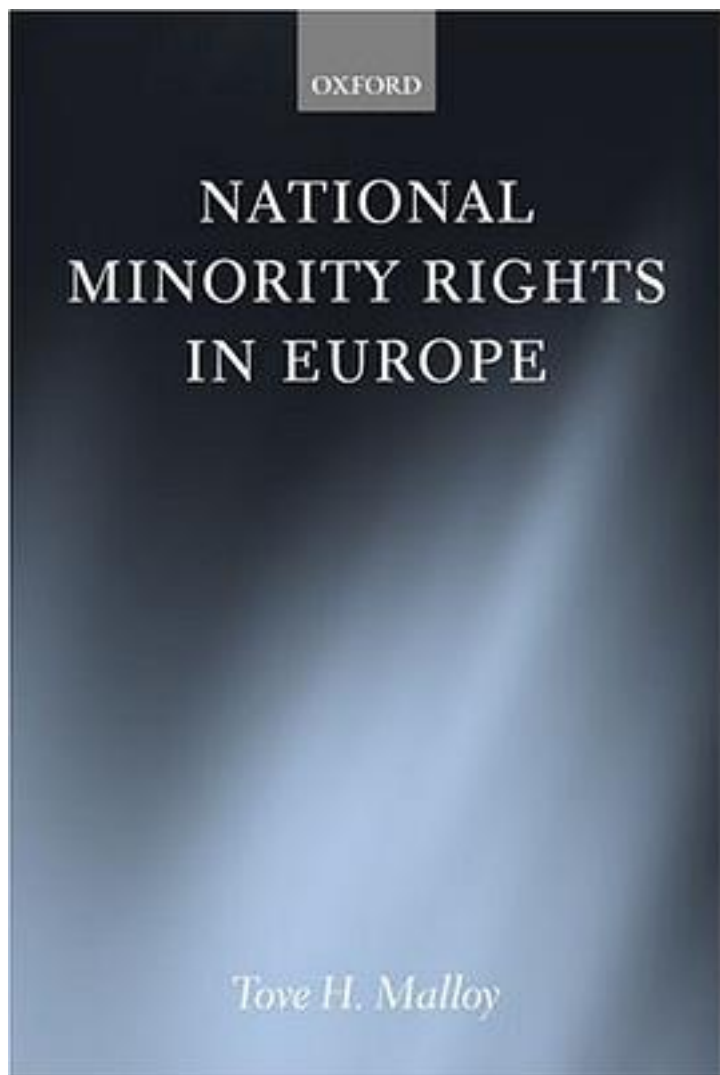


# A National Minority Rights in Europe



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Separatism is a highly topical and controversial legal and political issue. The conflicts in the Balkans of the 1990s have revived the unresolved issue of national minority self-determination in international law and also, in European politics, the issues of how to deal with sub-state nationalisms and group recognition, and how to enable the political inclusion of national minorities. "National Minority Rights" reviews the European inter-governmental approach in international law and politics through analysis of issues related to the moral recognition and ethical acceptance of national minorities. Examining issues of sub-state nationalisms, group recognition, identity, and political participation, Malloy reveals assumptions in international law and politics about state sovereignty, collective rights, loyalty, and political inclusion. Employing both theoretical analysis and practical examples, Malloy provides a new framework for the accommodation of national minorities in Europe, which aims to address the problems that have emerged from both international law and European relations since 1989. Part I examines the emerging national minority rights scheme since 1989 and explores concepts of the nature and scope of national minority rights. Malloy suggests that these rights have perhaps been mis-categorized and under-explored. Part II examines the discourse in the light of contemporary political theory on nationalism and multiculturalism, and the politics of identity, difference, and recognition as well as discursive approaches to democracy. Based upon these analyses, she develops an alternative framework for national minority accommodation based upon multiple loyalties, critical citizenship, and discursive justice. This alternative model overcomes the dichotomies of individualism-collectivism and universalism-particularism, contending that minority rights should be seen as collective political autonomy rights rather than as individual cultural human rights. Using this model, Part III examines the assumptions underlying the politics of democratization, taking as examples the work of the Council of Europe and the politics of European Union integration. Malloy questions the ability of the national minority rights discourse to inform international law in its efforts to protect national minorities in an ethical manner. Instead, she contends that the complex processes of constitutionalism in the realm of European integration might provide a better way to accommodate national minorities.

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