

ABSTRACTS

Huw EVANS

The Welsh Language - A Case Study

This paper is a case study about the experience of Wales and the Welsh language designed to inform consideration of multilingualism and language vitality. The 2021 census figures show Wales has a population of 3,107, 500, out of whom, 538,000 aged 3 or above speak Welsh. Yet in 1801, it is estimated 80% of the population in Wales spoke Welsh. The influences that have affected the current vitality of the Welsh language are explored, including: starting in the 16th century with the Laws in Wales Act 1535 and the Welsh Bible; 19th century Anglicisation, especially concerning the establishment of an education system in Wales; 20th century Welsh language activism which influenced public policy; the establishment of the National Assembly for Wales in 1999 (now known as the *Senedd*), and devolution of the Welsh language and the policy that followed. The subject of language is also placed in a human rights framework, arguing that the inability of a person to use a language in their public or private life can amount to discrimination in the enjoyment of rights. Complementing this analysis, two imperatives are identified and explained (the societal and the instrumental) that support placing language rights in that framework.

* * *

Ferenc CSIBOR

A Success Story or a Failed Legal Institution? An Overview of the Functioning of the European Citizens' Initiative

The European Citizens' Initiative (ECI) is a unique opportunity for citizens of the European Union (EU) to get involved in the community's decision-making process. Each initiative aims to mobilize the European Commission to bring forward a legislative proposal in a particular area, such as protecting minorities. This study reviews the functioning and performance of the ECI as a legal institution in general and as a potential tool for direct democracy and minority advocacy in particular. Consequently, the research included an overview of the registered initiatives and an aggregation of the results thereof. The study paid particular attention to the analysis of the online performance of ECIs, as a significant part of public-communication occurs via social media platforms. The research examined the official websites run by the organisers of various initiatives and thus included a specific focus on the accessibility of each website and its content. To complement the above, a questionnaire was sent to the organisers of those ECIs that have collected over one million statements of support. The questionnaire included questions on experiences and challenges related to online campaigning.

The study concludes that the European Citizens' Initiative has not yet been able to achieve breakthrough success and channel the will of EU citizens into legislation. Nevertheless, this legal institution keeps gaining momentum, as shown by the significant number of new initiatives and several ECIs that have recently collected over one million statements of support. The policy implications of the study suggest two ways in which EU institutions could support ECI organisers: 1.) The European Commission should assist in the creation of an official website for the initiatives (not to be confused with the signature collection platform), 2.) and second, organisers should receive help in translating the official websites and their campaign material into various European languages, to increase the visibility of their ECIs across the EU.

Krisztián MANZINGER

The New Ukraine and the Question of Nationalities

Ever since Ukraine became independent in 1991, there has been an intense socio-political debate about the course of the preferred nation-building process. Following the illegal annexation of Crimea and the secession of the strongly Russian-identified Donetsk and Luhansk regions in 2014, this debate seems to have been decided in favour of a nation-building that includes assimilation policies targeted against national minorities. The European continent now has considerable experience in nation-state-building and institutionalised integration of territorially concentrated nationalities. This paper draws on these experiences and reviews Ukraine's post-2014 nation-building legislation and its policy towards territorially concentrated minorities that form local majorities in specific areas. Complementing this, the analysis also reflects on the emerging knowledge of European nation-building and territorially focused minority protection. The article concludes that the best option for Ukraine would be to put into practice territorially based institutionalised minority protection solutions similar to the already known European models, rather than pursue the assimilationist, and often repressive nation-state building aspirations reminiscent of similar policies witnessed throughout the 19th and 20th centuries. Historical experience has shown that the latter practices are not sufficient to solve the "minority conundrum" in a sustainable way, and the repression they might introduce, while creating a false appearance of unity, actually weakens the state and makes it vulnerable to malicious external interventions.

* * *

Ákos SZABÓ

**The Irish Border Issue during Brexit and
the Possible Reunification of the Island of Ireland**

For years, the Brexit debate has dominated British politics. In contrast, the border issue involving Northern Ireland and the Republic of Ireland only came to the forefront of the debate when negotiations between the European Union and the United Kingdom began. For decades, the border has been a source of contention between Protestant Unionists and Catholic Nationalists in Ireland. It is a symbol of Irish partition and thus a relic of British conquest and colonisation on the island of Ireland. The centuries-old conflict has become more visible because of Brexit, which has called into question Northern Ireland's constitutional status within the United Kingdom and posed a challenge in finding a compromise that would satisfy the demands of both sides, as well as the British government and the EU. Despite Northern Ireland's long history of Unionist majority rule, demographic change has favoured Catholic Nationalists, whose share is growing. Furthermore, Sinn Féin, a staunch supporter of Irish reunification, is now the largest party in Northern Ireland. However, the rise of the non-aligned population and the rise of constitutionally neutral political forces have cast doubt on the „power-sharing“ political system established by the 1998 Good Friday Agreement, which ended decades of violence between the two sides. A border poll on Irish unity appears increasingly likely in the coming decades. Nonetheless, polls do not yet show a majority in favour of a united Ireland, as non-aligned voters have emerged as a powerful force capable of shifting the needle in either direction.

* * *

Erika CASAJOANA DAUNERT

Case C-158/21: A Positive Turning Point for Minorities in the EU

Case C-158/21, decided by the European Court of Justice (ECJ), brought important implications for minorities in the EU. The case involved the extradition requests made by Spain against Catalan politicians, including former Minister of Culture Lluís Puig and former President Carles Puigdemont, who had sought refuge in Belgium following Catalonia's independence referendum in 2017. Spain accused them of misusing public funds related to the referendum. The novelty of the CJEU's judgment was that it introduced the concept of an "objectively identifiable group" of persons, recognizing that if members of such a group face judicial deficiencies in their home country, another EU country can refuse to execute a European arrest warrant.

The judgment acknowledged that members of a specific group might be detrimentally affected by insufficient rule-of-law guarantees of a given state, thus providing a new ground for the denial of politically motivated extradition procedures. It emphasized the importance of protecting individual fundamental rights and recognized reports from the UN Group on Arbitrary Detention as valid evidence. This decision carries implications beyond the Catalan case, benefiting other minorities in the EU in defending themselves against unfair and discriminatory treatment related to their advocacy work.

* * *

Ildikó KÚCS

Judgment of the European General Court of 9 November 2022 in the Minority SafePack v Commission case

Case of T-158/21 revolved around the Minority SafePack Initiative (MSPI), an effort by minority rights advocacy groups to address the lack of concrete minority rights guarantees in EU law. The initiators pursued legal remedy before the General Court as the European Commission denied to engage in legislation even though the initiative received the required amount of support as set out in EU law. The European Commission rejected the MSPI in January 2021, claiming that no additional legal act was necessary. The General Court upheld this decision in November 2022.

The consequences of this judgment highlight the dominance of the Commission in the European Citizen's Initiative (ECI) process and its discretion in handling proposals. The court's limited review and the Commission's wide discretion in justifying its decisions demonstrate the challenging nature of the ECI as an agenda setting mechanism. Although there is no legal barrier to implementing the MSPI's proposals, the Commission's rejection, supported by the General Court's judgment, poses a significant hurdle for minority rights law-making in the EU.

* * *