, this does not mean that there is no room for Europeanisation of minority rights because formal supranational policies are not the only way that EU regulations makes its way to domestic politics. Furthermore, the EU gradually adopted a set of criteria concerning minority rights protection. In order to reveal the mechanisms through which the EU plays transformative role in the improvement of minority protection, the two-level model is proposed below.¹¹⁵

The first aspect of the ‘two-level model’ spelled out in this dissertation focuses on how and to what extent the EU exerts its influence on member and candidate countries. The literature is well established regarding the effectiveness and limits of EU political conditionality.¹¹⁶ The effectiveness of EU conditionality, first, depends on the degree of credibility and consistency of the policy amendments. Schimmelfennig and Sedelmeier suggest that “the determinacy of the conditions set by the EU and the determinacy of the rules from which they are derived enhances the likelihood of rule adoption by the candidate countries.”¹¹⁷ The clearly defined EU rules and consistent application of the conditionality within and across cases send credible signals to target states. The

¹¹⁵ “Two-level games” are among the established models in international relations literature. Putnam (1988), for instance, in his pioneering study, “the logic of two-level games,” argues that international equilibrium is the outcome of domestic and international negotiations. At the domestic area, chief negotiator absorbs the interests and concerns of non-state actors. At the international area, chief negotiator seeks an agreement that is acceptable for the domestic audience. The outcome is shaped by the interaction of domestic and international levels that jointly inform the ultimate “win-sets.” This dissertation differs from “two-level games” as it does not consider chief negotiators as the only actors but also takes minority and majority elites into consideration at the domestic-level with non-fixed preferences. It analyses the conciliation process at the domestic level to reveal how the ‘double moderation’ between minority and majority elites leads to the shifts in their preferences in an interactive manner with the EU-factor.

¹¹⁶ Heiter Grabbe, *The EU’s Transformative Power: Europeanisation through Conditionality in Central and Eastern Europe* (New York: Palgrave Macmillan, 2006); Wade Jacoby, *The Enlargement of the European Union and NATO: Ordering from the Manu in Central Europe* (Cambridge: Cambridge University Press, 2004).

¹¹⁷ Frank Schimmelfennig and Ulrich Sedelmeier, “Governance by Conditionality,” 672.

signalling of the EU will also guide the aspiring states what they are expected to do to obtain membership. Second, the effectiveness of the EU conditionality derives from the size of the rewards in return for rule compliance. The conditionality literature suggests that rule convergence occurs in a “non-synchronized” and “patchy” manner at best if the aspiring states are not offered a clear roadmap toward membership.¹¹⁸ The empirical findings confirm that if the aspiring states are not in “an endgame of highly credible political conditionality”,¹¹⁹ the compliance appears to be “fake”, “partial”, or “imposed.”¹²⁰

The second aspect of the two-level model, which this dissertation particularly delves into, explores domestic scope conditions. The main premise is that at the domestic-level the key factors are related to the degree of domestic dissatisfaction on part of the majority and minority elites, which informs effective adoption of the EU-related legislation. As Börzel states, domestic push for change may emanate from a number of stakeholders.¹²¹ Within the context of minorities, Malloy also suggests that domestic minority groups should be conceived as subjects of standards and policies, rather than objects or passive receivers of legal regulations.¹²² Accordingly, the degree of

¹¹⁸ Julia Langbein and Katarzyna Wolczuk, “Convergence without Membership? The Impact of the European Union in the Neighbourhood: Evidence from Ukraine,” *Journal of European Public Policy* 19, no. 6 (2012): 863-881.

¹¹⁹ Frank Schimmelfennig, “EU Political Accession Conditionality after the 2004 Enlargement: Constituency and Effectiveness,” *Journal of European Public Policy* 15, no. 6 (2008): 928.

¹²⁰ Gergana Noutcheva, “Fake, Partial and Imposed Compliance: The Limits of the EU’s Normative Power in the Western Balkans,” *Journal of European Public Policy* 16, no. 7 (2009): 1065-1084.

¹²¹ Tanja Börzel, “Why there is no ‘Southern Problem’: On Environmental Leaders and Laggards in the European Union,” *Journal of European Public Policy* 7, no. 1 (2000): 148.

¹²² Tove H. Malloy, “Convergence in European Policy Making: What do Article 15 (FCNM) and the EU Regional Policy Have in Common,” *ECMI Issue Brief* 23 (December 2010).

dissatisfaction of the majority elites vis-à-vis status quo forces and the emerging power-sharing mechanisms underlying this shift is crucial in informing the success of Europeanisation in the field of minority rights.

Given that minority issues are part of contentious power struggle between contesting ethnic groups in the post-conflict societies, degree of collaboration and moderation between minority and majority elites play a crucial role that inform policy outcomes. The ‘double moderation’, as conceptualised in this dissertation, constitutes the first domestic prerequisite of adopting minority-friendly legislation. Political leaders on the minority and majority sides can act as catalysts towards inter-ethnic moderation by adopting a conciliatory language and owning the minority-friendly agenda through domestic framing of the EU during the membership process. Thus, any analysis of Europeanisation of minority rights policies should start by analysing whether the majority elites are dissatisfied with existing equilibrium and whether ‘double moderation’ takes place between majority and minority leaders during the candidacy process. On the basis of the role of minority-majority elites, this dissertation offers ‘double moderation’ hypothesis:

The likelihood of rule adoption in minority rights policies increases, if ruling majority elites are dissatisfied with the existing policies and if double moderation takes place between majority and minority leaders.

Having taken stock of hierarchical Europeanisation frameworks and building on the emerging literature that concentrates on domestic drivers of change, this dissertation demonstrates that domestic factors do not necessarily pose obstacles to alter exclusionary minority rights regimes. On the contrary, they might provide underexplored opportunities

to introduce substantial reforms given that domestic elites are prepared for and willing to instigate new set of minority-friendly policies along the lines of EU norms and regulations. In this regard, the role of the minority groups and the ways in which they organise themselves and interact with majority elites play a crucial role in terms of informing the policy outcomes.¹²³

As part of the two-level model, finally, intervening factors linking domestic dissatisfaction with EU conditionality should be taken into consideration within the context of new member and candidate countries. In fact, mediating factors have been integral part of the mainstream Europeanisation frameworks. As the literature suggests, being effective, EU conditionality must fall on the fertile domestic ground, which is determined by domestic scope conditions. Caporaso, for instance, highlights “mediating factors” as the final step in his hierarchical three-stage framework.¹²⁴ In this vein, domestic cultural factors and institutional decision-making processes are the most common variables tested in the Europeanisation literature.¹²⁵ Each enlargement wave brings new mediating factors as part of the causal story since new cases highlight the importance of new set of variables that were either omitted or taken for granted in the previous cases. In this context, this dissertation maintains that the mediating factors that facilitate (obstruct) Europeanisation in new member and candidate countries, especially

¹²³ For one of the rare studies focusing on the organisation of minorities and its impact on Europeanisation of minority policies, see Aimee Kanner and Mehmet Gurses, “The Complexities of Minority Rights in the European Union,” *The International Journal of Human Rights* 16, no. 2 (2012): 321-336.

¹²⁴ James Caporaso, “The Three Worlds of Regional Integration Theory,” in *Europeanisation: New Research Agendas*, edited by Maarten P. Vink and Paolo Graziano (Basingstoke: Palgrave Macmillan, 2007): 30-31.

¹²⁵ For a fuller treatment see Ulrich Sedelmeier, “Europeanisation in New Member and Candidate Countries,” 13.

within the context of Western Balkans region, are qualitatively different than the previous cases due to a crucial mediating factor: state capacity.

State capacity can be defined as “state’s ability to accomplish its intended policy actions.”¹²⁶ As Weber put decades ago, “state is a human community that claims the monopoly of the legitimate use of physical force within a given territory.”¹²⁷ The monopoly over the legitimate use of violence within pre-determined fixed borders requires a set of historically hard-won capabilities, “infrastructural power” in Mann’s terminology,¹²⁸ such as certain level of extractive capacity to raise fiscal revenue,¹²⁹ effective control of the physical borders of the state¹³⁰ and effective government ensuring political centralisation, voice and accountability that ensure basic level of institutional power sharing, and regulatory quality of central governments.¹³¹

States with low capacity are likely to face significant problems in terms of adopting and implementing political change. Since political authority is not capable of ensuring collectively binding rules, free rider problems tend to be ample that lead to poor

¹²⁶ Mark Dincecco, *State Capacity and Economic Development: Present and Past* (Cambridge: Cambridge University Press, 2017): 3; Samuel Huntington, *Political Order in Changing Societies* (New Haven and London: Yale University Press, 1968).

¹²⁷ Max Weber, *Essays in Sociology* (Oxford: Oxford University Press, 1946): 78.

¹²⁸ Michael Mann, *The Sources of Social Power: Volume II* (Cambridge: Cambridge University Press, 1993), 44-91.

¹²⁹ Daron Acemoğlu, “Politics and Economics in Weak and Strong States,” *Journal of Monetary Economics* 52, no. 7 (2005): 1199-1226; Charles Tilly, *Coercion, Capital and European States: AD 990-1992* (Oxford: Blackwell Publisher, 1990).

¹³⁰ Robert I. Rotberg, *When States Fail: Causes and Consequences* (Princeton: Princeton University Press, 2003); Joel S. Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (Princeton: Princeton University Press, 1988).

¹³¹ Francis Fukuyama, *State Building: Governance and World Order in the 21st Century* (Ithaca: Cornell University Press, 2004): chapter 1.

performance of rule-based behaviour. The role and importance of state capacity is not adequately acknowledged in the Europeanisation literature since the Central and East European cases meet the basic template of state capacity. As the literature on Central and East European states already highlight, these states also suffered from ineffective administrative capacities, which lead to “shallow Europeanisation” in some cases.¹³² However, state capacity was not a major problem in these cases as “CEE accession countries were largely consolidated states – even after Czechoslovakia had broken up.”¹³³

The problem of state capacity – defined and measured in terms of ‘voice and accountability,’ ‘government effectiveness’ and ‘regulatory quality’ – appears to be an important challenge for Europeanisation literature as the EU prepares to enlarge toward Western Balkans states which suffer from ubiquitous limited statehood problems.¹³⁴ Due to weak state capacity, rule adoption is likely to remain shallow even though the EU conditionality is consistent and domestic willingness to adopt EU norms – dissatisfaction with existing policies – are relatively high in the minority rights area. The lack of institutional infrastructure to ensure rule-binding actor behaviour and efficient extraction and allocation of resources is likely to inform poor implementation performance even though adoption of the EU rules and norms take place on paper. In the absence of state capacity, the EU rewards in the form of fiscal assistance and material benefits may even

¹³² Klaus H. Goetz, “The New Member States and the EU: Responding to Europe” in *The Member States of the European Union*, edited by Simon Bulmer and Christian Lequesne (Oxford: Oxford University Press, 2005): 262.

¹³³ Tanja A. Börzel, “When Europeanisation Hits Limited Statehood: The Western Balkans as a Test Case for the Transformative Power of the Europe,” *KFG Working Paper*, KFG Working Paper Series no. 30 (2011): 11.

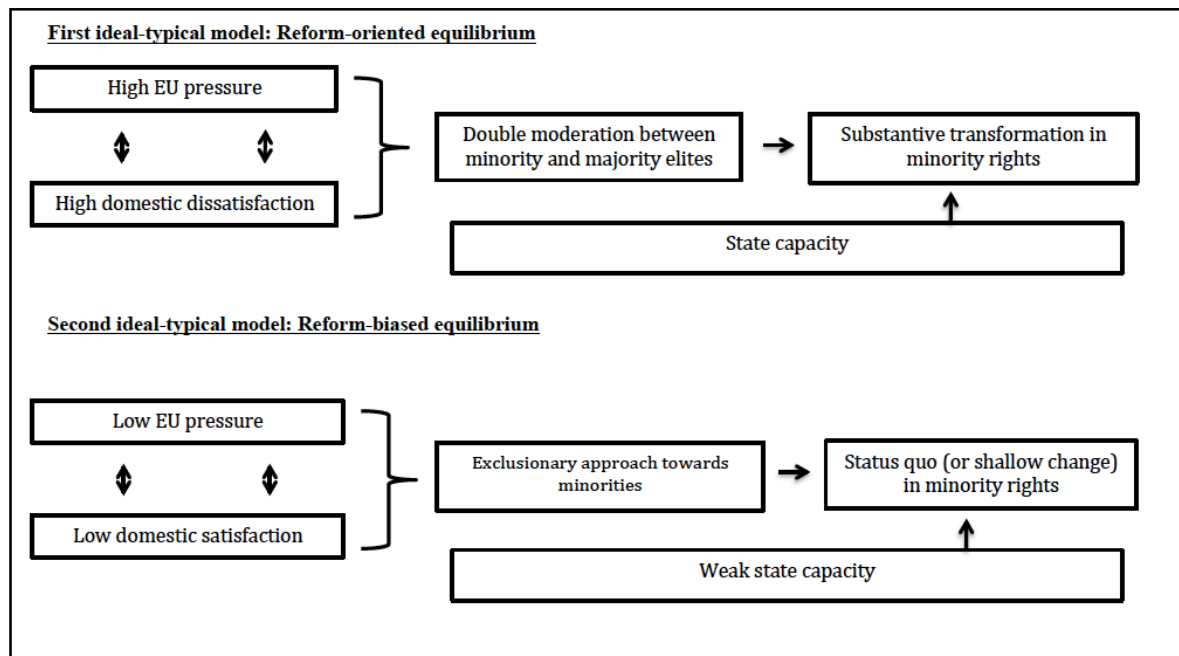
¹³⁴ The quantitative measures of these three main parameters are retrieved from Worldwide Governance Indicators database. The data about the qualitative aspect is collected via in-depth semi-structured elite interviews. See final part in this chapter and chapter 5 for details.

lead to further detachment of formal rule compliance and informal behaviours of domestic actors, as they might unintentionally strengthen institutionally-entrenched clientelistic and corrupt behaviour. This leads to the ‘state capacity’ hypothesis:

The lower the capacity of a state, the more difficult to adopt EU-induced minority rights reforms in target countries.

As stated in the introduction, this dissertation particularly explores how different combinations of EU-level conditionality and domestic dissatisfaction of the existing policies inform diverging reform performance in minority rights protection. Based on the complex interactions of the external conditionality and degree of domestic dissatisfaction, mediated by state capacity, two ideal-typical configurations can be drawn.

Figure 2.2. Two-level model



Source: Author's model

First, if the external EU credibility is high, i.e. the EU puts pressure to implement of minority rights conditionality in a proper and consistent manner in return for credible rewards, and if domestic dissatisfaction of the current minority policies is also high enough that paves the way for ‘double moderation’ on part of both majority and minority elites, it is more likely that Europeanisation has deeper and long-lasting impacts. On the other hand, second, if the external EU credibility is low, i.e. the EU conditionality is politicised and selectively implemented in return for non-credible rewards, and/or if domestic dissatisfaction of the existing minority rights policies in the eyes of domestic audience is also low and/or political institutional setup suffers from a set of reform capacity problems, it is more likely that change in minority rights policies remain shallow and selective at best. As such, this dissertation not only concentrates on how preference functions of domestic political elites are shaped by external EU-level incentives, but also sheds light on when and how domestic political elites act as subjects of change in minority policies.

2.4. Minority rights conditionality of the EU

At this point, it is important to elaborate on how the EU approaches minority rights issues in member and candidate states. In fact, Europeanisation of minority rights is still a neglected area in European studies due to the paucity of the EU’s competencies in the subject matter. The incomplete legal framework with regard to minority policies paves the way for difficulties to harmonise domestic minority regimes in line with the EU norms and regulations. To start with, the term minority is rather controversial and

contested within the EU *acquis*.¹³⁵ Following Sasse and Thielemann, in this dissertation, only “national minorities” are taken into consideration defined as “established minorities claiming minority rights (e.g. forms of autonomy) to preserve their distinctive features and status.”¹³⁶

One of the widely used definitions of the term minority offered by Francesco Capotorti in his report written for the United Nations (UN). Capotorti, the Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities at the time, defined the term as follows:

A group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language.¹³⁷

There are two major problems with this definition. First, formulation of the term lacks clarity. How can one decide whether a ‘numerically inferior’ group is ‘characteristically different’ from the other and who can decide on that? Second, the definitional ambiguity opens ample space for the rulers of the sovereign states to interpret the term according to their interests and perceived security concerns. Thus the term minority becomes heavily dependent upon national context that is informed by cultural,

¹³⁵ Antje Wiener and Guido Schweltnus, “Contested Norms in the Process of EU Enlargement: Non-Discrimination and Minority Rights,” *Web-Papers Constitutionalism & Governance beyond the State*, no. 2 (2004).

¹³⁶ Gwendolyn Sasse and Eiko Thielemann, “A Research Agenda for the Study of Migrants and Minorities in Europe,” *Journal of Common Market Studies* 43, no. 4 (2005): 657.

¹³⁷ United Nations Human Rights Office of the High Commissioner, *Minorities under International Law*, HR/PUB/10/3 (New York and Geneva: UNHR Office of the High Commissioner, 2010): 2.

historical, and political priorities.¹³⁸ The diverging interpretation of nation-states leads to inconsistent operationalisation of the concept across cases. As a result, it proves very difficult to develop an internationally accepted minority rights regime.

Despite definitional ambiguities and operational difficulties, minority rights protection has become an integral aspect of the conditionality criteria in the EU accession context. The Copenhagen criteria for accession emphasised the “respect for and the protection of minorities”, which for the first time, explicitly highlighted the issue of ‘minority protection’ as part of the EU conditionality. However, the minority rights conditionality in Copenhagen criteria is subject to debate, as the term is not defined precisely. Furthermore, as De Witte points out, the term has not been codified into EU primary law as a common set of regulations.¹³⁹

Then, what are the benchmark regulations of the EU minority conditionality? Despite the EU not having well-codified laws in terms of minority rights protection, the EU institutions relies on a set of principles and international institutions to promote minority rights in member and candidate countries. This dissertation relies on two distinct sets of benchmarks to assess whether and to what extent target countries comply with the EU conditionality in minority rights area: rule adoption and proper implementation.

First one concerns the adoption of legal regulations referred by EU institutions in the official documents. In addition to Copenhagen criteria, which now frame the main

¹³⁸ Simonida Kacarska, “Minority Policies and EU Conditionality: The Case of the Republic of Macedonia,” *Journal of Ethnopolitics and Minority Issues in Europe* 11, no. 2 (2012): 63.

¹³⁹ Bruno De Witte, “Politics versus Law in the EU's Approach to Ethnic Minorities,” in *Europe Unbound: Enlarging and Reshaping the Boundaries of the European Union*, edited by Jan Zielonka (London: Routledge, 2002): 137-160.

aspects of conditionality, the EU has developed solid norms and regulations in the field of non-discrimination, which constitutes a fundamental principle with the EU. The abolition of discrimination in the form of gender and nationality is established as a legal norm by the European Court of Justice case laws.¹⁴⁰ Since the Amsterdam Treaty, non-discrimination framework has become integral part of the EU's minority conditionality. Amsterdam Treaty stated, "The Community may take appropriate action to combat discrimination based on sex, racial and ethnic origin, religion or belief, disability, age or sexual orientation." The EU, based on this legal framework, adopted a directive known as the 'Racial Equality Directive.'¹⁴¹ The European Commission reports, since then, refer to the Racial Equality Directive as part of fulfilling conditionality in the realm of minority rights.

The non-discrimination regulations, however, are not adequate to protect the rights of national minorities. Non-discrimination is basically an individual right. Therefore, non-discrimination regulations do not protect minorities at the group basis through state actions such as providing education in native language and preserving minority identity. The EU institutions therefore rely on the benchmarks of other international organisations to rectify this gap. In this sense, the EU primarily refers to the regulations of the Council of Europe to monitor and protect domestic minority rights in member and candidate states. Along with Copenhagen criteria and Racial Equality Directive, the EU relies on the Council of Europe's Framework Convention for the

¹⁴⁰ Guido Schwellnus, "The Adoption of Nondiscrimination and Minority Protection Rules in Romania, Hungary, and Poland," in *The Europeanisation of Central and Eastern Europe*, edited by Frank Schimmelfennig and Sedelmeier (Ithaca and London: Cornell University Press, 2005): 51-57.

¹⁴¹ For a fuller discussion see, Guido Schwellnus, "Anti-Discrimination Legislation," in *Minority Rights in Central and Eastern Europe*, edited by Bernd Rechel (London: Routledge, 2009): 33.

Protection of National Minorities (FCNM) as a measurement of commitment to minority rights in aspiring states.¹⁴² The specific minority protection instruments enshrined in the FCNM are discussed in the following chapters with reference to its controversial aspects and the ways in which national governments address these controversies.

Second benchmark concerns the implementation of minority rights legislation. As highlighted in the literature, rule adoption is a necessary but not a sufficient condition in assessing the depth and sustainability of Europeanisation in the respective policy area. The previous enlargement waves demonstrated that swift adoption of the EU legal regulations does not always coincide with effective implementation. Thus, to reveal whether and to which extent the EU regulations have been implemented properly, this dissertation relies on in-depth semi-structured elite interviews with the majority and minority representatives along with the reports of EU institutions, international and non-governmental organisations.

The operationalisation of variables is summarised in table 2.1. The minority reform outcomes – dependent variable – are analysed according to three parameters. First, whether the European minority legislation (Chapter 23 of the acquis, CoE Framework Convention, Racial Equality Directive) incorporated by the member and candidate countries is assessed in all three cases. Second, domestic legislation such as Constitution and relevant body of laws are reviewed to assess whether domestic laws are amended toward a minority friendly regime. Third and foremost, the change in minority rights is not only assessed based on rule adoption but also the extent to which the new rules and regulations are implemented efficiently. To assess proper implementation, this

¹⁴² Sasse, “EU Conditionality and Minority Rights,” 5.

dissertation is mainly relied on EU progress reports and in-depth interviews with minority representatives. The data is categorised according to the extent to which the minority rights reforms are translated into the domestic plane (rule adoption) and proper implementation. Based on the combination of the two parameters mentioned above, three reform categories were created: major (rule adoption and proper implementation by replacing the existing policies with the new ones and establishing new institutions), moderate (rule adoption by patching up the new policies to the existing ones and partial/selective implementation to accommodate EU pressure), and minor (rule adoption only without substantially transforming the existing policies and institutions).

Table 2.1. Operationalisation of variables

<i>Variable</i>	<i>Description</i>
Minority reform outcomes (DV)	Data is collected based on three sources which are (a) the European minority legislation (Chapter 23 of the <i>acquis</i> , CoE Framework Convention, Racial Equality Directive) incorporated by the member and candidate countries (b) domestic legislation (Constitution and relevant body of laws and adopted legal texts) (c) interview data with policy-makers in the selected cases. The data is categorised according to the extent to which the minority rights reforms are translated into the domestic plane. Based on the combination of (a), (b) and (c) three reform categories were created: major, moderate, and minor.
Domestic dissatisfaction – ‘double moderation’ (IV):	Data is collected mainly through interviews and triangulated by media reports and press statements of majority and minority leaders as well as third party observers. Accordingly, four categories of domestic dissatisfaction were created: very high, high, low, and very low.
EU-pressure (IV):	Data is collected based on two sources, which are (a) official EU documents i.e., progress reports and official

	statements (b) interview data with policy-makers in the selected cases. The data is categorised according to the extent to which the EU put emphasis on minority rights reforms. Based on the combination of (a) and (b) three categories of EU-pressure were created: high, moderate and low.
State capacity (Int. V)	Data is gathered via World Bank Worldwide Governance Indicators. Countries are grouped according to three categories, high institutional capacity, moderate institutional capacity, and low institutional capacity. ¹⁴³

The conceptual framework sketched in this dissertation suggests that change in minority rights are informed by three main causal mechanisms. First and foremost, the presence of ‘double moderation’ between majority and minority leaders is proposed as the most important factor that informs change in minority rights policies. To this end, data is collected through interviews and triangulated by media reports and press statements of majority and minority leaders as well as independent observers. Accordingly, four categories of domestic dissatisfaction (about existing minority policies) were created: very high (strong criticism, using all means to introduce policy change as well as mobilising civil society), high (explicit criticism, ownership of reform agenda and search for pro-reform coalitions), low (moderate criticism, low willingness to change), and very low (no intention at all).

The second independent variable is the degree of EU-pressure regarding minority rights policies – the extent to which the EU raises minority issues (or state of a particular minority group) as part of its bilateral agenda. To assess EU-pressure, data is collected based on two sources, which are (a) official EU documents i.e., progress reports and press

¹⁴³ See, Chapter 5 for the interpretation of the WGI.

statements, (b) interview data with EU and domestic policy-makers. The data is categorised according to which the EU put emphasis on minority rights reforms. Based on the combination of the first two parameters, three categories of EU-pressure were created: high (explicit criticism and consistent emphasis on minority issues), moderate (generic references to minority issues) and low (very rare emphasis or not emphasis at all). The high EU-pressure and high-level domestic dissatisfaction paves the way for substantive changes in minority policies only if state capacity is high enough, which is defined as state's ability to accomplish its intended policy actions. The measurement of state capacity proves controversial in the literature. In this dissertation, data is gathered via World Bank Worldwide Governance Indicators. As such, countries are grouped according to three categories, high institutional capacity, moderate institutional capacity, and low institutional capacity. Chapter 5 discusses the parameters of state capacity and the interpretation of the Worldwide Governance Indicators. The following section elaborates on the research design and methodology of this dissertation.

2.5. Research Design: Case selection and methodology

This dissertation is based on comparative method. As Brady and Collier,¹⁴⁴ Mahoney and Rueschemeyer,¹⁴⁵ King, Keohane, and Verba,¹⁴⁶ and Bennett and George,¹⁴⁷ suggest in a

¹⁴⁴ Henry E. Brady and David Collier, *Rethinking Social Inquiry: Diverse Tools, Shared Standards* (Oxford: Rowman & Littlefield Publishers, 2004).

¹⁴⁵ James Mahoney and Dietrich Rueschemeyer, *Comparative Historical Analysis in the Social Sciences*, (Cambridge: Cambridge University Press, 2003).

¹⁴⁶ King, Gary, Robert O. Keohane, and Sidney Verba, *Designing Social Enquiry: Scientific Inference in Qualitative Research* (Princeton: Princeton University Press, 1994).

¹⁴⁷ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, (Cambridge: MIT Press, 2005).

similar manner, comparative research proves beneficial in generating new hypotheses, pointing out previously omitted factors and exploring causal mechanisms. Since this dissertation aims to contribute to the relevant strand of research on EU conditionality with regards to minority rights by shifting the debate from historical descriptions to analytical explanations, in-depth case study research is particularly promising. George and Bennett argue that case studies are also helpful in concept development.¹⁴⁸ By examining the causal mechanisms in detail, case studies help researchers exploring inner workings of different parameters and producing contextualised knowledge. To explicate the causal mechanisms *process tracing* proves particularly useful. George and Bennett suggest “process tracing identifies the intervening causal process - the causal chain and causal mechanism - between an independent variable - or variables - and the outcome of the dependent variable.”¹⁴⁹ Process tracing helps researchers identifying the weight of different causal mechanisms and exact sequence of the causal patterns designated.¹⁵⁰ Process tracing can therefore be considered as an effective approach to explicate the impact of EU conditionality and the ways in which the EU impacts candidate and member countries.

The merits of process tracing on assessing the dynamics of Europeanisation are criticised by scholars coming from diverse research traditions. Haverland, for instance, suggested that process tracing is unlikely to enable establishing causal importance of the

¹⁴⁸ Ibid., 19-21.

¹⁴⁹ Ibid., 206.

¹⁵⁰ Peter A. Hall, “Tracing the Progress of Process Tracing,” *European Political Science* 12 (2013): 1-11.

European institutions and/or policies due to equifinality problems.¹⁵¹ In other words, several developments such as globalisation, which occur in parallel with the European integration, might pave the way for the same outcomes. Thus, it becomes very difficult, if not impossible, to deduct the main causal mechanisms of the observed outcome.

The problems associated with process tracing, however, can be offset by a proper research design and data collection strategy. First, exploring the EU factor with reference to comparative cases and with-in case analysis can mitigate the problem of equifinality as it helps overcoming “selection on dependent variable bias.”¹⁵² Second, comparative analysis of member and candidate countries depicting divergence in terms of the impact of Europeanisation would enable context-bounded generalisations of empirical findings.

Following the fundamental procedures, this dissertation focuses on national minorities in Bulgaria. As discussed in the introduction, Bulgaria refers to a “deviant case” in terms of the main accounts on Europeanisation.¹⁵³ In the 1980s, there was huge human suffering in Bulgaria marked by assimilation and ethnic cleansing, internal deportations, imprisonments and finally forced migration of Turkish minority. Yet, these sufferings did not pave the way for a prolonged ethnic conflict in Bulgaria. On the contrary, Bulgaria experienced major transformation in terms of minority-majority relations and became EU member in less than two decades. The degree of Europeanisation in Bulgaria concerning the minority rights regime, however, is examined

¹⁵¹ Markus Haverland, “Does the EU Cause Domestic Developments? Improving Case Selection in Europeanization Research,” *West European Politics* 29, no. 1 (2006): 134-146.

¹⁵² Barbara Geddes, “How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics,” *Political Analysis* 2 (1990): 131-150.

¹⁵³ See chapter 1 for details of “deviant cases” and why Bulgaria can be considered as such.

as a domestic-driven process, rather than explicit and consistent EU conditionality criteria. This dissertation, by offering a within case analysis, explores the dynamics of peaceful transition to democracy in Bulgaria and the development of minority rights regime throughout 1990s. The analysis of Bulgaria's transformation makes important contributions to the Europeanisation literature as it provides new avenues to explore how domestic actors and interest groups use the EU as an opportunity structure towards a new minority rights regime.

The Bulgarian case is compared with Croatia and Montenegro for two main reasons. First, minority rights issues occupy a central place in these two post-conflict societies as well. As a country that passed through violent conflict, minority issues, especially the status and integration of Serb minority, poses important challenges in Croatia. Following the break up of Yugoslavia, Croatia declared independence and in a short time period, Serbs living in the country rebelled against the newly established Croatian state. By late 1991, Serbs organised themselves around self-proclaimed Serb Republic of Krajina. As a result, the warfare between Serb minority and Croatian state forces escalated, which paved the way to long-lasting minority and displaced people problems in the country. Despite this tormented historical experience, the Croatian political-elite had taken important steps during 2000s to improve the minority rights regime so that the rights of Serb minority are extended significantly. The inertia during 1990s and substantive transformation of minority-majority relations in 2000s and the underlying mechanisms that lead to the shifting preferences of the ruling elite is illuminative in terms of contextualising the scope conditions of the EU influence.

Montenegro is the third country explored in this dissertation that is still an understudied case in Europeanisation literature. Montenegro, a post-conflict Western Balkan country gained its independence in 2006, also deals with minority issues, as the country hosts Serbs, Bosniaks, Muslims, Croats, and Albanians as major ethnic groups.¹⁵⁴ Montenegro started accession negotiations with the EU in June 2012. As the political participation of minority groups is one of the central concerns attached to EU conditionality, the response of the domestic-level factors to the EU criteria and the ways through which the EU operationalises conditionality measures in the Montenegrin case is currently an underexploited research area. The comparative analysis of Montenegro as a candidate state with two new EU member states provides variance in cases to assess how and to what extent the EU matters. Thus, the observable outcomes in three post-conflict Balkan states in terms of ethnic relations that are currently anchored to the EU governance enable generalizable inferences regarding the mechanisms of Europeanisation.

Table 2.2. Minority groups in Bulgaria, Croatia and Montenegro

	Bulgaria	Croatia	Montenegro
EU membership status	2007	2013	Candidate
Examined minority group	Turks	Serbs	Bosniaks and Albanians
Percentage of the minority groups*	8%	4,4%	8,7% and 4,9%

***Source:** National Statistical Institute in Bulgaria (nsi.bg) Croatia (dzh.hr), and Montenegro (monstat.org)

¹⁵⁴ Jelena Dzankic, “Montenegro’s Minorities in the Tangles of Citizenship, Participation, and Access to Rights,” *Journal on Ethnopolitics and Minority Issues in Europe* 11, no. 3 (2012): 40-59.

The comparative analysis of Bulgaria, Croatia and Montenegro is illuminative not only because the intra and inter-comparison of these three cases reveal the outcome of different constellations of the EU and domestic-level factors, but also because they provide variance in terms of contextual and temporal factors. The EU conditionality on minorities turned out to be a major political concern starting from the 1990s. The EU, for the first time, incorporated minority related issues as part of membership criteria in Copenhagen in 1993. Accordingly, “stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities”¹⁵⁵ became *sine qua non* to join the EU. Thus, the European institutions did not implement any concrete policies toward minority rights protection for extant member countries. The EU’s minority rights policies started to be more pronounced after 2000s and became an integral part of the enlargement negotiations, despite the politicised nature of the issue remained intact. In terms of temporality, Bulgaria, Croatia and Montenegro have been drawn into the EU’s orbit within a relatively similar time frame. Since this dissertation aims to understand how the scope and implementation of the EU conditionality has been shaped in new member and candidate countries, a comparative study of these three cases may shed fresh light on how Europeanisation works in different domestic grounds. In addition to the comparative analysis of three different cases of Europeanisation, this research also offers an in-depth within-case analysis as it explores Europeanisation of minority rights regime in Bulgaria from 1990s to 2017, which is expected to mitigate equifinality problems.

¹⁵⁵ European Council, *Conclusions of the Presidency*, DOC SN 180/93, Copenhagen, 21-22 June 1993, para. 7.

Since the study of minority rights is a contested field that requires combinative analysis of hard and soft data, this dissertation relies on both types of sources. First, for an appropriate process tracing and careful analysis of the interactive impact of domestic and EU level variables, this research draws on in-depth semi-structured elite interviews. Elite interviews are particularly useful when the researcher seeks to gain a true understanding of “the inner workings of the political process, the machinations between influential actors and how a sequence of events is viewed and responded to within the political machine.”¹⁵⁶ Elite interviews also enable the researcher to gain access to the crucial information that is very difficult, if not impossible, to gather through the review of other primary and secondary sources of data. Furthermore, elite interviews prove particularly beneficial when the researcher deals with contemporary issues that are still understudied and unrecorded.¹⁵⁷

The interview data were gathered in line with the ‘purposive sampling’ technique.¹⁵⁸ Three distinct categories that reflect different perspectives in these cases formed the interviewee sample: (a) ruling elites of major political parties, and national and EU officials, (b) ruling elites of the minority communities, (c) informed third party observers closely following the EU membership process and minority-majority relations in these cases. The semi-structured in-depth elite interviews are conducted to reveal how elites on majority and minority elites approach the EU rules and norms in minority rights

¹⁵⁶ Darren G. Lilleker, “Interviewing the Political Elite: Navigating a Potential Minefield,” *Politics* 23, no. 3 (2003): 208.

¹⁵⁷ *Ibid.*, 213.

¹⁵⁸ Ariadne Vromen, “Debating Methods: Rediscovering Qualitative Approaches” *Theory and Methods in Political Science*, edited by in David Marsh and Gerry Stoker (Basingstoke: Palgrave Macmillan, 2010).

and frame the debate at the domestic-level while setting their preferences as part of their interactions with the EU institutions.¹⁵⁹

Accordingly, purposive sampling was utilised to reveal the perspectives of bureaucratic elites, who directly and indirectly took part in the design and implementation of minority rights policies as well as leading representatives of the minority and majority sides to gather more information about the inner workings of the transformations that took place in these three cases. On that note, a total of 85 interviews conducted in Bulgaria, Croatia and Montenegro. The total number of interviews conducted in Bulgaria is 51 and 22 of them are representatives of Turkish minority including the leaders of the MRF, DOST and PPF (political parties of Turks in Bulgaria) and the people who were subject to assimilation and forced migration during 1989 and returned to Bulgaria thereafter. The policy-makers that designed Bulgaria's minority policies are also interviewed during the field research. Accordingly, 16 of the interviewees include the political and bureaucratic elite in Bulgaria including Minister of Interior and Head of European Commission; 13 of them are third party observers – experts of Bulgarian politics and majority-minority relations in Bulgaria such as NGO representatives, scholars, and journalists (see appendix 1). The interviewees, therefore, represent actors who are able to provide inner workings of the policy processes and reflect the preferences of the minority and minority groups regarding the EU rules and regulations in the minority rights area.

The same sampling strategy is pursued in other two cases as well. In Croatia, a total number of 18 interviews were conducted during the field research. Eight of them

¹⁵⁹ Furthermore, ordinary minority members were also interviewed to supplement the elite-level findings.

refer to the political and bureaucratic elite, who represents the Croatian majority and Serb minority; whereas 10 of them are composed of third party observers closely following Croatia-EU relations and minority rights issues in the Western Balkans. In Montenegro, the total number of interviews is 16. Six of them include the political and bureaucratic elites; four of them are the representatives of minority groups and six of them are informed third party observers.

In each interview, I directed eight semi-structured open-ended questions (see appendix 2). Asking open-ended questions are particularly useful as they enable the researcher to reveal “interviewee’s views, interpretations of events, understandings, experiences and opinions.”¹⁶⁰ Furthermore, as Aberbach and Rockman suggest, high-level policy makers “do not like being put in the straightjacket of close-ended questions.”¹⁶¹ In that sense, semi-structured open-ended questions prove useful as they enable the respondents to frame their answers as they wish and address different aspects of the issue in line with their perspectives.¹⁶² Average duration of an interview was around one hour. The interviews are recorded and stored in digital files. The ethical considerations are properly addressed before, during, and after the interviews. The interviews were conducted in Turkish, English, Bulgarian and Montenegrin.

However, Silverman points out that interviews do not always guarantee access to the facts but guide pundits to gather primary data about the ways in which ruling elites

¹⁶⁰ Brigitte Byrne, “Qualitative Interviewing,” in *Researching Society and Culture*, edited by Clive Seale (London: Sage Publications, 2004): 182.

¹⁶¹ Joel D. Aberbach and Bert A. Rockman, “Conducting and Coding Elite Interviews,” *PS: Political Science and Politics* 35, no. 4 (2002): 674.

¹⁶² *Ibid.*

perceive the political developments.¹⁶³ Therefore, the interview data need to be triangulated with other sources of data to crosscheck in terms of reliability and validity.¹⁶⁴ In addition to interview data and scholarly literature, the present dissertation draws on several archival documents and official reports prepared by different organisations. Accordingly, European Commission reports, Council of Europe documents, OSCE briefings, and the reports of several other non-governmental organisations are consulted. Finally, this dissertation also relied on previously published materials, press statements, op-eds, and speeches of minority and majority representatives in three countries.

2.6. Conclusion

This chapter offered a conceptual framework to account for the recent wave of Europeanisation research. The literature acknowledges that the impact of the EU on member and candidate countries is uneven, incremental, and subject to reversals. Yet the underlying reason as to why this is the case is still understudied especially in new member and candidate countries. The literature is underdeveloped as to whether and in which ways the EU informs the transformation of minority rights regimes in these polities. Particularly, comparative analysis in the subject matter is rare. This dissertation examines the evolution of minority-majority relations in Bulgaria, Croatia, and Montenegro to address the conceptual and empirical lacuna in the literature.

¹⁶³ David Silverman, *Interpreting Qualitative Data: A Guide to the Principles of Qualitative Research* (London: Sage Publications, 2011): 168.

¹⁶⁴ Angela Dale, "Quality in Social Research," *International Journal of Social Research Methodology* 9, no. 2 (2006): 81.

These three cases are important not only because they are understudied in the relevant body of literature but also crucial in the context of Europeanisation literature as they represent significant degree of Europeanisation thanks to the mutual interaction of domestic and EU-level dynamics. The Europeanisation of these countries, which was contrary to the expectations, is an unusual story that deserves in-depth analysis. The rest of this dissertation shall explicate the underlying dynamics of this transformation with reference to the transformation of minority-majority relations.

CHAPTER III. Minority Rights Reforms in Bulgaria (1989-1999)

3.1 Introduction

This chapter aims to explore the transformation of minority rights in Bulgaria and the role of the EU in this process. The chapter covers the period from Bulgaria's democratic transition in late-1980s to its declaration as EU candidate country in December 1999. Bulgaria is a striking case in terms of the Europeanisation of minority rights as it experiences one of the successful transformations despite unsuitable circumstances. The chapter applies the conceptual model introduced in the previous chapter to assess the dynamics of minority-majority relations in Bulgaria. It argues that strong 'domestic dissatisfaction' on part of the majority and minority representatives due to the coercive policies of the Communist regime towards Turks and the complementary role of the EU enabled 'double moderation' in Bulgarian politics throughout the 1990s and lead to adoption of minority-friendly policies.¹⁶⁵

The first section of the chapter provides a succinct history of Turkish minority in Bulgaria. Exclusionary policies toward the Turkish community members starting from 1960s and their forced migration in 1989 are also discussed in this section. The second section explores Bulgaria's transformation in detail and explains the dynamics of democratisation and Europeanisation under difficult circumstances. In particular, improvements in Bulgaria's minority rights policies as a result of 'double moderation'

¹⁶⁵ An earlier article version of this chapter has been published in *International Migration*, see Muzaffer Kutlay, "The Turks of Bulgaria: An Outlier Case of Forced Migration and Voluntary Return," *International Migration* 55, no. 5 (2017): 162-179.

process are analysed within the context of two-level model. The final section concludes the chapter.

3.2. Turkish minority in Bulgaria: From tolerance to assimilation

The co-existence of different ethno-religious groups in Bulgarian territories has a very long history going back to the 14th century with the Ottoman conquest of the Balkans. The Balkans region, where Bulgaria is geographically located, was dominated by different hegemonic powers throughout history. The long Ottoman rule in Bulgaria, approximately lasting for five centuries, consolidated the ethnically heterogeneous nature of the country. Despite the independence of Bulgaria in 1908 along with the establishment of other nation-states in the region, ethnic heterogeneity remained part of the socio-political life. For instance, Bulgaria inherited several minority groups, including Turks, Pomaks, Albanians, Romanians, Roma, Macedonians, Greeks, Jews, Armenians, Vlachs, inter alia. However, the war of independence and the Balkans Wars at the turn of the century, the two world wars and following border conflicts and shifts significantly reduced the number of minorities in modern Bulgaria. Furthermore, the thorny minority issues have become part of the political conflicts in the country. In this context, Turks in Bulgaria deserve special attention as being one of the indigenous and politically well-organised minority communities in the country. According to 2011 census, it is estimated that Turks make up to 8 per cent of the entire population — 588,318 out of 7.4 million in total. Since the term ‘minority’, as discussed in detail below, is a contested concept in Bulgaria, none of the official documents refer to the ‘Turkish minority’ explicitly.¹⁶⁶ The

¹⁶⁶ During author’s interview, the then Interior Minister of Bulgaria Tsvetan Tsvetanov took the liberty of using ‘Turkish minority’ term several times. However, at the end of the meeting Mr Tsvetanov noted that the term ‘minority’ should be understood and cited as “Bulgarian citizens with Turkish origins.” Tsvetan

Turkish community deserve a special place not only because of their numeric superiority but also, they were subject to systematic discrimination and exclusionary treatment during the Communist rule starting from 1960s. The anti-minority policies of the Communist regime culminated into a full-fledged state-led assimilation policy, which resulted in mass deportation of Turks in 1989.¹⁶⁷ Thus, the contemporary minority-majority relations in Bulgaria rests on a tormented past.¹⁶⁸ Despite such unfavourable background conditions, Bulgaria did not experience inter-ethnic conflict during transition to democracy as observed in neighbouring countries. On the contrary, Bulgarian policy-makers managed to sustain peaceful transition to democracy and the minority rights regime in Bulgaria improved in a rather unexpected manner — endured until now. These factors altogether make the Turkish minority a critical case in terms of successful transformation of minority-majority relations.

In order to shed light on the development of Bulgaria's minority rights policies and peaceful democratisation experience — a case that was not predicted accurately by the mainstream theories— it will be appropriate to briefly investigate the state of minority communities in Bulgaria with a special focus on the period after Second World War

Tsvetanov (the Minister of Interior of the Republic of Bulgaria, 2009-2013), interviewed by author, May 28, 2010. The interview conducted as part of the author's unpublished MSc dissertation. See: Muzaffer Vatansver Kutlay, "Europeanization of Minority Rights in Bulgaria" (MSc Thesis, The Middle East Technical University, 2013).

¹⁶⁷ Kemal H. Karpat, ed., *The Turks of Bulgaria: The History, Culture, and Political Fate of a Minority* (Istanbul: The ISIS Press, 1990); Eminov, Ali (1990). "There are no Turks in Bulgaria: Rewriting History by Administrative Fiat," in Kemal Karpat, ed., *The Turks of Bulgaria: The History, Culture and Political Fate of a Minority* (Istanbul: ISIS Press, 1990): 203-222. Kemal H. Karpat, "The Turks of Bulgaria: The Struggle for National-Religious Survival of a Muslim Minority," *Nationalities Papers* 23, no. 4 (1995): 725-749.

¹⁶⁸ Amnesty International, *Bulgaria: Imprisonment of Ethnic Turks – Human Rights Abuses during the Forced Assimilation of the Ethnic Turkish Community* (Amnesty International: London, 1986).

when discrimination and assimilation policies became increasingly explicit and state-mandated. In the post-1945, official state policies towards Turks varied significantly. However, historically informed analysis suggests that the state's approach to Turkish minority incrementally shifted from 'toleration' to 'assimilation' over the years.

Brown points out in his succinct analysis that the Bulgarian Communist Party (BCP) consolidated its grip in the post-1945 period and targeted different social groups with an ultimate aim of extending state control over entire society.¹⁶⁹ The BCP elites' approach to minority communities was also informed by the same logic of subtle micro-surveillance. Even though the official state policy toward minorities fluctuated over time, main motivation of keeping minority groups under strict political control remained the same.¹⁷⁰

As a matter of fact, the BCP adopted a tolerant approach towards the Turkish minority in the initial years of the People's Republic of Bulgaria, which was established in 1946. The 1947 Constitution guaranteed equality of all Bulgarian citizens regardless of their ethnic background and religion.¹⁷¹ The 1947 Constitution was a progressive document in terms of the protection of minority populations as the term "national minority" and the existence of national minorities were recognized for the first time. The Bulgarian Constitution also secured the religious and ethnic rights of the minority

¹⁶⁹ For a detailed analysis on different aspects of public policy throughout the initial phases of Communist rule see, James F. Brown, *Bulgaria Under Communist Rule* (New York: Praeger Publishers, 1970).

¹⁷⁰ Several representatives of Turkish minority as well as Bulgarian scholars highlighted this issue including Nikola Theodossiev (Dr, Sofia University Department of History and Geography), interview by author, March 22, 2016; İbrahim Yalimov (Professor and Rector of Sofia High Institute of Islam), interview by author, March 24, 2016; Cengiz Hakov (Professor of Bulgarian Academy of Science, Institute for Balkan Studies), interview by author March 19, 2016.

¹⁷¹ Iskra Baeva and Evgenia Kalinova, "Bulgarian Turks during the Transition Period," in *Bulgaria and Europe: Shifting Identities*, edited by Stefanos Katsikas (London: Anthem Press, 2012): 64.

members. The educational rights of minority groups and their right to access education in their mother tongue were also enshrined in the 1947 Constitution (article 79): “The citizens have the right for education. The education is secular, with democratic and progressive spirit. National minorities have the right to learn their mother tongue and to develop their national culture as learning of Bulgarian language is obligatory.”¹⁷² In compliance with the communitarian ideology of the new regime, the Bulgarian government nationalised all schools in 1946 including the ones that belonged to minority communities. The number of schools that teach Turkish language, however, increased significantly in the same period. Also, the administrators of these schools were selected from the members of Turkish minority. In some cases, native Turkish teachers from Turkey were recruited.¹⁷³ The number of primary and secondary-level schools teaching Turkish language and students attending classes increased significantly partially because of the compulsory attendance policy of the state.¹⁷⁴ For instance, the number of schools in this category rose from 673 (in 1946) to 1,199 in just five years.¹⁷⁵ The members of Turkish community also had the opportunity to access university education – with Sofia University being the most popular one.

Although positive steps taken in the initial years of the Communist rule, the nationalisation of Turkish schools lead to significant changes in the curriculum and Bulgarian instructors replaced the Turkish teachers in the coming years, as two critical

¹⁷² *The Constitution of the People's Republic of Bulgaria, 1947.*

¹⁷³ Rossen Vassilev, “Restoring the Ethnolinguistic Rights of Bulgaria’s Turkish Minority,” *Ethnopolitics* 9, no. 3-4 (2010): 296.

¹⁷⁴ Julia Stefanova, “The Four Transition in Bulgarian Education,” *International Journal of the Sociology Language*, no. 179 (2006): 162.

¹⁷⁵ Bilal Şimşir, *Bulgaristan Türkleri (1878-2008)*, Genişletilmiş İkinci Basım (Istanbul: Bilgi Yayınevi, 2009): 213-215.

developments that had had long-lasting implications. According to Zhelyazkova, the government in fact had a different strategy in mind at the time. The main motivation and ultimate aim of the Communist ruling elites was to re-educate the minority communities in line with official ideology and recruit new members to the Party from Turkish minority.¹⁷⁶ Kostadin Grozev, a leading Bulgarian historian, also underlines the latter point as follows:

This policy could be interpreted as cultural assimilation of Turks through education, through privileges to young Turks to study in the Universities, through job promotions provided by the Communist Party -since they have a certain quota for the members of Turkish community that reserved for the Turks in the Communist Party.¹⁷⁷

The Bulgarian state also supported the printed media, especially newspapers, by funding book publishers, promoting radio programs and organising regular cultural events. Regardless of the ultimate aim of the government, Turkish minority members gained new opportunities to publish books in Turkish language, circulate newspapers, and broadcast on the Bulgarian National Radio.¹⁷⁸ Acaroglu documents that the number

¹⁷⁶ Antonina Zhelyazkova, "The Social and Cultural Adaptation of Bulgarian Immigrants in Turkey," in *Between Adaptation and Nostalgia: The Bulgarian Turks in Turkey* edited by Antonina Zhelyazkova (Sofia: International Center for Minority Studies and Intercultural Relations-IMIR, 1998): 16.

¹⁷⁷ Kostadin Grozev (Professor, at the Department of History, Sofia University 'St. Kliment Ohridski') interview by author, May 6, 2010. The interview conducted as part of the author's unpublished MSc dissertation of the author. See: Kutlay, "Europeanization of Minority," 53.

¹⁷⁸ James W. Warhola and Orlina Boteva, "The Turkish Minority in Contemporary Bulgaria," *Nationalities Papers* 31, no. 3 (2003): 260-264.

of widely circulated journal and newspapers published in Turkish reached 35 as a result of these policies.¹⁷⁹

All these developments suggest that Bulgarian government adopted a tolerant approach with regard to the educational and cultural rights of Turkish minority in early years of the Communist regime, despite ideological elements also permeate to school curriculums in the same period. The relatively conciliatory approach of the regime, however, took a sharp turn to explicit assimilation policies when Todor Zhivkov became the leader of BCP on 4 March 1954. In his long reign as the head of state until 1989, the state of Turkish minority constantly deteriorated. The first policy change to this end was the promulgation of a new Constitution in 1971. The new text, more commonly known as “Zhivkov Constitution”, heralded the forthcoming assimilationist policies towards minority communities in general and Turkish minority in particular. First and foremost, the term “national minority” was replaced with a euphemistic phrase, which labelled national minorities as “citizens with non-Bulgarian origin.”¹⁸⁰

In retrospect, the exclusionary policies of Zhivkov government were put into implementation in a gradual manner that preceded the enactment of new Constitution. Starting from 1960s, Turkish schools merged with Bulgarian schools, the number and circulation of minority newspapers were reduced, and the cultural activities of the Turkish minority were restricted. The repressive policies of the Bulgarian government were intensified in 1967, when Zhivkov adopted the policy of “homogenous Bulgarian

¹⁷⁹ M. Türker Acaroğlu, “Bulgaristan’da 120 Yıllık Türk Gazeteciliği, 1965-1985,” *Gazeteciler Cemiyeti* 28, 1990, cited in *Bulgaristan Türk Basını Tarihinde Yeni Işık Gazetesi*, İsmail Cambazov, (İstanbul, 2011): 32.

¹⁸⁰ *The Constitution of the People’s Republic of Bulgaria, 1971*: Article 45 (7).

socialist nation.”¹⁸¹ His new approach first targeted Pomaks, as the Pomak minority members were re-defined as ancestral Bulgarians. They were forced to leave their traditional names and embrace ethnic Bulgarian names instead. Despite strong resistance especially in Blagoevgrad region, where they were geographically concentrated, the names of almost 200,000 Pomaks had been changed by 1980.¹⁸²

Zhivkov expanded the target of the name-changing policy by focusing on “mixed families” between Pomaks and Turks, once he realised that no major reaction took place among the minority groups in the country. Finally, the name changing policy and depriving of the rights of Turkish minority reached a new threshold when Zhivkov justified his policies by saying that the Turks in Bulgaria were in fact “converted Slavs.” Todor Zhivkov while addressing the members of Politburo, Central Committee and local administrators of the BCP on 18 January 1985 stated this as follows:

We all know that our so-called ‘Turkish ethnic group’ has nothing, or almost nothing, common with the Turkey because they are not a part of Turkish ethnic group. They are Bulgarians who were assimilated during 500 years of Turkish rule.¹⁸³

¹⁸¹ Vesselin Dimitrov, “In Search of a Homogeneous Nation: The Assimilation of Bulgaria’s Turkish Minority, 1984-1985,” *Journal of Ethnopolitics and Minority Issues in Europe* 1, no. 4 (2000): 1-22.

¹⁸² *Ibid.*, 8.

¹⁸³ For the original Bulgarian version of Todor Zhivkov’s speech on 18 January 1985, see: *Dirjavna Agentsiya “Arhivi”, “Vızroditelniyat protses” Bilgarskata Dirjava i Bilgarskite Turtsi: Sredata na 30-te – Naçaloto na 90-te Godini na XX vek*, Arhivite Govoryat, Tom I - Tom 2, (Sofia: Dirjavna Agentsiya “Arhivi”, 2009): 217. For Turkish version, see: Hüseyin Mevsim and Muzaffer Kutlay, “Arşivlerin Tozlu Yapraklarından” in *Tarihe Not Düşmek: 1989 Göçü Kitap Serisi, Volume 1* (Ankara: USAK Yayınları, 2013): 9.

As Baeva and Kalinova noted, significant effort was also placed on the ‘scientific justification’ of assimilationist measures: “All institutes of humanitarian sciences in the extensive Bulgarian Academy of Sciences were mobilised to ‘discover the Bulgarian root of the Turks’. The ‘scientific’ legitimisation of the campaign, much like the other trick of advertising the ‘revival’ as a campaign of local authorities, also cleared the central government of any responsibility.”¹⁸⁴ The name-changing policy gradually implemented until the winter of 1984-1985 when no citizen with Muslim and Turkish names remained in Bulgaria.

Zhivkov blended homogenisation policies with a highly securitised discourse to legitimise his exclusionary minority strategy that, more than others, targeted the Turkish community in Bulgaria. Zhivkov argued that Turkish minority posed a threat to the Bulgarian national security since they occupied the strategic regions in the country:

Turks are located in the very important border regions. Think Kardzhali for example; Turks mostly populate this region. Kardzhali region is the heart of South and key to the entire Rodopi region. We recently realised that if there is a potential war, Turks are already holding the strategic points. Today, we should take the advantage of Turkey’s current conflict with Greece and implement our action plan...¹⁸⁵

Accordingly, the official denial and systematic assimilation policies against ethnic Turks were declared as “national revival process” (*Vazroditelen Protses*) by the

¹⁸⁴ Iskra Baeva (Professor, Department of History, Sofia University ‘St Kliment Ohridski’) and Evgenia Kalinova (Professor, Department of History, Sofia University ‘St Kliment Ohridski’), interview by author, March 22, 2016.

¹⁸⁵ *Ibid.*, 11. At the end of his speech, Zhivkov refers to Kardzhali region as being the “fortress of Turkish people.”

Communist regime and directly targeted Turkish minority in Bulgaria. It was indeed a cultural and ethno-linguistic assimilation policy against a specific ethnic group characterised by a strong and distinct collective identity as well as close social ties with Turkey as a kin state. As later documented in the Bulgarian State Archives,¹⁸⁶ it was not merely a name changing policy but comprehensive “Bulgarisation campaign” that the BCP Politburo designed and carried out systematically with an ultimate aim of assimilation of ethnic, religious and cultural identity of Turks.¹⁸⁷ As part of the “national revival process,” speaking in Turkish was banned in public areas and the religious and cultural practices of the Turkish minority were outlawed. The members of Turkish community who breached the ban were humiliated and forced to pay high-level fines – in some cases amounting to one-third of their salaries.¹⁸⁸ All civil society organisations, cultural products and activities associated with the Turkish ethnic identity were forbidden. The traditional clothes of the minority community, even the trousers that Turkish women wearing, known as *shalvar*, were prohibited in public places. The replacement of passports/identity cards, birth certificates, diplomas and other official documents were followed. The Bulgarian local authorities even forced the minority members to write their new Bulgarian names on the doors of their properties. The extravagant policies pushed all limits when state officials deleted the Turkish names on the tombstones.¹⁸⁹

¹⁸⁶ Dırjavna Agentsiya Arhivi, “*Vızroditelniyat protses.*”

¹⁸⁷ İbrahim Yalımov, interview.

¹⁸⁸ For an extensive and biographical documentation regarding the memories of victims, see, Mevsim and Kutlay, *Tarihe Not Düşmek*, Volumes 2,3,4 and 5.

¹⁸⁹ Türkkaya Ataöv, *The Inquisition of the Late 1980s: The Turks of Bulgaria* (Washington: EAFORD, 1990): 2.

The entire process was reported enthusiastically in the local press, while the mainstream media remained relatively silent on the events. As noted by Baeva and Kalinova, “not a single national newspaper mentioned the repression by the authorities or resistance from the targeted groups that were dismissed, deported, imprisoned in prisons and camps, or wounded and died. Such coercive actions were randomly presented as voluntary mass activities.”¹⁹⁰

By 1989, the name-changing policy affected more than one million people, the vast majority of which were ethnic Turks.¹⁹¹ The most tragic events observed in Kardzhali region in the winter of 1984-1985 where the majority of Turks were living. The masses poured into the street to protest against the government policies. It was indeed a peaceful march accompanied by children and women,¹⁹² however pushed back by a very harsh response of the Bulgarian militia, which resulted in the death of several protesters.¹⁹³ Helsinki Watch Committee report, prepared by independent observers, estimates that more than 100 people were killed and 250 were imprisoned on 23

¹⁹⁰ Baeva and Kalinova, interview.

¹⁹¹ Maria Bakalova, “The Bulgarian Turkish Names: Conflict and Democratic Transition,” *Innovation* 19, no. 3-4 (2006): 234. Bakalova states that the number was approximately 850,000. Yet, according to an official letter of the Bulgarian Ministry of Interior on 27 May 1989, the names of 1,306,000 people were altered in 1984. T. Bobev prepared the document and First Deputy Minister General Grigor Şopov signed it. *The Ministry of Interior*, “The Numbers of People who took their Bulgarian Names back”, document no. 397, 27/5/1989.

¹⁹² For autobiographical account of the happenings on that day, see: Yusuf Türkoğlu, “Susmanın Bedeli,” in *Tarihe Not Düşmek: 1989 Göçü Kitap Serisi*, 6 Cilt, edited by Huseyin Mevsim and Muzaffer Kutlay, Volume 2 (Ankara: USAK Yayınları, 2013).

¹⁹³ Kardzhali is the southeastern city of Bulgaria and geographically very close to Turkish border. Among many others, one of the victims was 17 months-old Türkan baby who shot by the Bulgarian militia during the protests on 26 December 1989, and lost her life. Fatme Öztürk (Türkan baby’s mother) interview by author, March 26, 2015 Bursa, Turkey. This interview conducted by the author as part of *JUSTICE 2.0 Project* and documented as a short documentary film directed by Stefan Weinert. See: *JUSTICE 2.0 - International Justice for the Imprescriptible Crimes of Communism* (The Platform of European Memory and Conscience, 2015).

December 1984 just because they protested name changing policy of the government.¹⁹⁴ An updated version of Helsinki Watch Committee report estimates that between 300 and 1,500 people belonging to the Turkish minority community were killed in total throughout “national revival process.”¹⁹⁵ According to other credible sources, 517 members of Turkish minority were arrested during, and following weeks of the peaceful protests. These people were detained and tortured; some of them were deported and, in some instances, sent to notorious Belene camp without any trial beforehand,¹⁹⁶ where they were forced to work in tough conditions and subject to intense political indoctrination.¹⁹⁷

The Bulgarian government expanded the anti-minority regulations, bans and name changing policies across the country over the next four years. After years spent in Belene camp and various prisons, the leaders and active members of the Turkish minority were internally exiled and their mobility strictly restricted.¹⁹⁸ The intensification of assimilation policies triggered a new wave of protests in early 1989. The Turkish community organised themselves around a massive passive resistance movement that included hunger strikes, gathering in city centres and sending letters to state officials and

¹⁹⁴ Ted Zang, *Destroying Ethnic Identity: The Expulsion of the Bulgarian Turks*, (New York: Helsinki Watch, 1989).

¹⁹⁵ Jeri Laber, *Destroying Ethnic Identity: The Turks of Bulgaria: An Update*, (New York: Helsinki Watch Committee, 1987): 4.

¹⁹⁶ Türkoğlu, “Susmanın Bedeli.”

¹⁹⁷ It is still hard to give exact figures about the number of Turkish minority members taken to Belene camp because of the lack of official documents and contradictory numbers provided by secondary sources. These numbers are based on author’s interview with Mehmet Niyazi (The Secretary General of BAHAD – the Association of Justice, Rights, Culture and Solidarity of Belene Camp Victims), March 28, 2015, Bursa, Turkey. The interviews conducted as part of *JUSTICE 2.0 Project*.

¹⁹⁸ For an autobiographic history, see Yusuf Türkoğlu, “Susmanın Bedeli.”

international organisations to mobilise international society and increase external pressure over the Zhivkov regime.¹⁹⁹ The Turks of Bulgaria basically demanded from the government to lift the political and cultural sanctions along with the reversal of the exile and internal displacements.²⁰⁰ However, Zhivkov's response to these requests was harsh and intolerant. On 29 May 1989, Zhivkov appeared on Bulgarian National Television and Radio to announce the government plan, which was indeed the start of the forced migration of Turkish minority. Zhivkov stated that the Bulgarian government opened the borders and allowed anyone to leave the country willing to visit Turkey. The government labelled it as "great excursion", however the Ministry of Interior prepared special application forms and distributed among Turkish community implying that they should leave.²⁰¹ Among others, some of the Turkish community members were accompanied by the state officials to complete all the paper work in a working day and forced to leave the country immediately without having their belongings with them.²⁰² As a result, more than 340,000 members of Turkish community had to left Bulgaria in three months.

In the initial phases of migration, the Turkish government pursued an open door policy and welcomed all migrants.²⁰³ However, in August 1989, the Turkish authorities,

¹⁹⁹ Author's interview with an anonymous activist who took part in the protests, March 25-28, 2015 in Bursa/Turkey as part of *JUSTICE 2.0 Project*.

²⁰⁰ Ali Dayıoğlu, "Changing Aspects of Minority Policy in Bulgaria after 1989: The Case of the Muslim-Turkish Minority," in *Proceedings of the International Conference on Minority Issues in the Balkans and the EU* edited by Mehmet Hacısalihoğlu and Fuat Aksu (İstanbul: OBIV, 2007): 345-347.

²⁰¹ Müzekki Ahmet (owner and editor of Kircaali Haber and founder and chairman of Ömer Lütüfî Derneği) interview by author, April 8, 2016. Also see, Bakalova, "The Bulgarian Turkish Names," 235.

²⁰² Author's interview with people subjected to forced migration March 25-28, 2015 in Bursa/Turkey as part of *JUSTICE 2.0 Project*.

²⁰³ Maria Koinova, "Kinstate Intervention in Ethnic Conflicts: Albania and Turkey Compared," *Ethnopolitics* 7, no. 4 (2008): 373-390.

being unable to manage such a very high number of human flows, decided to close the borders.²⁰⁴ The entire process paved the way for massive human tragedies and inter-communal tensions as bilateral relations between Bulgaria and Turkey also strained significantly. After Zhivkov was ousted on 10 November 1989 and transition to democracy started, however, a new chapter opened in minority-majority relations in Bulgaria. As a result, in a short time, almost 40 per cent of forced migrants voluntarily returned back to the country.²⁰⁵ The next section discusses the causes of this massive policy change and explores the role of domestic actors in this process.

3.3. Explaining peaceful transition: Democratisation-Europeanisation nexus

Bulgaria is a counterintuitive example and ‘deviant case’ in terms democratisation and Europeanisation frameworks because of the ways in which antagonistic inter-ethnic relations were unfolded during 1990s. Democratic transitions are considered as the most contentious episodes in terms of domestic politics and international relations. As Snyder and Mansfield argued, transitional regimes are more likely to descent into conflict and war due to the weak institutional structures and vibrancy of nationalist-populist

²⁰⁴ Turkish government closed the border on 22 August 1989 and latecomers were required to apply for a valid visa.

²⁰⁵ According to Konukman, the total number of returnees was 133,272 as of May 1990. See, R. Ercüment Konukman, *Tarihi Belgeler Işığında Büyük Göç ve Anavatan (Nedenleri, Boyutları, Sonuçları)*, yayına hazırlayan Kutlay Dogan (Ankara: Türk Basın Birliği, 1990). For a literature review and theory-informed discussion on voluntary return see, Djordje Stefanovic and Neophytos Loizides “The Way Home: Peaceful Return Victims of Ethnic Cleansing”, *Human Rights Quarterly* 33, no. 2 (2011): 408-430; For the Bulgarian case see, Ayse Parla, “Longing, Belonging and Locations of Homeland among Turkish Immigrants from Bulgaria,” *Southeast European and Black Sea Studies* 6, no. 4 (2006): 543–557.

sentiments.²⁰⁶ Mann²⁰⁷ and Brubaker,²⁰⁸ among others, also maintained that democratisation is likely to invite different forms of political violence between minority and majority members. Establishing functioning democracies in divided societies, which suffer from categorical identity-based cleavage structures, appears to be a more perennial problem.²⁰⁹ As Stroschein meticulously demonstrate in her comprehensive research, the paradox for democratisation “under difficult circumstances” – i.e. in divided societies – is that highly politicised minority and majority communities are expected to construct new democratic power-sharing mechanisms. Stated differently, “before institutions exist to channel disputes between groups, there are strident debates between them regarding the sort of institutions that should be constructed in the first place.”²¹⁰

The Bulgarian case, on that note, proves illuminating in terms of establishment and consolidation of inclusionary minority rights policies under difficult conditions.²¹¹ This section addresses the Bulgarian puzzle with reference to the two-level model offered in Chapter 2. As proposed in the conceptual framework, it demonstrates that high degree

²⁰⁶ Edward D. Mansfield and Jack Snyder, *Electing to Fight: Why Emerging Democracies Go to War?* (Cambridge: MIT Press, 2007); also, see: Edward D. Mansfield and Jack Snyder, “Democratization and the Danger of War,” *International Security* 20, no. 1 (1995): 5-38.

²⁰⁷ Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge University Press, Cambridge, 2005).

²⁰⁸ Roger Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge University Press, Cambridge, 1994).

²⁰⁹ Neophytos Loizides, *Designing Peace: Cyprus and Institutional Innovations in Divided Societies* (Pennsylvania: University of Pennsylvania Press, 2015); Neophytos Loizides, *The Politics of Majority Nationalism: Framing Peace, Stalemates and Crises* (Stanford, Calif.: Stanford University Press, 2015); Benjamin Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management* (Cambridge: Cambridge University Press, 2001).

²¹⁰ Sherrill Stroschein, *Ethnic Struggle, Coexistence, and Democratization in Eastern Europe* (New York: Cambridge University Press, 2012): 2.

²¹¹ For a comprehensive critical review on the culture of democracy in Bulgaria see James Dawson, *Cultures of Democracy in Serbia and Bulgaria: How Ideas Shape Publics* (London: Routledge, 2014).

of domestic dissatisfaction with the minority policies of the Communist regime created a strong impetus on the side of domestic actors to alter their preference functions. It argues that the new political elites on the minority and majority sides did not only reformulate policy instruments but also redefined the entire policy itself in line with the broader European norms, which unleashed a virtuous cycle of extensive social learning. Therefore, *double moderation*²¹² emerged at the domestic level created a highly conducive background thanks to which EU norms and regulations make its way into Bulgarian politics. Second, this section also demonstrates that the EU played an indirect but still considerable role by promoting Bulgaria's transition to liberal democracy and shaping inclusive minority policies. As such, this section maintains that loosely framed external conditionality played a complementary role in the period concerned.

3.3.1. Domestic dissatisfaction: Changing political preferences

The first dynamic one needs to take into account to assess the mechanisms of change and continuity in minority rights policies is the degree of domestic dissatisfaction about prevailing policies. Bulgaria, from this point of view, is solid example in weighting in the factors of a possible change in political preferences. Following the unprecedented impact of emigration and changing political atmosphere in Bulgaria, on 10 November 1989,

²¹² There is voluminous literature on the relationship between elite pacts and democratisation. Several studies demonstrated that the agreements between political elites facilitate conflict transformation and democratisation. See Frances Hagopian, ““Democracy by Undemocratic Means”?: Elites, Political Pacts, and Regime Transition in Brazil,” *Comparative Political Studies* 23, no. 2 (1990): 147-170; Terry Lynn Karl, “Dilemmas of Democratization in Latin America,” *Comparative Politics* 23, no. 1 (1990): 1-21; John C. Higley and Richard Gunther, *Elites and Democratic Consolidation in Latin America and Southern Europe* (Cambridge: Cambridge University Press, 1992). The term “double moderation” coined in this study is related to but different than the existing research on elite pacts. First, “double moderation” in this research is employed within the context of minority-majority relations rather than general democratisation theories. Second, the concept is integrated with Europeanisation research for the first time in the literature.

Todov Zhivkov was forced to leave his post with a “palace coup.”²¹³ This unexpected event marked a critical juncture as it invited massive transformations in different aspects of Bulgarian political life. It also marked the beginning of a completely new era in minority-majority relations in the country. Just after the fall of Zhivkov, fourteen non-Communist groups organised a meeting to establish a new political platform with an aim of promoting political pluralism and spearheading political-economic reforms in the country and, as a first step, formed a new political movement called Union of Democratic Forces (UDF) with Zhelyu Zhelev elected as the leader of the group.²¹⁴ The regime change led to an institutional equilibrium in Bulgaria that the new elite openly expressed dissatisfaction with the previous policies toward Turkish minority.

The new Bulgarian elite’s macro-goal of “returning to Europe” gradually increased the importance of the EU leverage in Bulgaria’s domestic political economy structure and democratisation process.²¹⁵ Accordingly, the domestic dissatisfaction on part of the Bulgarian majority became increasingly visible, which paved the way for gradual transformation in institutional architecture of majority-minority relations and the prevailing norms that informed Bulgaria’s minority rights regime. The change in the preferences of majority elites was not merely instrumental as the new elite did question

²¹³ Iskra Baeva, “Political Changes in Bulgaria during the Years of Globalization,” in *Bulgaria in Global Processes*, edited by Vasil Prodanov, 297-325. (New York: Global Scholarly Publications, 2004).

²¹⁴ Zhelyu Zhelev (the leader of UDF and first democratically elected President of Bulgaria, 1990-1997), interview by author, on May 21, 2010 and October 30, 2012. The interviews conducted as part of the author’s unpublished MSc Dissertation at METU. See: Kutlay, “Europeanization of Minority.” Also for an autobiographic history of the transformation period in Bulgaria, see Zhelyu Zhelev, *In at the Deep End* (Sofia: Trud Publishing House, 2008).

²¹⁵ The abbreviation “EU” is used as a catch-all term throughout the dissertation. However, one should note at the outset that the institutional and legal aspects of the European Economic Community (EEC) are not the same with the EU. The former was transformed into the latter in 1993 with the Maastricht Treaty.

not only the policy instruments but the ultimate policy goals as well. To this end, coalition building with Turkish minority was conceived as a new way of socialisation within the European circles and to develop an alternative collective identity rather than a tactical move toward predefined political ends. Zhelyu Zhelev, the leader of the UDF and first democratically elected President of Bulgaria in 1990, stated that “the EU was the unifying actor between Turkish minority and the pro-reform Bulgarians. So the political representatives of Bulgarian majority and Turkish minority strongly supported Bulgaria’s EU membership.”²¹⁶ The goal of reversing the policies of old regime and establishing new power-sharing institutions appeared as the common unifying denominators in Bulgaria. As Zhelev stated:

The Bulgarian Turks were part of the new Bulgarian opposition promoting democratic European values. They have their role during the abolishment of the Bulgarian communist regime. Here the attitude of the Bulgarian opposition was similar to Turkish minority. They worked together. They shared same intentions, feelings and problems.²¹⁷

The changing minority policy of the Bulgarian political elite was an outcome of inter-elite conflict and elite-level socialisation. The increasing opposition against the prevalent minority policies and the emerging coalitions put pressure on the BCP members, who dictated Bulgaria’s minority policies during the Communist regime. The post-Communist Bulgarian elites, aligned with the progressive segments of the BCP, played an important role in reversing the policies of the Central Committee of the BCP. The official shift in minority policies took place with a report that Alexander Lilov, one

²¹⁶ Zhelev, interview, 2012.

²¹⁷ Ibid.

of the most powerful figures of the Party, wrote for the ruling elites. The report criticised the policies of the ousted Zhivkov regime in an unequivocal manner. Lilov's report, entitled *To Overcome the Distortions among the Turkish-Speaking and Muslim Population in Bulgaria*, described the "national revival" policies as "gross political error of great immediate and long-term internal and international consequences."²¹⁸ Lilov also acknowledged the rights of Turkish community to choose their names freely and exercise their religious and ethnic rights without any interference from the state. The policy shift of the Party was considered as a tactical step at the time to dissociate the ruling elites from the wrongdoings of the past by associating "national revival" debacle with Zhivkov and his close aids that also were ousted with the former Communist leader.²¹⁹

However, more than adopting an instrumental approach, the democratic opposition formed under the leadership of Zhelev considered the abovementioned policy change as an opportunity to develop common language and common cause around which pro-reformist segments can be united against the previous regime in Bulgaria.²²⁰ Marin Lessenski, a senior expert on Bulgarian politics, put it nicely, "the former ruling elites wished to break with the past and wanted to focus on the new period in Bulgarian politics."²²¹ Mihail Ivanov, adviser to the President Zhelyu Zhelev on minority policies at the time, also suggested that the new Bulgarian elites positioned themselves opposite to

²¹⁸ Alexander Lilov, *To Overcome the Distortions among the Turkic-speaking and Muslim Population in Bulgaria*, (Sofia: 1990): 9. For a succinct summary of the policy stance of BCP at the time, see Dimitrov, "In Search of a Homogeneous Nation."

²¹⁹ Maria Bakalova (Dr and Lecturer at the University of National and World Economy), interview by author, March 29, 2016.

²²⁰ Several interviewees, who had taken part in the negotiations or closely followed the transition process, underlined this point.

²²¹ Marin Lessenski (a senior political analyst), interview by author, April 7, 2016.

the former regime and its supporters, and labelled them as the ‘common enemy’ which provided the majority and minority members to cooperate on a common ground.²²² The approach of the newly formed democratic opposition during the early years of transition, was one of the significant factors that united majority and minority communities and prevented a possible ethnic clash between Bulgarians and Turks.²²³ The opinion leaders and influential figures of the Turkish minority also shared the same idea. Professor Ibrahim Yalimov, a former MP of Bulgarian Socialist Party (BSP) during the transition years, underlined the fact that framing the former ruling elites as the “common enemy” helped mobilise minority and majority members around a common cause, which enabled moderation on both sides of the society that were, otherwise, sitting on the sharp edge of the knife during transition years.²²⁴

In retrospect, one of the critical junctures in inter-ethnic reconciliation was the acknowledgement of the suffering that minority groups, especially the Turkish minority, endured. As the literature suggests the denial of the past traumas and mass sufferings are more likely to lead to the accumulation of inter-ethnic problems, which in turn reduces the likelihood of major policy changes. As Volkan argues, in case the wounds of an ethnic group are not recognised and healed, it turns into an inter-generational identity-building instrument.²²⁵ It appears that the new ruling elite in Bulgaria, even in an intuitive

²²² Mihail Ivanov (Professor at New Bulgarian University and the then adviser to President Zhelyu Zhelev on minorities and inter-ethnic issues), interview by author, March 23 and 27, 2016.

²²³ An assertion that frequently underlined by many of interviewees.

²²⁴ Yalimov, interview.

²²⁵ Vamik Volkan, *Bloodlines: From Ethnic Pride To Ethnic Terrorism* (New York: Basic Books, 1998).

way, was aware of this fact and willing to admit the mistakes committed in the past. As Zhelev stated:

Communist regime was a dictatorship. They neither believed nor supported the existence of any different ethnic groups. The Turkish people were the biggest minority in Bulgaria so they were the first one to suffer from the consequences of the political aims of the communist party and “the national revival process.” But Bulgarians suffered too. On the other hand, the communist regime wanted to create one ethnic group, one nation, by using force and violence, which was in fact, impossible.²²⁶

Following Lilov’s report, the plenum of the Central Committee of the BCP adopted a decree, which expressed the willingness to restore inter-ethnic relations and ensure the rights of the Turkish minority. As Baeva and Kalinova point out, the results of this symbolic decision turned out to be quite substantial as it enabled a long-lasting moderation process.²²⁷

Along with the anti-Communist and reformist political groups within majority Bulgarians, the Turkish minority also supported the paradigmatic changes in Bulgarian politics under the leadership of Ahmed Dogan, who has remained most influential leader of the Turkish minority. Dogan was prisoned on the ground that he mobilised Turkish minority against the regime. On 22 December 1989 Ahmed Dogan received amnesty along with other Turkish minority members. Immediately after release from prison, Dogan started working to form a new political organisation representing Turkish minority. As Dogan led the Turkish resistance movement during the Communist regime

²²⁶ Zhelev, interview, 2012.

²²⁷ Baeva and Kalinova, “Bulgarian Turks during the Transition Period,” 68.

and created the Turkish National Liberation Movement in Bulgaria (TNLMB) in 1984, he had ample experience with regard to politics and political mobilisation of masses. In a short time after released from the prison, Dogan established a political party in January 1990 (officially registered in March 1990), called ‘Movement for Rights and Freedoms’ (MRF) – known as *Hak ve Özgürlükler Hareketi* in Turkish.²²⁸ The MRF emerged as one of the influential institutional actors that set the tone of inter-ethnic moderation and political conciliation on the minority side. The Party proved highly successful in terms of increasing ethnic consciousness among Turkish minority members and overcoming collective action problems within Turks. For example, in the first democratic elections that took place on 10-17 June 1990, the MRF managed to secure 23 seats in the Parliament (total number of seats was 400).

It should therefore be suggested that the emergence of a favourable institutional context provided opportunities for the participation of minorities into decision-making processes. The creation of the MRF, as discussed in detail below, provided a unique opportunity for the Turkish minority to join the Parliament, articulate their interests and express them in a more efficient way. That being said, the Turkish elites struggled a lot to register MRF as a political party and join the first democratic elections.

The Bulgarian Constitution, which was adopted on 12 July 1991, adopted a very cautious tone regarding the formation of political parties on ethnic and religious lines. For instance, article 11(1) stated this as follows: “there shall be no political parties on ethnic,

²²⁸ For a detailed history of MRF, see Nurcan Özgür, *Etnik Sorunların Çözümünde Hak ve Özgürlükler Hareketi* (İstanbul: Der Yayınları, 1999).

racial, and religious lines...’’²²⁹ The same statement was enshrined in the Bulgarian Political Party Act as well, which was in fact in force well before the new Constitution. The nationalist segments of the Bulgarian political elites, who were very critical of the reconciliation and moderation process, attempted to close down the MRF twice on the ground that it violated the basic principles of the law on political parties and the Bulgarian Constitution. In the run-up to the first democratic elections of post-transition Bulgaria, a group of nationalist majority elites applied to the Court to close down the MRF. As a matter of fact, a chain of extraordinary events led to the rejection of the closure application. Even though Sofia City Court rejected the MRF’s application to register itself just before the election, the Central Election Commission overruled the decision taken by the Sofia City Court and allowed the MRF to participate in the incoming national election in June 1990.²³⁰ It appears that the Central Election Commission, taking the delicate political equilibrium into consideration and anticipating the potential side effects of excluding Turkish minority from the political contest, justified its decision by referring to the previous Court decisions. This was not, however, placed the MRF’s political trajectory into a safe track as the anti-minority groups did not give up with the decision of the Central Election Commission. The BSP members²³¹ orchestrated the second attempt in late 1991 to outlaw the MRF.²³² The nationalist members of the Bulgarian Parliament, this time, applied to the Constitutional Court. They

²²⁹ *The Constitution of the Republic of Bulgaria 1991.*

²³⁰ Petya Nitzova, “Bulgaria: Minorities, Democratisation, and National Sentiments,” *Nationalities Papers* 25, no. 4 (1997): 729-739.

²³¹ The BCP was renamed as Bulgarian Socialist Party (BSP) in April 1990 after a party referendum initiated by the proposal of Alexander Lilov, the then Chairman of BCP.

²³² Ali Eminov, “The Turks in Bulgaria: Post-1989 Developments,” *Nationalities Papers* 27, no. 1 (1999): 31-55.

claimed that the existence of the MRF as a political party did not comply with article 44(2) of the Constitution, which read as follows:

No organization shall act to the detriment of the country's sovereignty and national integrity, or the unity of the nation, nor shall act to incite racial, national, ethnic or religious enmity or an encroachment on the rights and freedoms of citizens; no organization shall establish clandestine or paramilitary structures or shall attain its aims thorough violence.

The Constitutional Court, however, rejected the application (see below for the role of Zhelev in the process). The decision of the highest legal authority in Bulgaria put an end to the discussions on the legal situation of the MRF as a political party. The verdict also secured the place of the Turkish minority in Bulgarian politics, which contributed to the fragile moderation process evolving between minority and majority elites. Plamen Bogoev, legal counsel at Sofia City Court and advisor to the President Zhelyu Zhelev at the time, aptly suggested “that the judgement of the Constitutional Court was a definite contribution both to the democratic process in the country and to the supremacy of law.”²³³ One should underline at this point that the Constitutional Court took this landmark decision by a narrow margin, demonstrating that MRF was walking on a tight rope despite the conciliatory policies the MRF leaders adopted at the time.²³⁴

3.3.1.2. Double moderation and ‘Bulgarian ethnic model’

The early years of transition to democracy in Bulgaria proved highly contested in terms of inter-ethnic relations. As the rules of the game were yet to be determined and the

²³³ Plamen Bogoev, “The Bulgarian Constitution and Minority Rights,” in *1989-1999, Ten Years Later: Lessons Learned for the Future* (Sofia: Scorpion Publishing House, 2000): 190.

²³⁴ The political aspect of the decision is to be discussed in the following pages.

power relations stabilised, different political and social groups tested each other's limits to gain the upper hand in the post-democratic institutional equilibrium. The paradox of regime transitions, as Stroschein points, is that the ruling elites, who had a stake in the political system and part of the contentious politics, also are expected to set the rules of the new game that facilitate political conciliation and ensure proportional power sharing mechanisms.²³⁵ The Bulgarian case diverges from the mainstream as the country managed to improve the minority-majority relations in a rather unexpected manner despite unfavourable background conditions. Not only massive assimilation campaign launched by the Communist regime but also the two attempts to end the existence of the MRF as a political party demonstrate the scope of difficult circumstances. The political developments in the wake of regime transition revealed that the Bulgarian political elite and ordinary citizens polarised severely regarding the place of Turkish minority in the new political system. The exclusionary policies of the Zhivkov regime were still popular among certain segments of the society and the mainstream political actors. As a consequence, the Turkish elites realised that the road to the recovery of their rights was full of impediments and political contentions.

The Bulgarian case, as proposed in this dissertation, illustrates the critical importance of *double moderation* on part of the minority and majority leaders toward introducing inclusive minority policies. Accordingly, the role of two political leaders as change-agents, Ahmed Dogan as the leader of the MRF and Zhelyu Zhelev as the leader of the UDF, constituted primary factors that eased existing ethnic tensions and

²³⁵ Stroschein, *Ethnic Struggle, Coexistence, and Democratization*, chapter 1.

consolidated political participation of Turkish minority community into Bulgarian politics.

The two leaders played pivotal roles in guiding the social learning processes as part of Bulgaria's integration with Europe and introducing a pluralistic political system that mitigated the risk of organised political violence. Ahmed Dogan and Zhelyu Zhelev managed to create a common cause around which pro-reformist actors unified and mobilised their supporters. A new political rhetoric compatible with European values and underscoring Bulgaria's place in Europe became the backbone of new collective identity of the pro-reformist political elites that Zhelev and Dogan framed and communicated on both sides.

On the majority side, Zhelyu Zhelev played a maestro role that facilitated peaceful transition. Zhelev, as the first democratically elected president of Bulgaria, was a liberal politician with strong anti-communist sentiments. Zhelev, in the aftermath of Zhivkov's removal from the office treated the Turkish minority as a potential ally to form new coalitions in consolidating democratic practices and fastening Bulgaria's integration into Euro-Atlantic structures.²³⁶ Zhelev, in several critical junctures during transition period, supported the Turkish minority in the Parliament by using his presidential authority to endorse the MRF's existence in Bulgarian politics, where possible. For instance, Zhelev played a tacit but critical role that tilted the political balance in favour of the MRF in the second closure case, when Constitutional Court rejected the application of the BSP

²³⁶ Zhelev, interview.

members.²³⁷ Zhelev and Dogan found a common adversary around which an inter-ethnic coalition was formed under difficult circumstances. The Bulgarian President took advantage of the support of Turkish minority to establish closer relations with NATO and the EU. Tsvetan Tsvetanov, former Bulgarian Minister of Interior, highlighted this point as follows: “The MRF really helped to avoid any ethnic conflicts in the country. They also participated in the preparations to join NATO and the EU and supported democratisation process.”²³⁸

On the minority side, Ahmed Dogan pursued a very cautious policy that did not tolerate any forms of excessive demands endorsing even tacit approval of political violence in any shape or form. In fact, the MRF was far from being a homogeneous bloc in early stages. The ultra-nationalist wing of the Party was active and not shy in terms of seeking autonomy, which could have triggered the already sensitive nerve within populist-nationalist segments of the Bulgarian mainstream. However, Dogan never adopted a secessionist discourse asking for any forms of political autonomy for the Turkish minority. As such, he meticulously side-lined the ‘hawks’ within the MRF ranks:

In the early days of MRF there were strong party members who were supporting the idea of autonomous Turkish regions within northern and southern Bulgaria. Their ideas were radical but very influential because these members were arrested by Zhivkov regime and sent to prisons and Belene camp. Ahmed Dogan clearly rejected these maximalist demands and cut these members’ links with the Party.²³⁹

²³⁷ Romyana Kolarova, “Tacit Agreements in the Bulgarian Transition to Democracy: Minority Rights and Constitutionalism”, *The University of Chicago Law School Roundtable* 1, no. 1 (1993): 23-51.

²³⁸ Tsvetanov, interview.

²³⁹ Ahmed Hussein (DOST Party member February 2016-present; former MRF deputy and the Assembly of Religious Studies Commission Vice-President at the Bulgarian Parliament), interview by author, May 10, 2010. The interview conducted as part the author’s unpublished MSc Dissertation at METU See: Kutlay,

The MRF leader and his close aides promoted moderation and pluralistic governance guaranteed under the rule of law. As pointed out by Krassimir Kanev, Turkish minority elites kept their demands at minimum by mainly asking for fundamental rights and freedoms and never adopted secessionist discourse.²⁴⁰ The analysis of the speeches of the MRF leader also reveals that ‘moderation,’ ‘peaceful transformation’ and ‘democratisation’ appeared to be the most frequently underlined themes.²⁴¹ As Tzvetkov puts it: “The ethnic Turks have reacted to all the ordeals inflicted upon them with extreme forbearance. It should be noted that the MRF has acted very prudently by neutralizing extremist elements in its own camp and keeping the whole problem on a civilized level.”²⁴²

The policies of the MRF leadership and the ways in which they expressed Turkish minority’s dissatisfaction proves crucial in terms of the transformation of minority rights in Bulgaria. The minority leaders promoted inter-ethnic coexistence via peaceful means at the Bulgarian and European public sphere. The exercise of the rights of Turkish community as equal citizens and their participation on economic, political and social life in the country constituted the main pillars of emerging political discourse.²⁴³ Dogan’s

“Europeanization of Minority,” 75. Since early 2016, Ahmed Hussein strongly backed Lütü Mestan, former President of MRF (2013-2015) who established a new political party, DOST on 10 April 2016 to represent Turkish minority in Bulgaria.

²⁴⁰ Krassimir Kanev (Chairman of Bulgarian Helsinki Committee), interview by author, March 21, 2016.

²⁴¹ Movement for Rights and Freedoms, *The Spirit and Image of European Dimensions: Selected Speeches of Ahmed Dogan, 1991-2008* (Sofia: n.p.d.)

²⁴² Plamen S. Tzvetkov, “The Politics of Transition in Bulgaria: Back to the Future?” *Problems of Communism* 43, no. 3 (1992): 41.

²⁴³ Ruşen Rıza (Vice-President of MRF and member of Tripartite Presidency of MRF from December 2015 to April 2016), interview by author, March 31, 2016.

unequivocal rejection of all forms of political violence and “all kind of maximalist demands”²⁴⁴ also strengthened the hands of pro-reformist Bulgarian leaders, first and foremost consolidated the position of President Zhelyu Zhelev who acted as a norm entrepreneur that promoted inter-ethnic moderation, by way of providing assurance about the intentions of Turkish minority elites.

The moderation at the elites-level paved the way for a constructive path that informed a virtuous cycle of reform activism in the rest of the decade. Accordingly, Turkish minority gradually restored their fundamental rights thanks to a series of political reforms during the 1990s.²⁴⁵ The government restored the rights of Turkish minority to use their original names and allowed the minority members to access formal education again.²⁴⁶ The restoration of the names and improvements in the educational rights of the Turkish community proved crucial at the time as it increased the legitimacy of the new regime in the eyes of minority community members.²⁴⁷

One can suggest that the new political institutions established in the post-democratisation process, along with the moderation of minority and majority elites, acted as important factors as a result of which European norms made their way into the political agenda in Bulgaria. At the very least, the institutional representation of Turkish minority in the Parliament catapulted the Turkish party into an effective veto point and ‘king maker’ in coalition building and policy-making processes. The new institutional

²⁴⁴ Ibid. Also, backed by Çetin Kazak (MRF MP, Vice President and member of Tripartite Presidency of MRF from 24 December 2015 to 25 April 2016), interview by author, March 30, 2016.

²⁴⁵ Iskra Baeva, *Bulgarian Foreign Policy after November 1989*, National Institute for International Studies and Friedrich Ebert Foundation, (Sofia: INTELA Publishing House, 1997): 31.

²⁴⁶ Dayıoğlu, “Changing Aspects of Minority Policy,” 376.

²⁴⁷ Ali Eminov, “The Turks in Bulgaria,” 48.

equilibrium therefore accelerated the reform momentum in the area of minority rights that secured the position of Turkish community and helped them to make their voice heard again.

The representation of the MRF in the Bulgarian Parliament provided opportunities to follow the legislation processes closely and express their dissent through the use of official channels. For instance, the MRF members in the Parliament, contributed to the intellectual content of the new Constitution, which secured religious freedom (article 13) and respect and tolerance toward believers from different religions (article 37).²⁴⁸ As a result of the restoration of the religious rights, mosques were reopened and the publication of the Quran, wholly book of Islam, was legalised – two developments that facilitated reducing mutual prejudices based on faith and religion, which in turn, contributed inter-ethnic moderation.²⁴⁹

The 1990s also brought about the gradual recovery of ethno-linguistic rights of Turkish minority. To start with, complex legal procedure of retaking original Turkish names was streamlined. The MRF pursued an active policy in the Parliament to reform the bureaucratic aspects of the name restoration policy. Following the changes in the law, more than 600,000 Bulgarian citizens with Turkish origin applied to the state authorities to restore their original names.²⁵⁰ The Bulgarian state officials also pursued a conciliatory approach regarding the establishment of private schools providing education in Turkish

²⁴⁸ *The Constitution of the Republic of Bulgaria, 1991.*

²⁴⁹ Stephen Lewis, “Islam in Bulgaria”, *Aramco World* 45, no. 3 (1994): 20-29.

²⁵⁰ Dayıoğlu, “Changing Aspects of Minority Policy,” 381.

language and encoded an article in the new Constitution recognising the right of every citizen to flourish authentic cultures along the lines of ethnic self-identification.²⁵¹

The 1990s took a clear turn toward democratisation of Bulgaria's minority policies that starkly contrasted with the repressive policies of the Communist regime.²⁵² The implementation of the reforms enshrined in legal documents, however, proved a challenging issue to put into implementation during 1990s. In the first years of transition, the UDF government (1991-1992) – supported by the MRF – demonstrated high willingness to put democratic reforms into implementation to accelerate Bulgaria's convergence with Europe, which helped improving the status of Turkish minority as well.

However, the mid-1990s witnessed frequent alternations of governments. Following the political turbulence with the fall of the pro-reform UDF government and after two years rule of non-party “government of experts”, the BSP managed to form the government in 1995 under the premiership of Zhan Videnov (see table 3.1). The BSP government appointed Ilcho Dimitrov, one of the figures backing Zhivkov's assimilation policies, as the Minister of Education. Dimitrov pursued a restrictive policy towards Turkish minority in the field of education by increasing the ministerial surveillance over Turkish schools and shifting the status of Turkish classes into electives as part of significant changes in curricula. The change in the status and hours of Turkish classes lead to major drops in attendance rates.²⁵³ Some other implementation problems also

²⁵¹ *The Constitution of the Republic of Bulgaria, 1991, article 54.*

²⁵² Eminov, “The Turks in Bulgaria,” 48.

²⁵³ The Turkish minority members repeatedly highlighted this point during the interviews.

remained to be addressed in the areas of public broadcasting, mass publications, and cultural affairs during the EU accession process (see chapter 4).²⁵⁴

Table 3. 1. Parliamentary elections in Bulgaria (1990-2001)

	1990 elections	1991 elections	1992-94 *	1994 elections	1997 **	1997 elections
BSP	47.15	33.14		43.50 ²		22.07 ⁴
UDF	36.21	34.36		24.23		52.26 ⁵
MRF	8.03	7.55		5.44		7.60 ⁶
Bulgarian Agrarian National Union	6.02	3.86		6.51 ³		
Fatherland Front						
Fatherland Party of Labour	0.60	0.31 ¹				
Social Democratic Party	0.72					
Bulgarian Business Bloc				4.73		

* Care-taker government by a non-party government of experts as Liuben Berov and Reneta Indzhova as the Prime Minister.

** Care-taker government as Stefan Sofiyanski the Prime Minister

¹ Coalition of the Bulgarian National Union (BNS) composed of Bulgarian Fatherland Party and New Democracy Bulgarian National Union

² Democratic Left a Coalition - BSP + Bulgarian National Agrarian Union 'Alexander Stamboliiski' and Ecoglasnost Political Club

³ Popular Union of the Bulgarian Agrarian National Union + the Democratic Party

⁴ Democratic Left a Coalition - BSP + Ecoglasnost Political Club

⁵ Alliance of Democratic Forces led by UDF + DP, BZNS, BSDP

⁶ Alliance of National Salvation - Movement for Rights and Freedoms + Bulgarian Agrarian National Union 'Nikola Petkov', Green Party, Party of the Democratic Centre, New Choice, Federation of the Bulgarian Kingdom

Threshold: 4%

Governments of Bulgaria, 1990 - 2001

1990: BSP-UDF Coalition – PM Dimitar Iliev Popov, independent

1991: UDF – PM Philip Dimitrov, UDF supported by MRF as being the third Party in the Parliament and no others achieved %4 threshold.

1992-94: Care-taker government

1994: Democratic Left – PM Zhan Videnov, BSP

1997: Care-taker government

1997: UDF – PM Ivan Kostov, UDF

Source: European Election Database, http://www.nsd.uib.no/european_election_database

²⁵⁴ For a detailed overview of the *law vs. politics* problematique, see Bernd Rechel, "State Control of Minorities in Bulgaria", *Journal of Communist Studies and Transition Politics* 23, no. 3 (2007): 352-370.

This section argued so far that Bulgaria's smooth transition to democracy and the emergence of a minority-friendly environment became possible mainly due to the *double moderation* that took place between minority and majority leaders who acted as spearheads of inter-ethnic conciliation. The leaders on both sides managed to articulate a coherent narrative that brought the dissatisfied actors (with the existing minority policies) together under common set of values. Yet, what informed the emergence of an alternative set of values that formed the basis of minority friendly rhetoric? The next section discusses whether and in which ways the EU acted as a facilitator in promoting minority rights reforms in Bulgaria, which constitutes the second aspect of two-level model developed in the conceptual chapter.

3.3.2. External conditionality: EU-led pressure

Chapter 2 suggested that EU conditionality is not straightforward in the area of minority rights, as the EU does not have explicit codifications. Thus EU conditionality on the minority rights policies is likely to vary across cases and time. In this dissertation, it is hypothesised that if the external pressure is high, i.e. the EU consistently promotes proper implementation of minority rights reforms in return for credible rewards, and if the domestic dissatisfaction of the current minority policies is high, it is more likely that Europeanisation has deeper and long-lasting impacts on the minority rights reforms in new member and candidate countries. As discussed above, the evidence suggests that in the post-Communist era, the high level of domestic dissatisfaction reflected and

mobilised by the majority and minority representatives in Bulgaria created a strong impetus for substantial changes. The newly emerging political equilibrium also underpinned by the EU and other European organisations through direct and indirect mechanisms as the European anchor provided material incentives and normative templates for political elites, which in turn, paved the way for significant learning effect in the Bulgarian case.

Following the collapse of Communism, the new Bulgarian elites put integration with Europe as a strategic goal. The EU, as the central European organisation, became the main political reference point of the pro-reform elites throughout the 1990s. The political elites in Bulgaria tried too hard to transform Bulgaria's economic and political system accordingly.²⁵⁵ As Bechev argued, despite the EU was considered as an attractive actor, it should be underlined that the "membership was not a decisive force in Bulgarian politics during those truly formative years."²⁵⁶ However, the minority and majority leaders' framing of the EU as a common denominator boosted its legitimacy and leverage unparalleled to the direct material benefits. At the very beginning of the transition, Europe emerged as the only actor that was considered as a viable option for the new Bulgarian elites. Integration with Europe became one of the rare common targets that all ex-communists, UDF leadership, and Turkish minority representatives agreed on.

On the majority side, the incoming ruling elite supported liberal democracy and functioning market economy as an alternative to the state-led planning economy model. Given the fact that Communist regimes were collapsing across the world and Bulgaria

²⁵⁵ Baeva and Kaliova, interview.

²⁵⁶ Dimitar Bechev, "Bulgaria's Path to EU membership – and Beyond" in *Bulgaria and Europe: Shifting Identities*, edited by Stefanos Katsikas (London: Anthem Press, 2012): 115.

was too small and economically underdeveloped to survive without allies, being part of the Euro-Atlantic bloc became most sustainable policy alternative. Despite frequent changes in government in the first half of 1990s, Bulgaria's links with the EU improved consistently.²⁵⁷ On the minority side, the European project constituted the main macro-goal to avoid turning back to the suppressive policies of the Zhivkov regime. In one of his speeches, for instance, Ahmed Dogan put this point in an unequivocal manner. On November 4, 1991 Dogan pointed out that the EU anchor and the Europeanisation of Bulgarian political area remained at the centre of MRF's political strategy:

The Movement for Rights and Freedoms is for guaranteeing social peace in the Republic of Bulgaria, as well as for making democratisation an irreversible process in the complete Europeanisation of the country's political and parliamentary life.²⁵⁸

The EU leverage over Bulgaria increased gradually over the years. The first formal relations between the parties were established with the Convention on Trade, Business and Economic Relations signed in May 1990. Shortly afterwards, Bulgaria also joined Phare,²⁵⁹ which was administered by the European Commission as a development aid programme to support pre-accession convergence of the CEECs with their western European peers.²⁶⁰ Bulgaria joined the Phare scheme in 1990, which was re-structured in

²⁵⁷ Ibid., 116.

²⁵⁸ Ahmed Dogan, "Speech Delivered at Thirty Sixth National Assembly" in *The Spirit and Image of European Dimensions: Selected Speeches of Ahmed Dogan, 1991-2008*, (Sofia: MRF, n.p.d.): 10.

²⁵⁹ For more details, see: the European Union official web-site, *Phare Programme*, accessed July 31, 2018, http://europa.eu/legislation_summaries/enlargement/2004_and_2007_enlargement/e50004_en.htm

²⁶⁰ David Bailey and Lisa De Proris, "A Bridge Too Phare? EU Pre-Accession Aid and Capacity-Building in the Candidate Countries," *Journal of Common Market Studies* 42, no. 1 (2004): 77-98.

2008 as part of the accession negotiations. The Bulgarian governments received a total of €2.36 billion commitments in total over pre-accession era.²⁶¹ The Bulgarian economy was in a very precarious situation in the post-Communist period and the EU's financial support proved crucial to keep the fragile Bulgarian economy afloat. The material support of the EU, on the other hand, was attached to a set of political conditionality – similar to other CEECs candidate states.²⁶²

EU-Bulgaria relations were further consolidated with the Europe Agreement signed between the parties on 8 March 1993. The Europe Agreement articulated the linkage between material support and political conditionality in the realm of human rights and democratisation in a clear way. For instance, the document makes direct reference to “respect for the democratic principles and human rights” (article 6) as a constitutive aspect of the bilateral exchange relationship that link government's progress in human rights and democratisation with the flows of technical and financial assistance to Bulgaria.²⁶³

EU conditionality on minority issues started to emerge as part of EU's approach toward aspiring states in early 1990s. In December 1993, the Copenhagen European

²⁶¹ This covers the years between 1990 and 2006. European Commission, *Final Evaluation Report: Evaluation of PHARE financial assistance to Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia*, Issued on 19/01/2015, accessed August 4, 2018, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/phare/evaluation/2015/20150806-phare-ex-post-evaluation-final-report.pdf

²⁶² Heather Grabbe, “How Does Europeanisation Affect CEE Governance? Conditionality, Diffusion and Diversity,” *Journal of European Public Policy* 8, no. 6 (2002): 1013-1031; Edward D. Mansfield and Jon C. Pevehouse, “Democratization and International Organizations”, *International Organization* 60, no. 1 (2006): 141-145.

²⁶³ European Commission, *Europe Agreement*, accessed March 2, 2017, https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/europe-agreement_en; Also, see: Karen Smith, *The Making of EU Foreign Policy* (New York: Palgrave Macmillan, 2004): 98-102.

Council delineated the main framework according to which new enlargement decisions would take place. The European leaders specified political criteria, economic criteria and the adoption of the *acquis* as three main pillars of external conditionality.²⁶⁴ The 1993 Presidency Conclusions also pointed out in an explicit manner that “associated countries in Central and Eastern Europe that so desire shall become members of the European Union.”²⁶⁵ The EU’s decision to enlarge eastward also motivated the Bulgarian political elite to apply for the membership in 1995. The developments in the aftermath, however, proved that Bulgaria’s European path was not straightforward due to political and economic reasons. Similar to several other post-Soviet countries, Bulgaria also experienced deep economic transformations while trying to adjust its economy to free market principles.²⁶⁶ The Berov (1992-1994) and Videnov (1994-1997) governments, however, hesitated to implement the reform templates of the external creditors, which recommended large-scale liberalisations, reducing red tape and rent-seeking activities in the management of domestic economy. The state capacity and power vacuum problems that were exacerbated with the collapse of Yugoslavia also opened up a space for criminal networks – protected by the political elite and state bureaucrats. The expansion of corruption, the failure of economic modernisation and market-repressing intervention of the state paved the way for a deep economic crisis in 1997, which led to the surge of

²⁶⁴ European Commission, *The Acquis*, accessed March 11, 2017, http://ec.europa.eu/enlargement/enlargement_process/accesion_process/criteria/index_en.htm

²⁶⁵ European Council. *Conclusion of the Presidency, SN 180/1/93 REV 1*, Copenhagen European Council (21-22 June 1993): 13.

²⁶⁶ Emil Giatzidis, *An Introduction to Post-Communist Bulgaria: Political, Economic and Social Transformations* (Manchester: Manchester University Press, 2002): chapter 4.

inflation, banking crisis, massive street protests, and the collapse of the Videnov-led BSP government.²⁶⁷

Bulgaria's plunge into a very serious economic crisis catapulted the EU into a more central position in domestic politics. Under such conditions, the EU financial aid and the membership prospects turned into a vital stabilising factor in the short and medium term for the Bulgarian elite. The new UDF-led government, formed by Ivan Kostov after the early April 1997 elections, adopted even a more pro-European policy stance – putting the EU and NATO at the forefront in domestic and foreign affairs. The Bulgarian president at the time, Petar Stoyanov, also argued that the EU membership is a “civilizational choice” for Bulgaria.²⁶⁸ From the EU's point of view, Bulgarian elite's willingness to conform to the EU conditionality was considered as leverage to promote democratisation through effective issue linkage strategy. On that note, the EU demanded the ratification of the Framework Convention for the Protection of National Minorities (FCPNM) – a very sensitive issue with considerable potential to trigger anxiety among nationalist segments of the society. As discussed in chapter 2, in fact, Council of Europe adopted FCPNM but the EU codified the Convention as part of its conditionality concerning the protection of minorities in candidate states. Bulgarian Parliament ratified the FCPNM to clear its path as the EU enlargement process was gaining momentum following the agreement on Treaty of Amsterdam in 1997. Zhelyu Zhelev underlined this point in our interview as follows:

²⁶⁷ Rumen Dobrinsky, “The Transition Crisis in Bulgaria,” *Cambridge Journal of Economics* 24 (2000): 581-602.

²⁶⁸ Quoted in Dimitar Bechev, “Bulgaria's Path to EU membership – and Beyond,” in *Bulgaria and Europe: Shifting Identities*, edited by Stefanos Katsikas (London: Anthem Press, 2012): 119.

The principle institution involved in resolving this ethnic, minority and human rights issues is the Council of Europe (CoE). The CoE supports the human rights, freedom, and democracy. The EU incorporated the CoE principles. Therefore, Framework Convention has become the most important tool for improving minority regime in Bulgaria.²⁶⁹

The Turkish minority also benefitted from the EU-factor to improve and consolidate their rights. Right from the initial phases, Ahmed Dogan adopted pro-EU rhetoric and the EU became the normative focal point for Zhelev and Dogan to frame minority friendly reforms. Thus, EU conditionality on minority rights enjoyed high level of domestic ownership in Bulgarian politics. The EU succeeded to form pro-reform domestic coalitions to keep its pressure pertinent without suffering from major legitimacy problems at the domestic-level. Baeva and Kalinova pointed out the role of the EU in furthering the rights of Turkish minority as follows:

The EU role with regard to the ethnic relations can be detected in the pressure that it exerts for keeping the minorities' rights. It was especially true during the 1990s, when the EU position was that the MRF presence in the Parliament was a necessary condition for Bulgaria to proceed with the negotiations. A number of Bulgarians voted for the MRF on purpose, fearing that should it lose its presence in the National Assembly, this would hamper Bulgaria's integration process. The MRF made use of this tendency. In Bulgaria, the EU is regarded as a defender of the minorities.²⁷⁰

As a result, Bulgaria signed the Framework Convention immediately in October 1997 and ratified in the Parliament after 2 years in May 1999. However, it had become a

²⁶⁹ Zhelev, interview, 2010.

²⁷⁰ Iskra Baeva and Evgenia Kalinova, interview.

hotly debated issue in Bulgarian politics and the ratification process proved difficult due to the resistance of pro-status quo forces. A group of Bulgarian MPs applied to the Constitutional Court on the ground that the Convention did not conform to the Bulgarian Constitution, as there were no “national minorities” in Bulgaria to whom to grant collective rights. The Constitutional Court, once again, played a critical role in defending the legal fundamentals of the Bulgarian ethnic model by rejecting the application of pro-nationalist parliamentarians. The candidacy status of Bulgaria and the European Commission’s clear position on the subject matter informed the decision of the Constitutional Court at a critical juncture. As a result, Framework Convention was put into implementation in 1999 as major political parties in the Parliament agreed on its ratification. The MRF played a crucial role during the ratification process in the Parliament. The MRF leaders tried to act moderately to convince majority representatives that the FCPNM would serve in the best interest of all Bulgarian citizens rather than being an instrument to undergird minority nationalism and self-determination. To show the benign intentions, a reservation to the Convention was added during the ratification phase, which was drafted by MRF representatives.²⁷¹ The reservation reads as follows:

Confirming its adherence to the values of the Council of Europe and the desire for the integration of Bulgaria into the European structures, committed to the policy of protection of human rights and tolerance to persons belonging to minorities, and their full integration into Bulgarian society, the National Assembly of the Republic of Bulgaria declares that the ratification and implementation of the Framework Convention for the Protection of National Minorities do not imply any

²⁷¹ Hussein, interview.

right to engage in any activity violating the territorial integrity and sovereignty of the unitary Bulgarian State, its internal and international security.²⁷²

In conclusion, the EU's insistence on the Framework Convention and the Bulgaria's willingness to comply with the EU regulations constituted a crucial turning point in terms of the status of Turkish minority in the country. As Rechel suggested, for the first time, it was explicitly acknowledged that national minorities exist in Bulgaria and their rights were put under legal protection.²⁷³

3.4. Conclusion

This chapter discussed the transformation of minority rights policies in Bulgaria with particular reference to 1989-1999. The two-level model was elaborated on this chapter to assess the causal significance of domestic and EU-level factors in the process. Accordingly, first, it was demonstrated that the high degree of domestic dissatisfaction concerning the minority policies of the Communist regime created a strong impetus on the side of domestic actors to reconsider their preferences. The interview data suggested that the majority and minority leaders, as change-agents, played crucial role in assuring *double moderation* – thereby, ensuring peaceful transformation. The EU, in this context, became the main external anchor acted as the focal point in terms of legitimate norms and guiding principles in the minority rights regime. The new Bulgarian elite on the majority

²⁷² Council of Europe: Treaty Office, *Reservations and Declarations for Treaty No.157 - Framework Convention for the Protection of National Minorities*, accessed January 27, 2016, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157/declarations?p_auth=OcreRxG4 Original text in Bulgarian, accessed January 27, 2018, <https://rm.coe.int/16800c12fe>

²⁷³ Bernd Rechel, "Bulgarian Ethnic Model: Reality or Ideology?" *Europe-Asia Studies* 59, no. 7 (2007): 1201-1215.

and minority sides did not only reformulate policy instruments but also redefined the entire policy sets in line with broader European norms and standards. Second, the EU promoted Bulgaria's transformation toward democratisation and put importance to the state of minority rights as part of Copenhagen criteria and other European regulatory frameworks. The combination of strong willingness at the domestic sphere and the facilitating role of the EU paved the way for peaceful transformation of minority-majority relations in Bulgaria, which poses a solid counter-example to the mainstream Europeanisation frameworks.

This chapter also revealed that the main causal mechanisms through which EU factor played its role were more than mere instrumental learning. As highlighted in the relevant parts of the chapter, the interview data and field research suggest that the majority and minority elites in Bulgaria passed through a socialisation process that resulted in the change of policy goals, rather than just policy instruments. A possible rapprochement with the EU was considered positively by the Bulgarian elite to boost the welfare of the country and increase the legitimacy of new political agenda they pursue. In this vein, adopting European norms and values, codified as democratisation and promotion of human rights, became a central aspect of the political debate. The EU norms were considered as a new form of collective identity of the emerging ruling elites vis-à-vis the former elites promoting status quo. The combinative impact of domestic dissatisfaction and moderate but contextually critical external anchor role of the EU facilitated the peaceful paradigm change in Bulgaria's minority rights regime throughout 1990s.

CHAPTER IV. Reform and Stagnation of Minority Rights in Bulgaria (1999-2017)

4.1. Introduction

This chapter discusses the transformation of minority rights policies in Bulgaria during 1999-2017. The chapter divides post-1999 into two major sub-periods, which are 1999-2007 and 2007-2017. The first sub-period covers the EU candidacy period of Bulgaria and deserves a separate analysis, as EU conditionality appears to be highly effective in informing domestic transformations across a wide range of policy areas – including Bulgaria’s minority rights policies. The external conditionality is attached to sizeable benefits for Bulgarian political elites, as membership became a likely policy option. The chapter, however, demonstrates that the rights of the Turks of Bulgaria were not improved as much as during the early phases of Bulgaria’s Europeanisation (1989-1999)– a critical period that was discussed in the previous chapter. This refers to a puzzle in the sense that candidacy process reflects the episode during which the EU is expected to have very high leverage due to the credibility of reform conditionality attached to sizable membership reward. This chapter explains the reasons why this was not the case in the Bulgarian example by applying two-level model sketched out in this dissertation.

The next section discusses the transformation of minority rights policies in Bulgaria during the candidacy process. The third section concentrates on the post-membership process and explores the mechanisms and limits of EU conditionality in a member country in which minority issues still considered as ‘a work in progress.’ This chapter interrogates how EU-led pressure and domestic political preferences interacted and informed the outcomes of Europeanisation during the candidacy and post-membership processes. The final part concludes the chapter.

4.2. The candidacy process (1999-2007): Reform and resistance

As demonstrated in chapter 3, integrating with the European structures became a major policy target for Bulgarian elites since the collapse of the communist regime. In December 1990, the Bulgarian Parliament passed a resolution that clearly exhibited Bulgarian rule makers' eagerness to join the European Economic Community.²⁷⁴ The EU also included Bulgaria in all European programs starting from early 1990s, including Phare and Europe Agreements. In this context, one of the critical turning points was the Copenhagen European Council in December 1993.²⁷⁵ Encouraged by the decision taken by the EU member states at the time, Bulgarian government applied to the membership along with other aspiring states in the region. Four years after its official application and following the European Commission opinion, Bulgaria was declared a candidate state at the Helsinki Summit in December 1999. The emphasis put on the security and stability of the region in Helsinki was quite illuminative that hinted the driving motivation of the EU toward eastern enlargement:

Determined to lend a positive contribution to security and stability on the European continent and in the light of recent developments as well as the Commission's reports, the European Council has decided to convene bilateral intergovernmental conferences in February 2000 to begin negotiations with Romania, Slovakia, Latvia, Lithuania, Bulgaria and Malta on the conditions for their entry into the Union and the ensuing Treaty adjustments.²⁷⁶

²⁷⁴ Dobrin Kanev, "The Bulgarian National Assembly and EU Affairs: Hesitant Steps in the European Arena," in *The Palgrave Handbook of National Parliaments and the European Union*, edited by Claudia Heffler et. al. (London: Palgrave Macmillan, 2015): 445-461.

²⁷⁵ European Council, *Conclusion of the Presidency*, SN 180/1/93 REV 1, Copenhagen European Council (21-22 June 1993): 13.

²⁷⁶ European Council, *Conclusion of the Presidency*, Helsinki European Council, (10-11 December 1999): paragraph 10.

The accession negotiations spanned a period of approximately 53 months (15 February 2000-15 June 2004), which constitutes one of the most intense episodes of external conditionality in the history of the country. Bulgarian government signed the Accession Treaty on 25 April 2005 and the Bulgarian Parliament ratified the Treaty in two weeks, which was symbolic in terms of demonstrating the willingness of Bulgarian political elites to join the EU. Finally, Bulgaria became a member state at the beginning of 2007. The 1999-2007 period, therefore, refers to one of the episodes that the EU leverage over Bulgaria increased significantly. Bulgaria's minority rights policies and the state of the Turkish minority also became a contested issue during the candidacy process. The next section discusses the transformation of Bulgaria's minority rights regime in this period to assess the degree of Europeanisation with particular reference to the interaction between EU-led conditionality and changing preferences of majority-minority ruling elites at the domestic field.

4.2.1. External dynamics: EU-led pressure

The conceptual framework developed in this dissertation proposes that Europeanisation in a particular policy area becomes sustainable when the EU promotes substantial reforms in a consistent way. Thus, the degree of EU-led pressure and the ways in which the EU conditionality is exercised constitutes one aspect of the two-level framework. The data, in this respect, suggest that the EU promoted the protection of and respect for the rights of minorities in Bulgaria during candidacy process. The EU institutions, in particular the European Commission, underlined the importance of compliance with EU regulations concerning minority rights in its regular progress reports. Chapter 2 maintained that EU relies on three main documents to promote minority rights in member and candidate

states: Framework Convention for the Protection of National Minorities (FCPNM), Race Equality Directive, and Copenhagen criteria as a general template on democratisation, human rights and minority protection. These regulations also constituted the cornerstone of the EU's relations with Bulgaria in the post-candidacy process.

FCPNM constitutes the basic document for the protection of minority rights that frame the basic rights of the minority communities and requirements for the governments. As discussed in the previous chapter, Bulgarian government signed the FCPNM in 1997, but ratification process triggered a nation-wide controversy in the political sphere. As stated in chapter 3, the ultra-nationalist members of Bulgarian parliament applied the Constitutional Court to revoke the ratification of the Framework Convention on the ground that the term “national minority” violates the sovereignty of the Bulgarian state and provides opportunities for the minority groups, first and foremost the Turkish minority, to legitimise their secessionist agenda.²⁷⁷

The Constitutional Court, considering Bulgaria's candidacy status and due to the clear signals that the EU sent to the Bulgarian ruling elite, rejected the appeal of nationalist deputies.²⁷⁸ At the same time, the MRF members adopted a very conciliatory stance to appease the public and encourage their Bulgarian counterparts to ratify the Convention. Ahmed Hussein, the then MRF deputy of the parliamentary working committee for ratification of Framework Convention at that time, described the scale of the dissent as follows: “It created a great anxiety over the society and led to harsh debates

²⁷⁷ Ahmed Hussein (former MRF deputy and member of the Assembly of Religious Studies Commission in the Bulgarian Parliament at the time of ratification of the Framework Convention), interview by author, May 10, 2010.

²⁷⁸ Mihail Ivanov (Professor at New Bulgarian University and the then adviser to President Zhelyu Zhelev on minorities and inter-ethnic issues), interview by author, March 27, 2016.

in the Parliament.²⁷⁹ The main concern of the Bulgarian political elite was that ratification of the Convention would jeopardise Bulgaria's territorial integrity. The EU, however, tilted the balance in favour of the pro-reform coalitions that lead to the ratification of Framework Convention.²⁸⁰

In practice, the ratification of FCPNM did not have an impact in terms of encouraging the minorities toward secession. On the contrary, as suggested in the previous chapter, the Turkish minority elite, in another critical juncture, adopted a minimalist approach to demonstrate that the MRF does not seek for autonomy or any other forms of secession. Furthermore, the Bulgarian government dragged its feet in terms of the implementation of the Convention as it took more than five years to adopt an action plan specifying the mechanisms through which the regulations adopted in FCPNM would be implemented.²⁸¹ The report (2003) prepared by Bulgarian state to be submitted to the Council of Europe clearly transpired the implementation gaps. The European Commission highlighted its concerns regarding the implementation of the Framework Convention from the early stages of the negotiations. The Bulgarian government, in response, had to accept that no specific steps were taken to develop a wholly effective minority rights regime complying with the FCPNM.²⁸² To address the concerns of the EU, as a result, the Bulgarian government established the National Council on Ethnic and

²⁷⁹ Hussein, interview.

²⁸⁰ Kemal Eyüp (Chairman of the Commission for Protection against Discrimination, 2005-2012 and member of the Commission 2012 - present), interview by author, March 18, 2016.

²⁸¹ Bernd Rechel, "Ethnic Diversity in Bulgaria: Institutional Arrangements and Domestic Discourse," *Nationalities Papers* 36, no. 2 (2008): 337-339.

²⁸² Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, *Report Submitted by Bulgaria Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, ACFC/SR (2003)001 (9 April 2003): 37.

Demographic Issues in 1997 and appointed experts from minority representatives to develop action plans with regards to the improvement of minority standards in the country.

Second, the EU asked for the adoption and effective implementation of the Race Equality Directive (Council Directive 2000/43), a key document that aims to tackle racial and ethnic discrimination and inequalities in member and candidate states. The Directive, which became part of the EU minority rights repertoire in 2000, underlined “the principle of equal treatment” (article 1).²⁸³ As such, the EU states were requested to take all necessary measures to mitigate all forms of discrimination in labour markets, education, and recourse to public funds. In its regular reports, European Commission highlighted the importance of Race Equality Directive to integrate the social status of the minority communities in Bulgaria. In subsequent European Commission reports (2000, 2001, 2002) the EU highlighted shortcomings and constantly reminded Bulgaria to adopt the Directive with regard to the anti-discrimination agenda. As a matter of fact, the principle of non-discrimination is guaranteed in the Constitution of Bulgaria. However, it was not substantiated with comprehensive legal framework to ensure equal treatment in different areas. The European Commission pointed out this by stating that “comprehensive anti-discrimination legislation has still not been adopted and anti-discrimination *acquis* has still not been transposed.”²⁸⁴ The EU’s assertive stance on anti-discrimination as part of conditionality compelled the Bulgarian government to adopt a new set of regulations that

²⁸³ European Council, *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, Official Journal L 180, 19/07/2000 P. 0022-0026 (29 June 2000): Chapter 1, General Provisions, Article 1.

²⁸⁴ European Commission, *2002 Regular Report on Bulgaria’s Progress towards Accession*, SEC (2002) 1400, October 9, 2002 (Brussels: European Commission, 2002): 28.

aim to eliminate all forms of discrimination. The government, along these lines, established a consultative body, The Commission for Protection against Discrimination, which started to function in early 2004. Furthermore, as a symbolic gesture, a member of Turkish minority community, Kemal Eyüp, was appointed as the first chairman of the Commission. As Eyüp stated the establishment of the Commission as an important step to document the discrimination cases, though problems were not always addressed effectively due to the non-binding nature of the Commission:

The Commission was established upon the request of the EU. The tasks and scope of the Commission were not clear. Immediately after its establishment, several cases of discrimination were reported. We investigated all cases, however, we did not have much to do about the complaints. We simply did not have authority apart from recording these discriminatory practices.²⁸⁵

The Turkish minority community welcomed the Race Equality Directive and other anti-discriminatory measures due to two main reasons. First, the Bulgarian state, by taking steps concerning anti-discrimination conditionality, implicitly accepted the problems with regards to the integration of minority communities into the Bulgarian social and economic life. Second, the Turkish minority encountered significant degrees of discrimination due to the poor socio-economic conditions.²⁸⁶ As overwhelming majority of Turkish minority community are less well educated, living in rural areas, and earn lower than average ethnic Bulgarian citizen, they are likely to face discrimination and exclusion more frequently than the rest of the society.²⁸⁷

²⁸⁵ Eyüp, interview.

²⁸⁶ Ibid.

²⁸⁷ Tahir Tahir, "Minority Policies in Bulgaria: Continuity and Change," (MSc Thesis, The Middle East Technical University, 2003): 102-104.

The EU noted the developments and assessed the government's performance with regards to the inclusion of minority communities during the candidacy process on a regular basis. The 2004 progress report, for example, pointed out the necessity to advance "the socio-economic situations of Turkish and Roma minority in the country."²⁸⁸ The European Commission, in its report on the preparedness of Bulgaria for membership published just before accession, also pointed out the necessity to improve the functioning of National Council for Cooperation on Ethnic and Demographic Issues.²⁸⁹

In addition to the codification of basic EU regulations in the subject matter, the EU also pointed out the necessity to expand the cultural rights of minority groups during the candidacy process. In response, the Bulgarian government introduced a set of improvements to meet the EU conditionality. In theory, the cultural rights of Turkish minority were secured in the Constitution enacted in 1991, such as broadcasting in native language at local and national radio and TVs, however, the actual means of conducting these rights were not provided till 2000s. For example, broadcasting in Turkish language was only introduced in 2000 following the EU demands. Accordingly, short (12 minutes) afternoon summaries of the news in Turkish language became part of the broadcast streaming of the state television, BNT.²⁹⁰ In a similar vein, the government decided to dedicate a section on Turkish literature in Sofia City Library in June 2004, which was considered as a symbolic step toward peaceful co-existence of minority and majority

²⁸⁸ European Commission, *2004 Regular Report on Bulgaria's Progress towards Accession*, SEC (2004) 1199, October 6, 2002 (Brussels: European Commission, 2004): 25-26.

²⁸⁹ European Commission, *Monitoring Report on the State of Preparedness for EU Membership of Bulgaria and Romania*, COM (2006), 549 final, September 26, 2006 (Brussels: European Commission, 2006): 22.

²⁹⁰ Izzet Ismailov (Editor in Chief, Turkish News Broadcasting Service at the Bulgarian National Television, October 2000-present), interview by author, March 18, 2016.

cultures.²⁹¹ The EU conditionality, therefore, went beyond the minimum legal adoption of relevant legal documents in the minority rights area but expanded to the cultural and collective rights of the Turkish minority.

The “political opportunity structure,” opened at this stage of Bulgaria’s integration with the EU, however, could not be exploited by the Turkish minority to the fullest extent due to changing preferences of the minority ruling elite in Bulgaria – a point to be discussed in detail below. According to Izzet Ismailov, the editor in chief of Turkish News Broadcasting Service at BNT, for instance, “the rights of Turks were granted during 1990s and we [Turkish minority] did not ask for further. Then, in 2000s, the EU asked for more rights on behalf of us [Turkish minority]. In return, Bulgarian government enacted a set of regulations. Yet just ask the Turkish minority whether they are aware of their rights. Most of them cannot answer as they were not properly informed.”²⁹²

4.2.2. Bulgarian ethnic model challenged: Shifting domestic preferences

The literature suggests that the EU leverage increases significantly during the candidacy process since membership emerges as the most important reward informing the compliance tendency of the ruling elite in target states.²⁹³ The candidacy process also constituted the most intense period that the EU’s impact shaped Bulgarian politics. The

²⁹¹ Ali Dayıođlu, “Changing Aspects of Minority Policy in Bulgaria after 1989: The Case of the Muslim-Turkish Minority,” in *Proceedings of the International Conference on Minority Issues in the Balkans and the EU* edited by Mehmet Hacısalihođlu and Fuat Aksu (İstanbul: OBIV, 2007): 105.

²⁹² Ismailov, interview.

²⁹³ Nevena Nancheva, “Imagining Policies: European Integration and the European Minority Rights Regime”, *Journal of Contemporary European Studies* 24, no. 1 (2016): 132-148.

EU membership became an across-the-party target in Bulgaria; thereby, political preferences of the majority and minority elites aligned towards the EU's reform templates.

The interview data, however, suggest that mainly instrumental learning and tactical rule compliance informed the shifts in the preferences of the Bulgarian policy makers between 1999 and 2007. However, the changing domestic preferences deserve deeper analysis. Why intense double moderation was replaced with tactical rule compliance despite increasing external conditionality? The following section focuses on majority and minority elites to account for this intriguing trend.

4.2.2.1. Bulgaria's difficult path to the EU

The adoption of the EU regulations was considered a necessity to avoid Bulgaria's isolation from the newly emerging regional order in Europe. Following the initial signs that the EU was not willing to include Bulgaria and Romania as part of the Central and Eastern European enlargement, this sense of urgency became more pronounced. As a matter of fact, in earlier official assessments of the political and economic situation in Bulgaria, the European Commission did not consider Bulgaria's performance satisfactory especially in terms of the rule of law and the quality of the governance. The EU criticised the treatment of minorities and socially excluded groups in Bulgaria, suggesting "that there have been only slight changes in the respect of minority rights and the protection of minorities."²⁹⁴ From an economic point of view, in its Opinion in 1997, the European

²⁹⁴ European Commission, *Regular Report from the Commission on Bulgaria's progress towards Accession*, (Brussels: European Commission, 1998): 11.

Commission also stressed that Bulgaria was not in a position to withstand the competitive market economies of other EU members especially due to the widespread corruption and dire economic conditions.

Bulgaria's progress in the creation of a market economy has been limited by the absence of a commitment to market-oriented economic policies; it would not be able to cope with competitive pressure and market forces within the Union in the medium term.²⁹⁵

Bulgaria was not included in the group formed by Central and East European countries to start accession negotiations at the Luxembourg European Council in December 1997. However, geopolitical factors worked in favour of Bulgaria's EU bid. The EU decided to begin accession talks with Bulgaria at the Helsinki European Council in December 1999 since "compared to the conflict-torn region of the Western Balkans, Bulgaria [and Romania] stood as positive examples, which the EU wanted to play up in order to send signal to the rest of the region that choosing the path of reform paid off."²⁹⁶ A possible exclusion from the rest of the peer countries in the region forced the Bulgarian political elites to comply with the reform demands of the EU.²⁹⁷ On that note, prospective membership was linked to a strict 'stick' policy that promoted comprehensive reforms in a number of areas. In addition to the economic reforms, Bulgarian government accelerated the adoption of EU regulations regarding minority rights. Accordingly, both

²⁹⁵ European Commission. *Commission Opinion on Bulgaria's Application for Membership of the European Union*, DOC 97/11 (Brussels: European Commission, 1997): 38.

²⁹⁶ Gergana Noutcheva and Dimitar Bechev, "The Successful Laggards: Bulgaria and Romania's Accession to the EU," *East European Politics and Societies* 22, no. 1 (2008): 122.

²⁹⁷ Dimitar Bechev, "Bulgaria's path to the EU Membership - and beyond," in *Bulgaria and Europe: Shifting Identities*, edited by Stefanos Katsikas (London: Anthem Press, 2010): 118-119.

the Union of Democratic Forces (1997-2001) and National Movement Simeon II (2001-2005) governments implemented the reform packages that were discussed in the previous section as part of the EU conditionality in the minority rights area.

As a matter of fact, in the post-2000, the Bulgarian political elite felt under constant pressure in terms of adopting the EU regulations to remain in the enlargement agenda. The fear of a possible exclusion reached its zenith when it became apparent that Bulgaria would not be included in the 2004 big bang enlargement wave.²⁹⁸ The exclusion of Bulgaria for the second time triggered a new wave of reform activism on part of the government to meet the membership target in January 2007. As such, The Bulgarian government adopted a plan to implement the FCPNM only when the European Commission highlighted the issue in regular progress reports in 2002 and 2003. Similarly, the Commission underlined the need to strengthen the capacity of the National Council on Ethnic and Demographic Issues and urged the Bulgarian government to take initiative as part of Bulgaria's potential membership in 2007. It is only after the explicit linkage strategy that connected membership with substantial improvements in the minority rights regime that Bulgarian government took necessary steps to comply with external conditionality. A senior representative from the Ministry of Interior, the Committee of the Minorities, stated that point as follows:

With the EU candidacy, we changed our entire attitude to the minorities issue. Lots of financial sources released, lots of new measures introduced, a committee against discrimination formed among several other initiatives. The only problem

²⁹⁸ Ibid., 125-126.

was over bureaucratisation, which means the proper implementation took longer time.²⁹⁹

Thanks to the adoption of the *acquis* in several policy areas, including the legislation on the minority rights, Bulgaria declared an eligible state to join the EU with the Accession Treaty signed on 25 April 2005. The evidence suggests that instrumental cost-benefit analysis, rather than norm-driven extensive socialisation, explains the ruling elites' approach to the adoption of the minority rights reforms during the candidacy process. The majority of the Bulgarian elite considered the EU membership as the only viable trajectory to avoid Bulgaria's isolation in the region. Thus, the EU reforms were perceived as the necessary price to be paid to achieve this ultimate object. Lubov Panayotova, Director of European Institute puts this as follows: "EU membership was the most important goal for Bulgaria. This was an unquestioned consensus. All state resources were utilized to fulfil the criteria. The EU was the main driving force [in improving] majority-minority relations in Bulgaria."³⁰⁰ The Bulgarian public also approached the minority rights reforms through the same lens. Antony Todorov from New Bulgarian University, similarly, pointed out "that EU was the main source of standards and rules in Bulgaria. There was a reward of membership. Some parts of the society accepted; some parts didn't. However, during the accession negotiations, the EU

²⁹⁹ Anonymous (Advisor to PM Boyko Borisov on Ethnic Issues and Senior Member of the State Security Council), interview by author, April 18, 2016.

³⁰⁰ Lubov Panayotova (Director of European Institute, Minister of Economy and Core Member of the negotiating Team of Bulgaria to the EU), interview by author, April 18, 2016.

was considered as a panacea. It was the source of modernisation, democratisation and Westernisation.”³⁰¹

The tactical approach of the Bulgarian elite to the minority rights reforms is also evident in the minimalist nature of the reforms that the government adopted. The previous part maintained that the EU mainly concentrated on the essential minority regulations and did not put exclusive emphasis on the specific cultural and educational rights of the Turkish minority. Bulgarian policy makers did not include these particular issues into the reform agenda during the candidacy process since the EU did not explicitly request Bulgarian state to ensure the educational and cultural rights of the Turkish minority as part of membership conditionality.³⁰²

4.2.2.2. Making sense of the MRF’s inaction?

At this point, one should also concentrate on the preferences of the Turkish minority elites to explore how and to what extent the MRF leaders exploited the political opportunities that the EU provided in the candidacy process. As a matter of fact, the MRF’s approach to the promotion of the rights of Turkish minority proved puzzling during the candidacy process. The evidence suggests that the minority representatives did not take advantage of the Europeanisation processes to the fullest degree possible. The MRF did not opt for the naming and shaming and peer pressure strategies either, in any sense of the terms. The social learning mechanisms were not also discernible as it was the case in the 1989-1999 period. The only observable mechanism appeared to be selective

³⁰¹ Antony Todorov (Professor of New Bulgarian University) interview by author, April 14, 2016.

³⁰² Anonymous (Advisor to PM Boyko Borisov on Ethnic Issues and Senior Member of the State Security Council), interview by author, April 18, 2016.

promotion of minority rights improvements that benefit the Turkish minority. It is puzzling as to why MRF did not utilise European-level instruments effectively to further the minority rights in Bulgaria even though it joined the governments as coalition partner in the first decade of 21st century. To address this puzzle, one should explore changing political preferences and priorities of the Turkish minority elite in the post-2000.

The ruling elite of the MRF continued to pursue a conciliatory approach in this period to manage the expectations of the ethnic Bulgarians. Ahmed Dogan and his close aides cautiously kept the demands of Turkish minority from the early days of Bulgaria's transition to democracy at minimum. The structure of the Bulgarian party politics appears as one of the main reasons that informed this cautious conciliation strategy. As Rechel pointed out Bulgaria's Constitution does not explicitly accept the existence of national minorities in the country.³⁰³ Also, the establishment of political parties "on ethnic, racial or religious lines" (Article 14(4)) are prohibited. The Bulgarian Constitution, instead, refers to "citizens whose mother tongue is not Bulgarian" and granted rights to these people "to study and use their own language alongside compulsory study of the Bulgarian language" (Article 36(2)). Since the MRF relied on Turkish electorate as its main constituency, the Party acted very cautiously to comply with the relevant articles of the Constitution and abstained from far-reaching minority demands.³⁰⁴

The MRF always emphasised its tolerant and ally-seeking approach throughout 1990s to accommodate itself within the new Bulgarian political system. For this purpose,

³⁰³ Bernd Rechel, "Bulgaria: Minority Rights 'Light'" in *Minority Rights in Central and Eastern Europe* edited by Bernd Rechel (London: Routledge, 2009).

³⁰⁴ Several interviewees highlighted this point along with the MRF leaders, Ruşen Rıza and Çetin Kazak (both, Vice-President of MRF and member of Tripartite Presidency from December 2015 – April 2016), interview by author, March 31, 2016 and March 30, 2016 subsequently.

the Party cadres and Ahmed Dogan in particular, were extremely careful to include ethnic Bulgarians and members of other minority groups in the Party's executive organs and nominate them in the Parliamentary elections. This approach became the guiding principle during Bulgaria's EU candidacy as well. Especially starting from 2000s, Roma people were actively integrated into the Party. In June 2001 elections, the MRF ran as part of a coalition with *EuroRoma* and *Liberal Union*. This strategy proved successful in the sense that MRF managed to secure 7.45 per cent of total votes, which brought 21 seats in the Parliament (see table 4.1). Due to its inclusive pre-election strategy, for the first time the MRF joined the coalition government with the former Bulgarian King Simeon Saxe-Coburg-Gotha's party – National Movement Simeon II, NMSII (2001-2005).

By 2000s, the MRF succeeded to become part of the mainstream political establishment in Bulgaria. Thanks to the strong support of the Turkish minority in Bulgaria, the MRF increased its vote share by receiving 12.8 per cent of the votes in June 2005 Parliamentary elections (34 seats) and joined the coalition governments two times subsequently between 2001-2005 and 2005-2009. Therefore, the Turkish minority elites actively contributed to the reform processes at the Bulgarian Parliament. The MRF even succeeded to secure ministerial posts as a junior partner of the coalition governments. The Party obtained two ministerial posts in the NMSII government (2001-2005) and three ministerial positions in the following Bulgarian Socialist Party government (2005-2009). Being part of the government and attending the bilateral negotiations with the EU provided new opportunities for the MRF to contribute the agenda of the government in terms of shaping and implementing the EU-led minority reforms.

It is striking, however, that the MRF elite did not pursue an active strategy to utilize EU-level mechanisms despite several opportunities they had as a partner of the coalition government. One can therefore suggest that the ownership of minority reforms on part of the MRF remained weak during the candidacy process – and beyond. The MRF political elite, in a paradoxical manner, rejected to discuss the rights of Turkish minority at the EU platforms. Rather than utilising the EU as a platform to trigger ‘naming and shaming’ and ‘peer pressure mechanisms,’ the MRF described the EU as “an external actor” with respect to minority rights and conceptualised it as “an issue to be resolved domestically.”³⁰⁵ Ruşen Rıza, Deputy Head of MRF put this point as follows:

The MRF is active in Bulgarian political life for more than 20 years. There is not any problem that we cannot solve with our Bulgarian colleagues. Why should we complain the EU about each other, then? Furthermore, the EU is an external actor. However, the minority issue is the domestic affair of us [in Bulgaria]. We can only produce a domestic solution to this issue.³⁰⁶

Why did the MRF refrain to effectively utilise the EU platforms to support the rights of Turkish minority? Why did the Turkish minority elites hesitate to take advantage of the EU candidacy process to frame a proactive minority rights policy and support more in-depth democratisation and human rights reforms in Bulgaria? One can suggest that two factors explain the MRF’s unwilling stance to utilise the EU as a platform of agenda setting, norm-adoption, and social learning in the post-2000s. First, despite the coalition government called itself as the “government for European integration” and the MRF, as partner of the coalition government actively involved in the

³⁰⁵ Rıza, interview.

³⁰⁶ Ibid.

policy-making processes, the priorities of the MRF ruling elite focused on entirely different areas. While adopting a minimalist approach in the field of minority rights, the MRF elite became part of the political contest to receive the EU pre-accession funds and receive its share in distributive politics along with the mainstream political parties. As a matter of fact, the MRF put exclusive emphasis on the material gains as “Ahmed Dogan paid special attention to the formation of young professionals, who were to deal with the realisation of pre-accession funds,” rather than prioritising minority issues.³⁰⁷ According to Müzekki Ahmet, Editor in Chief of Kircaali Haber, the most influential Turkish newspaper in Bulgaria;

The MRF emerged as the single political movement representing Turkish minority during 1990s, which was understandable at the time. The Party played a very positive role in defending the rights of the Turks. However, Turkish minority failed to multiply representative bodies to take advance of the EU platforms. The MRF did not allow this to happen due to its vested interests but also was not willing to represent the rights of the Turks, either.³⁰⁸

While integration into the mainstream Bulgarian politics provided new opportunities for the MRF elite to become part of the establishment, this repositioning also led to the major shifts in terms of the political preference and priorities of the Party.

Second, and complementary reason, is about the way in which MRF articulated political preferences as an outcome of political intra-party struggles. The MRF started to be criticised by certain segments of the Turkish minority on the ground that the Party

³⁰⁷ Iskra Baeva (Professor, Department of History, Sofia University ‘St Kliment Ohridski’) and Evgenia Kalinova (Professor, Department of History, Sofia University ‘St Kliment Ohridski’), interview by author, March 22, 2016.

³⁰⁸ Müzekki Ahmet (owner and editor of Kircaali Haber and founder and chairman of Ömer Lütüf Derneği) interview by author, April 8, 2016. This point is also underlines by several other interviewees.

increasingly resembled a “business conglomerate” prioritising economic interests rather than actively searching for ways to enhance the rights of Turkish minority in the country.³⁰⁹ The electoral success of the MRF provided opportunities to join the Bulgarian government as a coalition partner. The Party elite therefore took advantage of the economic rents and became part of the distributive contests within Bulgarian political system. Despite an in-depth analysis of the intra-party organisation model of the MRF is beyond the scope of this dissertation, it is apt to suggest at this point that the MRF gradually skipped the role of ethnicity-based cleavage politics as its main competitive advantage starting from early 2000s. One of the interviewees underlined this point as follows:

MRF has developed as a financial corporation. Many business-rooted Bulgarians were integrated into the Party. They see its members as clients. It is not an ethnic or minority party anymore. And there are only a few NGOs and CTOs representing minorities and they suffer capacity problems.³¹⁰

Therefore, in a paradoxical manner, the MRF did not raise the cultural, economic, and religious concerns of the Turkish minority as fundamental problem areas at the Parliament. Also, the EU platforms were not exploited as opportunity structures during candidacy to raise awareness about the rights of Turkish minority. On the contrary, the Party elite framed the minority issues as Bulgaria’s “domestic problems” to be addressed at the Bulgarian Parliament, rather than the EU echelons. A senior political analyst also suggested, “that the MRF became a self-interested, corporation-like political party, not

³⁰⁹ Several interviewees confirmed this point.

³¹⁰ Anonymous (Senior staff at the Archives State Agency, Republic of Bulgaria and Professor of History), interview by author, April 13, 2016.

protecting the rights of any minority groups. They were dishonest to their own supporters.”³¹¹

As a result, in an environment that the minority representatives did not vividly articulate domestic dissatisfaction about the prevailing policies and the EU conditionality fell into infertile domestic ground, the European Commission adopted a rather restrictive approach in terms of the improvement of the rights of Turkish minority during candidacy process. The European Commission basically concentrated on the adoption of essential legislation concerning the protection of ethnic minority groups – Roma minority in particular. However, the extension of cultural rights of the minority groups was not monitored in a systematic manner. For instance, Progress Reports did not problematize the education rights of the Turkish minority, a policy area that is considered *sine qua non* for the full exercise of minority rights, so that the EU-led pressure in this particular area remained weak. As a result, Turkish minority’s demands to access education in native language remained unfulfilled.³¹² Krassimir Kanev, Head of Bulgarian Helsinki Committee also points out the gaps still remaining: “EU created an environment of equal rights, freedom of expression and non-discrimination. Bulgaria responded positively and introduced important legislative changes. Yet there remains a gap between practice and legislation.”³¹³

The decrease in the number of Turkish students in 2000s, for instance, emerged as an inevitable outcome of the policies pursued by the BSP government in mid-1990s. In December 1995, as discussed in chapter 3, the BSP government appointed Ilcho Dimitrov

³¹¹ Marin Lessenski (a senior political analyst), interview by author, April 7, 2016.

³¹² Ali Dayıođlu, “Changing Aspects of Minority Policy,” 99.

³¹³ Krassimir Kanev (Chairman of Bulgarian Helsinki Committee), interview by author, March 21, 2016.

as the Minister of Education. The appointment of Dimitrov was a very controversial decision, as he was one of the true supporters of assimilation campaign against Turkish minority in late 1980s. Dimitrov pursued a very strict surveillance policy by appointing inspectors to the regions where Turkish minority were living in great numbers. As the Minister of Education, Dimitrov assumed a critical and instrumental role in changing the status of Turkish classes to elective modules in the national curriculum that had huge negative ramifications on the school attendance levels of minority children. The attendance rates dropped dramatically for Turkish students after the curriculum change. According to the recent Council of Europe report, which draws on the data from the National Electronic Information System for Preschool and School Education, the number of Turkish students choosing to study their mother tongue decreased to 6,967.³¹⁴ Zhelyazkova points out that this figure was more than 114,000 in the initial periods of reconciliation process in early 1990s.³¹⁵ The dramatic decline, according to Zhelyazkova, is mainly because of two factors. First one is related to “high ethno-cultural self-confidence” of the Turkish minority concerning the Turkish language. Second, it is mainly due to the “double standards” that Turkish minority faced in the cultural and educational areas.³¹⁶

It is rather striking that the Turkish political elite did not raise the latter at the meetings with the EU institutions during accession process. Therefore, Turkish classes

³¹⁴ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, *Fourth Report submitted by Bulgaria pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities*, ACFC/SR/IV (2017) 006 (7 December 2017): 16.

³¹⁵ Antonina Zhelyazkova *et al*, *Educational Problems of Turkish Children in Bulgarian Schools* (IMIR: International Center for Minority Studies and Intercultural Relations, 2012): 113.

³¹⁶ *Ibid.*:113-114.

are still offered as elective modules together with English, French and other foreign languages and only available for limited hours and tied to strict regulations in terms of hours offered and registered number of students. The underqualified instructors for Turkish classes and outdated textbooks remain as important challenges that Turkish minority children face at the schools.³¹⁷ The educational rights and access to education still remains one of the problems of the Turkish minority. According to available data just 2 per cent of the Turkish minority community have a university degree, which is far below the national average.³¹⁸

In summary, the shift in the priorities of the Turkish minority party, MRF, paved the way for missed opportunities in terms of deepening the cultural and educational rights of Turkish minority during Bulgaria's candidacy process. As a result, the main (remaining) problems of the Turkish minority in Bulgaria were not addressed in the period in question. The shift in the priorities of the MRF ruling elite and intra-minority divisions on the political scene became more discernible especially in the post-membership process, which will be discussed in detail below.

4.3. Post-membership period (2007-2017): Stagnation, not reversal

This section focuses on the dynamics of EU conditionality in the post-membership Bulgaria. Post-accession Bulgaria provides new evidence to explore causal significance of the EU and assess the mechanisms and endurance of external conditionality.

³¹⁷ Korman Ismailov (President of PPF Party that represents Turkish minority), interview by author, March 18, 2016.

³¹⁸ Maria Iliycheva, "Education and Turkish Communities in Bulgaria in the Years of Transformation (1989-2007): A Negotiated Formal Balance of Educational Outcomes," *Comparative Education* 46, no. 1 (2010): 32.

Hierarchical top-down approaches hypothesise slow-down in the implementation of reforms and even reversal under certain conditions due to the weakening of the EU anchor.³¹⁹ As relevant strand of research maintains, external conditionality wanes as compliance-reward equilibrium is disturbed significantly in favour of the member states.³²⁰ As discussed in the introduction and will be re-visited in the conclusion, the recent democratic regression in East and Central Europe and increasing illiberalism appears to validate this proposition. The Bulgarian case, in this respect, deserves special attention because the ‘Bulgarian ethnic model’, despite challenges it encounters, proves relatively salient against the rising wave of de-Europeanisation in the rest of the region. In the post-membership process, therefore, the preferences of the domestic elite and the ways in which they frame the minority-majority issues prove significant factors that inform the domestic sources of rule compliance of target states. This section applies two-level model to the post-membership Bulgaria to account for the recent developments in minority-majority relations.

4.3.1. External dynamics: EU-led pressure

Bulgaria joined the EU as a member state in 2007. Yet the country followed a different path in comparison to other member states that was not part of the conditionality repertoire in previous enlargement waves. As Bulgaria did not comply with the EU *acquis* completely as of the membership date, a special mechanism was put into implementation to assess Bulgaria’s post-membership compliance – entitled “cooperation

³¹⁹ Ece Ozlem Atikcan, “European Union and Minorities: Different Paths of Europeanization?” *Journal of European Integration* 32, no. 4 (2010): 375-392.

³²⁰ Tanja A. Börzel, “The Transformative Power of Europe Reloaded: The Limits of External Europeanization,” *KFG Working Paper*, KFG Working Paper Series no. 11, 2010.

and verification mechanism.” The European Commission launched a post-accession monitoring process that specified relevant criteria for Bulgaria (and Romania) to remain under the monitoring of the European Commission. The mechanism was put into implementation was unprecedented in the history of European integration because the European Commission while recommending Bulgaria’s accession on January 1, 2007 also linked membership to the condition that the EU should continue overseeing the Bulgarian government’s compliance with external conditionality.³²¹ Accordingly, in the ‘monitoring report’ prepared just before the accession in 2006, the Commission determined four specific areas to monitor: management of agricultural funds, aviation safety, judicial reform and fight against corruption.³²² In the event of failure to comply with EU conditionality in any of the above requirements, alternative measures as “safeguard clauses” – such as sanctions and withdrawal of EU funds, included into the post-membership verification mechanism.³²³ The cooperation and verification instruments and extensive safeguard clauses, jointly, indicated the EU’s concerns about Bulgaria’s compliance performance.³²⁴

One should state at this stage that post-accession monitoring did not have a direct impact on minority rights policies, as inter-ethnic issues were not part of the EU’s post-

³²¹ Linka Toneva-Metodieva, “Beyond the Carrots and Sticks Paradigm: Rethinking the Cooperation and Verification Mechanism Experience of Bulgaria and Romania,” *Perspectives on European Politics and Society* 15, no. 4 (2014): 534-551; For a critical assessment see Georgi Dimitrov et. al., eds., *The Cooperation and Verification Mechanism: Shared Political Irresponsibility between the European Commission and the Bulgarian Governments* (Sofia: St. Kliment Ohridski University Press, 2014).

³²² European Commission, *Monitoring Report on the State of Preparedness*, section 3.3.

³²³ Commission Decision 2006/929/EC of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organized crime (OJ L 354, 14 December 2006).

³²⁴ Gergana Nouthcheva, “Bulgaria and Romania’s Accession to the EU: Postponement, Safeguards and the Rule of Law,” *CEPS Policy Briefs*, no. 102 (Brussels: Centre for European Policy Studies, 2006).

membership surveillance. Not surprisingly, therefore, the EU remained silent on the state of Turkish minority in the post-2007.³²⁵ As a matter of fact, the European Commission stated in its September 2006 Report that “for some aspects related to human rights, the European Monitoring Centre on Racism and Xenophobia will continue its monitoring after accession [...] with respect to the fight against racism and related discrimination and to support of positive integration of minority communities.”³²⁶ However, the post-accession conditionality remained almost non-existent as the state of Turkish minority was not raised as an issue in the Commission reports and the EU did not play substantive role in shaping the minority rights agenda of the Bulgarian governments – especially with regards to the state of Turkish minority.³²⁷ The positive minority rights in Bulgaria, therefore, remained to be a major concern for Turkish minority community. There has not been any significant improvement with regards to the ethno-linguistic and socio-economic rights of the Turkish minority since Bulgaria’s accession to the EU. On that note, the integration into the socio-economic life in Bulgaria is still a fundamental question for the members of Turkish community, even for those who are well educated and highly qualified.³²⁸ It is striking that significant part of Turkish minority prefer to use Bulgarian names to find higher quality jobs, feel more secure, and provide better life for

³²⁵ Several interviewees underlined the stagnation as the most characteristic aspect of post-candidacy process.

³²⁶ European Commission, *Monitoring Report on the State of Preparedness*, 7.

³²⁷ Roma minority constitutes an exception in this regard. Bernd Rechel, “Bulgaria,” in *Minority Rights in Central and Eastern Europe*, edited by Bernd Rechel (London: Routledge, 2009): 85.

³²⁸ Antonina Zhelyazkova (Dr and Chairperson of International Center for Minority Studies and Intercultural Relations-IMIR, the then adviser to President Zhelyu Zhelev on minorities and ethnic issues), interview by author, November 4, 2012. The interview conducted as part of the author’s unpublished MSc dissertation. See: Kutlay, “Europeanization of Minority.”

their children.³²⁹ The post-membership, as such, marks the stagnation, but not reversal in any sense, of inter-ethnic relations in Bulgaria.

4.3.2. Making sense of stagnation: Changing domestic preferences

As part of the two-level model, to explain the post-accession dynamics, one should also assess the ways in which preferences of the domestic majority and minority elites evolved in the post-membership Bulgaria. The analysis of the shifting sands in the domestic realm proves crucial because the weakening EU anchor in the post-2007 does not explain the stagnation of the minority rights reforms in Bulgaria if one compares this process with the reform performance of the 1990s. As explained in the previous chapter, the Bulgarian political elite managed to implement substantial minority reforms in 1990s thanks to ‘double moderation’ and normative leverage of the EU even though the weak external minority conditionality at the time. However, the same trend did not take place in the 2000s and – especially following Bulgaria’s EU accession. What accounts for this paradox and how we can explain the shifting preferences of the domestic minority and majority representatives in the post-membership?

This dissertation maintains that more than the weakening EU anchor, the shifting relationship between minority and majority elites explain the reform stagnation in contemporary Bulgaria. On the majority side, it appears that the shifting sands in the domestic political landscape dramatically altered the way in which Turkish minority is perceived by the mainstream political actors. The reforms undertaken as part of the EU

³²⁹ Several interviewees from Turkish minority community strongly underlined this point. Also see: James W. Warhola and Orlina Boteva, “The Turkish Minority in Contemporary Bulgaria,” *Nationalities Papers* 31, no. 3 (2003): 267.

membership criteria and the MRF's participation in the coalition governments for two consecutive terms in the post-2000 triggered a nationalist backlash in Bulgaria. Even though xenophobia remained a latent force, the anti-minority sentiments were not organised around political parties that managed to secure enough support from the voters in post-transition years. As Bell notes "all of the far-right parties combined were supported by less than 2 per cent of the electorate...[and] right-wing extremism did not rank on the list of the problems that Bulgaria has faced since the fall of communism."³³⁰ The situation, however, changed significantly in 2000s with Bulgaria's integration with the EU. In a rather broader context, Auer argues that deepening of European integration process leads to rise of populism and ethno-centric nationalism in member states.³³¹ A similar trend became discernible in Bulgaria in the period in question, especially following the unexpected performance of ATAKA party in 2005 elections.

ATAKA, which means 'attack' in Bulgarian language, participated in the 2005 parliamentary elections just a few months after its establishment. The party, in a rather surprising manner, received 8.1 per cent of the total vote share and secured 21 seats in the Parliament. Furthermore, the charismatic founder and leader of the Party, Volen Siderov, succeeded to secure the second highest number of votes in the presidential elections took place in 2006. ATAKA also succeeded to secure seats in the European Parliament.³³² The

³³⁰ John D. Bell, "The Radical Right in Bulgaria," in *The Radical Right in Central and Eastern Europe*, edited by Sabrina Ramet and Roger Griffin (Pennsylvania: Pennsylvania State University Press, 1999): 233-257.

³³¹ Stefan Auer, "New Europe': Between Cosmopolitan Dreams and Nationalist Nightmares," *Journal of Common Market Studies* 48, no. 5 (November 2010): 1163-1184.

³³² ATAKA also won three seats in 2007 and two seats in 2009 European Parliament elections. The Party later formed a political group in European Parliament by cooperation with the Front National in France, yet did not prove sustainable.

party later aligned with “Coalition Patriotic Front” in 2014 and joined the ultra-nationalist coalition in 2017 with two other political parties, named “United Patriots” (see table 4.1).

Table 4. 1. Parliamentary elections in Bulgaria (2001-2017)

	2001 elections	2005 elections	2009 elections	2013 elections	2014 elections	2017 elections
GERB			39.72	30.54	32.67	33.54
BSP			17.7	26.61	15.40	27.93
ATAKA		8.14	9.36	7.30	4.52	
MRF	7.45	12.81	14.45	11.31	14.84	9.24
NDSV	42.74	19.88				
DSB		6.44				
BNS		5.19				
UDF		7.68				
Patriotic Front					7.28	
United Patriots						9.31
ABV					4.15	
KB	17.15	30.95				
SDS	18.18					
Siniata			6.75			
RZS			4.13			
RB					8.89	

GERB: Citizens for European Development of Bulgaria **BSP:** Bulgarian Socialist Party **ATAKA:** Attack Party **MRF:** Movement for Rights and Freedoms **NDSV:** National Movement Simeon II for Stability and Progress **DSB:** Democrats for a Strong Bulgaria **BNS:** Bulgarian People's Union **UDF:** United Democratic Forces **Patriotic Front:** Coalition of NFSB and IMRO **United Patriots:** Coalition of NFSB, IMRO, ATAKA **ABV:** Alternative for a Bulgarian Revival **KB:** Coalition for Bulgaria – led by BSP **SDS:** United Democratic Forces, coalition led by UDF **Siniata:** The Blue Coalition **RZS:** Order, Lawfulness, Justice **RB:** Reformist Bloc including UDF.

Source: European Election Database, http://www.nsd.uib.no/european_election_database

ATAKA portrays typical characteristics of an extreme-right party with its anti-West, anti-elitist, and anti-minority discourse.³³³ The spectacular rise of ATAKA demonstrates that the establishment of a plural political system is a work in progress in the country and that the increasing visibility of minorities in the socio-political life strokes a sensitive nerve. Kavalski underlines that ATAKA's success relies on the party leader's ability to translate popular unrest to political action at the national level by blending anti-minority rhetoric with nationalistic statements.³³⁴ The dominant discourse of the Party, which blended populist-nativism with anti-minority rhetoric, relied on nostalgia for the communist past.³³⁵ In this context, the anti-minority and anti-Turkish rhetoric was used to express growing dissatisfaction with the overall political situation. The European Commission also defined the ATAKA party as "anti-Turkish" and "xenophobic."³³⁶ In one of his speeches, Siderov declared that even the name of the Party is selected deliberately to give a message to the Turkish minority.

It comes from the Bulgarian attack on Edirne (Adrianople) on March 13, 1913, when the Bulgarian troops captured the most impregnable fortress of that time, the

³³³ Ekaterina R. Rashkova and Emilia Zankina, "Are (Populist) Radical Right Parties Mannerparteien? Evidence from Bulgaria," *West European Politics* 40, no. 4 (2017): 848-868.

³³⁴ Emilian Kavalski, "Do not Play with Fire: The End of the Bulgarian Ethnic Model or the Persistence of Inter-Ethnic Tensions in Bulgaria?" *Journal of Muslim Minority Affairs* 27, no. 1 (2007): 25-36.

³³⁵ Kristen Ghodsee, "Left Wing, Right Wing, Everything: Xenophobia, Neo-totalitarianism, and Populist Politics in Bulgaria," *Problems of Post-Communism* 55, no. 3 (2008): 26-39.

³³⁶ European Commission, *Racial and Ethnic Minorities, Immigration and the Role of Trade Unions in Combating Discrimination and Xenophobia, in Encouraging Participation and in Securing Social Inclusion and Citizenship*, RITU, Final Report (March 2006): 75-76. It is also reported by the interviewees from the Head Mufti Office in Bulgaria that more than a hundred attacks took place against Muslim buildings in Bulgaria over the initial years of ATAKA's establishment. Also see: Birgül Demirtaş-Coşkun, "An Anatomy of Turkish-Bulgarian Relations (1990-2009): Opportunities, Challenges, and Prospects," in *Turkish-Bulgarian Relations: Past and Present*, edited by Mustafa Türkeş (İstanbul: TASAM Publications, 2010): 123.

pride of the German military machine... This is when the Bulgarian soldier [...] showed incredible heroism.³³⁷

ATAKA party mobilised its electorate by claiming that the privileged treatment of minorities during the EU membership process created inequalities in disfavour of the ethnic Bulgarians. The Party ruling elite constantly questioned the legitimacy of the MRF by framing it as the main party at the root cause of the problems in Bulgarian political life. Siderov did not hesitate to use pejorative terms in his speeches, where he frequently raised minority rights issues.³³⁸ He also lamented that the “treasonous acceptance of European minority rights legislation, which formed the basis of the Framework [Convention].”³³⁹ As a matter of fact, the nationalist circles in Bulgaria exploited the increasing visibility of the Turkish minority at the political life and exploited this as an opportunity to mobilise the Bulgarian majority. The rise of ATAKA also informed the changing perceptions of the mainstream parties vis-à-vis Turkish minority. Siderov, for instance, quite often underlined that the mainstream parties who established coalition governments with the MRF should be held responsible for the “Turkification of the country,” as “whole regions of Bulgaria, both culturally and administratively, are becoming Turkish.”³⁴⁰

The rise of ATAKA reshuffled the inter-ethnic relations in Bulgaria by jeopardising the compromise between majority and minority leaders. First of all, ATAKA

³³⁷ Eleonora Naxidou, “Nationalism versus Multiculturalism: The Minority Issue in Twenty-first Century Bulgaria,” *Nationalities Papers* 40, no. 1 (2012): 101.

³³⁸ Yüksel Taşkın, “Europeanization and the extreme right in Bulgaria and Turkey: Unveiling Similarities between Ataka Party and Red Apple Coalition,” *Southeastern Europe* 35, no. 1 (2011): 95-119.

³³⁹ Quoted in Kavalski, “Do not Play with Fire,” 29.

³⁴⁰ *Ibid.*, 29.

became a critical actor in Bulgarian Parliament following the 2009 elections as the minority government, European Development of Bulgaria (GERB), relied on the support of the far-right party. In return for its support, ATAKA received important posts in the Parliamentary committees. Even though ATAKA failed to protect the previous performance in terms of total vote shares – the vote rate of the party declined to 4.52 per cent, far-right parties continued to influence the political agenda, as the National Front for Salvation of Bulgaria (NFSB) managed to replace the ATAKA party. In fact, NFSB emerged as a splinter party from ATAKA and merged with another far-right party the Internal Macedonian Revolutionary Organisation (IMRO) to form Coalition of Patriotic Front (PF). The PF attracted 7.28 per cent of the total votes in 2014 general elections and became coalition partner of the GERB government headed by Boyko Borisov.

The march of the far-right parties into Bulgarian mainstream jeopardised the Bulgarian ethnic model and undermined the consensus on minority issues. For the first time since Bulgaria's transition to democracy, anti-minority discourse has become organisationally represented in the Bulgarian Parliament. Furthermore, the rise of far-right movements pushed the mainstream political parties toward relatively harsh stance concerning minority rights and migration policies. As Krastev pointed out “in Bulgaria extreme nationalism is surging, but the mainstream parties and governmental institutions are accommodating it instead of fighting it.”³⁴¹ The leader of GERB, Bulgaria's largest party and the current prime minister of Bulgaria, for instance, expressed his lukewarm approach to the Turkish and Roma minorities on several occasions. While acting as the Mayor of Sofia and informal leader of GERB, Borisov dubbed Zhivkov's policies by

³⁴¹ Ivan Krastev, “The Strange Death of the Liberal Consensus,” *Journal of Democracy* 18, no. 4 (2007): 56.

stating “the communist assimilation campaign against the Muslim population in Bulgaria in the 1980s had had right goals but the methods of its implementation were had been incorrect.”³⁴² In one of his speeches in 2009, Borisov also stated that Bulgaria’s greatest problem is “bad human capital [as] one million Roma, 700,000 Turks, and 2.5 million retirees” form “the basis of “Bulgaria’s population.”³⁴³ Despite Bulgaria has not yet experienced significant institutional regression regarding the quality of democracy and state of minorities during the GERB government since 2014 as witnessed in Hungary and Poland, the positive minority agenda emerged during the 1990s lost its momentum and paved the way for stagnation in mid-2000s.³⁴⁴

To account for the reversing trend in minority-majority consensus and explain the compliance puzzle in Bulgaria during post-membership, one should also analyse the dynamics of preference shifts on part of the minority ruling elite. The MRF, in the post-2000s, became part of the political mainstream and a great deal of criticism directed toward the MRF elite from both the Bulgarian majority and Turkish minority. On the majority side, in addition to the far-right parties discussed above, the Bulgarian political establishment increasingly questioned the legitimacy of the MRF because of the growing clientelistic networks and its monopolistic position in Bulgarian politics. Mila Mancheva, Senior Analyst at Centre for the Study of Democracy suggested, “in 2000s, corruption and fake democracy [emerged as the main] issues [in Bulgaria] and MRF was the

³⁴² “Sofia Mayor: Communist ‘Revival Process’ against Muslims Had Right Goals,” *Novinite*, October 31, 2008, <https://www.novinite.com/articles/98431/Sofia+Mayor%3A+Communist+%22Revival+Process%22+against+Muslims+Had+Right+Goals>

³⁴³ “Sofia Mayor to Bulgarian Expats: We Are Left with Bad Human Material Back Home,” *Novinite*, February 5, 2009, <https://www.novinite.com/articles/100987/Sofia+Mayor+to+Bulgarian+Expats%3A+We+Are+Left+with+Bad+Human+Material+Back+Home>

³⁴⁴ Venelin I. Ganey, “‘Soft Decisionism’ in Bulgaria,” *Journal of Democracy* 29, no. 3 (2018): 91-103.

forerunner of that model.”³⁴⁵ Despite lack of systematic data, the anecdotal evidence suggest that Ahmed Dogan has established very close and non-transparent relations with Bulgarian media moguls and businessmen that led to the spread of the corruption allegations.³⁴⁶ Dogan, in several different occasions, admitted his key role in distributing recourses and rents to the party loyalists. In an interview, for instance, Dogan claimed, “in the past 15 years, more than half of the businessmen [with] above medium-size [businesses] are established [...] with my assistance or at most with my smile.”³⁴⁷ Dogan also stated that while the MRF was partner of the coalition government, he played a key role in distributing state resources: “The power is in my hands. I am the instrument of power that distributes the portions of financing in the state.”³⁴⁸

On the minority side, the growing criticisms against Ahmed Dogan motivated some senior party members to break down the monopoly of the MRF and re-launch an assertive agenda to advance the rights of Turkish minority. Post-2010, as a result, witnessed the surge of splinter parties. The two leading figures of the MRF, Kasım Dal and Korman Ismailov, established the People’s Party for Freedom and Dignity (PPFD) in 2012. Dal was the vice-chair of the MRF at the time and was the leading candidate to succeed Ahmed Dogan as the leader of the Party. However, Dal resigned from the party on the ground that in the 2000s, “the MRF acted half-heartedly and hypocritical in

³⁴⁵ Mila Mancheva (Senior Analyst at Center for the Study of Democracy), interview by author, April 12, 2016.

³⁴⁶ For a striking analysis of Dogan’s non-transparent give-and-take relations with Bulgarian politicians, bankers, and business elite, see “Der Spiegel: Bulgarian politician Peevski is iceberg of corruption,” *BNR*, January 31, 2016, <http://bnr.bg/en/post/100653432/der-spiegel-bulgarian-politician-peevski-is-iceberg-of-corruption>

³⁴⁷ Mariya Petkova, “Why Attack a Bulgarian Politician?” *Al Jazeera*, January 28, 2013. <https://www.aljazeera.com/indepth/opinion/2013/01/2013127954783681.html>

³⁴⁸ *Ibid.*

defending the rights of Turkish minority.”³⁴⁹ Criticising weak intra-party democracy and lack of transparency, Dal argued, “the only concern of the MRF elite has become protecting their seats and exploiting their positions to make personal fortunes.”³⁵⁰ The PPF, according to Dal and Ismailov, is established to expand the rights and increase the welfare of Turkish minority – “the concerns that are not the main priorities of the MRF anymore.”³⁵¹ The PPF leaders also pointed out the inertia of the MRF during Bulgaria’s candidacy process and implied that the MRF elite did not effectively use the emerging opportunity structures provided by the EU membership process. Kasım Dal maintained this point as follows:

The number of students studying Turkish over the last two decades decreased roughly from over 100,000 to less than 10,000. [During the EU membership] MRF played a critical role as coalition partner in the government. The party members assumed critical roles such as the chairman of the parliamentary commission for education, deputy minister of education, and the position of vice prime ministership. If the MRF ruling elite genuinely wanted to resolve Turkish minority’s education problems – especially education rights in native language – it could have done so.³⁵²

The new Turkish Party PPF received a relatively strong support from GERB because for the first time in modern Bulgaria, the monopoly of the MRF was threatened. The PPF competed against MRF in March 2013 elections. The newly established party, however, did not manage to attract enough votes from the Turkish minority as it barely

³⁴⁹ Kasım Dal (Founder and Vice-President of PPF), interview by author, October 16, 2012. The interview conducted as part of the author’s unpublished MSc Dissertation at METU.

³⁵⁰ Ibid.

³⁵¹ Korman Ismailov, interview.

³⁵² Dal, interview.

managed to pass the 4 per cent electoral threshold despite electoral coalition with National Movement for Stability and Progress (NDSV).

The resignation of Kasım Dal and Korman Ismailov in 2012, however, opened the Pandora's box for the MRF as it paved the way for new splits. In this vein, Lütfi Mestan, the closest aide and successor of Ahmed Dogan as the chairman of MRF, established a new political party, DOST, acronym of Democrats for Responsibility, Solidarity and Tolerance in 2016. In fact, Mestan expelled from the Party due to a chain of extraordinary events. The crisis triggered with Turkey's shooting down of a Russian fighter jet on October 24, 2015. Ahmed Dogan, the honorary chairman of the MRF at the time, adopted a pro-Russian stance whereas the chairman, Lütfi Mestan, in a press statement urged Bulgarian policy makers to stand in solidarity with Turkey as a NATO ally by stating that "Russia's violation of Turkish airspace amounted to a violation of sovereignty of NATO territory and that Russia had previously been given many official warnings."³⁵³

Mestan's pro-Turkish statements stroke a sensitive nerve within the MRF circles and, Ahmed Dogan accused Mestan for "acting as a fifth column of Turkey in Bulgaria." Dogan argued, "the MRF has never acted as a fifth column of any country and he would do whatever it takes to reduce Turkey's impact in Bulgarian [politics through minority politics]."³⁵⁴ As a result, in December 2015, Mestan was expelled from the party and established a new political movement in 2016, DOST, to represent the Turkish minority

³⁵³ "Bulgarian politician dumped for backing Turkey over downing of Russian plane," *Reuters*, December 24, 2015. <https://www.reuters.com/article/us-bulgaria-politics-idUSKBN0U71G420151224>

³⁵⁴ "Rus yanlısı Dogan'a Türkiye'ye giriş yasak" [Pro-Russian Dogan banned to enter Turkey], *Kircaali Haber*, February 11, 2016. <http://www.hurriyetdailynews.com/bulgarian-politician-dumped-for-backing-turkey-over-downing-of-russian-plane-92998>

in the country, whereas Mustafa Karadayi was elected as the new leader of the MRF in April 2016 – following a short interval of care-taker co-chairs.³⁵⁵

4.3.2.1. Turkey’s changing regional policies

The regional dynamics and the role of Turkey as a kin state should be discussed at this point to contextualise the developments discussed above. As a matter of fact, the split within the Turkish minority party was partially the outcome of Turkey’s changing political stance towards the Turks in Bulgaria as part of its evolving diaspora politics. Since Bulgaria’s transition to democracy, non-interventionism has been the traditional policy stance of Turkish policy-makers regarding the state of Turkish minority in Bulgaria.³⁵⁶ Turkish policy-makers, in early 1990s, pursued a careful neutrality policy and refrained to intervene in Bulgaria’s domestic politics to the extent that some scholars even labelled “exemplary” in an otherwise conflict-ridden region.³⁵⁷ Turkey’s tense relations with Greece in the Balkans also prevented the Turkish policy-makers to jeopardise the bilateral relations between Turkey and Bulgaria. As a result, the Turkish minority enjoyed a high degree of autonomy vis-à-vis Turkey.³⁵⁸

Turkey’s non-interventionism policy, however, gradually shifted in 2000s with the rise of Justice and Development Party (AKP, in Turkish acronym). The AKP

³⁵⁵ During the interval process, Ruşen Rıza, Çetin Kazak and Mustafa Karadayı co-lead the MRF as being the members of the Tripartite Presidency.

³⁵⁶ For an historical overview, see Michael B. Bishku, “Turkish-Bulgarian Relations: From Conflict and Distrust to Cooperation,” *Mediterranean Quarterly* 14, no. 2 (2003): 77-94.

³⁵⁷ Birgul Demirtas-Coskun, Turkish-Bulgarian Relations in the post-Cold War Era: The Exemplary Relationship in the Balkans,” *The Turkish Yearbook of International Relations* 32 (2001): 25-60.

³⁵⁸ This point also underlined by several interviewees including minority and majority representatives in Bulgaria.

government, especially starting from the second term in office (2007 onwards), adopted a proactive foreign policy in the Middle East and the Balkans based on historical and cultural affinity, with an emphasis on economic integration as well.³⁵⁹ The identity-based parameters in Turkish foreign policy have become an integral aspect of AKP government in 2000s.³⁶⁰ As Fiona B. Adamson suggested diaspora politics has become an increasingly central aspect of the foreign policy repertoire and global identity politics of states that transcend their borders.³⁶¹ Following the emerging trend in global politics, Turkey's Islamist oriented conservative AKP government pursued a more hands-on approach to utilise the power of Turkish diaspora abroad. In 2010, as part of its "new diaspora politics," Turkish government established the Presidency for Turks Abroad and Related Communities.³⁶² Due to their electoral power and numerical superiority, the Turkish minority in Bulgaria became one of the priority areas for Turkish policy-makers. Ahmed Dogan's lukewarm stance toward Turkey and his traditional policy of keeping Turkey at arm's length also directed the AKP government to support alternative political actors within Turkish community in Bulgaria. The newly established Turkish minority parties PPF and DOST, have received strong support from the Turkish government as

³⁵⁹ Ziya Öniş, "Multiple Faces of the "New" Turkish Foreign Policy: Underlying Dynamics and a Critique," *Insight Turkey* 13, no. 1 (2011): 47-65. Also see, Cenk Saraçoğlu & Özhan Demirkol, "Nationalism and Foreign Policy Discourse in Turkey Under the AKP Rule: Geography, History and National Identity," *British Journal of Middle Eastern Studies* 42:3 (2015): 301-319.

³⁶⁰ Lerna Yanik, "Bringing the Empire Back In: The Gradual Discovery of the Ottoman Empire in Turkish Foreign Policy," *Die Welt des Islams* 56, no. 3-4 (2016): 466-488.

³⁶¹ Fiona B. Adamson, "The Growing Importance of Diaspora Politics," *Current History* 115, no. 784 (2016): 291-297; Fiona B. Adamson, "Constructing the Diaspora: Diaspora Identity Politics and Transnational Social Movements," in Terrence Lyons and Peter Mandaville, eds. *Politics from Afar: Transnational Diasporas and Networks* (London: Hurst & Company, 2012): 25-44.

³⁶² For an in-depth discussion on Turkey's new diaspora politics, see: Fiona B. Adamson, "Sending States and the Making of Intra-Diasporic Politics: Turkey and Its Diaspora(s)" *International Migration Review* 53, no.1 (2019): 210-236.

Ankara provided financial aid as well as banning Ahmed Dogan's entry to Turkey following Russian fighter jet crisis.³⁶³ Both Kasim Dal and Lutfi Mestan, on the other hand, adopted avowedly pro-Turkish stance – with this, for the first time over 30 years, Turkey has become an assertive actor trying to influence the internal balance of power relations within the Turkish minority in Bulgaria. Mestan put his support to Turkey as follows:

Since I have raised the problems of Turkish minority to access education in native language and tried to fix the MRF's problems with Turkey, I disturbed the MRF ruling elite. Turkey is our neighbour and partner country. Bulgaria is a NATO ally and we should stand in solidarity with Turkey.³⁶⁴

In the post-accession process, the Europeanisation stalled in the minority rights area not only as a result of the weakening EU conditionality but also mainly due to the shifting sands in minority-majority relations in Bulgaria that undermined the delicate inter-ethnic consensus. Starting from early 2000s, the mainstream Bulgarian parties veered to restrictive minority policies to accommodate the rising far-right movements in the country and Turkish minority elite has become the subject of intense debates and criticism due to the clientelism and corruption allegations. The intra-party conflicts over the last decade, along with the corruption allegations, also diverted the attention of Turkish ruling elites in Bulgaria, which in turn, led to decreased emphasis put on the rights of minorities. As a result, even though Bulgaria has not swayed into illiberalism as

³⁶³ Turkish government initially supported the PPF and its leader Kasim Dal and Korman Ismailov. However, PPF fared well below the desired level in the general election and this led the Turkish government to support another splinter party, DOST, which was headed by Lutfi Mestan.

³⁶⁴ Lutfi Mestan (former Vice-President and then President of MRF 2013-2015; founder and Leader of DOST Party February 2016 - present), interview by author, March 25, 2016.

observed in Hungary and Poland, the ‘Bulgarian ethnic model’ has been put a series of stress tests due to populist-nationalist backlash and the increasing collective action problems of Turkish minority elites.

4.4. Conclusions

This chapter examined the Europeanisation of minority rights in Bulgaria during 1999-2017. The two-level model was elaborated on to account for the interaction of domestic and external factors. The chapter revealed that the main causal mechanisms through which EU conditionality played its role mainly fit into instrumental learning rather than norm-based socialisation. The candidacy and post-membership periods in Bulgarian politics indicate that Bulgaria refers to a puzzling case because, in contrast to the 1990s, the opportunity structures provided by the EU were not exploited to the fullest extent possible. Based on the conceptual framework, this chapter explains the shifting causal mechanisms with reference to changing domestic preferences.

The hierarchical top-down models of Europeanisation suggest that target country becomes more eager to implement substantial reforms on minority rights in the pre-accession because EU conditionality becomes part of sizeable rewards. The candidate states are more likely to comply with the EU regulations in return for membership. However, after becoming a member of the EU, the motivation of reform is likely to wane as conditionality terminates. Given that the EU requested the implementation of minority rights reforms as part of the membership criteria, the Bulgarian governments codified the EU’s basic templates on minority rights. However, the EU mainly focused on the basic legislation and did not keep an eye on the practical problems that the Turkish minority

encounter at the cultural and educational fields. Stated differently, Bulgarian elite defined the EU membership as a strategic goal to avoid the isolation of Bulgaria in a critical juncture that the EU took decisive steps toward the Central and Eastern Europe. Yet minority related reforms were implemented in a rather minimalist manner.

This chapter, however, argued that the main reason for the stagnation of minority reforms is not mainly because of the weakening EU conditionality. As such, one cannot explain the rapid transformation in Bulgarian minority regime during the 1990s. This chapter maintains that the shifting dynamics of minority-majority relationship, coined as ‘double challenge’, in Bulgaria and re-orientation of the priorities of the Turkish minority elite constitute the main causal factors.

It is striking that the main political actor on the minority side, the MRF, neither pursued proactive policies to take advantage of the EU platforms to improve the rights of Turkish minority nor utilised ‘naming and shaming’ and ‘peer pressure mechanisms.’ The MRF had a rare opportunity to contribute the implementation of minority reforms and launch a positive minority agenda in Bulgaria as it joined the government as a critical coalition partner two times in the post-2000. However, the MRF adopted a minimalist approach in terms of promoting the rights of Turkish minority. The interviews suggest that the MRF ruling elite deliberately formulated minority issue as “the domestic problem of Bulgaria” that should be addressed at the national level. As explained in the relevant part, the changing preferences and priorities avoided the MRF elite to take advantage of the “EU factor” in the post-2000. The MRF elite increasingly became part of the political establishment and rentier distributive politics. As a result, the Party dropped the sensitive

minority rights reforms from its political agenda to co-opt with the mainstream political parties. The intra-party conflicts, escalated as a result, also diverted the attention of the Turkish ruling elite to pursue a coherent and effective agenda at the domestic and European platforms.

On the majority side, the transformation of inter-ethnic relations also informed the stagnation of minority reform process. In this regard, the Bulgarian ethnic model, which praised for successful accommodation of the minorities, appears to suffer from important flaws. The rights that Turks gained during Europeanisation process and the increasing political visibility of the Turkish minority seem to disturb part of the Bulgarian society to the extent that it paved the way for the rise of a nationalist-populist backlash as represented by the rise of extreme-right ATAKA party and Patriotic Front. The far-right parties succeeded to secure a place in the Bulgarian parliament in all general elections in the post-2005. The far-right parties pursue an explicit discrimination policy, as the anti-Turkish sentiments are part and parcel of their ultra-nationalist discourse. Therefore, latent nationalism that questioned the legality of the MRF in the initial phases of Bulgaria's democratisation surfaced and openly targeted the presence of the Turkish minority in Bulgaria. Furthermore, mainstream parties have adopted more exclusionary stance toward minorities as exemplified with the rise of GERB and its charismatic leader Boyko Borisov. The domestic shifts, therefore, indicate that Bulgarian ethnic model based on 'double moderation' between minority and majority elites appears to be under 'double challenge' due to the nationalist-populist backlash and power struggles of intra-minority elites.

CHAPTER V. Different Paths to Europeanisation of Minority Rights

5.1. Introduction

This dissertation argues that mainstream accounts tend to conceive the domestic arena as an obstacle and passive receiver, which should be overcome during Europeanisation process. In fact, the domestic realm can act as an opportunity space that empowers the EU's transformative impact in minority rights through direct and indirect ways. In order to rectify this bias, this research proposes a two-level analytical model that account for the dynamics of continuity and change in the minority rights policies with reference to three main parameters – domestic dissatisfaction, EU-level pressure, and state capacity – operationalised in line with the conceptual framework. Accordingly, this chapter aims to build an interactive framework without prioritising one level of analysis vis-à-vis the other and explicitly acknowledging the impact of domestic factors on the observable outcome.

By delineating different paths to Europeanisation via exploring three cases – Bulgaria, Croatia and Montenegro, this chapter explores the mechanisms and limits of Europeanisation in the realm of minority rights in recent member and candidate countries. The Bulgarian case, in this context, is compared with a recent member (Croatia) and candidate state (Montenegro). As these three cases have tormented histories in terms of majority-minority relations and experienced different types of transitions, a comparative analysis of the transformation of minority regimes in these post-conflict societies shall not only address a key policy area in terms of their integration with the EU but also enable juxtaposing Bulgaria with other cases in the Western Balkans – a region at the focus of the EU's next enlargement wave. The first and second sections explore the

cases of Croatia and Montenegro. The third section offers a comparative analysis of the three cases to delineate the causal patterns that inform divergent patterns of policy changes in these polities. The final section concludes the chapter.

5.2. Transformation of minority rights in Croatia

Following the break-up of Yugoslavia, Croatia declared independence and in a short time, the Serbs living in the country rebelled against the newly established Croatian state. By late 1991, Serbs organised themselves around the self-proclaimed Serb Republic of Krajina. As a result, warfare between the Serbs and Croatian state forces escalated, which paved the way for long-lasting minority rights and displaced persons problems in the country. Despite this tormented historical experience, the Croatian political elite had taken important steps during the 2000s to transform the minority rights regime and extend the political and social rights of Serb national minority in Croatia.

The EU also explicitly asked for the improvement of the state of Serb minority in the country during the candidacy process. After fulfilling conditionality criteria including the protection of minorities, Croatia finally became a member of the EU as of June 2013. This section discusses the Europeanisation of minority rights regime in Croatia with reference to the two-level model. In particular, the changing status of Croatian Serbs from ‘exclusion’ to ‘integration’ since early 1990s will be investigated. Accordingly, it will be demonstrated that during the 1990s, the sub-optimal state of Serb minority remained almost intact mainly due to the uncompromising attitude of political elites and strong domestic resistance on part of the ruling elite. Croatia adopted a reformist path only in the 2000s because of the increasing domestic dissatisfaction in the post-Tudjman

period about the prevalent minority rights policies and double moderation between majority and minority leaders that coincided with a strong EU conditionality.

5.2.1. Tudjman era: Stagnation in minority rights

Yugoslavia's contested dissolution through conflict (1991-1992) shaped the parameters of minority rights developments in contemporary Croatia. With the dissolution of Yugoslavia and following the first democratic elections held in spring 1990, the Croatian Democratic Union (HDZ) founded by Franjo Tudjman appeared as the major political actor that shaped the entire transition process. The HDZ succeeded to win 41.61 per cent of the votes, which gave it 55 of the 80 seats in *Sabor*, the Croatian Parliament.³⁶⁵ The HDZ leader Tudjman, who became the first president of Croatia, played a decisive role in determining the political trajectory of the country during 1990s. Franjo Tudjman adopted hard-core nationalist policies, and as Melcic points out "he had great support among the nationalists in his land."³⁶⁶ Tudjman's support base was solid at the time endorsing the ultra-nationalist policies and he had the full loyalty of his staff; he was even called as "a soft dictator."³⁶⁷ In retrospect, Tudjman and the HDZ prioritised regime change in Croatia and nation building overshadowed the democratisation of the country. His attempts to centralise the state structures and homogenisation policies which were adopted along the lines of exclusionary citizenship practices informed the main parameters of majority-minority relations. In a political context where ruling majority

³⁶⁵ European Election Database, Croatia. http://www.nsd.uib.no/european_election_database

³⁶⁶ Dunja Melcic, "Building Democracy in Croatia since 1990s," in *Building Democracy in the Yugoslav Successor States*, edited by Sabrina P. Ramet, Christine M. Hassenstab, Ola Listhaug (Cambridge: Cambridge University Press, 2017): 200.

³⁶⁷ David Orlović (Director, Roma National Council), interview by author, May 18, 2016.

elites focused on building a Croatian state based on ethnic Croat identity had deep ramifications in terms of the position of ethnic Serbs in Croatia. The Serb minority was categorically rejected and their rights were denied during the 1990s:

Three categories of citizenship [existed] in Croatia [in 1990s]: included, excluded and invited. Included were largely ethnic Croats who were born in Croatia, lived in Croatia. Excluded largely others, like the ethnic Serbs but also some other ex-Yugoslavs, which was relatively significant in numbers in Croatia. Then the invited were largely ethnic Croats from abroad, near abroad from Bosnia, but also from diaspora.³⁶⁸

Due to nation building policies and the adverse political climate, the Croatian political elites demonstrated little motivation to promote the integration of national minorities during the early years of the newly independent state. In fact, the Croatian Serbs interpreted the multi-party democratic elections in the post-independence as the establishment of an anti-Serb regime, which denies the political representation of the ethnic Serbs.

As a matter of fact, one can suggest that the status of Croatian Serbs gradually shifted from ‘self-exclusion’ to ‘exclusionary policies’ during 1990s.³⁶⁹ The new Constitution in 1990 defined Croatia as “a nation state” formed by ethnic Croats, but also named “other minorities and nationals” as citizens of the newly established Croat state in

³⁶⁸ Dejan Jovic (Professor of International Relations at Zagreb University and chief adviser to the President of the Republic of Croatia, 2010-2014), interview by author, May 16, 2016.

³⁶⁹ Milan Mesic and Dragan Bagic, “Minority Serb Returnees to Croatia: Reintegration of New Immigration” in *Ethnic Minorities and Politics in Post-Socialist Southeastern Europe*, edited by Sabrina P. Ramet and Marko Valenta, (Cambridge: Cambridge University Press, 2016): 220.

the Preamble.³⁷⁰ On the one hand, this was a clear recognition of minority groups in the country as well as guaranteeing equal citizenship rights, political freedom, and social and cultural autonomy. On the other hand, for Serb minority, this was a downgrade of their status. As Antonija Petricusic puts it:

The preamble of the Constitution is only the first paragraphs and it is not legally binding. However, at the symbolic level, it matters because it was an acknowledgment of some minority groups as being traditionally living on this territory and forming the nation – or the state. Yet, the Serbs were making up the 12 per cent of the population at that time and were showing a strong unwillingness to accept the new Constitution as well as their new status and overall, the secession of Croatia from Yugoslavia.³⁷¹

In fact, the 1990 Constitution and the protection of minorities was not only driven by the conflict-prone tendencies and the political atmosphere in the country, but also arranged as a counter-measure to satisfy the international community. Prior to its international recognition, Croatia was asked to set up human and minority rights legislative to provide protection particularly for Serb minority, as they lost their constitutive nation status and became a national minority along with other minority groups in the newly independent Croatian nation state. Following the recommendations

³⁷⁰ The Preamble of the 1990 Constitution reads as follows: “*The republic of Croatia is hereby established as the nation-state of the Croatian nation and a state of the members of other nations and minorities who are its citizens: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians and others.*” Yet the Constitution has been amended on several occasions (Official Gazette 56/1990, 135/1997, 8/1998, 113/2000, 124/2000, 28/2001, 41/2001, 55/2001) and ethnic minorities re-defined and entitled to certain protection i.e. the Constitutional Law on Amendments to the Constitution of the Republic of Croatia (Official Gazette, No. 135/97) replaced the term ‘*other nations and minorities*’ with ‘*autochthonous national minorities*’. Also, during the EU accession process, all national minorities are included in the preamble of the Constitution.

³⁷¹ Antonija Petricusic (Professor and Chair of Sociology, Faculty of Law, University of Zagreb), author’s interview, May 16, 2016.

of the Badinter Commission, the Croatian political elite compromised and further consolidated minority rights regime by adopting two additional laws; the *Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia*³⁷² (hereafter the Constitutional Law, 1991) and *Law on Elections for the Representatives in the Parliament of Republic of Croatia* (hereafter, the Electoral Law). Accordingly, the new legislations, which were proven to be comprehensive, granted special rights for Serbs among other national minorities. Namely, they were granted with the territorial autonomy in Glina and Knin regions as well as being entitled with proportional representation at the Parliament.³⁷³

However, territorial autonomy never became operational as the inter-ethnic conflict broke up soon. The Croatian Serbs radically opposed the changes in the new Constitution and, encouraged by the Serbian state, rebelled against the newly independent Croatian state, which in turn, triggered a series of events that plunged the minority-majority relations into a deadlock during the entire decade. The Serb minority, in the initial period, decided not to take part in new state institutions and participate in policy-making processes. The Croatian Serbs, backed by the Yugoslav army, attacked and occupied the parts of Croatian territory, which lasted for four years, and declared independence by forming the self-proclaimed Republic of Serbian Krajina.³⁷⁴

³⁷² *The Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia*, Official Gazette 65/91, 70/91, 27/92, 34/92, 68 /95, 105/00.

³⁷³ Nina Caspersen, "The Thorny Issue of Ethnic Autonomy in Croatia: Serb Leaders and Proposals for Autonomy" *Journal of Ethnopolitics and Minority Issues in Europe*, JEMIE issue 3 (2003): 11.

³⁷⁴ President Goran Hadzic assumed the leadership of the self-proclaimed Republic of Serbian Krajina, following short leadership of Milan Babic. Hadzic was arrested in Serbia on 20 July 2011 as the EU

The 'self-exclusion' policies of the Serb minority in early 1990s turned into 'exclusionary policies' in a rather short time as the President Tudjman, and his party, HDZ, adopted a series of nationalisation programmes through purging ethnic Serb public employees, bureaucrats, and media representatives from the public sphere. In this context, the military *Operation Storm*, launched by the Croatian authorities against the self-proclaimed Republic of Serbian Krajina, constitutes a major turning point in 1995 as it cemented the exclusionary policies against the Croatian Serbs. As a result of this operation, Croatian army took back control of the occupied Croatian territories. However, the military operation led to massive fleeing of Serb population along with severe human tragedies and losses. It is estimated that approximately 300 thousand Serbs, who were Croatian citizens, forcibly left the country.³⁷⁵ Due to the intense conflict from 1991 to 1995, the perception of the Croatian Serbs in the eyes of Croatian majority changed dramatically. The inter-ethnic conflict reached a new zenith with the military operations to the Serb Republic of Krajina in May and August 1995, which resulted in massive deterioration of inter-ethnic relations and rise of aggressive nationalism.

Open demonstration of nationalism was not tolerated in Yugoslav socialist time, yet due to war, it became something tolerable and openly promoted in the society during 1990s.³⁷⁶

requested serious actions concerning handing over the war criminals. For a detailed historical account, see Marcus Tanner, *Croatia. A Nation Forged in War*, (New Haven, CT: Yale University Press, 1997).

³⁷⁵ Antonija Petricusic, "Wind of Change: The Croatian Government's Turn towards a Policy of Ethnic Reconciliation," *European Diversity and Autonomy Papers*, EDAP (2004): 7. The official data of the Croatian Government Office for Expellees and Refugees can be found on the following link, accessed March 2, 2018, <http://www.vlada.hr/>

³⁷⁶ Petricucis, interview.

The military conflict further exacerbated the exclusion of the Serb minority and augmented the fear of disintegration within the wider segments of society. The Croatian Parliament declared a state of emergency and immediately put the relevant minority rights legislation on hold. In this context, the government enacted a law following the *Operation Storm*, which is entitled ‘Law on Temporary Suspension of Particular Articles of the Constitutional Law on Human Rights and Freedoms of Ethnic and National Minorities in Croatia’, suspended the rights of Serb minority to be represented in municipalities and the Parliament. The suspension of the proportional representation in the Croatian Parliament, which was authorised as part of the Constitutional Law (Article 18.1), totally excluded the Croatian Serbs from the political system. Further restrictions were also introduced on housing policies and seizure of the properties that were left behind by Serb refugees during the *Operation Storm*.³⁷⁷ Those measures received serious international criticism as the World Bank indefinitely postponed the loans of \$30 million and the IMF postponed the discussions of releasing further credits while the UK and the Netherlands suspended the ratification of the Stabilisation and Association Agreement between the EU and Croatia.³⁷⁸

The criticism of the international community, however, made no major impact in the way in which Tudjman government framed the minority policies in Croatia during 1990s. On the contrary, the antagonising policies of the government targeting the Serbs mobilised Croatian society and exacerbated the already fragile conflict-prone

³⁷⁷ Human Rights Watch, *Second Class Citizens: the Serbs of Croatia*, HRW 11, no.3 (March 1999).

³⁷⁸ Steven Lee Myers, “World Bank, at U.S. Urging, Postpones Vote on Loan to Croatia,” *New York Times*, July 2, 1997, <https://www.nytimes.com/1997/07/02/world/world-bank-at-us-urging-postpones-vote-on-loan-to-croatia.html>

environment. The Tudjman government's anti-minority policies paved the way for the spread of intolerance and public hostility against the Serbs. As Petsinis highlights, the UN expressed its concern in 1995 about "the state authorities' failure to take action over the propagation of ethnic hatred against Serbs."³⁷⁹ One should also note that 'double moderation' could not take place during the 1990s not only because of the extravagant policies of the Tudjman government but also because of the maximalist demands of the Serb minority elites. In this vein, for instance, the Milosevic regime in Serbia, in cooperation with the Serb minority leaders in Croatia, employed aggressive propaganda tactics, which jeopardised the inter-ethnic relations significantly. Mesic and Bagic underline this point as follows:

Milosevic's propaganda machine in Belgrade deepened and spread fear among the Serbs in Croatia [during 1990s], claiming that the new Croatian state was the successor of the collaborationist fascist regime in the Independent State of Croatia (NDH) staged during the Second World War and responsible for mass killings of Serbs, Jews, Roma, and Croatian anti-fascists. Distrust of Serbs toward political changes in Croatia was strengthened by the fact that the HDZ government under President Franco Tudjman used some symbols and terminology, which the NDH also used.³⁸⁰

The exclusionary policies in the post-independence decade extended beyond the symbolic references. The political elites of the ruling HDZ believed that Croatia's heterogeneous structure was the outcome of historical discriminations against the ethnic Croats. Therefore, homogenisation policies were considered as the rectification of

³⁷⁹ Vassilis Petsinis, "Croatia's Framework for Minority Rights: New Legal Prospects within the Context of European Integration," *Ethnopolitics* 12, no. 4 (2013): 354.

³⁸⁰ Milan Mesic and Dragan Bagic, "Minority Serb Returnees to Croatia," 221.

historical wrongdoings against Croatian majority. Tudjman government adopted a set of “national cultural purification” policies in textbooks, art, and language. As part of this strategy any admixture of the Serbian language was expelled from official Croatian language. The cultural purification policies did not only deny the Serbs to enjoy their cultural rights but also made them partially incompetent in renewed official language in Croatia.³⁸¹ On the other hand, Tudjman government promoted naturalisation and repatriation policies to increase the political and cultural links with ethnic Croats living abroad.³⁸²

The military operation, harsh policies of the government, and increasing unemployment triggered a massive displacement wave in the second half of 1990s.³⁸³ The share of ethnic Serbs in Croatia, which was 12.2 per cent of the total population in 1991, declined to just 4.5 per cent at the turn of the century.³⁸⁴ The policy lines of Tudjman government were not only targeting ethnic minorities but also any political opposition. Tudjman adopted strict measures in order to protect the national unity and sovereignty of the Croatian state. The excessive emphasis on the homogeneity of the Croat nation created an unfavourable environment for the ethnic minorities so as their political demands were seen as a security problem. As the public reaction very much depends on the position of the elites, nationalistic policies and discourse was well

³⁸¹ Ibid., 225.

³⁸² The HDZ government’s transnational ethnicity and diaspora policies had major impacts in terms of Croatia’s relations with Bosnia Herzegovina and Serbia during the 1990s.

³⁸³ Aneta Lalic (Dr and Head of Department of Culture at the Serb National Council), interview by author, May 20, 2016.

³⁸⁴ For details see, accessed August 4 2018, <https://www.dzs.hr/eng/DBHomepages/Population/Population.htm>

received by the majority due to the fresh memories of war. The Serbs were “perceived as an enemy”, and the mainstream political stance further provoked domestic hostility toward remaining Serb population.³⁸⁵ Even the results of Zagreb Municipality Local Assembly election was refused by President Tudjman in October 1995 and the crisis resolved in April 1997, only after two opposition members switched to Tudjman’s HDZ party which, as a result, gained majority to appoint the Mayor.

The Tudjman government was very unfriendly when it comes to minorities. I think it is not only on ethnic minorities, he was also very unfriendly when it comes to political minorities, I mean opposition parties. His authoritarian style of governing starting from the first half of 1990s, in fact goes rather well with the idea of homogenisation of Croatia.³⁸⁶

During the Tudjman era until 1999, the Croatian majority elites did not promote the protection of minority rights in Croatia and domestic dissatisfaction remained very low about the policies implemented in the realm of minority rights. The preference functions of the political elites of the emerging HDZ were set in a way that prioritised national consolidation, as a result of which the Serb minority was framed as a security issue. Hence, their rights were denied despite certain level of pressure from the EU and other European institutions (see below). The low level of domestic dissatisfaction on part of the political elites, therefore, led to the continuation of exclusionary policies in the realm of minority rights during 1990s. On the other hand, reconciliation between minority-majority groups could not be achieved not only because of the uncompromising homogenisation policies of the government but also maximalist demands of the Serb

³⁸⁵ Anonymous interviewee (Senior Researcher at an NGO), interview by author, May 17, 2016.

³⁸⁶ Jovic, interview.

minority in Croatia. Therefore, minority-majority relations stagnated in a non-optimal equilibrium during 1990s. As will be elaborated in further detail, not only the EU pressure, but the change in domestic preferences in 2000s, established a new equilibrium in minority-majority relations during 2000s – a point to be discussed in the next section.

5.2.2. Post-Tudjman era: Explaining domestic dissatisfaction

The equilibrium in minority-majority relations changed significantly with the election of new government in 2000. Similar to Bulgarian and Montenegrin cases (see following section) the major policy changes in Croatia came as an outcome of intra-elite conflicts and re-formation of the preferences of domestic political elites. With the presidential elections following the death of President Tudjman, Stjepan Mesic elected as the new President of Croatia. The Social Democrats (SDP) in partnership with the Croatian Social Liberal Party (HSLP) also won the parliamentary elections in the same year by receiving the 39.24 per cent of the total votes.³⁸⁷ In the realm of minority rights, the new government represented the organised collective dissatisfaction about the existing policies. The new coalition government (2000-2003) pursued an active pro-minority strategy to re-orient the political priorities of the Croatian state. The SDP government, in this context, adopted a series of democratisation reforms to comply with the EU's membership criteria. Accordingly, Article 15 of the Constitutional Law was amended so that the proportional representation of the national minorities was ensured in the Croatian Parliament.

³⁸⁷ European Election Database, Croatia. http://www.nsd.uib.no/european_election_database

In order to rectify the exclusionary policies of the past, the new Croatian government introduced even more substantial reforms. The new Law on the Use of the Languages and the Alphabets of National Minorities, which was enacted in May 2000, ensured the legal equality of the minority languages (including Serb) with the official language. The complementary laws also guaranteed to provide education in minority languages alongside Croatian. Also, the new Constitutional Law on the Rights of National Minorities (CLRNM) was enacted in December 2002. The Law was entirely consistent with the Framework Convention for the Protection of National Minorities (FCPNM) as it affirms the individual and collective rights of national minorities – including the Serbs. Accordingly, the public use of minority rights, the educational rights in minority languages, cultural autonomy, and religious rights were secured by law.³⁸⁸ Finally, the SDP coalition was the first government in Croatia, which demonstrated genuine willingness to improve the legal and political conditions for the Serb refugees that left the country in mid-1990s.

The Tudjman's party, HDZ, also went through institutional transformation and ideological moderation toward Serb minority along with other major political issues. Following the general elections in 2003, the HDZ, which passed through significant reform, formed a coalition government that continued the SDP government's policies in the field of minority rights. What was special with the elections was that for the first time, Serbs were represented in the government in 2003, as Independent Democratic Serb Party (SDSS) became a partner of the HDZ coalition government. Being part of the

³⁸⁸ Author's interviews with majority and minority representatives in Croatia, May 2016.

government transmitted a sense of security within Serb minority population.³⁸⁹ The minority members were also allowed to serve in the public sector, which was also secured by Constitutional Law (Article 22 and 23). The minorities, including ethnic Serbs, were recognised as ‘national minorities’ according to Croatian Constitution (Section I) and their equal rights were guaranteed (Article 15).³⁹⁰

One needs to focus on the inter-elite relationships to explain the dynamics of major policy changes in Croatia’s minority regime during 2000s. The role of political leaders, in this context, proved significant. The ethnic Croat politicians worked toward compromise to ease the inter-ethnic tensions. To this end, as explained above, the new Croatian political elite adopted a more inclusive minority regime. The conciliatory stance of the Croatian policy makers was reciprocated by the Serb minority leaders. On that note, Milorad Pupovac, the leader of Serb National Council and the president of SDSS, who was known as being very experienced and cautious politician, played an important role in terms of ensuring peaceful adoption of inclusive minority rights policies. Pupovac was an ideal interlocutor as he was not involved in any secessionist actions in the 1990s. Therefore, Pupovac was well accepted in wider segments of Croatian society:

Dr Pupovac has a very kind personality. He is a university professor, also very mild spoken, well respected both domestically and in international community. At the moment, it doesn’t seem that he has a partner at the majority side. Yet, during the times of the EU accession talks, he played a very positive role in easing the

³⁸⁹ Lalic, interview.

³⁹⁰ *The Constitution of the Republic of Croatia, 22.12.1990 amended 06.07.2010.*

general situation. This was indeed two-sided, there was always somebody else in the government interested in compromise.³⁹¹

Milorad Pupovac worked very closely with Ivo Sanader who was the Prime Minister (2003-2009). Sanader was seen as loyal to Croats and the one who could carry the nation into EU membership.³⁹² There has been a long period of compromise and good relationship between two leaders. As explained above, the increasing domestic dissatisfaction about the political direction of the country towards the end of the Tudjman era opened up an opportunity window to introduce new policies to include the Serb minority into the political mainstream. The newly emerging political elites on the minority and majority sides adopted a conciliatory stance in the post-Tudjman era. The willingness of domestic elites to adopt more inclusive minority policies coincided and also informed by strong EU conditionality in the post-2000.

5.2.3. External dynamics: Explaining EU-level pressure

The EU conditionality has been relatively strong not only during the candidacy process but also in the 1990s. The EU explicitly underlined the protection of minorities. In 1991, the international recognition of Croatia was conditional upon fulfilling three criteria: First, Croatia was asked to stop the war with the Yugoslav army. The parties signed a ceasefire on 2nd of January, 13 days before the war ended, and it was then recognised as an independent state. Second, Croatia agreed upon UN protected areas on its own

³⁹¹ Jovic, interview.

³⁹² Senada Selo Sabic (Dr and Senior Research Associate at the Institute for Development and International Relations), interview by author, May 19, 2016.

territory where Serb minority constituted the majority or substantial minority within total population. Accordingly, these areas were divided into four sections and three UN protection areas created with UN missions (UNPROFOR), which were Eastern Slavonia, Western Slavonia and Krajina.³⁹³ Third, Croatia agreed to change the Constitutional Law, which was enacted as of June 1992 and guaranteed autonomy for ethnic Serbs in two regions – namely Krajina and Knin. However, the third condition did not help the Serb minority to improve their rights because, as discussed in the preceding section, the Serb minority rebelled against the newly established state and the Tudjman government demonstrated no interest in developing inclusionary minority policies. Tudjman even changed the Constitution to revoke the autonomous regions.

The international community has taken minority issue very seriously even in 1991-1992. The issues and minorities were erased almost when it comes to implementation [because the government] didn't pay much attention. As soon as it's possible, just completely neglected what was promised.³⁹⁴

The EU's leverage, however, remained very low throughout the 1990s as the exclusive policies of the Tudjman government became more explicit. As Jovic points, "Croatia ended the decade of 1990s in unofficial isolation with no formal agreements with the EU."³⁹⁵ The EU-pressure only yielded positive results when the domestic preferences shifted dramatically with the election of government in 2000. During the accession period, the Sanader government was very much open to suggestions from the

³⁹³ UN Protection Force, *UN Protection Force Document: Prepared by the Department of Public Information, United Nations as of September 1996*.

³⁹⁴ Jovic, interview.

³⁹⁵ Deyan Jovic, "Croatia and the European Union: a long delayed journey," *Journal of Southern Europe and the Balkans* 8, no. 1 (2006): 86

EU and accommodating towards the demands of Serb minority representatives.³⁹⁶ For instance, the new government invited the representatives of minorities in the EU accession talks. The Vice President of the Serb Party was also appointed as the Chairman of the Foreign Policy Committee in the Parliament. The Serb minority and political elite also used the accession process to get more rights and more guarantees to the existing rights. Overall, the major reforms in minority rights took place only when high EU-level pressure and domestic ownership of reforms joined up in the 2000s.

The new Croatian government's compliance with the EU conditionality, however, encountered significant challenges mainly due to the handing over 'war criminals.' The issue proved very challenging for the pro-EU government as it sparked an intense and long-lasting debate between the conservatives and liberal pro-reformers. As a result, Croatian accession to the EU has been a long journey, which took 12 years. In 2001, Croatia ratified the Stabilisation and Association Agreement and, after two years, officially applied for the EU membership. The bilateral talks opened in 2005 and Croatia joined the EU in 2013.

The EU conditionality played an instrumental role during the course of accession negotiations with deep ramifications on minority-majority relations. Croatia was first asked to fully cooperate with the International Criminal Tribunal for Former Yugoslavia (ICTY). This was put as a condition before the accession negotiations officially started in 2005. Before the EU candidacy, Croatia was not very eager to cooperate with the UN and constantly refused the indictment requests against several war criminals. However, the

³⁹⁶ Anonymous interviewee (Programme Director at an NGO), interview by author, May 11, 2016.

policy stance of the Croatian government changed with the EU accession process starting from early 2000s. In 2003, the Foreign Minister Tonino Picula put this change as follows:

Croatia received over 300 requests from ICTY in three years and we are fulfilling each and every of them. Our aim is to become [an EU] member by 2007.³⁹⁷

The EU counterparts, in return, appreciated the efforts and willingness of the Croatian political elite. In 2005 Progress Report, for instance, following the ICTY Chief Prosecutor's positive statements regarding Croatia's full cooperation with the Tribunal, it was stated "that outstanding condition for the start of accession negotiations had been met." Yet the Council also agreed "that less than full cooperation with ICTY at any stage would affect the overall progress of negotiations and could be grounds for their suspension."³⁹⁸

The minority conditionality and the state of Serb minority in Croatia has become an integral part of the negotiation process since the very beginning. For instance, in 2004 Accession Partnership document, the EU requested the Croatian government as a "short-term priority" to "ensure proportional representation of minorities in local and regional self government units, in the State administration and judicial bodies, and in bodies of the public administration."³⁹⁹ The EU also underlined the importance of the "proper

³⁹⁷ Stephen Castle, "Croatia to Hand over 'War Criminals' for Membership," *Independent*, January 30, 2003, <https://www.independent.co.uk/news/world/europe/croatia-to-hand-over-war-criminals-for-eu-membership-132400.html>

³⁹⁸ European Commission, *2005 Progress Report on Croatia*, SEC(2005) 1424, November 9, 2005 (Brussels: European Commission, 2005): 3.

³⁹⁹ European Council, *Council Decision on the Principles, Priorities and Conditions Contained in the European Partnership with Croatia*, (2004/648/EC) (September 13, 2004): article 3.1.

functioning of elected Minority Councils,”⁴⁰⁰ which were main institutional bodies that provided opportunities for Serb minority representatives to make their voice heard. The same document also pointed out the refugee return issue as the main controversy concerning the Serb minority. On that note, the EU advised the Croatian government to speed up the return of the refugees, take new measures on the repossession and reconstruction of their properties. As Özerdem and Sofizada point out, refugee returns prove challenging to tackle due to the complex nature of the issue and addressing land-related problems appears to be one of the key obstacles for that matter.⁴⁰¹ The property and land-related problems have been one of the top items on the agenda of Serb minority community as well, and as several interviewees pointed out, remain one of the main aspects of inter-ethnic reconciliation. Even though the criteria in measuring the progress in minority rights have never been set in a clear manner, the subsequent EU documents followed up the progress done in the state of Serb minority. For instance, in revised version of the Accession Partnership document published in 2008, it was stated that Croatia should implement the Constitutional Law on National Minorities and complete the return of refugees.⁴⁰²

The European Commission followed the developments in minority rights area in general and the state of Serb minority in particular, as the issue was addressed in all progress reports. The 2011 progress report, in this sense, appears to adopt a positive tone

⁴⁰⁰ Ibid.

⁴⁰¹ Alpaslan Özerdem and Abdul Hai Sofizada, “Sustainable Reintegration to Returning Refugees in post-Taliban Afghanistan: Land-related Challenges,” *Conflict, Security and Development* 6, no. 1 (2006): 75-100.

⁴⁰² The Council of the European Union, Council Decision on the Principles, *Priorities and Conditions Contained in the Accession Partnership with Croatia and Repealing Decision*, 2006/145/EC (February 20, 2006): 3.

appraising the improvements taken place. Accordingly, the report concluded “cooperation between the political representatives of minorities and the government remains good.”⁴⁰³ The Commission also underlined that some structural problems still persists especially regarding the Serb minority’s access to public employment and property rights: “Members of the Serb minority, both returnees and those who remained in Croatia during the war, face difficulties in gaining access to employment, especially in the war-affected areas.”⁴⁰⁴ However, the positive assessment with regard to the overall improvement of inter-ethnic relations and the government’s effort on the subject matter set the tone of the EU conditionality in post-candidacy Croatia.

The Croatian government adopted a constructive approach during the candidacy process as it promised full commitment to the implementation of the Framework Convention. The anti-Discrimination Act, which took into force in 2008, also played a significant role in terms of protecting the rights of Serb minority community in Croatia along with other minority groups. On that note, in 2011, the Croatian government established a professional service, the Office for Human Rights and Rights of National Minorities. One of the senior members of the Office underlined the role and tasks of the institution as follows:

We mainly provide support to the implementation of Framework Convention and Anti-Discrimination Act. We also organise seminars and trainings for civil servant to prevent and combatting with discrimination. We also conduct projects such as the one called “Mind the Gap” in which we cooperate with the Centre for Peace Studies and aim to create a Platform that combines inequality data and

⁴⁰³ European Commission, *Croatia 2011 Progress Report*, SEC (2011), 1200 final, October 12, 2011 (Brussels: European Commission, 2011): 12.

⁴⁰⁴ *Ibid.*, 12.

process this information in order to provide support for vulnerable groups and people who experience various forms of discrimination.⁴⁰⁵

In conclusion, the combination of high-level of domestic dissatisfaction in the post-Tudjman era and the explicit EU conditionality regarding the war criminals and the state of the Serb minority enabled significant transformation of the minority-majority relations in war throne Croatia. Even though some of the problems of Serb minority still remain, the double moderation of the minority and majority elite appears to provide a fertile domestic ground to sustain a positive minority agenda in the country.

5.3. Transformation of minority rights in Montenegro

Montenegro, which became an independent state in 2006 and is currently a candidate country, constitutes a critical case in terms of the Europeanisation of minority rights due to institutional setbacks the country faces. In fact, Montenegro poses new challenges in terms of Europeanisation of minority rights as it extends the causal factors beyond the external incentives and domestic compliance models. The evidence suggests that the EU applied the minority conditionality in an explicit and coherent manner in the Montenegrin case. Similarly, at the domestic-level, the majority and minority representatives developed a high level of ownership of the minority reforms in line with the EU norms and regulations. However, the weak state capacity – i.e. a state's institutional reform capability – appears to be main intervening variable that curtailed the impact of the EU

⁴⁰⁵ Anonymous interviewee (a Senior Member of the Office for Human Rights and Rights of National Minorities), interview by author, May 13, 2016.

reforms. Thus, the Montenegrin case demonstrates that the transformation in minority rights regime remains incomplete due to state capacity problems despite the willingness of domestic policy-makers and high-level EU leverage. This section substantiates this proposition of the two-level model with reference to field research data and supplementary evidence.

5.3.1. Domestic dissatisfaction: High expectations

The nationhood and minority-majority relations in contemporary Montenegro has been in flux. First as a republic in the Federal Republic of Yugoslavia (1992-2002), then as a member of the State Union of Serbia and Montenegro (2002-2006), and finally as an independent state, national identity and the state of minorities has been a central issue in Montenegrin politics. Over the last two decades, however, the conception of national identity and the interethnic relationships changed significantly.⁴⁰⁶ In March 1992, 95.4 per cent of voters supported a common state with other former Yugoslav republics in the referendum on the independence of Montenegro.⁴⁰⁷ Given that ethnic minorities at the time boycotted the referendum, it can be concluded that overwhelming majority of the Montenegrins and Serbs adopted an anti-independence position. This policy stance marginalised the minority groups in Montenegrin politics, as Bosniaks and Albanians were strong supporters of Montenegro's independence at the time. However, the interethnic cleavages and domestic political alliances shifted significantly in less than two

⁴⁰⁶ Jelena Dzankic, "Cutting The Mists of the Black Mountain: Cleavages in Montenegro's Divide over Statehood and Identity," *Nationalities Papers*, 41, no.3 (2013): 413.

⁴⁰⁷ Jelena Dzankic, "Reconstructing the Meaning of Being "Montenegrin," *Slavic Review* 73, no. 2. (2014): 348.

decades, which consolidated the pro-European movement in Montenegrin politics. In the second referendum held in May 2006, for instance, 55.5 per cent of the voters supported independence.⁴⁰⁸ In stark contrast with the previous referendum, along with the minority groups in Montenegro (Bosniaks and Albanians), the ruling party DPS supported independence and aligned with voters who identified themselves as ‘Montenegrians.’ Following the independence referendum, all EU member states recognised Montenegro’s independence in a short time. The new Montenegrin ruling elite adopted a bold pro-European perspective, which included a comprehensive minority rights agenda as well. The Stabilisation and Association Agreement was signed with the EU in 2007 and entered into force in May 2010. The EU also granted official status of the candidate country in the same year and started accession negotiations with Montenegro in 2012.⁴⁰⁹

In order to place the transformation of the minority rights regime in Montenegro into its proper context, one should start the analysis by changing policy preferences of the ruling elites. The Social Democratic Party of Montenegro (DPS) represents the main institutional actor that shaped the Montenegrin politics for almost two decades. However, the policy preferences of the ruling party changed significantly with regard to citizenship images, independence of the country, and minority rights during 1990s. In 1992 referendum, as highlighted above, the DPS elites supported the anti-independence camp and aligned with the Serbs to maintain the state union of Serbia and Montenegro. The split of the DPS in 1997, however, paved the way for a major change in the preferences

⁴⁰⁸ Ian Traynor, “Montenegro vote finally seals death of Yugoslavia,” *The Guardian*, May 22, 2006, <https://www.theguardian.com/world/2006/may/22/balkans>

⁴⁰⁹ For a chronological account: Delegation of the European Union to Montenegro, “The European Union in Montenegro” <http://www.delme.europa.eu/code/navigate.php?Id=56>

of the DPS elite. The wing of the DPS led by Milo Đukanovic, who is the current president of Montenegro, turned against Slobodan Milosevic and abandoned the joint Serbian-Montenegrin vision by adopting subtle policies that underpin Montenegrin independence. As Dzankic underlined, the changing policies of DPS also informed new citizenship practises in Montenegro as the ruling elite expressed increasing dissatisfaction with the Serbian nationalism informing the majority-minority relations.⁴¹⁰ As a result, the DPS adopted a set of policies to distance Montenegro from Serbia, which is labelled as “creeping independence” by analysts.⁴¹¹ For instance, the government introduced the Citizenship Law in 1999 that established Montenegrin citizenship as a separate category. The DPS government allied with the minority parties to balance the anti-independent and pro-Serbian wing of the Party led by Momir Bulatovic. As Morrison suggests, “in the wake of the split, ethnic minority parties would become crucial allies for Milo Đukanović’s post-split, anti-Milosevic DPS. And they would prove strong supporters of the party’s policy vis-à-vis the Milosevic regime in Serbia and, a decade later, play a significant role in facilitating a pro-independence victory.”⁴¹²

It can be argued that Đukanovic’s DPS detached from Belgrade mainly for instrumental reasons. The new pro-independent policy did not only facilitate creating a Montenegrin identity but also gave a new political identity to the ruling elite to mobilise citizens and consolidate their power base. For instance, the significant majority of

⁴¹⁰ Jelena Dzankic, “Citizenship between the ‘Image of the Nation’ and ‘the Image of Politics’: The Case of Montenegro,” *Southeast European and Black Sea Studies* 14, no.1 (2014): 43-64.

⁴¹¹ *Ibid.*, 48.

⁴¹² Kenneth Morrison, “Ethnic Minority Parties in Montenegro: From Marginalization to Integration,” in *Ethnic Minorities and Politics in Post-Socialist Southeastern Europe*, edited by Sabrina P. Ramet (Cambridge: Cambridge University Press, 2016): 138-139.

Bosniaks and Albanian minority in the northern municipalities had voted for independence in the referendum and supported the DPS-led coalition, as they were very dissatisfied with the previous mainstream policies.⁴¹³ These new set of policies, which were supported by the ethnic minority groups in the country, received financial and political support from the European countries as well. In particular, the EU provided unconditional financial support to the Montenegrin government.⁴¹⁴ The pro-independence policies of the government in Montenegro and the EU support yielded concrete results in May 2006 referendum.

The data suggest that the policy change in majority-minority relations driven by a process of instrumental learning and strategic realignment “that has emanated from within the party and as a result intra-party conflict,”⁴¹⁵ rather than a process of socialisation in line with European norms and values. The DPS-led government adopted a pro-European stance along with an explicit emphasis on multiculturalism following the independence to retain the support of the minority groups in Montenegro. The governing DPS-led coalition including a junior partner and number of minority parties, even called itself the ‘Coalition for a European Montenegro’ in 2009 general elections. This reflects the symbolic emphasis that the ruling elites placed on Euro-Atlantic integration. The DPS shifted its policy preferences significantly to circumvent ethnic Serbian image in the country and to appeal to the minorities in the newly established Montenegrin state.

⁴¹³ Kenneth Morrison, “Change, Continuity and Consolidation: Assessing Five Years of Montenegro’s Independence,” *LSEE Papers on South Eastern Europe*, no. 2 (2011): 8.

⁴¹⁴ Jelena Dzankic, “Montenegro and the EU: Changing Contexts, Changing Roles,” in *Europe and the post-Yugoslav Space*, edited by Branislav Radeljic (London: Routledge, 2013): 117.

⁴¹⁵ Kenneth Morrison, “The Trajectory and Parameters of Democratic Transition in Montenegro,” in *Building Democracy in the Yugoslav Successor States*, edited by Sabrina P. Ramet, Christine M. Hassenstab, Ola Listhaug (Cambridge: Cambridge University Press, 2017): 346.

Accordingly, the 2007 Constitution underlined that the citizenship was not based on national or ethnic belonging.⁴¹⁶ Similarly, the 2008 Citizenship Act (article 1) denoted that Montenegrin citizenship did not indicate “national and ethnic origins.”⁴¹⁷ The OSCE mission in Montenegro also endorsed the adoption of new Constitution, suggesting “that is generally in line with recommendations from the Council of Europe and OSCE institutions such as the Office for Democratic Institutions and Human Rights and the High Commissioner for National Minorities.”⁴¹⁸

Thus, in the post-independence period, the EU membership emerged as a consensus point between the majority and minority representatives, which provided a fertile ground for introducing minority related reforms in an otherwise heterogeneous polity with polarising cleavage structures. Leon Gjokaj, General Director at the Ministry of Human and Minority Rights, underlines this point vividly: “EU is seen as a partner – if something told by them, we need to fulfil it immediately. No political party is against the EU.”⁴¹⁹ As Sebahudin Delic, former Deputy Minister for Human and Minority Rights also suggests, “political parties, ethnicities and different segments of the society very well understand that they must cooperate because they all want to be an EU member. They don’t really understand the content of the negotiations or requirements but they do

⁴¹⁶ *The Constitution of the Republic of Montenegro, 2007.*

⁴¹⁷ *Official Gazette of Montenegro, Nr.13/08 of 26 February 2008*, “Montenegrin Citizenship Act of 14 February 2008.”

⁴¹⁸ OSCE, “OSCE Mission congratulates Montenegro on adoption and proclamation of new constitution,” October 22, 2007, <https://www.osce.org/montenegro/49069>

⁴¹⁹ Leon Gjokaj (General Director at the Ministry of Human and Minority Rights), interview by author, May 30, 2016.

support at high level.”⁴²⁰ In the same vein, Momcilo Radulovic underlined in the interview that, despite in an instrumental manner, “the policy makers showed full cooperation” when it comes to integration with the EU’s political and social sphere.⁴²¹

Since the independence of Montenegro, the DPS-led government and the Montenegrin people consider the EU membership as the most important priority to sustain economic development, political stability, and upgraded status in foreign policy. The government, at the moment of the independence in 2006, highlighted the EU and NATO membership as the main priorities. On the other hand, “Montenegro’s political leadership has to date remained one of the Western governments’ most reliable political partners in the region.”⁴²² As a small state that recently gained its independence, main political actors on the majority and minority sides also support the EU membership, as part of which adopting the EU minority rights standards is also considered vital.

EU is very important and cooperation between the EC and the Ministry is very high and good. As a small and young country, you need help. Montenegro wants to be in the EU as soon as possible. EU is something to enrich them. People also support the EU membership at a high degree. Minorities have always been pro-European (except most of the Serbs). Again, both people and the government are in favour of realisation and full implementation of minority rights and standards in order to be a good EU candidate.⁴²³

⁴²⁰ Sebahudin Delic, (former Deputy Minister for Human and Minority Rights), interview by author, May 30, 2016.

⁴²¹ Momcilo Radulovic (President of European Movement in Montenegro), interview by author, May 25, 2016.

⁴²² Ivan Vukovic, “Political Dynamics of the post-communist Montenegro: One-party Show,” *Democratization* 22, no. 1 (2015): 78.

⁴²³ Fikret Ljuljanovic (Senior Special Advisor to the Mr Minister Suad Numanovic, Ministry of Human and Minority Rights), interview by author, May 30, 2016.

Accordingly, the post-independence period marked Montenegro’s decisive march toward Euro-Atlantic alliance. The ruling elites, both on the majority and minority sides, have made significant progress toward this core objective. The changing domestic preferences in line with EU standards, in this context, should be considered as the main drivers of political realignment in the country that paved the way for a strong pro-European domestic constituency. The comparative table below demonstrates that Montenegrin political elite appears to be very keen to adopt European regulations in the minority rights area to comply with the EU conditionality. For instance, as highlighted in the table below, the Montenegrin government signed and ratified the Framework Convention, the single most important aspect of EU conditionality pertaining to the minority regulations, in the same day without any reservations – in contrast to the usual practice that several other EU member and candidate states are inclined to do.

Table 5.1. International instruments on minority rights protection

		Bulgaria	Croatia	Montenegro
European Convention on Human Rights (ECHR)	Date Signed	07.05.1992	06.11.1996	26.12.2003
	Date Ratified	07.09.1992	05.11.1997	06.06.2006
	Reservations and Declarations	No	Yes - see Note 1	Yes - see note 2
Protocol 12, ECHR (2000)	Date Signed		06.03.2002	26.12.2003
	Date Ratified		03.02.2003	06.06.2006
	Reservations and Declarations		No	No
Framework Convention for the Protection of National Minorities (COE)	Date Signed	09.10.1997	06.11.1996	06.06.2006
	Date Ratified	07.05.1999	11.10.1997	06.06.2006
	Reservations and Declarations	Yes – see note 3	No	No

Racial Equality Directive (EC 2000/43/EC of 29 June 2000)	Date Signed	**	**	**
	Date Ratified	01.01.2007	01.07.2013	NA
	Reservations and Declarations	No	No	No
Convention on the Elimination of All Forms of Racial Discrimination (1969, UN)	Date Signed	01.06.1966	Succession*	Succession*
	Date Ratified	08.08.1966	12.10.1992	23.10.2006
	Reservations and Declarations	Yes, see note 4	No	Yes – see note 5
European Convention on the Compensation of Victims of Violent Crimes (1983, CoE)	Date Signed	NA	07.04.2005	08.03.2010
	Date ratified	NA	04.07.2008	19.03.2010
	Reservations and Declarations	NA	Yes - see note 6	Yes - see note 7
National Legislations against discrimination and protection of minorities		<p>Constitution of the Republic of Bulgaria Art.6 Art. 13 Art. 36 Art. 54 – 13.07.1991 amended 06.02.2007</p> <p>Criminal Code of the Republic of Bulgaria Chp. III / Sections I and II (1968, amended 2017)</p> <p>Protection Against Discrimination Act – 2003 amended 2006</p>	<p>Constitution of the Republic of Croatia Art.14-15-17 22.12.1990 amended 06.07.2010</p> <p>Constitutional Law on the Rights of National Minorities in the Republic of Croatia – 13.12.2002</p> <p>Criminal Code of the Republic of Croatia Chp. 13 21.10.1997 amended 15.07.2003</p> <p>The Act on Election of the Representatives to the Croatian Parliament, Art. 16 – 04.05.2003</p> <p>The Anti-discrimination Act – 2008</p>	<p>Constitution of the Republic of Montenegro Art. 25 Art. 79 and 80 19.10.2007 amended 2013</p> <p>Law on the Prohibition of Discrimination – 2014</p> <p>Criminal Code of the Republic of Montenegro Chapter 15 Art. 159-160 (2003 – amended 2008)</p> <p>Law on Amendments to the Law on Minority Rights and Freedoms – 27.04.2017***</p>

Source: Author's compilation from the CoE, OSCE, EU, UN, official state institutions' websites. The notes and asterisks in the table are explained in Appendix 3.

5.3.2. EU-level pressure: High leverage, never seen before

The EU has proved the most important driver of political reforms and major external source of economic development in Montenegro. The EU has also been an active actor that supervised the political transformation of the country. The EU brokered Montenegro's contested independence referendum and all member states swiftly recognised the independence of the Montenegrin state. Montenegro's integration with the EU was formalised with the Stability and Association Agreement signed just one year after the independence referendum in October 2007. Following Montenegro's official application in 2008, the accession negotiations started in June 2012. During the accession talks, along with a broader set of political conditionality, the EU highlighted several regulations such as democratisation, minority rights, judicial structures, fight against political corruption and organised crime. According to the European Commission's opinion published in 2010, the reforms were considered "broadly correspond[ing] to European and international standards."⁴²⁴ The analysis of the progress reports since 2008 also suggests that the EU has acknowledged the DPS government's positive and constructive approach to adopt the EU *acquis*.⁴²⁵

The EU-level pressure and external conditionality has been quite visible due to two main reasons. First, the peaceful coexistence of minorities in Montenegro is considered crucial for the EU to ensure stability in a still volatile region. As Morrison

⁴²⁴ European Commission, *Communication from the Commission to the European Parliament and the Council*, SEC(2010) 1334 (November 9, 2010): 6.

⁴²⁵ Interview data confirms that the minority representatives in Montenegro also underlined this point frequently.

points out “the EU has often touted Montenegro as a beacon of light in a region still beset with the residual problems emanating from the disintegration of the SFRJ [Socialist Federal Republic of Yugoslavia] in the 1990s.”⁴²⁶ Furthermore, in comparison to other Western Balkan countries such as Serbia, Macedonia, Albania, or Bosnia-Herzegovina, Montenegro appears to become the most successful country in terms of progressing in the EU accession process and sustaining political stability. Thus, the EU institutions have closely followed the political transformation of Montenegro since its independence. Second, from a domestic point of view, the EU proves to exert significant impact on Montenegrin politics as the EU membership provides the main orientation for the domestic and foreign policy principles in Montenegro. As stated previously, the minority and majority elites agree that the EU membership constitutes the single most important political target that serves the interests of both sides. Thus, the EU leverage over Montenegro proves very high.

The EU also serves as the main benchmark for the minority rights regulations. For instance, the EU advocated the adoption of a new Constitution just after the independence “as one of the criteria required for eventual EU membership.”⁴²⁷ Part two of the Constitution, in particular, is dedicated to human rights and freedoms, including the protection of minorities. The Montenegrin government also developed a strategy document for minority protection to be coordinated by the Ministry for the Protection of Human and Minority Rights.⁴²⁸ The criteria adopted by the EU and other international

⁴²⁶ Kenneth Morrison, “The Trajectory and Parameters,” 360.

⁴²⁷ *Ibid.*, 13.

⁴²⁸ The Government of Montenegro: The Ministry for the Protection of Human and Minority Rights, *Strategy for Minority Policy*, June 2008.

organisations provided the benchmark for the reforms in the area of respect for and protection of minorities. In this context, one of the interviewees even suggested, “the EC progress reports are taken as a holy book [in Montenegro]!”⁴²⁹ Similarly, Sebahudin Delic, former Deputy Minister for Human and Minority Rights, underlines the active EU monitoring in the minority rights realm:

Montenegro has the Law on Discrimination, which develops strategies for minority populations such as media campaign against discrimination. The EU closely observes those media campaign and level of discrimination. The Law and institutions are all under the focus of the EU.⁴³⁰

As stated in the preceding section, the DPS-led government’s core policy of Euro-Atlantic integration, combined with the EU pressure on the minority rights reforms paved the way for political realignments in Montenegrin politics that shifted the preferences of the majority and minority elites in a significant manner. In this context, the Bosniaks and Albanian minorities, which were pressured by the local extremists during 1990s, increasingly became an integral part of the Montenegrin political mainstream. In addition to the smaller Muslim-Bosniak parties such as the Bosniak Democratic Alliance (BDS) that emerged in Montenegrin politics, the Bosniak minority has also had the opportunity to be represented within the ranks of ruling DPS governments to advance their interests along with other minority groups in Montenegro. As Suljo Mustafic, an ethnic Bosniak Vice President and Secretary General of the Parliament of Montenegro, stated “minority rights are protected by law at a very good degree in Montenegro. National minority

⁴²⁹ Milicia Kovacevic (President, Center for Democratic Transition), interview by author, May 28, 2016.

⁴³⁰ Delic, interview.

parties are represented in the Parliament and electoral law is supportive.”⁴³¹ The prevalent idea among ethnic Montenegrin political elite also informs peaceful co-existence, as minorities are perceived as loyal partners in domestic political struggles since independence referendum.

However, despite the legislative correspondence with the domestic legal environment and European standards, the main problematic in the Montenegro emerges at a more fundamental level as the weak state capacity avoids efficient implementation of the rights (and regulations) encoded into the legal texts. This qualitative difference necessitates a more nuanced approach regarding the response of the domestic political structures to the external conditionality pressures, which will be discussed in the next section.

5.3.3. When state capacity matters?

Drawing on field research, this section maintains that Montenegro’s Europeanisation performance in the area of minority rights suffer from setbacks not mainly because of the domestic veto points towards change in minority rights regime or weak EU-level pressure, but due to an omitted intervening variable in mainstream Europeanisation accounts. Data suggest that Montenegro suffers from substantial state capacity problems, which means that domestic institutional structures could not effectively ensure proper implementation of the EU conditionality despite the willingness of domestic and external actors.⁴³² The debate on the transformation of minority rights regime is an illustrative

⁴³¹ Suljo Mustafic (Vice President and Secretary General of the Parliament of Montenegro), interview by author, May 31, 2016.

⁴³² Mladenka Tesic (Task Manager, the EU Delegation in Montenegro), interview by author, May 27, 2016.

case in point. As conceptualised in the framework chapter, the state capacity problem in Montenegro emerges as an important intervening parameter that limits the degree of success for pro-reform majority and minority representatives to overcome collective action problems toward implementing effective policies to improve the political-social status of ethnic minorities in Montenegro.

Even though it is difficult to measure state capacity, as indicated in the conceptual chapter, Worldwide Governance Indicators (WGI) along with interview data are likely to provide some good proxies. Measuring different aspects of the quality of governance, the WGI focus on several parameters – three of which are of primary importance for the capacity of a state: voice and accountability, government effectiveness, and regulatory quality. The following figure demonstrates the percentile rank of Montenegro vis-à-vis other states during 2006-2016. The data show that Montenegro’s state capacity remains lower in comparison to peer states – as the overall percentile ranks indicate below. Montenegro’s capacity indicators are also significantly well below the OECD average (overwhelming majority of which are EU members) and lower than other recent member and candidate states (see table 5.4).

Table 5.2. Montenegro's main state capacity indicators (percentile rank, 0-100)*

	OECD average			Montenegro		
	2006	2012	2016	2006	2012	2016
Voice and accountability	89	88	87	55	55	49
Government effectiveness	88	88	88	53	60	58
Regulatory quality	89	88	88	44	52	63
* Indicates rank of country among all countries in the world. 0 corresponds to lowest rank and 100 correspond to highest rank.						

Source: Worldwide Governance Indicators (2017).

Despite a modest improvement in government effectiveness and regulatory quality between 2006 and 2012 (table 5.3), it is striking that the relative capacity of the Montenegrin state declined significantly concerning the ‘voice and accountability’ and ‘government effectiveness’ indicators between 2012 and 2016 vis-à-vis other states. The table below further indicates that Montenegro’s absolute capacity also declined significantly in terms of voice and accountability during 2012-2016, which has direct ramifications for the political representation of minorities as well.

Table 5.3. Montenegro’s main state capacity indicators (absolute scores)*

	2006	2012	2016
Capacity parameters/score*			
Voice and accountability	0.26	0.21	0.08
Government Effectiveness	-0.13	0.10	0.13
Regulatory quality	-0.33	-0.06	0.22
* Estimate of governance measured on a scale from -2.5 to 2.5. Higher values correspond to better governance and higher capacity.			

Source: Worldwide Governance Indicators (2017).

The interview data also confirm Montenegro’s weak state capacity and its negative impact on the implementation of EU reforms. As stated previously, Montenegro adopted a new Constitution in 2007, which aimed to accommodate different ethnic, political, and national groups. The Constitution envisaged new rights in the realm of human rights, representation of authentic minorities in the Montenegrin Parliament, and their adequate representation in local administrative bodies. The right of education in

mother tongue for minority groups was also accepted in the relevant legal codes.⁴³³ The Montenegrin Constitution (Article 13) stipulates, “the official language in Montenegro shall be Montenegrin. Serbian, Bosniak, Albanian and Croatian shall also be in the official use.”⁴³⁴

The preceding section also highlighted that Montenegro adopted key documents regarding minority legislation in a rather impressively short time frame. As Kmezić underlines, however, most of these rights remained “rhetorical” due to the insufficient administrative capacity at the national and local level.⁴³⁵ Similarly, closer analysis demonstrates that the relevant EU reports underline the insufficient implementation problems despite the willingness of political actors to adopt pro-minority regime in line with the EU standards. In its opinion in 2010, the European Commission highlighted the “gaps in implementation of the legislation and existing strategies and action plans” in the realms of human rights and minority protection.⁴³⁶ The same report also underscores the harmonisation problems among different laws such as electoral law, citizenship law on foreigners, and the law guaranteeing access to economic and social rights of the minority members.⁴³⁷ Dzankic points out that the rights entitled to the minorities “are too complex to realise in practice, because of inconsistent legislation, the politicisation of the

⁴³³ Jelena Dzankic, “Montenegro’s Minorities in the Tangles of Citizenship, Participation, and Access to Rights,” *Journal of Ethnopolitics and Minority Issues in Europe* 11, no. 3 (2012): 52.

⁴³⁴ *The Constitution of the Republic of Montenegro, 2007.*

⁴³⁵ Marko Kmezić, “Montenegro,” in *European Integration and Its Effects on Minority Protection in South Eastern Europe* edited by Emma Lantschner et. al., 253-275, (Baden-Baden: Nomos, 2008).

⁴³⁶ European Commission, *Communication from the Commission to the European Parliament and the Council*, SEC(2010) 1334 (November 9, 2010): 6.

⁴³⁷ *Ibid.*, 7.

Montenegrin society, and unclear lines between languages and cultures.”⁴³⁸ Milicia Kovacevic also highlights that “Ministry of Human and Minority Rights is established yet understaffed and not visible.”⁴³⁹ Suljo Mustafic, similarly, stated that “national minority councils are not functioning well as initially designed and thought.”⁴⁴⁰

The EU progress reports constantly put emphasis on the state capacity problems as the main reason for insufficient improvements in the living conditions of minorities. For instance, 2013 EU progress report underscored that “the law prohibiting discrimination remains to be amended in order to be aligned with *the acquis*. Shortcomings persist in the enforcement of rights, especially in the area of discrimination against vulnerable groups, notably by judicial authorities. Administrative capacity and financial means to implement the relevant policies in this area remain limited.”⁴⁴¹ The 2014 progress report reiterates the same points in almost identical sentences.⁴⁴² Similarly, the 2016 EU progress report unequivocally underlines that state’s institutional capacity problems still constitute a basic impediment in terms of the improvement of minority rights regime in Montenegro:

Montenegro completed several legislative reforms to further align with the EU and international human rights standards and ensure that adequate mechanisms are in place to protect vulnerable groups from discrimination. Implementation of

⁴³⁸ Jelena Dzankic, “Montenegro’s Minorities in the Tangles,” 55.

⁴³⁹ Kovacevic, interview.

⁴⁴⁰ Mustafic, interview.

⁴⁴¹ European Commission, *Montenegro 2013 Progress Report*, SWD(2013) 411 final, October 16, 2013. (Brussels: European Commission, 2013): 9.

⁴⁴² European Commission, *Montenegro 2014 Progress Report*, SWD(2014) 301 final, October 8, 2014 (Brussels: European Commission, 2014).

the legislation remains weak. Amendments to the overall legislative framework, to ensure a coherent sanctioning policy for human rights violations, have not been adopted yet. Institutional capacity needs to increase further... the Ministry of Human Rights and Minorities, needs to be strengthened further and their knowledge of international and European human rights law and standards increased. The Ministry's capacity to handle and supervise the spending of funds for minorities and religious communities remains limited [and] lack of a uniform approach and low levels of penalties for human rights violations continues to create legal uncertainty.⁴⁴³

Both the assessments of the EU documents and interview data suggest that in the Montenegro case, the state's insufficient capacity emerges as an important variable that condition the positions of political elites and limit their capabilities to initiate comprehensive reforms, which in turn, hampers substantial improvements in the minority regime of the country despite the existence of EU-level conditionality and strong political willingness at the domestic level. As Tesic from EU Delegation in Montenegro states;

State capacity is one of the areas that we invest in here. Montenegro is a young state and the main issue is that institutions lack human capacity, which results with overtasking.⁴⁴⁴

This suggests that the challenge of EU conditionality in the new (potential) candidate Western Balkan states is to strengthen the state's institutional capacity along with empowering pro-reform majority and minority coalitions. Montenegro constitutes critical case for Europeanisation of minority rights literature due to institutional challenges it faces. Montenegro case poses new challenges in terms of Europeanisation of

⁴⁴³ European Commission, *Montenegro 2014 Progress Report*, SWD(2016) 360 final, November 9, 2016 (Brussels: European Commission, 2016): 18-19.

⁴⁴⁴ Tesic, interview.

minority rights as it extends the causal factors beyond the external incentives and/or domestic compliance frameworks. The evidence suggests that in the Montenegrin case, the EU applied the minority conditionality in an explicit manner. Similarly, at the domestic-level, the majority and minority representatives developed a high level of ownership of the minority reforms in line with the EU norms and regulations in the post-independence period. However, the weak state capacity appears to be the main intervening variable that curtailed the impact of the EU reforms. Thus, the Montenegrin case demonstrates that the change in minority rights regime remains incomplete due to the institutional capacity problems despite the willingness of domestic policy-makers and the high-level EU leverage.

This leads to an inherent dilemma and prioritisation problem for the EU in terms of the Europeanisation processes in Western Balkans.⁴⁴⁵ The prioritisation of state building without strengthening civil society and fundamental rights may pave the way for the revival of nationalist-populist reflexes, which in turn may pave the way for the retreat of minority rights. The single-minded prioritisation of seemingly reform-oriented elites on the minority and majority sides, on the other hand, is likely to inform corrupt behaviour of state elites and political actors due to the misallocation of funds and weak regulatory capacity of the state, which in turn, may impede effective implementation of rules adopted. Montenegrin case demonstrates that in the absence of a state capable of framing shared objectives and implementing them in coordination with civil society may lead to the stagnation in minority rights policies, despite the EU's extensive support and

⁴⁴⁵ Florian Bieber, "Building Impossible States? State-building Strategies and the EU Membership in the Western Balkans," *Europe-Asia Studies* 63 no. 10 (2011): 1783-1802.

domestic ownership of the reform agenda. This technocratic approach that omit one side of the problem may even pave the way for “state capture” and the exacerbation of nationalist-populist backlash.⁴⁴⁶ It means that empowering domestic reform coalitions through external incentives and conditionality policies is not adequate if candidate state lacks necessary infrastructure to promote economic and political transformation in a coordinated way. The following section explores this point in further detail by analysing the dynamics of Europeanisation in a comparative perspective.

5.4. Comparative analysis of Bulgaria, Croatia, and Montenegro

This chapter explores different combinations of EU-level pressure and domestic dissatisfaction intervened by state capacity. Along these lines, three recent member and candidate countries are examined in five different periods. The study of new member and candidate countries as part of the new wave of Europeanisation literature might shed light on the causal mechanisms through which Europeanisation impact on these polities. It is likely to delineate the temporal and contextual patterns of how the focus on Europeanisation frameworks can be broadened to account for the complex interaction of top-down and bottom-up approaches paved the way for diverging impacts of the EU on member and candidate countries. Accordingly, this section seeks to address how different constellations of the interactions between EU-led conditionality and domestic-factors inform the degree of change in the minority rights policies.

⁴⁴⁶ Fagan, Adam, “Building Environmental Governance in Potential Candidate Countries: Environmental Impact Assessment (EIA) Processes in Bosnia-Herzegovina”, in *European Integration and Transformation in the Western Balkans: Europeanisation or Business as Usual?*, edited by Arolda Elbasani, chapter 9 (London: Routledge, 2012).

The starting point of this research is that dominant approaches in Europeanisation literature develop a certain level of bias that put overemphasis on top-down factors. Accordingly, the mainstream approaches tend to conceive domestic area as an obstacle and impediment, which should be overcome during Europeanisation process. The mainstream perspectives tend to underestimate the importance of domestic-level factors as they mainly concentrate on top-down adjustment mechanisms.⁴⁴⁷ Stated differently, these approaches are inclined to theorise the domestic area as impediments and obstacles rather than possible change-drivers. This perspective is biased as it risks overestimating the EU-related factors, which invites an identification problem regarding the motives and mechanisms of effective policy change. These approaches also concentrate on how the EU shapes the domestic area without explicitly acknowledging the domestic responses to emerging policy spaces. In fact, as the emerging literature tries to grasp, and argued in this dissertation, the domestic realm can also act as an opportunity space that empowers the EU's transformative impact via direct and indirect ways. In order to rectify this bias, this research proposes a two-level analytical model that account for the dynamics of continuity and change in the minority rights policies.

Recognising the limits of mainstream conceptual frameworks, this research formulates an alternative approach in a way that put emphasis on the interactive nature of the EU and domestic level dynamics that enable/constraint major policy changes with

⁴⁴⁷ For instance, see: Frank Schimmelfennig and Ulrich Sedelmeier, ed. *The Europeanisation of Central and Eastern Europe* (Ithaca and London: Cornell University Press, 2005).

particular reference to the importance of double moderation between minority and majority elites.⁴⁴⁸

Based on the complex interactions of the EU-level conditionality and domestic-dynamics, as discussed in Chapter 2, two ideal-typical configurations emerge. First, if the external EU credibility is high, i.e. the EU pressurises for proper implementation of minority rights conditionality, in return for credible rewards, and domestic dissatisfaction of the current policies is also high on the majority-minority sides, it is more likely that Europeanisation has deeper impact on the transformation of minority rights policies. Second trajectory is that, if the external EU credibility is low, i.e. the EU conditionality is selectively implemented and domestic dissatisfaction of the existing minority rights policies in the eyes of domestic audience is also low, it is more likely that change in minority rights policies remain shallow and selective. The model also hypothesises that both EU conditionality and double moderation at the domestic politics are informed by the capacity of the state that enable effective implementation of minority-related reforms. The joining up of three major parameters is examined to assess the dynamics of Europeanisation in minority rights policies in Bulgaria, Croatia, and Montenegro. The three cases are informative for the purposes of this research due to two main reasons. First, all three countries experienced inter-ethnic conflict in their recent past, which makes the minority rights issue as a contested and controversial concept. Second, these cases reflect three different episodes of Europeanisation processes in new member and candidate countries. Given that the next EU enlargement wave prioritises Western

⁴⁴⁸ For an early account see, Tanja A. Börzel, "Pace-Setting, Foot-Dragging, and Fence-Sitting: Member State Responses to Europeanisation," *Journal of Common Market Studies* 40, no. 2 (2002): 193-214. Also, with reference to the Turkey's minority regime change, see Gözde Yılmaz, "It is Pull-and-Push that Matters for External Europeanisation," *Mediterranean Politics* 19, no. 2 (2014): 238-258.

Balkans countries, the theoretical and empirical findings of this research is likely to have potential to shed some light on the dynamics of European influence on third countries.

Bulgaria is one of the rare countries that succeeded to transform majority-minority relations in a peaceful manner despite adverse background conditions. The Turkish minority was subjected to suppression during the Communist regime and forcibly displaced from the country in late 1980s. However, as discussed in detail in Chapter 3, the rights of the Turkish minority were granted during the 1990s in a swift manner so that, to a certain extent, the Bulgarian minority rights regime was transformed in line with European norms and values. In terms of Europeanisation literature, major reforms were enacted despite low-level of the EU conditionality. The data suggest that the majority and minority elites' moderate policies facilitated adopting the European norms and regulations as the main social convention around which new elites converged. The social learning emerged as the predominant mechanism toward substantial minority rights reforms in this process. The Bulgarian case confirms the main hypothesis that the level of domestic dissatisfaction – especially double moderation between minority and majority leaders in the wake of interethnic conflict – primarily informs the degree and durability of minority rights reforms. Furthermore, the Bulgarian case during 1989-1999 confirms that domestic arena does not always pose an impediment toward Europeanisation. As hypothesised in this research, the domestic majority and minority elites managed to develop a common narrative about Bulgaria's transformation by delegitimising the previous regime in the country. Thus, the preferences of the political elites on both sides enabled inter-ethnic moderation along the lines promoted by the European regulations and institutions. Given that domestic dissatisfaction with the

existing policies were high in the 1990s and the new political elites in Bulgaria succeeded in developing a common narrative against the policies maintained by the Communist ruling elites, the Europeanisation of minority rights was ensured despite relatively low EU pressure at the time.

The Croatian case during 1990s refers to a different political pattern, which also validates the main arguments of this research. The interview data and hard evidence suggest that Croatia did not introduce substantial minority rights reforms because of the low-level of domestic dissatisfaction about the prevailing minority rights regime. The Tudjman leadership implemented exclusionary centralisation policies, which in turn, lead to the stagnation of the rights of Serb minority in the country. The double moderation, which took place between Bulgarian majority and Turkish minority, could not be ensured in the Croatian case. On the contrary, due to the bloody civil war that erupted in the wake of Yugoslavia's dissolution, the Croat national identity was constructed through the narrative of 'otherness', according to which, "Croatia and Croats were victims of Greater Serbian aggression and fought in self-defence in order to save Croatian state and nation."⁴⁴⁹ According to this narrative, as Sokolic argues, "the key characteristics were Croatian defence, survival, struggle and victimhood against a Serb, Serbian [...] aggressor."⁴⁵⁰

⁴⁴⁹ Vjeran Pavlakovic, "Fulfilling the thousand-year-old dream: Strategies of symbolic nation-building in Croatia," in *Strategies of Symbolic Nation-building in South Eastern Europe*, edited by Pal Kolsto, 19-49 (Farnham: Ashgate, 2014): 19.

⁴⁵⁰ Ivor Sokolic, "My Neighbour, the Criminal: How the Memories of the 1991-1995 Conflict in Croatia Affect Attitudes towards the Serb Minority," *Nations and Nationalism* 23, no. 4 (2017): 790.

In such hostile environment, the Croatian President Tudjman positioned Serbs as the ‘radical other’ of the Croatian nation as a way of unifying Croatian people, which appears to be a completely different pattern in comparison to the Bulgarian case. According to the Croatia’s former Office of Displaced Persons and Refugees (ODPR), almost 300,000 Serbs had to left Croatia by the end of 1995.⁴⁵¹ The exclusionary minority policies implemented by Tudjman during the 1990s made it almost impossible to enact policies that promote the return of displaced Serbs and their integration in Croatian politics and society. Not surprisingly, as a result, the EU’s recommendations in terms of establishing a more inclusive minority rights regime were side-lined. As discussed in the previous sections, the laws enacted in early 1990s denied returning refugees citizenship and barred them from returning to their homes, despite the recommendations of the EU and other European institutions at the time. Thus, the comparative analysis of the first episodes in Bulgaria and Croatia demonstrate the importance of domestic-level variables, i.e. the level of dissatisfaction at the domestic realm and the degree of moderation between majority and minority representatives, in informing the political outcomes (see table 5.4).

⁴⁵¹ Ibid.

Table 5.4. Different paths to Europeanisation of minority rights

	EU- pressure	Domestic dissatisfaction	State capacity	Outcome
<i>Bulgaria (1990-1999)</i>	Low	Very high	Moderate	Major reform
<i>Bulgaria (1999-2017)</i>	High	Low	Moderate	Moderate reform
<i>Croatia (1990-2004)</i>	High	Very low	Moderate	Minor reform
<i>Croatia (2004-2017)</i>	High	High	Moderate	Major reform
<i>Montenegro (2006-2017)</i>	High	High	Low	Moderate reform

Source: Author's compilation

The comparative analysis of Bulgaria and Croatia in the post-candidacy process also proves illuminating in terms of the mechanisms of Europeanisation at work in new member countries. The Bulgarian case offers interesting research puzzles in the post-1999 period, when Bulgaria was declared a candidate country. In this period, the EU-pressure in the field of minority rights increased significantly. As demonstrated in Chapter 4, the EU reports frequently highlighted the problems in minorities' access to education in native language, social exclusion and equal representation. The Bulgarian authorities incorporated the main international rules and norms regarding the implementation of minority rights during the candidacy process thanks to the EU conditionality. However, Bulgaria's reform performance in this period remained moderate. The shifting causal mechanisms of Europeanisation with reference to the changing domestic preferences inform Bulgaria's reform performance. The Bulgarian elite, in the post-2000, defined the EU membership as a strategic goal to avoid Bulgaria's

exclusion from the European enlargement process. However, the consensus between the majority and minority representatives started to evade as populist nationalism made a strong comeback during the EU membership process. The rise of right-wing nationalist movements in Bulgaria during 2000s hindered the effective implementation of sensitive minority reforms as mainstream parties also refrained to own the more-inclusive minority rights agenda in an adverse political setting. Therefore, minority rights reforms were implemented in a rather minimalist manner as the Turkish minority still experience restrictions in terms of accessing education in mother tongue, broadcasting in Turkish, certain religious freedoms and discrimination in labour markets. On the other hand, the political representative of the Turkish minority, MRF, did not pursue active policies to use EU platforms to promote the rights of the Turkish minority. Despite the MRF had the opportunity to contribute to the legal amendments in Bulgaria as a coalition partner in the post-2000 in two subsequent terms, the Party adopted a minimalist approach in terms of promoting the rights of Turkish minority.

The MRF ruling elite argued that the minority rights issue is a domestic concern of the Bulgarian people rather than considering the EU conditionality as a bargaining chip. The MRF also became part of the establishment in Bulgarian politics and intra-party struggles diverted the attention of the ruling elites toward more immediate distributive interests rather than the concerns of the Turkish minority in terms of the adoption and implementation of their rights and freedoms. In summary, the changing preferences of the majority and minority elites at the domestic level hindered the consolidation of the rights of Turkish minority, despite the relatively high level of EU pressure during the candidacy period. Despite no major setbacks took place in Bulgaria in the post-membership process,

it appears that the main mechanisms through which the EU factor played its role refer to instrumental learning, as rationalist logic seems to have more explanatory capacity than norm-based social learning hypotheses.

Croatia during 2004-2016, in contrast, suggests that domestic dissatisfaction regarding the existing minority rights regime intensified with the new political elite started to rule the country from 1999 onwards. The interview data suggest that combined with the high-level EU-pressure, the post-2000 represented the major transformation in terms of the rights of Serb minority. The new government enacted a series of legal texts on minority rights and inaugurated the new Constitutional Law on the Rights of National Minorities. The new leadership in Croatia also accepted the Serb community as an integral part of the Croatian society. Double moderation on the minority and majority sides was built on the dissatisfaction of the prevailing exclusionary policies of the Tudjman regime. In this environment of drastic preference change, the EU was utilized as a fertile avenue to introduce new minority rights regime. The comparative analysis of Croatia (2004-2017) and Bulgaria (1999-2017) reveals the impact of domestic-level factors in terms of informing reform outcomes. Despite EU pressure concerning the minority rights in both countries in the period in question, major reforms took place in Croatia while reform-inertia prevailed in Bulgaria mainly because of the diverging preferences of the domestic political elites.

Finally, Montenegrin case shows the causal weight of state capacity and its importance in Europeanisation of minority rights as a conditioning parameter. Both Bulgaria and Croatia are classified as countries with moderate state capacity in terms of WGI. The conventional Europeanisation accounts tend to take certain level of state

capacity for granted. Accordingly, as conceptualised in Chapter 2, the main emphasis is put on the ‘degree of misfit’ between EU regulations and domestic arrangements. In Bulgarian and Croatian cases, state capacity proved high enough to validate this assumption. However, the mainstream causal factors of Europeanisation, whether proposed by the external incentives model or domestic compliance frameworks, need to be tested in contexts where state capacity problems loom large. Therefore, this research also concentrated on Montenegro to assess the impact of state capacity.

In the Montenegrin case, reform process remained relatively moderate so far, despite high-level of EU-pressure and strong domestic demand towards the adoption of EU rules and norms. The Montenegro case, therefore, sheds light on the ways through which state capacity inform the outcome of minority reform processes, controlling EU-level and domestic factors. The comparative analysis of three cases suggest that given certain-level of state capacity, the combination of high-level EU pressure and high domestic dissatisfaction – double moderation, in particular – paves the way for major reforms in minority rights as demonstrated in the Bulgarian and Croatian cases. However, if state capacity remains weak in target countries, the reforms remain moderate at best even though the EU exerts high-level of pressure and domestic elites on the majority and minority sides adopt compromising policies as demonstrated in the Croatian case.

This dissertation maintains that ‘state capacity’ emerges as the key factor that inform the reform performance of countries given that both external conditionality and domestic dissatisfaction, therefore willingness for reform, remain high. The comparative data below provides insights that strengthen this inference.

Table 5.5. Comparative capacity indicators of Bulgaria, Croatia and Montenegro

Capacity indicators	Country	Year	Governance score*
Voice and accountability	Bulgaria	2006	0.58
		2011	0.45
		2016	0.4
	Croatia	2006	0.48
		2011	0.52
		2016	0.52
	Montenegro	2006	0.26
		2011	0.21
		2016	0.08
Regulatory quality	Bulgaria	2006	0.6
		2011	0.54
		2016	0.66
	Croatia	2006	0.42
		2011	0.54
		2016	0.36
	Montenegro	2006	-0.33
		2011	-0.06
		2016	0.22
Government effectiveness	Bulgaria	2006	-0.06
		2011	0.11
		2016	0.3
	Croatia	2006	0.57
		2011	0.56
		2016	0.5
	Montenegro	2006	-0.13
		2011	0.1
		2016	0.11
*Measured on a scale between -2.5 and +2.5. Higher values correspond to better values			

Source: Worldwide Governance Indicators, <http://info.worldbank.org/governance/wgi/#reports>

As stated in the preceding paragraphs, the capacity of the states is estimated based on three main parameters, which are voice and accountability, regulatory quality, and government effectiveness. Accordingly, ‘voice and accountability’ refers to the extent to which the citizens are able to participate electoral process, enjoy freedom of expression,

freedom of association etc. Second, ‘regulatory quality’ refers to the capacity of the state to device sound and effective policies. Finally, ‘government effectiveness’ refers to the quality of public services and civil service as well as government’s capacity to honour its commitments.⁴⁵² Given that state capacity is about the capabilities of the states to formulate and implement effective policies and deliver on the promises in terms of controlling borders and provide public goods, the above indicators capture essential institutional aspects of reform effectiveness. The score in each parameter is “measured on a scale between -2.5 and +2.5 – where higher values correspond to better values.”⁴⁵³

The correlation between state capacity scores and reform effectiveness in minority rights does not directly reflect a causal relationship. Therefore, this dissertation also reviewed the European Commission reports and gathered more data through semi-structured elite interviews. The progress reports on Montenegro constantly spots weak implementation performance due to major capacity problems. The interview data also suggest that despite high EU-pressure and reform willingness at the domestic elite-level, Montenegro struggles to improve the conditions of minority groups as the material, institutional, and human capacity of the state remain weak.

One should suggest at this point that Croatia and Bulgaria also suffer from administrative problems, which are particularly evident in corruption indicators and in the field of the rule of law.⁴⁵⁴ The EU reports also point out the growing corruption problems

⁴⁵² For in-depth explanation and measurement of each parameter, see the WGI website: <http://info.worldbank.org/governance/wgi/#faq>

⁴⁵³ Ibid.

⁴⁵⁴ According to Worldwide Governance Indicators, for instance, Bulgaria experienced a slight decline in terms of its “corruption” score (from -0.07 in 2006 to -0.17 in 2016), which suggests that the EU conditionality has yet to make an impact in the area concerned. The interviewees also highlighted

especially for Bulgaria – still being monitored by European Commission within the context of Cooperation and Verification Mechanism.⁴⁵⁵ However, the administrative problems in these cases seem to be qualitatively different than the stateness problems in Montenegro and other Western Balkan states (such as Bosnia and Herzegovina, Kosovo) as the former appears to be related to the ‘institutional misfit’ conceptualised in top-down approaches to Europeanisation. The latter, however, is mainly associated with institution-building and capacity improvement in the first instance, rather than reforming the existing administrations to enhance efficiency and compliance capacity.⁴⁵⁶ As Fagan stated, “the pace of reforms in the Western Balkans has generally been slower [...and] external governance has had to be more stringent and intrusive.”⁴⁵⁷ The comparative analysis of the cases studied in this dissertation also corroborates this inference since previous enlargement waves consist of states with a certain degree of capacity that did not impede the basic functioning of bureaucratic administrations – as discussed with

corruption as one of the main problems that indirectly affects the state of minority communities as it paves the way for different forms of discrimination in labour market and civil service. Kemal Eyüp (Chairman of the Commission for Protection against Discrimination, 2005-2012 and member of the Commission 2012 - present), interview by author, March 18, 2016.

⁴⁵⁵ The corruption problem still proves a challenging issue for Bulgarian policy makers. Despite a decade passed since the EC launched the CVM, the relevant reports still underline the sluggish reform performance of Bulgaria. See: European Commission, *Report from the Commission to the European Parliament and the Council on the Progress in Bulgaria under the Co-operation and Verification Mechanism, SWD(2017)700 final*, 15 November 2017 (European Commission, Brussels: 2017)

⁴⁵⁶ For a comprehensive assessment, see Arolda Elbasani, ed., *European Integration and Transformation in the Western Balkans: Europeanisation or Business as Usual?* (London: Routledge, 2012).

⁴⁵⁷ Adam Fagan, *Europe's Balkans Dilemma: Paths to Civil Society or State Building* (London: I.B. Taurus, 2010): 26. Some scholars criticise the EU's approach towards Western Balkans, as its interventions go beyond ‘external’ conditionality and take a form of ‘direct’ involvement. See David Chandler, “State-building in Bosnia: The Limits of ‘Informal Trusteeship,’” *International Journal of Peace Studies* 11, no. 1 (2006): 17–38.

reference to Central and Eastern Europe in the conceptual chapter.⁴⁵⁸ In these states the accession process targeted the transformation of bureaucratic institutional structures of the Soviet state machinery. The Western Balkans cases, however, reflect a different pattern, which has major consequences in minority rights policies as well:

The issues concerning the role and function of the state in the potential candidate and candidate countries of the Western Balkans ... have been altogether more complex and far-reaching [...]. Notions of sovereignty and the basic institutions and functions of the state are being built more or less from scratch under obviously difficult circumstances.⁴⁵⁹

Montenegrin case, therefore, appears to be qualitatively different as reform outcomes cannot be entirely explained only with reference to the credibility of EU conditionality (external incentives) and domestic dissatisfaction (willingness for reform) toward reforming and modernising already existing institutions and deep-seated policy practises. This dissertation also proposed ‘state capacity’ as a necessary parameter as part of the two-level model to account for diverging reform outcomes in recent member and candidate countries. The previous accounts take it very much as given since state capacity did not emerge as a perennial problem in the previous enlargement waves. As such, despite having had a long history of governance experience as of the Montenegrin people as being one of the autochthone nations in the region, the newly independent Montenegrin state faces capacity problems that go beyond consistency of external

⁴⁵⁸ Tanja A. Börzel, “When Europeanisation Hits Limited Statehood: The Western Balkans as a Test Case for the Transformative Power of the Europe”, *KFG Working Paper*, no. 30 (2011): 11.

⁴⁵⁹ Fagan, *Europe’s Balkans Dilemma*, 28.

conditions and resistance of domestic ruling elites, which hints that state capacity appears to be the missing link in Europeanisation of domestic arena.

5.5. Conclusion

This chapter focused on the comparative analysis of Bulgaria, Croatia, and Montenegro. These three cases have illustrative capacity as they provide ample empirical evidence to explore the dynamics of Europeanisation in new member and candidate countries in the realm of minority rights. By studying these three cases, this chapter made two main points. First, it built on and revised the mainstream accounts of Europeanisation. Accordingly, the main argument is that domestic arena does not always constitute an impediment to be overcome as part of Europeanisation process. The Bulgarian case demonstrates that, even though the EU-pressure is low, the major reforms can take place in minority rights in line with the European norms and values if very high elite-level dissatisfaction emerges toward a new minority regime. In the Bulgarian case, the majority-minority leaders managed to utilize the EU as an opportunity window to ensure elite-level consensus. The Croatian case, on the other hand, demonstrates that the minority reforms remained minor during 1990-1999 because of the very low domestic dissatisfaction and lack of pro-European leadership.

This chapter also aimed to shed light on the limits of Europeanisation of minority rights in EU candidates with weak state capacity, which is a neglected aspect in Europeanisation and minority rights scholarship. This chapter pointed out that the challenge of the EU conditionality in the new (and potential) candidate states is to strengthen the state's institutional capacity along with empowering pro-reform majority

and minority representatives. The Montenegrin case demonstrates that in the absence of state capacity to frame shared objectives and implements them in coordination with civil society is likely lead to the stagnation in reform process, despite the EU's extensive support and domestic ownership of minority and human rights reforms. The conclusion chapter delineates the implications of these findings for broader literature on Europeanisation and explores the avenues for further research.

CHAPTER VI. Conclusion

Donald Puchala, a leading scholar of integration studies, once likened integration scholars to blind men trying to define an elephant. Each blind man, touching a different part of the elephant, reaches different conclusions.⁴⁶⁰ This analogy can also be applied to Europeanisation research as the mechanisms of the ways in which EU's impact on domestic policies have become more complex with the deepening and expansion of European integration project over decades. One can suggest that the EU's transformative power on target states has become one of the fields on which much ink has been spilled. As such, the impact of the EU on member and candidate countries now constitutes an established yet still unfolding area in European studies. Despite extensive literature on EU conditionality especially in old EU members, the dynamics of Europeanisation in new member and candidate countries are still underexplored areas. The Europeanisation process in minority rights is even more contested as multiple factors interact in highly sensitive political contexts. This dissertation focused on the transformation of minority rights regime in three new member and candidate states that share a similar tormented historical background in terms of inter-ethnic relations to shed light in this underexplored area.

This concluding chapter summarises the main findings of the dissertation. The rest of the chapter proceeds as follows: The first part revisits the research puzzle and conceptual framework. The second part explores alternative explanations and discusses

⁴⁶⁰ Donald Puchala, "Of Blind Men, Elephant, and International Integration," *Journal of Common Market Studies* 10, no.3 (1971): 267-284

how this dissertation complements existing literature. The final part delineates avenues for further research.

6.1. Revisiting research puzzle and conceptual framework

The present dissertation focused on the Europeanisation of minority rights policies in Bulgaria, Croatia, and Montenegro – three Balkan countries that share a contentious past in terms of inter-ethnic relations yet managed to transform the minority regime (broadly) in line with the EU norms and values. The comparative analysis of these three cases has potential to contribute to the relevant body of literature due to two main reasons. First, Europeanisation literature mainly focuses on core EU members and conventional policy areas where EU norms and regulations are well established. The recent wave on Europeanisation – which can be called as ‘second wave’ – expanded the horizons of the literature by focusing on the 2004 big bang enlargement.

The inclusion of Central and East European countries brought new research puzzles and opened up new avenues for further research to assess the EU impact on different cases and policy areas.⁴⁶¹ The recent enlargement wave including Bulgaria, Romania, and finally, Croatia as well as the candidacy of other Western Balkan countries motivated new set of studies that focused on the ways through which Europeanisation

⁴⁶¹ For instance, see: Tim Haughton, “When Does the EU Make a Difference? Conditionality and the Accession Process in Central and Eastern Europe,” *Political Studies Review* 5, no. 2 (2007): 233-246; Heather Grabbe, “Europeanisation Goes East: Power and Uncertainty in the EU Accession Process,” in *Politics of Europeanisation*, edited by Kevin Featherstone and Claudio M. Radaelli, chapter 13 (Oxford: Oxford University Press, 2003); Frank Schimmelfennig and Ulrich Sedelmeier ed. *The Europeanisation of Central and Eastern Europe* (Ithaca and London: Cornell University Press, 2005); Adrienne Heritier, “Europeanisation Research East and West: A Comparative Assessment,” in *The Europeanisation of Central and Eastern Europe*, edited by Frank Schimmelfennig, Ulrich Sedelmeier, chapter 10 (Ithaca and London: Cornell University Press, 2005).

makes its way into domestic political and social structures.⁴⁶² The study of new cases proves beneficial not only because they test the propositions of mainstream theories but also functional in offering alternative causal mechanisms and specifying new, plausibly previously omitted causal factors that inform political outcomes. This dissertation also aims to build on and expand the recent wave of Europeanisation research by focusing on two recent members, Bulgaria and Croatia, and a candidate country – Montenegro.

Second, this dissertation focuses on minority rights policies – a contested area that European norms and values are likely to penetrate into domestic field in a rather slow and fragmented manner. The Europeanisation of minority rights regimes in target countries tends to be a controversial issue as the EU norms and regulations are not clearly defined and rigorously implemented as part of EU conditionality.⁴⁶³ Thus member states are likely to interpret the term, “minority”, in a flexible way that might lead to significant divergence across cases. This does not, however, mean that the EU conditionality does not have any major impact on member and candidate countries. On the contrary, especially in the post-Lisbon process, the EU conditionality on minority rights area has become central to Europeanisation process.⁴⁶⁴ However, the mainstream accounts, as

⁴⁶² On the Europeanisation of Western Balkans, see Gergana Noutcheva and Senem Aydin-Duzgit, “Lost in Europeanisation: The Western Balkans and Turkey,” *West European Politics* 35, no. 1 (2012): 59-78; Arolda Elbasani ed., *European Integration and Transformation in the Western Balkans: Europeanization or Business as Usual?* (London: Routledge, 2013); Florian Trauner, *The Europeanisation of the Western Balkans: EU Justice and Home Affairs in Croatia and Macedonia* (Manchester: Manchester University Press, 2011).

⁴⁶³ Gwendolyn Sasse, “Tracing the Construction and Effects of EU Conditionality,” in *Minorities in East and Central Europe*, edited by Bernd Rechel, 17-32 (London: Routledge, 2009); David J. Galbreath and Joanne McEvoy, *The European Minority Rights Regime: Towards a Theory of Regime Effectiveness* (Basingstoke: Palgrave Macmillan, 2012).

⁴⁶⁴ For the increasing importance of minority rights in post-Lisbon EU legislation see Ulrike Barten, “Minority Rights in the European Union after Lisbon,” *Nordic Journal of Human Rights* 33, no. 1 (2015): 74-94.

Sasse rightly points out, are likely to eschew some potential mechanisms through which change in minority rights policies may take place in aspiring states.⁴⁶⁵ Furthermore, one can suggest Europeanisation of minority rights regime is discernible in cases that have conflictual history of inter-ethnic relations as well.

In this vein, Bulgaria, Croatia, and Montenegro are illustrative cases to explore diverging patterns of Europeanisation in minority rights regime. Turkish minority in Bulgaria, which were suppressed by the Zhivkov government in the final phases of the communist regime, managed to integrate with the Bulgarian society during 1990s following the regime change. The suppressive policies of the Zhivkov era were revoked and the basic collective rights of the Turkish minority were restored. The new Bulgarian elite adopted an avowedly pro-European stance and implemented rather sensitive minority reforms to ensure peaceful democratic transition and inter-ethnic co-existence. The status of Turkish minority population gradually consolidated in the 2000s; as a result, the political representative of the Turks, the MRF, has become an integral part of the Bulgarian political life.⁴⁶⁶

The minority-majority relations in Croatia also witnessed dramatic ups and downs over the last three decades. Following the breakup of Yugoslavia and the independence declaration of Croatia, the violent conflict between ethnic Croats and Serb minority posed a significant challenge in terms of restoring domestic stability in the country. The violent conflict in Croatia was a great concern for the EU mainly due to its spill over potential

⁴⁶⁵ Gwendolyn Sasse, "The Politics of EU Conditionality: the Norm of Minority Protection during and beyond EU Accession," *Journal of European Public Policy*, vol. 15, no. 6 (2008): 844-845.

⁴⁶⁶ Lilia Petkova, "The ethnic Turks in Bulgaria: Social integration and impact on Bulgarian-Turkish relations, 1947–2000," *The Global Review of Ethnopolitics* 1, no. 4 (2002): 50-52.

across Balkans region in the 1990s. Thus, starting from the early phases of Croatia's independence, the EU pursued active policies to shape minority-majority relations in the newly established fragile Western Balkans state. However, the state of Serb minority was not improved during the 1990s. On the contrary, the Tujman regime adopted 'exclusionary' policies toward Serb minority living in Croatia as part of ultra-nationalist policies that prevailed thorough the 1990s. The major transformation in Croatia's minority regime came with the 2000s,⁴⁶⁷ which gradually paved the way for Croatia's integration with the EU in 2013.

Montenegro is the final – and one of the understudied cases in Europeanisation literature. Montenegro, a post-conflict Western Balkan country gained its independence in 2006, also deals with minority issues, as the country hosts several ethnic groups including Bosniaks and Albanians.⁴⁶⁸ Montenegro adopted several minority regulations to comply with the EU regulations and the rule adoption accelerated since 2012 when Montenegro started accession negotiations. Montenegro poses a striking example of Europeanisation as the EU-pressure and dissatisfaction of domestic political elites led to rapid adoption of EU rules in the minority field. However, the implementation staggers due to state capacity problems as discussed in chapter 5. The comparative analysis of Montenegro as a candidate state with two new EU member states indicates that Montenegro differs remarkably in terms of implementation of the minority rights regulations.

⁴⁶⁷ Antonija Petricusic, "Nation-Building in Croatia and the Treatment of Minorities: Rights and Wrongs," *L'Europe en Formation*, 3, no. 349-350, (2008): 135-145.

⁴⁶⁸ Sabrina P. Ramet, "Serbia and Montenegro since 1989," in *Central and Southeast European Politics since 1989*, edited by Sabrina P. Ramet, chapter 13 (Cambridge: Cambridge University Press, 2010).

Based on three cases mentioned above, this dissertation addressed an empirical puzzle to reveal under which conditions and through which mechanisms transformation in minority-majority policies take place in new member and candidate countries: Despite similar – conflictual – inter-ethnic background conditions and the emergence of the EU as key external norm-setter in the Western Balkans, why do we observe diverging patterns in terms of timing and degree of the Europeanisation of minority rights? Also, how do the interactions of domestic and external dynamics shape minority policies in these three cases?

This dissertation sketched out two-level model to account for continuity and change in minority rights policies in new member and candidate countries. The external incentive model, being dominant analytical framework in Europeanisation research, tends to consider domestic area as an impediment that should be overcome to ensure norm compliance and rule adoption.⁴⁶⁹ The two-level model adopted in this dissertation challenges this perspective and proposes that domestic area may also act as enabler in terms of rule adoption and norm compliance. As such, this dissertation also zooms into the domestic factors as drivers of possible change. Accordingly, the two-level model focuses on external and domestic drivers simultaneously to weight in the EU factor by placing it into its proper context.

The first level refers to the external conditionality. The hierarchical models that follow “logic of consequences” focus on the credibility of the EU conditionality over aspiring states. The clearly defined EU rules and consistent application of conditionality

⁴⁶⁹ Frank Schimmelfennig and Ulrich Sedelmeier “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe,” *Journal of European Public Policy* 11, no. 4 (2004): 661-679.

within and across cases are likely to send credible signals to the candidate and member countries.⁴⁷⁰ The basic assumption is that the EU employs standard set of conditionality, i.e. checklist, based on *the acquis* that frame bilateral relations with target states. However, the empirical research suggests that the EU conditionality cannot always be considered as a technical and politically neutral process. Brosig, for instance, pointed out the fact in Central and Eastern European context that “minority rights norms are vaguely formulated and allow for arbitrary interpretations which complicate the application of these norms”⁴⁷¹ In politically sensitive areas, such as minority and human rights policies, highly politicised nature of the accession and membership process is noted in the literature.⁴⁷² The consistent implementation of the EU conditionality that is tied to sizeable rewards increases the likelihood of EU credibility and transformative capacity. As such, the research on external conditionality and rule adoption propose that more consistent EU rules in the subject matter and more credible rewards proposed by the EU increases the likelihood of EU’s reinforcement capacity.⁴⁷³

The second pillar of the two-level model sketched out in this dissertation focuses on domestic drivers of rule adoption and policy change. The top-down approaches to Europeanisation, which focus predominantly on the first pillar of the analytical model described above, conceptualise ‘domestic’ as an area where status quo prevails. Accordingly, the EU conditionality upsets domestic status quo by empowering certain

⁴⁷⁰ Arista Maria Cirtautas and Frank Schimmelfennig, “Europeanisation Before and After Accession: Conditionality, Legacies and Compliance,” *Europe-Asia Studies* 62, no. 3 (2010): 421-441.

⁴⁷¹ Malte Brosig, “The Challenge of Implementing Minority Rights in Central Eastern Europe,” *Journal of European Integration* 32, no. 4 (2010): 393.

⁴⁷² Ibid.

⁴⁷³ Antoaneta A. Dimitrova, “The New Member States of the EU in the Aftermath of Enlargement: Do New European Rules Remain Empty Shells?” *Journal of European Public Policy* 17, no. 1 (2010): 137-148.

domestic actors through “incentives for compliance with EU rules.”⁴⁷⁴ However, the linear interpretation of the EU impact and the negligence of the domestic field as possible driver of change may lead to over-determination of the EU impact. This dissertation maintains that high domestic dissatisfaction of the existing policies may also trigger policy change. Stated differently, not only external conditionality that links rule compliance with credible rewards, but also domestic dissatisfaction regarding the prevalent policies in the minority rights regime may motivate domestic political elite to initiate change.

What determines dissatisfaction of the existing minority policies and which actors assume catalyser role in terms of policy change and adoption of new norms? Börzel states that domestic push for change is likely to emanate from different players – political parties, political elites, and domestic interest groups – depending on temporal and contextual scope conditions.⁴⁷⁵ Drawing on three post-conflict cases, this dissertation maintains that political elites on the minority and majority sides play a key role in adopting moderate policies – i.e., ‘double moderation’ – along with minority-friendly political rhetoric. Therefore, the presence of moderate political elites is likely to create enabling scope conditions at the domestic political field to take advantage of the Europeanisation processes regardless the domestic political cost of compliance.⁴⁷⁶

⁴⁷⁴ Frank Schimmelfennig and Ulrich Sedelmeier, “Introduction”, in *The Europeanisation of Central and Eastern Europe*, edited by Frank Schimmelfennig, Ulrich Sedelmeier (Ithaca and London: Cornell University Press, 2005): 11.

⁴⁷⁵ Tanja A. Börzel, “Why there is no ‘Southern Problem’: On Environmental Leaders and Laggards in the European Union,” *Journal of European Public Policy* 7, no. 1 (2000): 148.

⁴⁷⁶ The external incentives model highlights “costs of rule adoption” as a key explanatory variable that informs norm-compliance in aspiring states. See: Frank Schimmelfennig, “EU Political Accession

The two-level model proposes that major policy changes in the minority field take place when domestic dissatisfaction emerges in target states during Europeanisation process. The consistent implementation of the EU conditionality, in this context, empowers domestic change agents and informs new minority-friendly paradigms framed by the minority and majority elites through four causal mechanisms depending on the context: instrumental-learning, social learning, naming and shaming, and peer pressure.⁴⁷⁷ The combination of credible EU conditionality and high-level domestic dissatisfaction, in turn, leads to substantial policy changes in minority policies. On the other hand, in the absence of domestic dissatisfaction, compliance with EU norms and regulations remain incomplete and shallow regardless of the level of external conditionality. Thus, the two-level model, rather than prioritising one level of analysis *vis-à-vis* the other, offers an interactive analysis treating both levels equally significant.

The existing literature on the mechanisms of top-down and bottom-up Europeanisation, whether they rely on rationalist or constructivist frameworks, mainly focus on the sources of misfit between ‘rule adoption’ and ‘policy implementation.’ Accordingly, policy de-coupling occurs when legal adoption does not match with the effective implementation of EU regulations. It is assumed that effective pressure of the EU institutions and high-level domestic dissatisfaction altogether are likely to decrease the gap between rule adoption and policy implementation. The administrative reform capacities in target states that link reform willingness of the domestic political elite with

Conditionality after the 2004 Enlargement: Constituency and Effectiveness,” *Journal of European Public Policy* 15, no. 6 (2008): 918-919.

⁴⁷⁷ For details of these four mechanisms, see: Kyriakos Moumoutzis and Sotirios Zartaloudis, “Europeanization Mechanisms and Process Tracing: A Template for Empirical Research,” *Journal of Common Market Studies* 54, no. 2, (2016): 337-352.

external conditionality is also highlighted to explain the policy variance across cases.⁴⁷⁸ The administrative capacity also discussed extensively in the Europeanisation process of Central and Eastern European cases.⁴⁷⁹ However, the literature on mediating factors that explain the ways in which EU conditionality makes its way into domestic policy change needs adjustment with recent enlargement wave targeting Western Balkan countries. The states in the Western Balkans – such as Montenegro and Bosnia Herzegovina – have more fundamental problems in terms of mediating factors that were not taken into consideration in previous enlargement waves. The challenge for the EU in the Western Balkans is that the states in question suffer from stateness – i.e., state capacity – problems. This dissertation proposes that, in states with weak capacity, policy decoupling is likely to be significant even though external conditionality proves consistent and domestic dissatisfaction remains relatively high.

In summary, two-level model offered in this dissertation explains policy variance in minority rights – *dependent variable* – with reference to different constellations of the EU conditionality and domestic dissatisfaction – *independent variables* – that are mediated by degree of state capacity. The three empirical cases discussed in the previous chapters test different combinations of the EU and domestic-level factors in terms of their impact on policy outcomes in the realm of minority rights.

⁴⁷⁸ For instance, see: Kevin Featherstone and Dimitris Papadimitriou, *The Limits of Europeanization: Reform Capacity and Policy Conflict In Greece* (London: Palgrave Macmillan, 2008).

⁴⁷⁹ For instance, see: Malte Brosig, “The Challenge of Implementing Minority Rights in Central Eastern Europe,” *Journal of European Integration* 32, no. 4 (2010): 393-411.

6.2. Empirical findings

Five sub-periods in three different cases provide variance in terms of three building blocks of the two-level model sketched in this dissertation: Bulgaria (1990s), Bulgaria (2000s), Croatia (1990s), Croatia (2000s), and Montenegro (2000s). The Bulgarian and Croatian cases are illuminative to assess different combinations of domestic and EU-level dynamics given moderate state capacity.

Table 6.1. Interaction of domestic and EU-level factors (Bulgaria and Croatia)

	EU-pressure	Domestic dissatisfaction	State capacity (Given)	Outcome
Bulgaria (1990-1999)	Low	Very High	Adequate	Major reform
Croatia (1990-2004)	High	Very Low	Adequate	Minor reform
Bulgaria (1999-2017)	High	Low	Adequate	Moderate reform
Croatia (2004-2017)	High	High	Adequate	Major reform

The table summarises empirical findings about four different periods in two countries. Both Bulgaria and Croatia have moderate degree of state capacity that does not hamper proper functioning of public administrations.⁴⁸⁰ Therefore, the comparative analysis of Bulgaria and Croatia in different junctures enables observing different constellations of domestic and EU-level factors in minority rights reform outcomes. During 1990s, Bulgaria achieved major reforms in minority rights – a period that refers to

⁴⁸⁰ *The Worldwide Governance Indicators* demonstrates that both states have sufficient capacity in terms of political stability and government effectiveness despite certain problems associated with control of corruption.

low EU-pressure but very high domestic dissatisfaction regarding the dominant minority rights policies. In the same period, due to the intense inter-ethnic conflicts in the Balkans region, the EU and other international organisations prioritised the state of ethnic minorities in Croatia as well. Thus, one can suggest that EU-pressure remained high with regard to minority issues despite Croatia was not part of the EU enlargement scheme at the time. The minority policy reforms in both countries, which were suffered from conflictual inter-ethnic relations, however, diverged considerably. Whereas Bulgaria managed to reverse the anti-minority policies during 1990s, Croatia followed an entirely different path that led to the total exclusion of Serb minority in Croatia. The comparative analysis of the two cases corroborates the main argument that reform outcomes are mainly domestic driven phenomena – basically complemented and guided by the EU anchor. In-depth analysis of the Bulgarian case in chapter 3 suggests that one should focus on the domestic front, especially the attitudes of minority and majority elites, to account for the dynamics of reform inertia or activism in minority rights policies.

In the Bulgarian case, for instance, key mechanism that explains restoration of the rights of Turkish minority appears as ‘double moderation’ between majority and minority leaders that reflect the very high dissatisfaction on part of the new political elite in Bulgaria. In such a contentious political environment, the EU acted as a common denominator and source of legitimacy that informed an alternative political narrative regarding minority rights. Therefore, the EU factor played an indirect role by empowering pro-reform domestic elites via social learning to legitimise alternative norms and policy frames. The Croatian case, in the same period, refers to an alternative policy trajectory in terms of the ways in which EU-factor makes its way into domestic politics.

Chapter 5 demonstrated that the EU put more emphasis on minority issues in Croatia in comparison to Bulgaria. The minority regime in Croatia was not improved in any way due to the categorical exclusion policies of the Tudjman government. President Tudjman adopted a very strict exclusionary approach with regard to the state of Serb minority so that inter-ethnic moderation was not become possible. As Hajdinjak points out Tudjman placed national sovereignty “above the declared importance of joining the European Union; hence the EU’s influence over the domestic policy was insignificant.”⁴⁸¹

The comparative analysis of Bulgaria in the post-candidacy process also provides empirical data to explore how different joining up of domestic and EU-level factors lead to diverging policy outcomes in the minority rights area. The post-candidacy Bulgaria is marked by high EU pressure as the European Commission highlighted minority issues in progress reports on a regular basis. The remaining restrictions on the collective rights of Turkish minority, however, were not entirely addressed in this period – such as education in mother tongue, broadcasting and publications in Turkish language, and socio-economic improvement of the status of Turkish minority members (see Chapter 4). This poses a paradox since the stagnation in the rights of Turkish minority emerged in a time interval when the EU has increasing leverage over Bulgarian political elite in return for sizeable rewards – i.e., membership prospect. Based on the two-level model, it was demonstrated that one should focus on changing preferences of domestic minority and majority political elite to explain moderate reform performance. The 2000s led to gradual transformation of Bulgarian ethnic model from ‘double moderation’ to ‘double challenge’ of the minority-majority relations. On the minority side, shifting priorities of the political

⁴⁸¹ Sanja Hajdinjak, “Rocky Road to Europe: Disciplining Croatia and Montenegro through the Accession Process,” *Croatian Political Science Review* 52, no. 4-5 (2015): 53.

party, the MRF, that represent the Turks in Bulgaria explains part of the foot-dragging in minority reforms. The MRF elites, as discussed in chapter 4, has become part of the political establishment in 2000s and played an active role in distributive politics. The minority reforms agenda, which has become a very sensitive issue in contemporary Bulgarian politics, was downgraded in the priorities of the MRF ruling elite in the period. Thus, as interview data revealed, the political elite representing Turkish minority did not pursue a proactive strategy at the European platforms and Bulgarian Parliament to push for a more inclusive minority regime in Bulgaria.

The shifting domestic political context should be considered as the other aspect of ‘double challenge’ in Bulgarian ethnic model. Both hard data and interviews suggest that the increasing visibility of Turkish minority in Bulgarian politics, along with economic problems and migration challenge, paved the way for the rise of far-right political parties.⁴⁸² The anti-Turkish political rhetoric of the far-right parties slowed down the minority reform agenda by dominating the political discourse and pushing the mainstream parties toward minority-sceptic political rhetoric, exemplified with the election of Boyko Borisov as the new Bulgarian prime minister.⁴⁸³ Even though post-membership Bulgaria does not reflect a case of “lock-in non-compliance” that reverse previously implemented minority reforms as Sedelmeier demonstrated with reference to

⁴⁸² Iskra Baeva (Professor, Department of History, Sofia University ‘St Kliment Ohridski’) and Prof. Evgenia Kalinova (Professor, Department of History, Sofia University ‘St Kliment Ohridski’), interview by author, March 22, 2016.

⁴⁸³ Ibid.

some Central East European examples,⁴⁸⁴ the unfavourable domestic conditions restricted the consolidation of minority-friendly regime in the post-accession process.

Finally, the comparative analysis of Croatia and Montenegro, two Western Balkan countries sharing a similar background in terms of conflictual inter-ethnic relations, provide empirical evidence to explore how and the ways in which state capacity informs reform capacity in aspiring states. The post-2000 period constitutes a new episode in terms of minority regime in Croatia. As demonstrated in Chapter 5, the new political elite that started to rule the country in the post-Tudjman era adopted an avowedly pro-European discourse as part of which reconciliation with the Serb minority became a political priority. The exclusionary policies of the Tudjman regime that constituted the founding pillar of nation-building strategy was considered as an impediment for the new political elite to deepen Croatia's relations with Euro-Atlantic alliance.⁴⁸⁵ At the same time, the ruling elite of the Serb minority adopted a moderate stance especially in comparison to the 1990s, which in turn, created conducive background for inter-ethnic moderation.⁴⁸⁶

On the other hand, the minority reforms became part of the EU conditionality during Croatia's candidacy process. As a result, important reforms with regards to minority rights were implemented in Croatia that improved the situation of Croatian

⁴⁸⁴ Ulrich Sedelmeier, "Is Europeanisation through Conditionality Sustainable? Lock-in of Institutional Change after EU Accession," *West European Politics* 35, no. 1 (2012): 20-38.

⁴⁸⁵ Senada Selo Sabic (Dr and Senior Research Associate at the Institute for Development and International Relations), interview by author, May 19, 2016.

⁴⁸⁶ However, problems of inter-ethnic trust at the public level still remains as an important challenge in Croatia's socio-political life. For details, see: Ivor Sokolic, "My Neighbour, the Criminal: How the Memories of the 1991-1995 Conflict in Croatia Affect Attitudes towards the Serb Minority," *Nations and Nationalism*, 23, no. 4 (2017): 790-814.

Serbs. As interview data suggest, despite some problems concerning the return of the displaced people and property ownership of the Serb minority members still remains to be addressed, collective rights of the Croatian Serbs have been significantly improved.⁴⁸⁷ Thus the combination of high EU-pressure and high-level domestic dissatisfaction paved the way for significant improvement in minority rights regime.

The comparative account of the transformation of minority rights regime in Montenegro is also illuminative to assess the impact of state capacity on reform outcomes. The Montenegrin case refers to a clear example of high-level EU pressure and domestic willingness to adopt EU rules and regulations. The DPS government, even before independence, considered European integration as a top political priority. Furthermore, pro-independence camp in Montenegro's independence referendum "comprised a multi-ethnic coalition that included not only the vast majority of those who identify themselves as ethnically Montenegrin but all the national minorities as well."⁴⁸⁸ Thus the DPS government in the post-independence era adopted minority legislation in a rapid manner without any significant delay emanating from domestic veto players. The EU, on the other hand, prioritised reform processes in Montenegro as the country emerged as the most stable and promising candidate in an otherwise instable region. The EU conditionality on minority reforms attached to credible commitments and sizeable rewards – membership being the most important ultimate goal. For instance, the DPS governments met all demands of the EU regarding cooperation with the ICTY and

⁴⁸⁷ Sabic, interview.

⁴⁸⁸ Srdjan Darmanovic, "Montenegro: A Miracle in the Balkans?" *Journal of Democracy* 18, no. 2 (2007): 156.

tolerance toward ethnic minorities.⁴⁸⁹ Thus, the Montenegrin case in this period should be considered quite similar to the Croatian case in terms of the degree of EU-pressure and high-level domestic dissatisfaction.

The implementation performance in Montenegro, as discussed in chapter 5, however, seems to be lagging behind due to diverging state capacities in two cases. The literature on Western Balkans highlights the fact that there occurs a clear gap between the transposition of EU rule and implementation performance.⁴⁹⁰ Elbasani and Sabic, for instance, point out that “patterns of compliance [may remain] largely surface-thin.”⁴⁹¹ The problem of de-coupling, i.e., rapid rule adoption but weak implementation performance, proves a significant challenge in the Montenegrin case as well. As such, most of the minority reforms remained “rhetorical” due to the insufficient state administrative capacity at the national and local level.⁴⁹² The assessments of the EU documents and interview data suggest that the state’s insufficient capacity emerges as an important factor that condition the positions of political elites and limit their capabilities to initiate comprehensive reforms, which in turn, hampers substantial improvements in the minority rights regime of the country despite the existence of EU-level conditionality and strong political willingness at the domestic level.

⁴⁸⁹ For a comprehensive account on the normative effect of the EU on Montenegro, see: Jelena Džankić, “The Role of the EU in the Statehood and Democratization of Montenegro,” in *The EU and Member State Building: European Foreign Policy in the Western Balkans*, edited by Soeren Keil, Zeynep Arkan, 83-102 (London: Routledge, 2014).

⁴⁹⁰ Arolda Elbasani ed., *European Integration and Transformation in the Western Balkans: Europeanization or Business as Usual* (Abingdon: Routledge, 2013).

⁴⁹¹ Arolda Elbasani and Senada Selo Sabic, “Rule of Law, Corruption and Democratic Accountability in the Course of EU Enlargement,” *Journal of European Public Policy* 25, no. 9 (2018): 1317.

⁴⁹² Marko Kmezcic, “Montenegro,” in *European Integration and Its Effects on Minority Protection in South Eastern Europe*, edited by Emma Lantschner et. al., 253-275 (Baden-Baden: Nomos, 2008).

Table 6.2. Interaction of domestic and EU-level factors (Croatia and Montenegro)

	EU-pressure	Domestic dissatisfaction	State capacity	Outcome
Croatia (2004-2017)	High	High	Adequate	Major reform
Montenegro (2006-2017)	High	High	Low	Moderate reform

Accordingly, the comparative analysis leads to three main propositions regarding the dynamics of substantial and sustainable policy change in minority rights regime in new member and candidate states:

Proposition 1: The likelihood of rule adoption and compliance in minority rights policies increases, if ruling majority elites are dissatisfied with the existing policies and double moderation takes place between majority and minority leaders.

Proposition 2: The aspiring states are more likely to adopt international regulations on minority rights when the EU applies conditionality in a consistent and coherent manner.

Proposition 3: The lower the capacity of a state, the more difficult to adopt EU-induced human (and minority) rights reforms in target countries – even though the EU pursues a coherent minority agenda and domestic elites are dissatisfied with the existing minority policies.

In summary, two-level model suggests that state capacity (proposition 3), domestic dissatisfaction (proposition 1) and EU-level pressure (proposition 2) constitute necessary conditions separately whereas they jointly constitute *sufficient* condition for effective improvement in minority rights regime in new member and candidate states.

6.3. Eliminating alternative explanations

This section re-visits alternative mainstream Europeanisation accounts to reveal how two-level model complements the existent explanations. In this context, two main perspectives – rationalist external incentives model and lesson-drawing model – that are compared with two-level model sketched out in this dissertation. The mainstream explanations in the literature mainly focus on the top-down mechanisms that try to extrapolate the ways in which the EU inform policy, politics, and polity change at the domestic realm. The external incentive model suggests that adoption of EU norms and regulations are informed by the credibility and size of material incentives that the EU provides. Schimmelfennig and Sedelmeier argue that the target governments are likely to comply with EU regulations when attached to sizeable rewards. As such, “the likelihood of rule adoption increases with the size and speed of rewards.”⁴⁹³ Vachudova also points out that adoption costs for domestic governments inform the likelihood of norm-compliance in target states.⁴⁹⁴ The likelihood of compliance is therefore considered inversely correlated with domestic adoption costs for aspiring states.⁴⁹⁵

The external incentives model does not entirely account for the dynamics of minority reforms in the cases discussed in this dissertation. For instance, during 1990s, Bulgaria achieved major reforms in the areas of minority protection and democratisation. The reforms were paradigmatic as both institutional and normative parameters

⁴⁹³ Frank Schimmelfennig and Ulrich Sedelmeier, “Introduction,” 13.

⁴⁹⁴ Mileda, A. Vachudova, *Europe Undivided: Democracy, Leverage and Integration After Communism*. (Oxford: Oxford University Press, 2005).

⁴⁹⁵ Frank Schimmelfennig and Ulrich Sedelmeier, “Candidate Countries and Conditionality” in *Europeanisation: New Research Agendas*, edited by Paolo Graziano and Maarten P. Vink, 88-101 (Basingstoke: Palgrave Macmillan, 2007).

undergirding inter-ethnic relations were transformed. However, external incentives model does not account for mechanisms led to the undertaken reforms. First, the membership credibility was not high at the time, as the EU did not offer a credible membership process at least till the end of 1990s. Second, the adoption costs were very high for the government at the time to implement minority-friendly reforms due to long shadow of exclusionary policies.

As discussed in chapter 3, the significant part of ethnic Bulgarians and political opposition were sceptical about restoring the rights of Turkish minority in the country. However, the political elites, led by Zhelyu Zhelev, implemented major reforms that shifted the inter-ethnic relations in a dramatic manner. It appears that hierarchical approaches such as external incentive model do not entirely account for policy change in candidate and member countries, as they tend to eschew different domestic political constellations. In this vein, Cirtautas and Schimmelfennig also admit, “that it can be expected that ‘Europeanisation’ will increasingly be informed by domestic political structures and resource endowments [and] greater variation of outcomes across policy domains is to be expected ... according to uniquely configured institutional and socio-cultural capacities.”⁴⁹⁶ Two-level model offered in this research aims to rectify this gap by explicitly hypothesising that minority rights reforms are more likely to take place when domestic ruling elites on the majority and minority sides are dissatisfied with existing policies and facilitate double moderation that warrants suitable background conditions in terms of domestic ownership of pro-minority reforms.

⁴⁹⁶ Arista Maria Cirtautas and Frank Schimmelfennig, “Europeanisation before and after Accession: Conditionality, Legacies and Compliance,” *Europe-Asia Studies* 62, no. 3 (2010): 422-423.

The second alternative explanation is lesson-drawing model. This version of policy change mainly focuses on the bottom-up explanations and domestic dissatisfaction in particular.⁴⁹⁷ Accordingly, ‘lesson-drawing’, first suggested by Rose, refers to voluntary transfer of rules and norms from abroad without pressure of external conditionality.⁴⁹⁸ Rose suggests that ‘lesson-drawing’ emerges as an outcome of dissatisfaction at the domestic level.⁴⁹⁹ The literature identifies different types and degrees of ‘lesson-drawing.’⁵⁰⁰ Yet, at the very basic level, it mainly occurs when domestic political elite, unhappy with the status quo, looks for alternative policies abroad to adopt them at the domestic area. As such, lesson-drawing model, opposite to hierarchical top-down approaches, reverses direction of causality by zooming into domestic-level. Despite ‘lesson-drawing’ accounts for some of the mechanisms of Europeanisation skipped by top-down approaches, it cannot explain entirely how and why policy change (in minority rights) realises in case of low-level dissatisfaction at the domestic-level. For instance, despite changing preferences of domestic political elite in Bulgaria in 2000s, the minority reforms remained on the agenda as major legal texts were adopted during the candidacy process. Similarly, data suggest that, in the Croatian and Montenegrin cases, the EU conditionality emerged as equally important factor as degree of domestic dissatisfaction. Therefore, two-level model merges ‘lesson-drawing’ with external conditionality to provide a comprehensive conceptual framework.

⁴⁹⁷ Frank Schimmelfennig and Ulrich Sedelmeier, “Introduction,” 20-21.

⁴⁹⁸ Richard Rose, “What is Lesson-Drawing?” *Journal of Public Policy* 11, no. 1 (1991): 3-30.

⁴⁹⁹ *Ibid.*, 10-12.

⁵⁰⁰ David Dodowitz and David Marsh, “Learning from Abroad: The Role of Policy Transfer in Contemporary Policy Making,” *Governance* 13, no. 1 (2000): 5-24.

6.4. Avenues for further research

There are two main avenues to further improve the present research. First, this dissertation, while focusing on domestic factors and double moderation between minority and majority elites in particular, does not explore the attitudes of minority and majority members to assess the degree of their dissatisfaction and the ways in which they informed the preferences of political elites on both sides. The analysis of the Bulgarian and Croatian cases demonstrates that the ruling elites on majority and minority sides challenged conventional political tendencies at the popular level. However, more research is required to reveal why and how some political leaders utilise critical junctures to introduce major policy changes, whereas some others stick to status quo. The post-1990s developments in Bulgaria and Croatia are good cases in point to demonstrate diverging preferences of majority actors. The Bulgarian ruling elite, led by Zhelev, for instance, adopted a minority-friendly approach and framed new policies as an opportunity to facilitate rapprochement with the European institutions. However, the Croatian majority elite at the time, led by Tudjman, pursued different set of policies that excluded Serb minority and distanced Croatia from the EU. Even though the difference in the degree of domestic dissatisfaction explains the diverging policy path in two post-conflict polities in 1990s, more research is needed to assess why this difference took place at the agency-level.

Second, two-level model sketched out in this dissertation needs to be applied to other cases and policy areas to explore when and how domestic factors act as a facilitator of Europeanisation, rather than posing an impediment as conceptualised in hierarchical approaches. The empirical findings demonstrate that mechanisms of Europeanisation

differ across cases and policy areas. The recent developments in the European member states such as Poland and Hungary also suggest that de-Europeanisation has replaced patterns of compliance in the several fields – especially in terms of rule of law, democratisation, and freedom of speech.⁵⁰¹ The overall democratic regression in Central and Eastern Europe and illiberal minority policies have already been well documented in the scholarly literature.⁵⁰² The Croatian and Bulgarian cases, in this context, reflect a different pattern. Despite certain problems associated with corruption and quality of democracy in both cases, post-membership institutional lock in Croatia and Bulgaria appears to be more resilient than fellow Central and East European states, which can be observed in the realm of minority rights regime as well. The future research may shed light on this intriguing puzzle to reveal the factors affecting the resilience of minority-friendly regimes in recent member and candidate countries despite increasing illiberalism in Europe.

⁵⁰¹ Jacques Rupnic, “Surging Illiberalism in the East,” *Journal of Democracy* 27, no. 4 (2016): 77-87; Wojciech Przybylski, “Can Poland's Backsliding Be Stopped?” *Journal of Democracy* 29, no. 3 (2018): 52-64.

⁵⁰² Ivan Krastev, “Eastern Europe's Illiberal Revolution: The Long Road to Democratic Decline,” *Foreign Affairs*, no. 3, May/June 2018; Licia Cianetti, James Dawson and Seán Hanley, “Rethinking ‘Democratic Backsliding’ in Central and Eastern Europe: Looking beyond Hungary and Poland,” *East European Politics* 34, no.3 (2018): 243-256.

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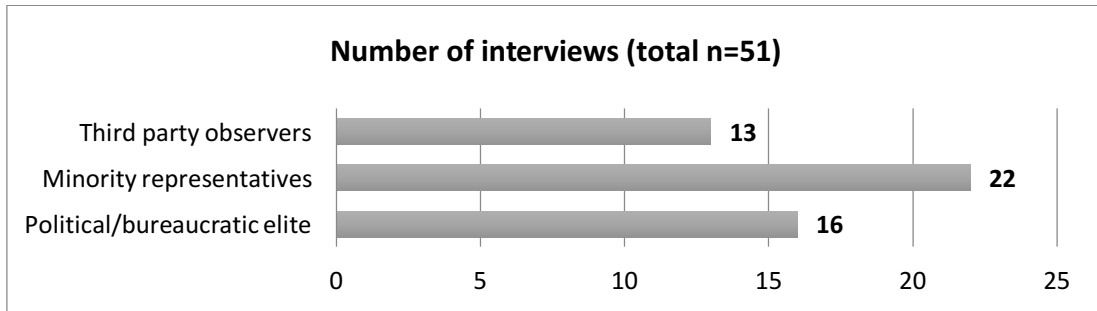
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Appendix 1. Breakdown of Interviews

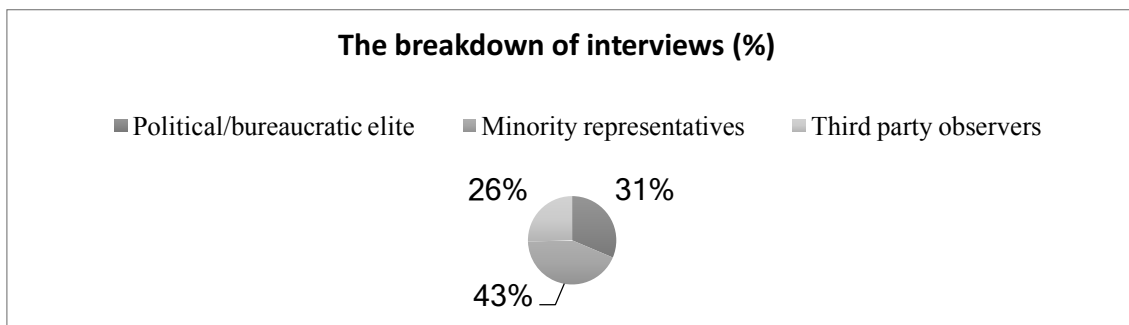
1. BULGARIA



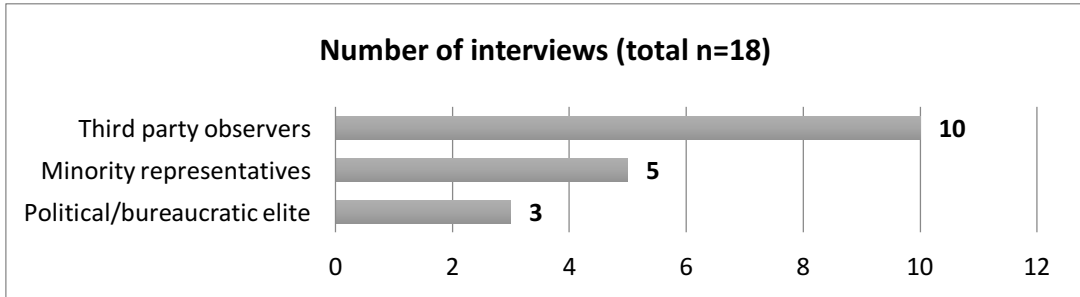
Total number of interviews is 51.

- 13 of them are third party observers (informed observers of Bulgarian politics and majority-minority relations in Bulgaria such as scholars, journalists, pundits).
- 22 of them are representatives of Turkish minority. This sample includes the top political figures of the MRF, Turkish minority's political party, and the people who are subject to forced migration during 1989 and returned back to Bulgaria thereafter.
- 16 of them include the political and bureaucratic elite in Bulgaria. The sample consists of political representatives of major parties, the bureaucratic figures who represented Bulgaria in minority rights issue and the EU officials.

The percentage of each group in interviewee sample is as follows:



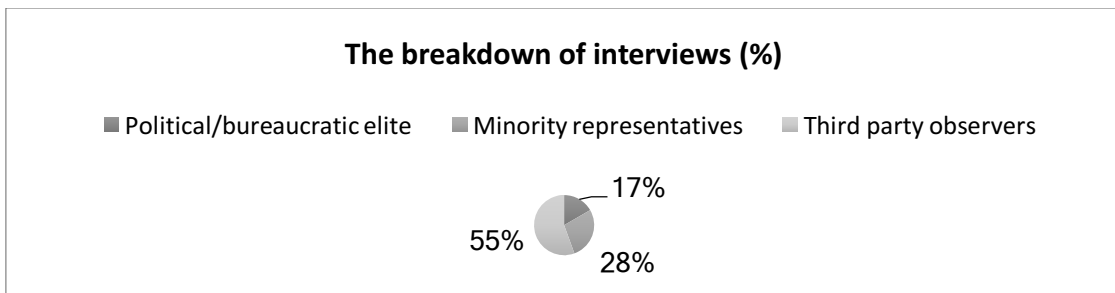
2. CROATIA



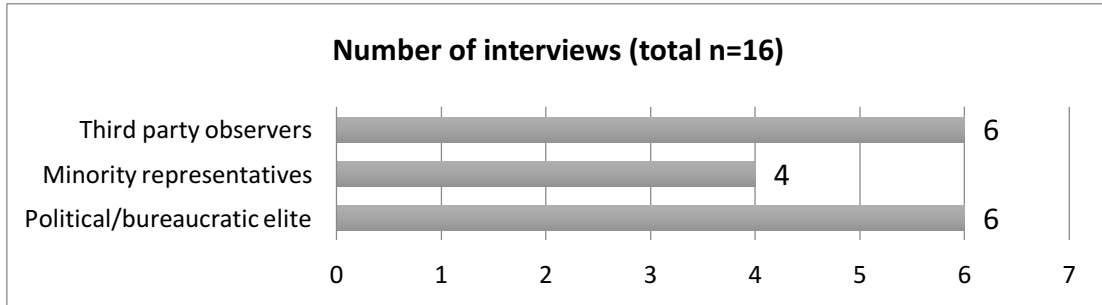
Total number of interviews I conducted in Croatia is 18.

- 10 of them are third party observers (informed observers of Croatian politics and majority-minority relations in Croatia such as scholars, journalists, pundits).
- 5 of them are representatives of minority groups in Croatia.
- 3 of them include the political and bureaucratic elite in Croatia. The sample consists of political representatives of major parties, the bureaucratic figures who represented Croatia in minority rights issue and the EU officials.

The percentage of each group is as follows:



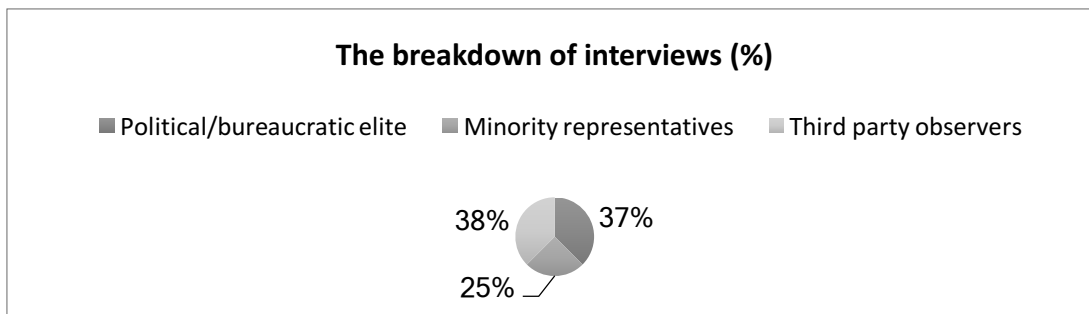
3. MONTENEGRO



Total number of interviews I conducted in Montenegro is 16.

- 6 of them are third party observers (informed observers of Montenegrin politics and majority-minority relations in Montenegro such as scholars, journalists, pundits).
- 4 of them are representatives of minority groups in Montenegro.
- 6 of them include the political and bureaucratic elite in Montenegro. The sample consists of political representatives of major parties, the bureaucratic figures who represent Montenegro in minority rights issue and the EU officials.

The percentage of each group is as follows:



Appendix 2. Interview Questions

Bulgaria:

1. The Bulgarian ethnic model is shown as an example of peaceful coexistence. What made Bulgarians achieved the current image? In your view, what are the positives and negatives of the Bulgarian ethnic model?
2. What do you think about the “national revival process” (*vazroditelen protses*)?
3. What are the reasons Turks and new Bulgarian elites have cooperated after communism? *Sub-question: What are the factors that deterred a violent conflict between ethnic Bulgarians and Turks in the final years of the Communist regime?*
4. How did the EU membership process affect the relationship between Bulgarian and Turkish communities and the minority issues?
5. What was the role of the EU during negotiations in terms of improving minority rights in Bulgaria? *Sub-question: what was your approach to the EU’s demands in this realm?*
6. What do you think are the main remaining problems in the protection of minority rights? *Sub-question: Do you observe a slowdown in reform process after membership?*
7. Was there domestic demand for the reformation of minority rights policies in Bulgarian elites and public during the EU membership process?
8. What is the role of political leaders (both Bulgarian and minority leaders) in the relationship between Bulgarian and Turkish communities?
 - a. During the transition period in early 1990s
 - b. During EU membership process in the late 1990s and 2000s?
9. If the EU factor did not play its role and domestic/local leaders did not act the way they did on both sides, would it have been possible to ensure peaceful transformation and coexistence in Bulgaria?

Croatia:

1. How do you define major characteristics of inter-ethnic relations in Croatia? *Sub-question: What do you think about the impact of war on majority-minority relations?*
2. Can you tell us more about the treatment of minorities in Croatia and the historical evolution of minority rights policies?

3. What do you think about the current state of Serb (and Muslim) minority in the country? *Sub-question: What are the major problems in the protection of minority rights?*
4. How did the EU membership process affect the majority and minority relations? *Sub-question: What was the role of the EU in general?*
5. What was the role of the EU during negotiations in improving minority rights in Croatia? *Sub-questions: Did the EU insistently ask for the improvement of minority rights in Croatia? Was this an important issue during the negotiations process?*
6. What was Croatian policy makers' approach to the EU's demands in this realm? *Sub-question: Were they reactive or accommodative; and why?*
7. Was there domestic demand for the reformation of minority rights policies among Serb (and Muslim) minority elites and public during the EU membership process? *Sub-question: What can you say about the domestic ownership of democratisation reforms on both sides (majority and minority)? What is the situation today; is demand still strong or are both sides satisfied?*
8. What is the role of political leaders (both majority and minority leaders) in bilateral relations between Croat and Serb communities?
 - a. During the transition period in early post-war era?
 - b. During EU membership process in 2000s?
9. If the EU factor did not play its role and domestic/local leaders did not act the way they did on both sides, would it have been possible to ensure peaceful coexistence in Croatia?

Montenegro:

1. How do you define the major characteristics of inter-ethnic relations in Montenegro? *Sub-question: What do you think about the impact of war on majority-minority relations?*
2. Can you tell us more about the treatment of minorities in Montenegro and the historical evolution of minority rights policies?
3. Why and how important is the EU membership for Montenegro?
4. What do you think about the current state of Bosniak and Albanian minorities in the country? *Sub-question: What are the major problems in terms of the protection of minority rights?*
5. How does the EU membership process affect the majority and minority relations in Montenegro?
6. How do you account for the role of the EU during negotiations in improving minority rights protection in Montenegro? *Sub-question: Does the EU insistently*

ask for the improvement of minority rights in Montenegro? Is this an important issue during the negotiations process? How much progress have you made concerning Chapter 23?

7. What is Montenegrin policy makers' approach to the EU's demands in the minority rights issues? *Sub-question: Are they reactive or accommodative; and why?*
8. Is there domestic demand for the reformation of minority rights policies among Bosniak and Albanian minority elites and communities? *Sub-question: What can you say about the domestic ownership of democratisation reforms on both sides (majority and minority)? Is demand strong or are both sides satisfied?*
9. What is the role of political leaders (both majority and minority leaders) on the relationship between Montenegrin and minority communities?

Appendix 3. Notes on Table 5.1.

* The former Yugoslavia had signed and ratified the Convention on 15 April 1966 and 2 October 1967, respectively.

** The Directive was adopted, unanimously, by the Member States in 2000. It had to be transposed into national law by 19 July 2003 by the 15 "old" Member States (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands; Portugal, Spain, Sweden, United Kingdom), by 1 May 2004 by the 10 "new" Member States (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia), and by 1 January 2007 for Romania & Bulgaria and by 1 July 2013 for Croatia.

*** The Law on Amendment is adopted by the Montenegrin Parliament and fully in line with recommendations of Council of Europe Venice Commission. (Official Gazette of the Republic of Montenegro, no. 031/06 of 12.05.2006, 051/06 of 04.08.2006, 038/07 of 22.06.2007, Official Gazette of Montenegro, no. 002/11 of 12.01.2011, 008/11 of 04.02.2011, 031/17 of 12.05.2017). Montenegro also adopted Strategic framework for minority policy in Montenegro which is a ten-year "Strategy for Minority Policy" adopted on 3 July 2008.

Note 1: Reservations and Declarations for Treaty No.005 - Convention for the Protection of Human Rights and Fundamental Freedoms - Declarations in force as of today Status as of 31/08/2018

Croatia

Reservation contained in the instrument of ratification, deposited on 5 November 1997 - Or. Cro./Engl.

In accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms [Article 57 since the entry into force of the Protocol No 11], the Republic of Croatia does hereby make the following reservation in respect of the right to a public hearing as guaranteed by Article 6, paragraph 1, of the Convention:

The Republic of Croatia cannot guarantee the right to a public hearing before the Administrative Court in cases in which it decides on the legality of individual acts of administrative authorities. In such cases the Administrative Court in principle decides in closed session.

The relevant provision of the Croatian law referred to above is Article 34, paragraph 1, of the Law on Administrative Disputes, which reads as follows: "In administrative disputes the Administrative Court decides in closed session."

Period covered: 05/11/1997 -

Note 2: Reservations and Declarations for Treaty No.005 - Convention for the Protection of Human Rights and Fundamental Freedoms - Declarations in force as of today Status as of 31/08/2018

Montenegro

Declaration contained in a Note Verbale from the Ministry of Foreign Affairs of Serbia and Montenegro, deposited with the instrument of ratification on 3 March 2004 - Or. Engl.

The Ministry of Foreign Affairs of Serbia and Montenegro makes the following statement in accordance

with Article 57, paragraph 2, of the Convention, to supplement the information contained in the instrument of ratification deposited by Serbia and Montenegro on 3 March 2004.

The Ministry of Foreign Affairs of Serbia and Montenegro has the honour to refer to the following reservation contained in the instrument of ratification:

“While affirming its willingness fully to guarantee the rights enshrined in Articles 5 and 6 of the Convention, Serbia and Montenegro declares that the provisions of Article 5, paragraph 1[c] and Article 6, paragraphs 1 and 3, shall be without prejudice to the application of Articles 75 to 321 of the Law on Minor Offences of the Republic of Serbia (*Službeni glasnik Socijalistické Republike Srbije, No. 44/89; Službeni glasnik Republike Srbije, Nos. 21/90, 11/92, 6/93, 20/93, 53/93, 67/93, 28/94, 16/97, 37/97, 36/98, 44/98, 65/2001*) and Articles 61 to 225 of the Law on Minor Offences of the Republic of Montenegro (*Službeni list Republike Crne Gore, Nos. 25/94, 29/94, 38/96, 48/99*) that regulate proceedings before magistrates' courts.”

The relevant provisions of the laws referred to in this reservation regulate the following matters:

- Proceedings before the magistrates' courts, including rights of the accused, rules of evidence and legal remedies (Articles 75 to 89 and 118 to 321 of the Law on Minor Offences of the Republic of Serbia and Articles 61 to 67 and 97 to 225 of the Law on Minor Offences of the Republic of Montenegro), and
- Establishment and organization of the magistrates' courts (Articles 68 to 96 of the Law on Minor Offences of the Republic of Montenegro. and Articles 89a to 115 of the Law on Minor Offences of the Republic of Serbia); and measures for securing the presence of the accused (Articles 183 to 192 of the Law on Minor Offences of the Republic of Serbia).

The Ministry of Foreign Affairs of Serbia and Montenegro wishes to inform the Secretary General of the Council of Europe that Serbia and Montenegro shall withdraw the reservations contained in its instrument of ratification as soon as the legislation mentioned therein has been brought into conformity with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

[**Note by the Secretariat:** The Committee of Ministers of the Council of Europe decided on its 994th meeting that the Republic of Montenegro is to be considered a Party to this treaty with effect from 6 June 2006.]

Period covered: 06/06/2006 -

Articles concerned : 57

Reservation contained in the instrument of ratification deposited on 3 March 2004 - Or. Engl. - At the same time, the Minister of Foreign Affairs of Serbia and Montenegro handed over to the Secretary General a Note Verbale from the Ministry of Foreign Affairs of Serbia and Montenegro containing a brief statement of the laws concerned - Or. Engl. (See Declaration under Article 57)

While affirming its willingness fully to guarantee the rights enshrined in Articles 5 and 6 of the Convention, Serbia and Montenegro declares that the provisions of Article 5, paragraph 1[c] and Article 6, paragraphs 1 and 3, shall be without prejudice to the application of Articles 75 to 321 of the Law on Minor Offences of the Republic of Serbia (*Službeni glasnik Socijalistické Republike Srbije, No. 44/89; Službeni glasnik Republike Srbije, Nos. 21/90, 11/92, 6/93, 20/93, 53/93, 67/93, 28/94, 16/97, 37/97, 36/98, 44/98, 65/2001*) and Articles 61 to 225 of the Law on Minor Offences of the Republic of Montenegro (*Službeni list Republike Crne Gore, Nos. 25/94, 29/94, 38/96, 48/99*) that regulate proceedings before magistrates' courts.

[**Note by the Secretariat:** The Committee of Ministers of the Council of Europe decided on its 994th meeting that the Republic of Montenegro is to be considered a Party to this treaty with effect from 6 June 2006.]

Period covered: 06/06/2006 -

Articles concerned: 5, 6

Reservation contained in the instrument of ratification deposited by the state union of Serbia and Montenegro, on 3 March 2004 - Or. Engl.

Serbia and Montenegro declares that the right to a public hearing enshrined in Article 6, paragraph 1, of the Convention shall be without prejudice to the application of the principle that courts in Serbia do not, as a rule, hold public hearings when deciding in administrative disputes. The said rule is contained in Article 32 of the Law on Administrative Disputes (*Službeni list Savezne Republike Jugoslavije, No. 46/96*) of the Republic of Serbia.

[**Note by the Secretariat:** The Committee of Ministers of the Council of Europe decided on its 994th meeting that the Republic of Montenegro is to be considered a Party to this treaty with effect from 6 June 2006.]

Period covered: 06/06/2006 -

Articles concerned: 6

Note 3:

Reservations and Declarations for Treaty No.157 - Framework Convention for the Protection of National Minorities - Declarations in force as of today Status as of 31/08/2018

Declaration contained in the instrument of ratification deposited on 7 May 1999 - Or. Eng./Bulg.

Confirming its adherence to the values of the Council of Europe and the desire for the integration of Bulgaria into the European structures, committed to the policy of protection of human rights and tolerance to persons belonging to minorities, and their full integration into Bulgarian society, the National Assembly of the Republic of Bulgaria declares that the ratification and implementation of the Framework Convention for the Protection of National Minorities do not imply any right to engage in any activity violating the territorial integrity and sovereignty of the unitary Bulgarian State, its internal and international security.
Period covered: 01/09/1999 –

See the full list of declarations:

https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157/declarations?p_auth=OcreRxG4

Note 4: Convention on the Elimination of All Forms of Racial Discrimination (UN)

Declarations and Reservations

Bulgaria (20)

The Government of the People's Republic of Bulgaria considers that the provisions of article 17, paragraph 1, and article 18, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the effect of which is to prevent sovereign States from becoming Parties to the Convention, are of a discriminatory nature. The Convention, in accordance with the principle of the sovereign equality of States, should be open for accession by all States without any discrimination whatsoever.

(20) On 24 June 1992, the Government of Bulgaria notified the Secretary-General its decision to withdraw the reservation to article 22 made upon signature and confirmed upon ratification. For the text of the reservation, see United Nations, Treaty Series , vol. 60, p. 270.

Declarations recognizing the competence of the Committee on the Elimination of Racial Discrimination
(34) 12 May 1993

"The Republic of Bulgaria declares that it recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by the Republic of Bulgaria of any of the rights set forth in this Convention."

(34) The first ten declarations recognizing the competence of the Committee on the Elimination of Racial Discrimination took effect on 3 December 1982, date of the deposit of the tenth declaration, according to article 14, paragraph 1 of the Convention.

Note 5: Convention on the Elimination of All Forms of Racial Discrimination (UN)

Declarations recognizing the competence of the Committee on the Elimination of Racial Discrimination 34
Montenegro

Confirmed upon succession:

"By affirming its commitment to establish the principles of the rule of law and promote and protect human rights, the Government of the Federal Republic of Yugoslavia recognizes the competence of the Committee on the elimination of Racial Discrimination to receive and consider complaints submitted by individuals and groups alleging violations of rights guaranteed under the International Convention on the Elimination of All Forms of Racial Discrimination. The Government of the Federal Republic of Yugoslavia determines the competence of the Federal Constitutional Court to accept and consider, within its domestic legal system, the complaints submitted by individuals and groups under the State jurisdiction, alleging to have been victims of rights violations under the Convention, and who have exhausted all available legal means provided for by the national legislation."

Note 6: Declaration contained in the instrument of ratification deposited on 4 July 2008 - Or. Engl.

In accordance with Article 12 of the Convention, the Republic of Croatia designates the Ministry of Justice of the Republic of Croatia as a central authority to receive requests for mutual assistance in connection with the matters covered by the Convention.

Note 7: 5 Declaration contained in the instrument of ratification deposited on 19 March 2010 - Or. Engl.

In accordance with Article 12 of the Convention, Montenegro declares that the central authority for receiving requests for mutual assistance, within the scope of this Convention, is the Ministry of Justice of Montenegro.