Managing the ‘Minority Problem’ in Post-Cold War Europe
Within the Framework of a Multilayered Regime for the
Protection of National Minorities

I. INTRODUCTION

The end of the Cold War, the break-up of multinational states such as the Soviet
Union and Yugoslavia, and the violence that accompanied the state-formation pro-
cess in the Balkans have directed attention to the questions that pertain to ethnic
heterogeneity in general, and ethnic minorities in particular. The formation of new
nation-states often transformed ethnic groups that had been settled in a particular
area for a long time into new national minorities. These new/old ethnic communities
suddenly found themselves in nationalizing states, many of which were – in the false
hope of creating a nation-state in its ideal, i.e. ethnically homogenous, form – hostile
to any ethnic heterogeneity. This disparity between the existence of minorities as
distinct ethnic groups in a nondominant position aiming to preserve and/or develop
their distinct ethnic minority identity, and nationalizing states aiming to establish
themselves as reliable guardians of the majority nations, creates a conflict situation.
The developments in the former Yugoslavia have demonstrated how such a conflict
can easily develop into violence within individual states, spreading into neighbouring
states, and thereby endangering the stability of the entire region and of Europe as
a whole.1

Of course, the perception about the problematic character of ethnic heterogeneity
and the existence of ethnic minorities within states – not only in Central and Eastern
Europe (CEE) but also in Western Europe – has been an issue in Europe for
centuries.2 Thus, students have examined what they referred to as the (international)

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1 The Yugoslav crisis indicated a new type of crises in the post-Cold War Europe. Accordingly, the
European statesmen feared that the war in Yugoslavia might directly affect possible future events,
especially in other Eastern European multinational states – the Soviet Union and Czechoslovakia,
see Predrag Simić, “Europe and the ‘Yugoslav Issue’”, XLIII/1001 Review of International Affairs
(1992), 1–5, at 3.

of International Relations and Development (2001), 221–49.
problem of minorities, or the minority problem, for decades.\(^3\) The term (international) minority problem has been coined to capture the belief that ethnic minorities as entities within states pose a certain problem for those states and their dominant majorities, with potentially significant international implications. Although the term 'minority problem' appears a misnomer – for the problem lies in the concept, and its realization in practice, of the nation-state, and hence in the tendency of the dominant majority nation to consider other nondominant ethnic groups as a threat to the existence of 'its' state – it does capture the perception (of European statesmen) that has given rise to the initiative for the creation of the post-Cold War international regime for the protection of national minorities.

International regimes in general are established to govern individual issue areas of international relations or to manage individual conflicts, and are composed of principles, norms, rules and decision-making procedures for the implementation of collective choice with regard to addressing the conflict for which a particular regime has been formed.\(^4\) The present study aims to investigate the individual components of the post-Cold War minority protection regime and the layering of authority of that regime, with the purpose of deciphering some of its important characteristics that may have a decisive role in the very functioning of the regime.

While it is not the intention of this study to establish the actual effectiveness of the minority protection regime, it will attempt to trace the inconsistency between the structure of the regime and the actual conflict at stake, particularly in terms of actors involved in the 'minority problem' (those actors include majorities, states, minorities and third actors such as other states and various international organizations). Such an analysis may appear particularly important insofar as one adheres to the assumption – suggested in the literature on social conflicts, conflict management, negotiations, ethnic relations and the sociological understanding of international regimes – that the participation of parties to an individual conflict, and of third actors most interested in, and/or affected by, the conflict, is crucial for the management of the conflict. This is because the parties' satisfaction with the way individual conflict issues are being addressed, or sometimes even resolved, provides a reasonable guarantee for a peaceful coexistence of the actors in conflict.

Whilst the formation of the post-Cold War international regime for national

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4 According to the so-called consensus definition, international regimes are "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice", Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables", in Stephen D. Krasner (ed.), *International Regimes* (Ithaca, 1983), 1-21, at 2.