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"Unity in Diversity": The Protection of Regional or Minority
Languages in the Context of EU-Enlargement

verfasst von | submitted by
Olivia Ursula Sankowski

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For my family, Robert, Bozena and Nicol Sankowski, who always believed in me.

Abstract

Languages are key elements of both personal and national identity around the world, making them crucial for individuals, communities, and entire societies. But despite language's crucial role, there is a substantial decline in linguistic diversity. Many languages have become obsolete or face extinction. Furthermore, conflicts, crises, and other challenges exacerbate existing inequalities in linguistic rights, with minorities and indigenous peoples being particularly affected, not only globally but also on the European level. At the same time, Russia's aggression in Ukraine has reignited the debate on the European Union (EU) enlargement. Officially, "the respect for and protection of minorities" is one of the EU's priorities in the enlargement process and a condition for the accession of candidate countries to the EU. This encompasses the protection of ethnic, religious and linguistic minorities. This thesis investigates whether regional or minority languages (RML) can be protected through the EU enlargement process. Specifically, the aim is to examine how the EU enlargement mechanisms impact the protection of RML in candidate countries, with a focus on Ukraine. In order to achieve this objective, three hypotheses are tested: firstly, that the protection of RML is embedded in various EU policies; secondly, that the European Charter for Regional or Minority Languages (ECRML) is an international charter for RML protection and is referred to in the EU enlargement process; and thirdly, that the enlargement process leads to an increase of RML protection in Ukraine. This is done by conducting a literature review and qualitative content analysis using primary and secondary sources. The findings suggest that while the EU enlargement can play a role in protecting RML, the effectiveness and scope of protection vary depending on several factors. Nonetheless, it remains a considerable element in the enlargement process.

Abstrakt

Sprachen stellen auf der ganzen Welt wesentliche Elemente der persönlichen und nationalen Identität dar und besitzen somit eine hohe Relevanz. Obgleich Sprachen eine entscheidende Rolle in der persönlichen, nationalen und gesellschaftlichen Identität einnehmen, ist ein signifikanter Rückgang sprachlicher Vielfalt zu verzeichnen. Viele Sprachen werden nicht mehr verwendet oder sind vom Aussterben bedroht. Darüber hinaus verschärfen Konflikte, Krisen und andere Herausforderungen nicht nur weltweit, sondern auch auf europäischer Ebene bestehende Ungleichheiten, wie etwa im Bereich der Sprachenrechte, von denen Minderheiten und indigene Völker besonders betroffen sind. Gleichzeitig hat die russische Aggression in der Ukraine die Debatte über die Europäische Union (EU) Erweiterung erneut entfacht. Offiziell ist die „Achtung und der Schutz von Minderheiten“ eine der Kopenhagener Kriterien im EU-Erweiterungsprozess und somit eine Bedingung für den Beitritt der Kandidatenländer in die EU. Dazu gehört nicht nur der Schutz ethnischer und religiöser Minderheiten, sondern auch der Schutz sprachlicher Minderheiten. In dieser Arbeit wird untersucht, ob der EU-Erweiterungsprozess als Instrument zum Schutz von Regional- oder Minderheitssprachen (RML) dient. Konkret soll untersucht werden, wie sich die EU-Erweiterungsmechanismen auf den Schutz von RML in den Kandidatenländern auswirken, wobei die Ukraine als Fallbeispiel verwendet wird. Um dieses Ziel zu erreichen, werden drei Hypothesen getestet: Erstens, dass der Schutz von RML in verschiedene politische Strategien der EU integriert ist. Zweitens, dass die Europäische Charta für Regional- oder Minderheitensprachen (ECRML) eine internationale Charta für den Schutz von RML ist und im EU-Erweiterungsprozess herangezogen wird; und drittens, dass der Erweiterungsprozess zu einer Verbesserung des Schutzes von RML in der Ukraine führt. Die Analyse wurde unter anderem mittels einer Literatur- und einer qualitativen Inhaltsanalyse durchgeführt, wobei sowohl primäre als auch sekundäre Quellen berücksichtigt wurden. Die Ergebnisse der Untersuchung weisen darauf hin, dass die EU-Erweiterung einen gewissen Einfluss auf den Schutz von RML hat, wobei die Wirksamkeit und der Umfang des Schutzes von mehreren Faktoren abhängig sind. Nichtsdestotrotz ist der Schutz von RML ein Bestandteil des Erweiterungsprozesses.

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List of Abbreviations

CEE	Central Eastern Enlargement
CEFR	Common European Framework of Reference for Languages
CoE	Council of Europe
ECRML	European Charter of Regional or Minority Languages
ECHR	European Convention on Human Rights
EEC	European Economic Community
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
RML	Regional or Minority Language
TEU	Treaty of the European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
QCA	Qualitative Content Analysis

1 Introduction

“Linguistic diversity is a challenge for Europe, but, in our view, a rewarding challenge.” (Maalouf, 2008, p.3)

In the context of the transformation of the European Union (EU) by the Lisbon Treaty, a Group of Intellectuals for Intercultural Dialogue chaired by Amin Maalouf¹ made the aforementioned statement in 2008. It was included in their proposal on how language diversity can strengthen the EU integration (European Commission, 2008, p. 3). It addresses the urgency of managing diversity effectively because it is a central element for populations to live in harmony and create a sense of belonging. This statement is unique because, in 2008, linguistic diversity was already seen as part of European integration and an aspect that must be prioritised (ibid.).

In Article 2 of the Universal Declaration of Human Rights, adopted by the United Nations (UN), it is that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (United Nations, 1948). This inclusion underscores the recognition of language as an integral element in the promotion of international peace and equality and underscores the importance of linguistic equality and protection against discrimination based on language.

Languages are regarded as a key element of both personal and national identity around the world, making them crucial for individuals, communities, and entire societies. Despite language’s crucial role, nowadays, there is a substantial decline in linguistic diversity. Many languages are no longer used or are threatened with extinction. At the same time, conflicts, crises, and challenges exacerbate existing inequalities in the sphere of linguistic rights, with minorities and indigenous peoples being particularly affected, not only globally, but on the European level as well. Researchers stress that in order to prevent language loss in the coming years, urgent investment is needed in a range of language initiatives (Bromham et al., 2022, p. 163).

Parallel to the constant decline of languages, the debate about EU enlargement has reignited, which has stagnated since the last round of accessions in 2013. EU enlargement has been given a new political impetus with the accession of new candidate countries such as Ukraine,

¹ Armin Maalouf is a Lebanese French writer who was invited by the European Commission to chair a reflection group on multilingualism in 2007-2008 (Académie française, 2024).

Moldova, and Georgia, while the accession process of longstanding candidate countries located in the Western Balkans has been revived (SWP, n.d.). Accordingly, linguistic diversity in the EU will increase in the future.

The candidate states are currently assessed for compliance with the EU's Copenhagen criteria. Officially, "respect for and protection of minorities" is one of the EU's priorities in the enlargement process and a condition for the accession of candidate countries to the EU. This includes the protection not only of ethnic and religious minorities but also linguistic minorities. The EU's recognition and increasing efforts in human rights have also been identified as key objectives of its external action (European Commission, 2021, p. 7).

In this context, minority issues are often highlighted, but the specific issues of regional or minority languages (RML) remain underexplored, with most studies focusing either on the EU institutional law or on minorities in the context of enlargement. The role of RML in the enlargement process, in particular how they intersect with the cultural, political and legal dimensions of EU enlargement, is often overlooked. Despite their importance in shaping national identities and preserving cultural diversity, the subject of RML in the candidate countries has not been sufficiently analysed in the broader discussions on the EU enlargement policy. This gap suggests the need for a deeper investigation of how RML might influence both the accession process and the EU's commitment to cultural and linguistic diversity.

Therefore, the objective of this thesis is to examine possible connections between the protection of RML in the EU Enlargement process. It will also investigate a) how the EU's protection of RML has changed over time, b) the role of the European Charter for Regional or Minority Languages (ECRML) in the process of EU enlargement, and c) how EU enlargement has affected the protection of RML in Ukraine. In particular, this research paper seeks to explore and understand how and to what extent the mechanisms of EU Enlargement shape the protection of RML in candidate states, particularly in this case, Ukraine, which is the most recent one. For this reason, the following master's thesis will analyse the protection of RML in the context of EU enlargement based on the ECRML. The research question that will be investigated with the literature review and qualitative content analysis is:

How and to what extent is the EU enlargement process an instrument of the EU to protect RML?

It is critical to examine these issues within the broader discourse on the protection of RMLs, especially where the EU has the potential to leverage its influence on the international level during the enlargement process. It is necessary to look into the development of the situation

with RML in parallel to the EU enlargement process. Through this, the problem around RML and the current EU enlargement debate will be connected. Linking these two processes—the protection of the RML and enlargement—ultimately seeks to find out whether the influence that the enlargement process may have on political developments is also slowing down the rapid decline of the RML. Focusing on the European level, the findings can potentially be applied to other regions worldwide.

This thesis will analyse the relevant reports from the ECRML and EU documents to contribute a new perspective to the discussion about the enlargement and protection of RMLs. Ukraine is a case study, as it is one of the recent candidate states and has signed and ratified the ECRML. This makes it possible to analyse the development of the situation and the efforts made by Ukraine to protect RML before and during EU accession. Also, using the ECRML allows a more focused analysis of specific linguistic minorities. In this way, trends and challenges can be identified and analysed to examine the recommendations and possibly challenges faced by the RML in the future for the EU enlargement process.

This question of the protection of RML is particularly relevant as EU enlargement and the situation of RML are often not considered as the common issues in research. Linguistic diversity is usually neglected in this discourse, especially with a specific focus on RMLs. The thesis aims to counteract this and to show a connection for further research in this field.

The work is structured as follows: the theoretical framework will set the basis for the research, explaining and defining RML, EU enlargement, and the Europeanisation theory. Secondly, the methodology will be described to determine the scope. In the third part, this thesis will examine internal EU mechanisms and policies that protect RML from the point of view of the Europeanisation theory. The second part of the analysis will focus on the case study and the ECRML. Therefore, the link between the EU and the Council of Europe (CoE), as well as the main focus points of the ECRML, will be analysed, following the analysis of the reports of the ECRML about the protection of RML according to its standards. In the final part, the results will be discussed and put into context with the first and second parts of the analysis to gain an overall insight into how and to what extent the RMLs are promoted in the EU enlargement process.

1.1 State of the Art

Looking at the decline of RML nowadays, UNESCO, the UN agency for education, science, culture, and communication, created the “World Atlas of Languages” to classify global languages and assess their levels of endangerment.

The Atlas methodology reveals that out of approximately 8,324 documented languages, approximately 7,000 are still in use (UNESCO, 2024). Although this may appear to be a considerable figure, the Atlas shows that many of the 7,000 languages currently used are classified as endangered. These languages are grouped into four categories, ranging from “critically endangered” to “merely endangered”. In particular, around 3,170 languages are considered “endangered”. By the end of this century, it is estimated that nearly 1,500 languages may be extinct (World Economic Forum, 2022). The figures presented offer an overview of language trends, and especially of their constant decline. Also, it is important to highlight that while this Atlas is providing a useful overview of languages, endangered languages are often affected by the lack of reliable data because they have very few speakers and limited documentation. Additionally, the distinction between a language and a dialect is not always clearly defined, making it difficult to accurately determine the precise number of existing languages (Katsarova, 2022, p. 2). Nevertheless, the data shows a considerable decline in linguistic diversity across the globe.

The EU is characterised by linguistic diversity. Currently, there are 24 official EU languages, with Croatian being the most recent addition in 2013 (European Commission, n.d.) and over 60 RMLs as well as many languages spoken by immigrant populations (Eurobarometer, 2024, p. 5). Autochthonous minority languages are regarded as a valuable component of the EU’s cultural and linguistic heritage (Riemersma, 2012, p. 169).

In general, approximately 8% of the EU citizens belong to a national minority, and approximately 10% (European Parliament, 2020, p. 5), that is about 40 million people, speak around 60 RML (Kuipers-Zandberg & Schukking, 2021, p. 7). This results in 186 languages spoken in the EU Member States being classified as vulnerable or endangered, with increased potential to become languages extinct (European Citizens’ Initiative - Minority SafePack, 2020, p. 3). The numbers show that RMLs are therefore more vulnerable than dominant languages. Therefore, to prevent this decline, more initiatives are needed to protect lesser-used, minority and endangered languages (Modiano, 2022, p. 263). Researchers from the Australian National University emphasised that urgent investment is needed to prevent language loss in the upcoming years. They stressed the importance of funding different measures such as language

documentation, bilingual education programs, and other community-based initiatives (Bromham et al., 2022, p. 163).

The issue of language loss and the need to protect languages is evident among EU citizens. The latest Eurobarometer survey on “Europeans and their languages” (2024) provides updated information on language use compared to the 2012 survey. The survey reveals that 86% of the EU citizens advocate learning at least one additional language, and 76% prioritise improving language skills. Despite the significant role of English as the most commonly spoken foreign language in the EU—spoken by 47% of Europeans, with particularly high proficiency among younger citizens—French, German, and Spanish are also most spoken. Despite this tendency to focus on the most widely spoken languages in the EU, more than 84% of Europeans still support the protection of RML (Eurobarometer, 2024).

2 Theoretical Framework

As this thesis focuses on the EU enlargement process, it is essential to define and set a framework for further analysis to describe the interconnectedness of these aspects and their function in the protection of the RML.

2.1 Regional or Minority Languages

RML can be understood as the interplay of two fundamental concepts: “language” and “minority”. In discussing these concepts, it is evident that they overlap because of vague definitions, unclear regulations, and missing data (Ammon, 2012, p. 575). This results in significant variations in the definitions, including certain aspects while excluding others, depending on the scholars’ perspective and context. Nevertheless, various scholars and literature have made attempts to provide definitions.

Starting with “language”, the Oxford Reference proposes different definitions. From a linguistic perspective, language is “a conventional system based on the use of words according to a complex system of rules” (Oxford University Press, 2024). Britannica similarly defines language. It postulates that “language [is] a system of conventional spoken, manual (signed), or written symbols by means of which human beings, as members of a social group and participants in its culture, express themselves. The functions of language include communication, the expression of identity, play, imaginative expression, and emotional release” (Robins & Crystal, 2024). They are implicating a specific expression of individual identity and the possibility of gaining insights into the point of view of other societies (Orban,

2012, p. 109). Kresic and Rocco (2012, p. 36) define language as part of identity due to the fixation of norms within a linguistic system of identity. Rowley (2012, p. 40f.) states that language is integral to identity. It expresses identities and symbols of belonging (Rowley, 2012, p. 41). Also, the concept of “minority language” is inherently contextual. It only makes sense in a particular context as it can only be defined in comparison with other languages and other human groups (Serrano & Fouces, 2018, p. 2). For example, German is the primary language in Germany, but a minority language in the Czech Republic which leads to the importance of considering the nuances of minority language situations (ibid.). All these definitions showcase a strong link between language and culture, indicating that each language represents traditions and beliefs (Puerta, 2024, p. 29).

The ECRML defines RML in the context of its objectives while still encompassing elements mentioned by other scholars in their definitions of languages. The definition used in the ECRML is based on three aspects: a RML is a language traditionally used by nationals of the respective state, it is different to the national language and a language which is traditionally used in a particular geographical area (Council of Europe, 1992, p. 5f.). However, in contrast to the previous definition, which includes the identity of the individual or constituent of social reality, the definition of language in the ECRML is primarily concerned with its cultural function. It explicitly states that no “reliance [is] placed on a politico-social or ethnic definition”, which describes a language as an expression of a particular social or ethnic group (Council of Europe, 1992, p. 3). Despite the exclusion, the definition remains an internationally recognised term in this field of study, making it particularly relevant to the aims of this thesis. The ECRML differentiates between languages that are introduced to a state due to immigration and dialects, which are excluded from this definition.

2.2 EU Enlargement

In 2017, Jean-Claude Juncker, a former EU Commission president (Hüttmann, 2020), addressed the European Commission on the topic of enlargement, stating that a credible enlargement policy must be maintained in order to achieve stability in the EU’s neighbourhood. At the same time, he emphasized that “there will be no further enlargement” during the 2014-2019 mandate, as “no candidate is ready” (Juncker, 2017). This statement led to several measures, such as merging the Directorate-General for Enlargement with the Directorate-General responsible for the European Neighborhood Policy and enlargement negotiations, signalling a reduced focus and activities in enlargement efforts (Schimmelfenning, 2015). This attitude toward enlargement has changed drastically. Since 2022, Europe’s primary objectives have been

further EU enlargement (Maillard, 2024, p. 1). Maroš Šefčovič, the Executive Vice-President for the European Green Deal, Interinstitutional Relations and Foresight, emphasised in 2024, in the context of the review of enlargement reforms, that “enlargement is a geostrategic investment, increasing the EU’s political and economic weight on the global stage” (European Commission, 2024). As the aforementioned quote implies, many Member States of the EU consider enlargement as a measure to strengthen the EU and the neighbouring countries (Buras & Morina, 2023). When compared to Junker's 2017 comments, this represents a substantial change in perspective. Although enlargement was not given priority at the time, the geopolitical concerns in Europe have made it a top priority since 2022. Therefore, this chapter will focus on the enlargement policy in order to establish a foundational understanding of its mechanisms.

The EU’s official website states that the primary objectives concerning enlargement are to extend the EU’s zone of peace, stability and prosperity and to provide political, economic and social benefits for the countries and the EU (European Union, n.d.). In essence, enlargement policy describes the process through which countries join the EU by fulfilling specific criteria (European Council, 2024). Article 49 of the Treaty of the European Union (TEU) creates the basis and sets out two basic principles to apply for EU membership: first, being a state in Europe and secondly, it must respect the values referred to in Article 2 of the TEU and promote them (European Commission, n.d.). The decision to become a member of the EU is a matter of national interest, as countries seek to benefit from the advantages of EU membership (Atikcan, 2010, p. 379).

The Copenhagen criteria, a set of specific standards established by the Copenhagen European Council in 1993 and further reinforced by the Madrid European Council in 1995, play a pivotal role in the EU enlargement process (European Union, n.d.). These criteria guide countries aspiring to join the EU, outlining the political, economic, and administrative conditions they must fulfil. (ibid.). Since the founding of the EU, there have been seven enlargement periods, each revealing evolving priorities and accession standards as treaties were added and the criteria adjusted over time (European Union, 2024). The adaptation to EU law is formalised in the Accession Treaty, which represents the state of EU law at the time of a country’s accession (Robertson, 2015, p. 51), thereby reflecting the EU’s current priorities.

Generally, the Copenhagen criteria are guidelines created to minimise the potential risks associated with political instability or economic strain that new members may pose to the EU. Consequently, these regulations ensure that new members are adequately prepared to comply with the overall EU legislation, with only limited and temporary exceptions (Grabbe, 2002, p.

251). These create the EU conditionality, which is identified in various studies as a mechanism and a key driver of influencing candidate countries' compliance with the EU *acquis* (Böhmelt & Freyburg, 2017, p. 1671). Additionally, it offers a framework that guides candidate states towards necessary reforms (Grabbe, 2002, p. 263). For instance, it has exerted political leverage on candidates to secure the desired policy and legislative outcomes (Hughes & Sasse, 2015, p. 26f.). Namely, the Copenhagen criteria establish the conditions the prospective EU Member States must fulfil. These are categorised into three principal dimensions: political, economic, administrative and institutional capacity (European Council, 2024). Although these criteria have a specific scope, they remain open to interpretation in their application to Member States. For instance, the precise definition of a stable democracy or a market economy is not always explicitly provided (Grabbe, 2002, p. 251). The political criteria stress the requirement for a stable institutional framework that guarantees the rule of law, human rights and the protection of minorities and is considered an effective mechanism for promoting human rights and the protection of minorities (Hughes & Sasse, 2015, p. 26). The economic criteria require that the candidate state demonstrate the capacity to maintain a functioning market economy resilient to the competitive pressures of the internal EU market (European Council, 2024).

The administrative and institutional capacity criteria focus on a country's ability to implement and reinforce the *acquis communautaire*. The *acquis communautaire*, representing the body of EU law, regulations, and administrative practices, is a crucial aspect of the EU enlargement process (Böhmelt & Freyburg, 2017, p. 1681). It requires candidate states to align their domestic legislation with EU standards (*ibid.*). For negotiation purposes, the *acquis* is divided into 31 chapters, which allow for the assessment of progress as countries open and provisionally close chapters (Grabbe, 2002, p. 252). The *acquis* reflects the EU's priorities during the specific enlargement period (Iusmen, 2014, p. 147). For example, countries in the second and third enlargement rounds – such as Greece, Spain and Portugal (European Parliament, 2024) – faced a more limited set of rules compared to Eastern candidates, who had to adopt a significantly broader *acquis* (Grabbe, 2002, p. 264). Especially the Lisbon Treaty and the Charter of Fundamental Rights created a “human rights” component in the Copenhagen criteria, particularly in terms of legal, constitutional, and institutional frameworks (Iusmen, 2014, p. 175).

The *acquis* has to be accepted before joining the EU. As stated by the EU, exceptions from the *acquis* are allowed in particular circumstances and are limited (European Union, n.d.). However, the political dimension of the Copenhagen criteria is considered particularly

challenging due to its broad scope, which complicates its translation into specific sections of the *acquis* (Hughes & Sasse, 2015, p. 39). The political dimension adds further complexity to the assessment process, especially as elements of it can be found in anti-discrimination provisions across multiple chapters of the *acquis*, including areas such as employment, social inclusion, education and culture (European Commission, 2024). Therefore, the opening and closing of the 31 chapters—along with other measures such as various trade agreements, association agreements, and the screening process—are crucial elements of conditionality (Atikcan, 2010, p. 380). Moreover, the pressure exerted by conditionality may undermine the sustainability of compliance after accession, as alignment during the pre-accession period is driven mainly by the conditional incentives of membership rather than by persuasion or social learning (Sedelmeier, 2008, p. 810). For example, in minority rights, candidate countries often act according to the logic of consequences due to the conditionality embedded in the enlargement process (Atikcan, 2010, p. 378).

These mechanisms of the enlargement process such as conditionality, the human rights component of the Copenhagen criteria and the various chapters of the *acquis*, can potentially promote the protection of RML in candidate countries. However, a gap remains, because neither the *acquis* nor the negotiation procedure specifically address RML concerns. Because broader areas like cultural rights, which include RML, are less enforceable than other components of the *acquis*, it becomes difficult to evaluate compliance with RML protection. As a result, even though the enlargement process offers a thorough structure to guarantee that newly admitted Member States have a certain level of internal stability consistent with EU *acquis* and ideals, their overall efficacy might be questioned, especially with regard to RML. Negotiations frequently provide a degree for interpretation and ambiguity, raising concerns about the consistency of enforcement of these standards. This is particularly relevant for the protection of minority rights, especially in areas related to linguistic diversity and the implementation of RML policies. Also, even though the EU continues to evolve, attitudes toward integration are becoming more defined and politically charged.

As a general response to the enlargement process, in 2024, the European Commission is preparing for pre-enlargement reforms and additional policy reviews (European Commission, 2024). For instance, scholars argue that the EU should have internal reformatations (Buras & Morina, 2023). One suggestion is that the enlargement process should recognize an “associated state” status once progress has been made in accession negotiations (Maillard, 2024, p. 1). This status would enhance the credibility of a potential future full membership and send a strong

geopolitical signal of the country's close ties with the EU, particularly when rival influences attempt to hinder progress (*ibid.*). This suggestion is a response to critics of the enlargement process arguing that the accession process has become increasingly demanding due to a multitude of requirements, leading to a slow integration process with many candidate countries waiting a long time to be fully integrated into the EU (Grabbe, 2002, p. 266f.).

2.3 Europeanisation Theory

In light of the assumptions that the EU enlargement process exerts a degree of impact on candidate states, it can be argued that the Europeanisation theory provides a beneficial framework for examining these processes. Accordingly, in discussing the protection of RML in the context of EU enlargement, this thesis employs the Europeanisation theory as an analytical framework to provide explanations.

The Europeanisation research agenda emerged in response to the growing momentum of EU integration from the mid-1980s, driven by a series of treaty reforms that deepened integration having significant political, economic, and legal impacts on EU member and candidate states, (Bulmer & Lequesne, 2020, p. 16). It is a conceptual tool for analysing political and social transformations (Featherstone, 2003, p. 3) as well as for examining how the EU induces changes in national policies, public administration, and domestic politics (Moumoutzis, 2011, p. 612).

The concept of "Europeanisation" is a highly debated topic, largely due to the inherent challenges associated with its conceptualisation and applicability (Radaelli, 2003, p. 28). Nevertheless, depending on the context, several scholars have defined it from different perspectives, considering various distinctive characteristics. Overall, the term "Europeanising" is used to describe the process of "deepening" European integration (Moumoutzis, 2011, p. 607). Similarly, Schimmelfennig and Sedelmeier (2020, p. 814) define Europeanisation as a "process in which states adopt EU rules' accompanied by a transition". Knill & Lehmkuhl (2002, p. 255) emphasise the impact of European integration at the national level, especially the extent to which European policies have transformed domestic regulatory style, decision-making processes and institutions. Although the definitions vary in their specific emphasis, a general similarity can be observed in terms of their description of the influence and change which Europeanisation helps to explain.

Furthermore, an examination of Europeanisation theory reveals the distinct roles of EU Member States and candidate states. Scholars focus on different mechanisms as the EU legal instruments vary in these two sets of countries. Whereas the literature on member countries focuses on the

fit between the EU policies and domestic institutional variables, the literature on candidate countries explores the type of tools the EU uses in the context of EU enlargements (Atikcan, 2010, p. 377). EU Member States, in particular, play a critical role in shaping the strategic decisions of the European Council and determining the future direction of the EU (Bulmer & Lequesne, 2020, p. 4). Atikcan (2010, p. 379) highlights the asymmetric relationship, which allows the EU to exert greater influence through various mechanisms, such as coercive means, and results in a top-down influence mechanism.

Featherstone (2003, p. 12) outlines four key dimensions of Europeanisation, offering a framework to grasp its multifaceted nature. The first dimension is historical, referring to exporting cultural norms and patterns predominantly from Western Europe (p. 6f.). The second dimension is transnational cultural diffusion, which describes the spread of cultural norms, ideas, and identities across Europe. This process impacts broader societal activities and serves as a lens to understand shifts in political culture, such as ideological changes (p. 7). The third dimension focuses on institutional adaptation, highlighting how Europeanisation drives domestic changes within states due to EU membership (p. 7). Lastly, the fourth dimension addresses the adaptation of public policies and political processes, emphasising that while Europeanisation influences domestic policymaking and governance, national sovereignty remains upheld in numerous policy areas (p. 11). These dimensions are not exclusive but overlap and intersect, illustrating various pathways of Europeanisation for member and candidate states (Grabbe, 2003, p. 303). Also, Knill & Lehmkuhl (2002, p. 257) argue that there are potential interdependencies between Europeanisation mechanisms, as a complex combination of different Europeanisation mechanisms constitutes European policies. Additionally, the interconnectedness of the mechanisms and dimensions underscores the dynamic and contextualised nature of the process, reflecting its ability to adapt to different political and institutional circumstances (Featherstone, 2003, p. 4). Although Europeanisation involves both influence and adaptation of policies, Radaelli (2003, p. 33) Europeanisation emphasizes that it nonetheless acknowledges the diversity of states differentiating from complete harmonisation.

Grabbe's contribution to Europeanisation is particularly important as it focuses specifically on EU enlargement in the context of Central Eastern Enlargement (CEE), but conclusions can be drawn about influence on enlargement more generally. Grabbes' (2003, p. 304) adds the dimension of the EU enlargement process by highlighting the relevance of Europeanisation to the CEE, which experienced pressures to adapt to EU policies as candidate states. This is due

to the conditionality and negotiations associated with the EU enlargement process. Grabbe (2003, p. 308) posits that conditionality for accession serves to extend the reach of EU influence at the domestic policy level, thereby enabling modernisation and change in specific policies as well as reform of political institutions. In view of the fact that the *acquis communautaire* is to be adopted in its entirety by the candidates, and the negotiations are primarily concerned with determining the extent to which it should be implemented prior to accession and which parts of the *acquis* will be subject following the accession (Grabbe, 2003, p. 304).

Furthermore, it is evident that the aspect of conditionality represents merely one aspect of the multifaceted field of influence exerted by the EU on candidate states. Rather, it can be argued that the EU exerts influence through a multitude of intricate mechanisms. These mechanisms—models, money, benchmarking and monitoring, advice and twinning, and gatekeeping—highlight the multifaceted nature of the EU’s impact (Grabbe, 2003, p. 311f.). The first mechanism, models, involves candidates adopting the EU’s existing laws and norms. This places them under the same pressure as Member States but without any influence over EU policy decisions (Grabbe, 2003, p. 312f.). Complementing this, the EU employs framing mechanisms through “soft” Europeanisation, encouraging candidates to comply with binding and non-binding directives by aligning with minimal requirements and voluntary measures, resulting in candidates demonstrating their commitment to EU standards (Grabbe, 2003, p. 314). Assuring that candidates make the required adjustments in accordance with EU standards, the second mechanism, money, entails financial support linked to bilateral agreements and uses EU financing to promote reforms (p. 314). Benchmarking and monitoring represent the third mechanism, where tools like Enlargement Reports assess and rank candidate states, ensuring progress and accountability (p. 315). The fourth mechanism, advice and twinning, provides candidates with guidance on meeting EU standards and addressing differences in policy approaches between countries. This tailored support helps bridge the gap between national practices and EU norms (*ibid.*). One example of this is recommendations made in Enlargement Reports and Venice Conventions for implementing human rights standards.

Finally, gatekeeping is the EU’s most powerful and effective conditionality tool for driving institutional and policy transformation (Grabbe, 2002, p. 256). The control of the EU to provide access to key stages, such as obtaining candidate status or beginning negotiations, gives the EU significant leverage. The EU’s criticisms and demands can exert a significant influence on domestic debates, reinforcing compliance and shaping national policies (Grabbe, 2003, p. 316f.). These mechanisms, which intersect but can also be considered separately, ensure that

candidate states align with the EU's *acquis*, thereby fostering a gradual but comprehensive process of Europeanisation. Additionally, the degree of change in domestic policies depends on the adaptation pressure (Radaelli, 2003, p. 45), resulting in different outcomes considering the individual negotiations.

Nevertheless, following the CEE enlargement round, scholars have begun to question the effectiveness of conditionality in influencing national policies, particularly in light of the recent democratic backsliding and non-compliance with EU legislation (Schimmelfennig & Sedelmeier, 2020, p. 815). Given the diverse backgrounds of current candidate countries, the reduced credibility of EU incentives, and the higher domestic adoption costs, Europeanisation theorists must begin with a broader analysis of both domestic and international contexts (Schimmelfennig & Sedelmeier, 2020, p. 830).

In answer, Schimmelfennig & Sedelmeier (2020, p. 815) offer additionally a model of Europeanisation to explain when EU conditionality leads to domestic change. The External Incentives Model is a bargaining model and posits that the EU influences Europeanisation through rewards and sanctions, and explains how this affects the cost-benefit calculations of candidate states' governments, thereby influencing their decision to adopt EU rules (Schimmelfennig & Sedelmeier, 2020, p. 815f.). This model illustrates how the EU's capacity to promote Europeanisation through conditionality is largely contingent on its ability to offer credible rewards or impose sanctions (*ibid.*). This theory will be used in this paper because it facilitates the understanding of the effects of extending the scope of protection of RMLs. An analysis of a candidate state's compliance with the ECRML will be complemented by examining the EU's internal measures for protecting RML. This is crucial, as it establishes the anticipated impact of the enlargement process. An investigation into the application of the Europeanisation theory to EU enlargement will endeavour to reveal the underlying mechanisms, indicating the potential for influence and change in candidate states.

Therefore, the thesis utilises the concept of Europeanisation because it provides a comprehensive framework for understanding the dynamics of EU influence on candidate states. It helps explain how external incentives and internal measures shape compliance, particularly in the context of protecting RML. By applying the Europeanisation theory, the thesis aims to reveal if the mechanisms behind the enlargement process stipulate policy change and adaptation. This approach not only enhances the analysis of candidate states' compliance with the ECRML but also highlights the broader implications of EU conditionality and internal standards.

3 Methodology

This chapter outlines the hypotheses, research design and methodological approach that will be employed to investigate the research question of how and to what extent the EU enlargement process is an instrument of the EU to protect RML.

This chapter explains particularly the hypotheses formulated for testing, the methods of data collection, and the strategies for the analysis.

3.1 Hypothesis

As outlined in the introduction, the research question examines the role of EU policies in protecting RML in the context of EU enlargement. This makes it possible to assess the actual development of RML protection in the context of the EU enlargement process. Accordingly, three hypotheses were formulated to guide the research. These hypotheses seek to determine whether the EU enlargement process serves as a mechanism for the protection of RML and to what extent it is integrated into EU policy frameworks.

The following hypotheses will be investigated in the thesis:

1. The protection of RML is embedded in various EU policies, but in a broader sense and depends on the EU's strategic agenda.
2. ECRML is an international charter for RML protection and is referred to in the EU enlargement process.
3. The enlargement process leads to an increase of RML protection in Ukraine.

These hypotheses will be explored through a combination of qualitative methods, including literature analysis and qualitative content analysis.

3.2 Research Design

As a methodology or specific approach to the research process, two qualitative research methods will be combined: a general scientific literature review and a qualitative content analysis. The interdisciplinary nature of the topic is primarily approached from a political perspective, with the focus on the commitment of the institution or state to the protection of RMLs, rather than on the specific characteristics of the RMLs themselves. This is because language fulfils communicative functions, but it also encompasses several ideological, normative and political aspects associated with nation-states and the EU, which are closely linked to the evolving role of language (Schreiner, 2006, p. 13).

In analysing the protection of RML in the EU enlargement process, the research will employ the case of Ukraine as a lens to examine the broader issues of EU enlargement, minority protection and linguistic discourses in Europe. The mixed approach will facilitate a more comprehensive discussion by combining inductive and deductive thinking, which is more beneficial for the interdisciplinary topic. Also, the Europeanisation theory provides a framework for directing the research and highlighting the key aspects of the topic.

However, a comprehensive literature review will be conducted to identify the relevant subject areas for this study. In particular, the interfaces between the subject areas of EU treaties, EU enlargement and ECRML were subjected to detailed analysis. Snyder (2019, p. 333) asserts that literature analysis is justified because existing knowledge constitutes the fundamental building block of all academic research activities, thereby underscoring its crucial role for scholars. Accordingly, the objective of the literature analysis in this thesis is to establish the foundation for the subsequent qualitative content analysis. In essence, a literature review represents a systematic approach to gathering and synthesising prior research, offering a comprehensive overview of the interdisciplinary nature of the research field (Snyder, 2019, p. 333). Given the thesis's interdisciplinary nature of considering the political and social perspectives, the synthesis of research findings enables the presentation of evidence at a more comprehensive level and the identification of areas requiring further investigation (*ibid.*).

Accordingly, a systematic literature review will be done of current literature and key concepts about EU RML protection mechanisms and policies, the EU enlargement process, the relationship between the CoE and the EU, and the ECRML's role as an international standard for RML protection. These concepts will be reviewed and contextualised using both primary and secondary literature.

In addition to the systematic literature review, this study will apply a qualitative content analysis (QCA) to examine reports by the Committee of Experts on the application of the ECRML in Ukraine from 2010 to 2023. Qualitative content analysis will be used as various scholars have defined it as a research technique for making replicable and valid inferences from texts to the contexts of their use, as well as a process for relating the findings to their context of production (Bengtsson, 2016, p. 9). This complementary analysis investigates the development of RML protection in Ukraine over time, using the Committee of Experts' reports as a primary source to assess policy implementation and outcomes. A key focus is to determine whether the EU enlargement process have influenced RML protection in Ukraine. The objective is to identify major themes and developments in Ukraine's language policies and to trace changes over time,

with particular attention to the EU's efforts to integrate Ukraine within the enlargement process. The reports are systematically reviewed, with relevant statements and actions categorised. Special attention is given to any shifts observed in Ukraine's EU integration process, especially following its 2022 candidacy for EU membership.

The QCA provides a structured yet adaptable framework that enables the analysis to focus on specific developments within the reports while accommodating the nuances of the data (Kuckartz, 2019, p. 193). This thesis will use a mixed approach to category development, combining deductive (concept-driven) and inductive (data-driven) methods (Kuckartz, 2019, p. 185).

Therefore, a framework of categories will be established, which will then be extended, if necessary, during the analysis of the report, as the coding units are not defined in advance, but created by the coding process, which follows the means of the research question, as this provides the perspective for the analysis (Kuckartz, 2019, p. 186). Thematic and evaluative categories will be used to code the reports (Kuckartz, 2019, p. 184). The analysis will start with an initial frame of categories related to language protection and the EU. As the analysis unfolds, categories will be expanded or refined as needed, allowing for the identification of new aspects of RML protection highlighted in the reports in parallel to the more and more EU integration of Ukraine. This approach enables the analysis to capture predefined themes and additional insights unique to the context of these documents.

The QCA will proceed in six critical steps presented by Kuckartz (2019, p. 187f.): (1) preparing the data by gathering the relevant reports from the Committee of Experts of the ECRML; (2) developing an initial set of categories aligned with the research question, focusing on themes related to RML protection and policy; (3) coding the data using these primary categories and adding new categories as additional themes emerge; (4) compiling and organising text passages within main categories, with further classification into subcategories as necessary; (5) conducting a category-based analysis to explore the relationships between categories and the evolution of RML protection over time and; (6) reporting and documenting the findings of the content analysis, highlighting changes and continuities in language protection efforts (Kuckartz, 2019, p. 195).

This structured but adaptable approach ensures that the analysis remains focused on the development of RML protection while allowing for a nuanced exploration of complex social and policy dynamics (Kuckartz, 2019, p. 196). This makes QCA particularly suitable for examining longitudinal changes, assessing EU impact, and exploring outcomes related to the

protection of RML due to the recommendations of the Committee of Experts.

Both parts will use a variety of EU documents related to the enlargement process, such as treaties and enlargement reports. Also, CoE documents, like those from the Venice Commission, which the EU frequently employs during the enlargement process, will also be drawn upon.

3.3 Methodological approach

As the Europeanisation theory states that Member States influence the internal EU policies, which in turn influence the policies of candidate states, it is important to look from two perspectives and therefore the research is divided into three blocks: EU internal policies and mechanisms in protection, the ECRML and enlargement as it's the international standard and finally the case of Ukraine to examine the development of the situation of RML in line with EU integration. These aspects will be integrated into the conclusion addressing the overarching research question. The aim is to analyse the links between the different aspects and to synthesise them into a unified whole.

The established theoretical framework will create the scope for the thesis with the examination of RML, the EU enlargement process and Europeanisation theory. The Europeanisation theory posits that candidate states are influenced by the EU through a process known as "gate keeping," which is shaped by the EU's priorities at a specific time frame. Also, the theoretical framework will be employed to examine the intersection of EU policies regarding the protection of RML, with a particular focus on the enlargement process and the CoE and ECRML. This will serve as the foundation for the subsequent analysis.

Once the scope has been established, the thesis continues with an analysis of the EU's internal mechanisms and standards for the protection of RML. Specifically, it examines the EU's internal measures to protect RML and complements them with the candidate countries' compliance with the ECRML. This dual approach is crucial for assessing the potential impact of the EU enlargement process on RML protection. This is further emphasised by Schimmelfennig & Sedelmeier (2020, p. 830), who stress that Europeanisation is based on a broader analysis of the national and international context. This includes the current, different backgrounds of the accession countries and the internal EU situation (*ibid.*). Accordingly, this thesis will examine the internal EU policy on RML protection as well as the domestic policy, with Ukraine serving as a case study.

By applying Europeanisation theory to EU enlargement, it aims to uncover the underlying

mechanisms that drive influence and change in candidate countries, shedding light on how external incentives and conditionality shape their policies and practices.

The analysis will be conducted through the literature review, with a particular focus on how these measures exert influence in candidate states. It is therefore necessary to determine where RML policies and their protection are located. Given that EU enlargement policy is comprised of a range of distinct EU policies, the initial step is to facilitate access to these policies. This will be achieved by illustrating how EU treaties relevant to the EU, specifically those designed to safeguard RML within the EU, operate and create the guidelines for external action on RML protection.

Following this, an analysis will be presented of the ECRML including the relationship between the CoE and the EU. The ECRML was selected for analysis because it represents a collaborative effort between the EU and the CoE to protect human rights, the European Commission makes references to it, and it is the only Charter that provides an overview of measures and their implementation, as well as the situation of RMLs in the country. Also, creating the link between the two institutions is based on a multidimensional perspective in which the EU enlargement policy incorporates the CoE's recommendations into its assessment.

The complementary analysis will include the ECRML and its significance for linguistic minorities in general as well as the specific reports of the Committee of Experts of the CoE. Ukraine will be used as a case in this thesis. In this section of the thesis, Ukraine's national policies and measures for the protection of RML in the context of the ongoing enlargement process and the country's integration into the EU will be examined. Additionally, it will be investigated how the EU enlargement process may influence or potentially alter Ukraine's existing internal policies and strategies for promoting and protecting RML.

The case of Ukraine will be used as since 2021 with the increased aggression of Russia in Ukraine, it was one of the incentives of the EU to start the discussion about EU integration and reinforcing the enlargement process. Ukraine signed the ECRML in 1996, ratified in 2005 but came only in force in 2006 with the first state report in 2007 (Council of Europe, 2024). Therefore, as state reports are usually submitted approximately every four years, the analysis will cover the period from 2010 to 2023. Also, the enlargement report 2023 on Ukraine, setting out the priorities for candidate state, has specifically in 2023, urged Ukraine to follow up on the recommendations of the Venice Commission. The Venice Commission provides legal advice to the member states of the CoE and to states whose legal and institutional structures are not in line with European and international standards of the Council's field of work and core values

(Council of Europe, n.d.). The different Venice Convention opinions compelled Ukraine to protect linguistic minorities as well as implement legal provisions on the issue of minority and indigenous languages (Council of Europe, 2023, p. 6). Additionally, it criticised Ukraine for not meeting enough the provisions of the ECRML (Council of Europe, 2023, p. 16). The ECRML, used by the various international institutions, is a valid source specifically for the protection of RML and is therefore used in the analysis as a primary source.

Another reason for Ukraine being the case study is Step 7 of the Opinion on the Ukraine report 2023, where Ukraine is asked to implement reforms for national minorities, also addressing minority languages, as recommended by the Venice Commission and adopt “immediate and effective” mechanisms (European Commission, 2023, p. 12). The case of Ukraine shows that the EU is taking language into account in its enlargement process resulting in an adequate case to analyse how and to what extent RML are protected in EU enlargement.

In light of the ECRML being the only international standard focusing on the protection of languages and the EU referring to the Venice Commission, it is argued that the ECRML definition of “minority language” applies. Additionally, this correlation is highlighted in the Venice Convention: “The Venice Commission would like to emphasize that the term ‘minorities’ is the one used in international law, including in the Framework Convention and the Charter” (2023, p. 8). Another aspect is that by using the ECRML, it has to be highlighted that the ECRML safeguards RML as a cultural heritage, as explicitly stated in the ECRML (Council of Europe, 2023, p. 29).

This is due to the fact that the inclusion of languages in the notion of cultural heritage was made possible at the international level by the acknowledgment of cultural identities, the consideration of cultural rights, and the development of the idea of living or intangible heritage (Couratier, 2008, p. 4). The EU similarly recognizes this connection, stating that: “the EU is characterized by its cultural and linguistic diversity, and the languages spoken in EU countries are an essential part of its cultural heritage” (European Union - Official Website, 2024). Therefore, this thesis will see cultural rights as well as linguistic rights in terms of a part of minority protection as inherently bound. For that reason, the second focus of the analytical part consists of an analysis of the monitoring of the Committee of Experts, using QCA to systematically analyses the ECRML and identify relevant patterns, such as the general development over the years with new topics, trends and challenges arising as well as the overall compliance with the ECRML.

The analysis followed a structured, multi-step approach to ensure a comprehensive examination

of the reports. Initially, the data were systematically coded using the pre-defined categories, with additional categories being developed as the process progressed. This coding process involved three rounds of data review to refine and validate the codes. The codes were then analysed sequentially to identify visible changes over time and to assess the extent of these changes. Particular attention was paid to the relationships between the categories. The focus was on the development, challenges and trends in the promotion and implementation of RML in relation to the broader objective of the relevance of the EU's Copenhagen criteria of "respect and protection of minorities" for EU accession. Analysing the ECRML information about the past and current situation of RML in the respective state, as in this case Ukraine, was evident, which is useful to look to what extent there is a change in the situation of RML regarding, either positive or negative. This will help to correlate if the enlargement process and the EU integration have any effects on the protection.

Based on this and the results of the analysis, the paper aims to show whether there is a correlation between the protection of RML in the course of enlargement, whether the lack of protection of RML leads to the decline of multilingualism in Europe and the decline of cultural heritage, and to what extent the EU needs to intervene and what are the limits of the EU in the protection of RML that need to be addressed.

By connecting the analysis of the ECRML with the objectives and developments of the EU enlargement process, this study aims to provide insights into the discourse surrounding these issues and bridge the theoretical framework with the practical case of Ukraine. The final section presents and discusses the findings of the overall analysis. The conclusion section provides a summary of the three previously outlined dimensions and offers a comprehensive response to the question of how and to what extent EU enlargement safeguards the rights of RMLs.

3.4 Limitations

Although this methodological approach limits the scope for a comprehensive analysis, certain limitations will be acknowledged.

One limitation lies in the selection of Ukraine, as it is the only candidate state for analysis. This focus allows for a more in-depth and detailed examination of the situation, particularly in the context of the country's integration into the EU, which is unique to each state. However, it also restricts the broader applicability of the findings, as a specific country in Europe with one national language is used. A broader comparative analysis including other candidate states might yield more generalisable insights, yet such an expansion would similarly complicate the

focus and reduce the specificity of the research.

Additionally, the change in the protection of RML in Ukraine over time depends on various factors, many of which are intertwined with the process of EU integration. However, this is not the only influencing factor, since the analysis is limited to those developments that have occurred within the timeframe and context of EU integration visible in the ECRML. Other external or internal factors influencing RML in Ukraine, outside of EU-related processes, may not be fully explored, thus limiting the comprehensiveness of the research. Also, the findings of the ECRML are limited in scope, as the latest report of the Committee of Experts, published in 2023, is substantially shorter and provides minimal evidence due to the current circumstances in Ukraine, such as the ongoing war. However, it does provide a general overview of the current state of RML protection and the most recent data.

Furthermore, although the literature review is extensive, it may face the limitation of selective evidence, as researchers tend to rely on a particular body of work to build their analysis, leading to potential biases and an incomplete understanding of the issue (Snyder, 2019, p. 333). Another methodological limitation is the risk of selective plausibility using QCA. This occurs when the researcher favors quotations or data points that support the proposed connections between categories, while ignoring contradictory evidence (Kuckartz, 2019, p. 195). Nevertheless, it is essential that while using qualitative research, the researcher needs to be self-reflective regarding their own knowledge and positionality. As noted by Bengtsson (2016, p. 13), a researcher must be aware of the context they are analyzing to prevent influencing the research outcomes (Bengtsson, 2016, p. 13). This issue is especially visible in situations where the researcher is unfamiliar with the local context, which can lead to potential oversights or misinterpretations of the data.

Therefore, the research will try to remain as cautious as possible to ensure that their own background and assumptions do not significantly affect the interpretation of the findings.

4 EU Strategies and Objectives in Protecting Regional or Minority Languages

This section examines the EU's instruments and standards for the protection of RMLs by analysing the literature on the development and current state of the protection of RMLs, testing the first hypothesis, which states that RML protection is embedded in various EU policies, but in a broader sense and depending on the EU's strategic agenda. This hypothesis is crucial because the analysis of the EU legal framework determines how the EU protects RMLs

internally, which is the basis for its external influence as outlined by the Europeanisation theory in chapter 2.3.

4.1 Historical Overview: Key Treaties for the Protection of Regional or Minority Languages

The EU has its roots in several treaties signed in the aftermath of the Second World War (European Commission, 2022, p. 7). Thus, making law the fundament of the EU, i.e. EU law is commonly understood, applied, and enforced by its Member States while nevertheless been developed and changed over the years (Berteloot, 2012, p. 63).

In light of the first attempt of creating regulations in terms of a commonly language regime was the establishment of Regulation No. 1 of the European Economic Community (EEC) in 1958, which defined the official languages such as Dutch, French, German, and Italian (European Union, 1958). This regulation established a “multilingualism constitution” and gave the institutions’ language regime a broad legal foundation (ibid.). Later, in 1981, the European Parliament adopted the “Arfé” resolution, which aimed to prevent cultural conflicts among European citizens, emphasised the need to preserve linguistic diversity and stressed that the diversity of cultural identities was an essential element of a common European cultural heritage (European Union, 1981, p. 5). Consequently, the European Bureau for Lesser Used Languages (EBLUL) was established in 1982 to preserve and enhance autochthonous minority languages in the Member States (Atikcan, 2010, p. 379).

With the Maastricht Treaty in 1992, the EU got substantial competencies in the areas of language and cultural policy, which the previous EEC Treaty did not include (Schreiner, 2006, p. 82). The competencies established by the Maastricht Treaty enabled the EU to fund initiatives in the field of language and education (Phillipson, 2012, p. 116). Then, the Treaty on European Union (TEU), which was based on the Maastricht Treaty, defines the EU’s official languages (Art. 55(1)) and ensures that officially all 24 official EU languages have equal status (Ammon & Kruse, 2013, p. 16), while including the languages of the new Member States after each accession (European Union, 2024). To maintain equal status, changes to the EU language policy must be approved unanimously by the Council of the EU (Katsarova, 2022, p. 1). Also, Article 2 of the TEU highlights the diversity within the EU:

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism,

non-discrimination, tolerance, justice, solidarity and equality between women and men prevail” (European Union, 2007).

Another substantial part lies in its recognition as an essential expression of the cultural identities of its Member States, as underlined in Article 3 of the TEU:

“[The EU] shall respect its rich cultural and linguistic diversity and ensure that Europe’s cultural heritage is safeguarded and enhanced” (European Union, 2007).

The Treaty on the Functioning of the European Union (TFEU) states that every citizen of the EU has the right to communicate with the different EU institution through one of these official EU languages (European Union, 2016) and, as part of EU integration, have access to translated information and documents being additionally a fundamental language right for citizens of Member States (Modiano, 2022, p. 251).

For instance, one of the crucial treaties protecting and changing the EU minority protection approach is the Treaty of Lisbon, which played an essential role in the EU’s influence on the language regulations of the Member States. The late 1990s and 2000s did not offer any relevant understanding of the role of language and multilingualism in the EU, as it was primarily defined as elements of “skills” (Krzyzanowski & Wodak, 2011, p. 132). It was not until 2007 that the EU expanded its scope of action with the Treaty by upgrading the TEU and TFEU, as the EU saw the need for a reformation, as the East Enlargement was seen as an incentive for reforming the EU system (Krzyzanowski & Wodak, 2011, p. 120). Linguistic diversity was officially seen as an asset and less of an obstacle (Orban, 2012, p. 109). The Treaty of Lisbon enshrines the EU’s commitment to language and cultural diversity (Kuipers-Zandberg & Schukking, 2021, p. 3).

The Treaty of Lisbon of 2007 added Art. 1a: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities” (European Union, 2007). The Lisbon Treaty recognised the importance of RMLs, stating that “many national, regional, minority, and migrant languages spoken in Europe add a facet to [EU’s] common cultural background” (European Commission, 2008, p. 5). Therefore, the Lisbon Treaty is significant for the protection of minorities, languages, and cultures within the EU. It was the Treaty that enshrined into EU law initiatives for the protection of languages and to support the lesser-used languages (Modiano, 2022, p. 251). It amended several treaties, such as the TEU and the Treaty establishing the European Community, which also led to changes in the way the EU exercises

its existing powers, by increasing the participation and protection of citizens, creating a new institutional structure and changing decision-making processes to improve efficiency and transparency (Pavy, 2024, p. 1). In addition, EU law has taken precedence over national law and the competencies of the EU have been clarified (Pavy, 2024, p. 2). Overall, the Treaty of Lisbon was significant to many domains concerning the EU nowadays, giving the EU its entire legal personality allowing it to sign international treaties or join international organisations which results in Member States only being allowed to sign international agreements that are compatible with EU law (ibid.).

The Lisbon Treaty was the amendment and addition of Article 2 TEU: “It shall respect its rich cultural and linguistic diversity and ensure that Europe’s cultural heritage is safeguarded and enhanced” (European Union, 2007). In particular, it added the Article of the Charter of Fundamental Rights in the EU to its Article, making it more binding for Member States, especially creating a more recent fundament for EU enlargement policy. Also, the EU’s language policy was given a new basis after the Lisbon Treaty, when the Commission made the specific structure for languages with initiatives dedicated to multilingualism.

Furthermore, the Treaty of Lisbon was of great significance with regard to the inclusion of the protection of minorities. Although the Charter of Fundamental Rights (herby referred as the Charter) was not directly incorporated into the Treaty of Lisbon, it was made legally binding by Article 6(1) TEU, which gives it the same legal value as the treaties (Pavy, 2024, p. 3). Especially Article 21 of the Charter of Fundamental Rights is fundamental for the issue of language and minority protection:

“Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited” (European Union, 2007).

The legal and constitutional changes introduced by the Lisbon Treaty and its binding nature have reinforced the EU’s internal and external human rights commitments (Iusmen, 2014, p. 146). This has led to the accession criteria focusing on human rights issues becoming more entrenched and formalised, as evidenced by the accession monitoring process of current candidate countries (ibid.). The Charter is categorised into three dimensions of primary law: non-discrimination, cultural, religious and linguistic diversity, and the right to good administration (Mendez et al., 2022, p. 19). The EU initiated the Charter to avoid unrest and criticism in the early stages of EU integration but generally to create a set of fundamental human

and social rights for EU citizens (Krzyzanowski & Wodak, 2011, p. 120). The principle of non-discrimination based on language is also repeated in Article 22 of the Charter of Fundamental Rights (Mendez et al., 2022, p. 18). This added dimension of an explicit prohibition of discrimination on grounds of language in Article 22, obliges the EU to respect linguistic diversity by stating that “the Union shall respect cultural, religious and linguistic diversity” (European Union, 2007). However, the broad formulation of this Article 22 of the Charter does not create concrete obligations for states or legally enforceable rights for individuals (Phillipson, 2012, p. 118f.).

The overall treaty provisions, the EU’s prospective accession to the European Convention on Human Rights (Council of Europe, 2024) and the binding nature of the Charter of Fundamental Rights supports the reinforcement of EU institutions’ allegiance to human rights. However, it should be noted that most policy areas about protecting human rights are still under the jurisdiction of the Member States. Nevertheless, there are now more robust legal and constitutional tools to ensure that the actions undertaken by EU institutions do not violate international human rights standards (Iusmen, 2014, p. 169).

Overall, all actions undertaken by the EU are based on treaties that have been ratified through a voluntary and democratic process by all EU Member States. The treaties set out the objectives of the EU and define the procedural and operational rules governing the functioning of the EU institutions and the relationship between the EU and its Member States. In certain specific cases, not all Member States participate in every aspect of EU policy (European Commission, 2022, p. 10). Over the years and since the founding of the EU, there has been a shift in competencies. Currently, the EU has three different types of competencies, namely exclusive, shared and supporting, which together grant more authority in a wide range of policy areas compared to its previous stages (European Parliament, 2024). Additionally, the evolution of the treaties shows that RML has become increasingly integrated into the EU framework under the “protection of persons belonging to minorities”.

4.2 Multilingualism

As the EU is characterised as a political entity committed to diversity (Modiano, 2022, p. 261), it may also be conceptualised as a regime of multilingual standardisation, striving to navigate the growing diversity within its ranks (Krzyzanowski & Wodak, 2011, p. 119).

Multilingualism has not become an EU policy area, and the policies it has produced have mainly been measures to support the implementation of critical provisions from other policy areas

(Krzyzanowski & Wodak, 2011, p. 132). Katsarova (2022, p. 1f.) defines multilingualism in the EU as “the ability of societies, institutions, groups and individuals to deal regularly with more than one language in their everyday lives”, emphasising that it represents the cultural identities of EU Member States. This approach of multilingualism is specific to EU language policy. It permeates other policies, regulations, initiatives and treaties, making it an instrument of the EU, as it also defines the multilingual regime for the EU government (Ammon, 2012, p. 573). In addition, multilingualism refers to the protection of linguistic diversity and cultural heritage, as the EU has developed its multilingualism with reference to the ECRML (Secretary General of the Council of Europe, 2007, p. 2). Moreover, the multilingualism approach encompasses two opposing perspectives on languages: the sentimental dimension, also referred to as symbolic multilingualism, and the utilitarian dimension, which emphasizes the functional importance of language skills (Climent-Ferrando, 2023, p. 91). The sentimental dimension applies to the EU’s RML, while the utilitarian dimension focuses on language learning (ibidi.). This division reflects the EU’s incentives in terms of its overarching objectives and leads to the conclusion that RMLs are symbolically recognised under the concept of multilingualism.

Especially in the aftermath of the Lisbon Treaty in 2007, the Commission outlined a strategy for advancing the EU’s commitment to multilingualism in the communication “Multilingualism: as an asset for Europe and shared commitment” (2008) to the other EU institutions (European Commission, 2008). It stressed the need to take action to ensure that multilingualism is mainstreamed in EU policies, with the aim of achieving the ‘Barcelona objective’ that “Europeans should be able to communicate in two languages in addition to their mother tongue” (ibidi.). Since then, the integration of multilingualism into EU policies and actions through language, education and culture policies has led to a more mainstream approach while also being linked to the EU’s major macro-strategies, which depend on global economic and political phenomena (Krzyzanowski & Wodak, 2011, p. 132). Often, multilingualism seems to be functionalised according to political interests that are subject to change due to other influences (ibidi.). The impact of mainstreaming actions can be considered twofold. On the one hand, they exert a positive influence, as they are perceived as an area that can be integrated across various contexts. However, mainstreaming poses challenges, especially in the context of RML. These arise from the fact that mainstreaming activities do not have a separate funding source and are not explicitly emphasised in policies forcing RMLs to compete for resources with more dominant languages, drastically reducing their chances of receiving targeted support (Kuipers-Zandberg & Schukking, 2021, p. 3). Furthermore, the mainstreaming approach results

in a lack of statistics, benchmarks or indicators focused on RML at EU level. Instead, most data collection and promotion efforts emphasis on foreign languages (Climent-Ferrando, 2023, p. 68). Although, over the years, different initiatives around multilingualism have been initiated. Starting with the large-scale actions of the “European Year of Languages 2001”, through the European Commission’s widely discussed Action Plan 2004-2006 “Promoting Language Learning and Linguistic Diversity” or its “New Framework Strategy for Multilingualism” making multilingualism and linguistic diversity one of its central themes of EU policy (Krzyzanowski & Wodak, 2011, p. 116). Later, the European Commission addressed linguistic diversity in more general terms, supporting some network activities like the Network to Promote Linguistic Diversity (2009-2011) and the European University Network on Multilingualism (Riemersma, 2012, p. 169). These networks aimed to foster a broader recognition of linguistic diversity and promote multilingual practices within academic and cultural spheres (ibid.).

The Lisbon Strategy (2000–2010) aimed to integrate multilingualism into various EU policies, marking the beginning of its official inclusion in EU frameworks (Orban, 2012, p. 109). In addition, it modernised the “European Social Model” by strengthening social cohesion and preparing for the Knowledge Society (Krzyzanowski & Wodak, 2011, p. 122). A comprehensive language policy with multilingualism framed as a critical skill for participation in a knowledge-based economy was integral to this (Krzyzanowski & Wodak, 2011, p. 121). Similarly, education and language trainings were essential for equipping citizens to live and work in an increasingly interconnected world (Krzyzanowski & Wodak, 2011, p. 123). While with the Lisbon Strategy (2000–2010), multilingualism gained momentum, it was further developed through the Europe 2020 framework of the multilingualism strategy (Climent-Ferrando, 2023, p. 44). The policies formulated in the Europe 2020 Strategy represent a continuation of the approach initiated in the Lisbon Strategy of 2010, which represents a shift in perspective towards viewing languages through a financial lens and recognises the economic value of linguistic diversity (Climent-Ferrando, 2023, p. 43).

Despite the European Parliament’s adoption of several resolutions aimed at improving the status of RMLs, including the Reding (1991), Killilea (1994) and Alfonsi (2013) resolutions, there has been a lack of direct, long-term support (Kuipers-Zandberg & Schukking, 2021, p. 3). In the recently published Strategic Agenda for the period 2021-2027, one of the stated priorities is to “protect and empower individuals by promoting equality, inclusion and respect for diversity in all spheres of life”, including RMLs in the same category as persons belonging to

national and linguistic minorities (European Commission, 2021, p. 33). The objective of this new programme is to address the disadvantages and inequalities faced by linguistic minorities. However, while this strategy generally promoted multilingualism, it did not specifically address RMLs.

For instance, the official motto of the EU, “Unity in diversity”, is described as “(...) one of the cornerstones of the European project” (European Commission, 2008, p. 3), indicating the importance of multilingualism and emphasises that respect for cultural and linguistic diversity is at the core of the EU (Orban, 2012, p. 109). Also, the official website states that “the EU supports multilingualism in its programs and the work of its institutions” (European Union, 2024). The European Parliament consistently highlights the value of cultural and linguistic diversity as an asset. As a reflection of this diversity, multilingualism is integral to making institutions more accessible and transparent to citizens, reinforcing democratic integrity (European Parliament, n.d.). Its principle is again enshrined in Article 41(4) of the Charter, which guarantees that “every person may write to the institutions of the Union in one of the languages of the Treaties and must receive an answer in the same language”. The European Parliament has also been the leading institution at the EU level in promoting the inclusion of all languages (Climent-Ferrando, 2023, p. 80), which is reflected in its language policy and translation efforts. As indicated before, although the term “multilingualism” does not appear in the treaties, the concept is rooted in the EU legal texts.

In accordance with the principle of respect for linguistic diversity, the EU is obliged not to undermine existing linguistic diversity when implementing an initiative or policy (Mendez et al., 2022, p. 18) as the promotion of multilingualism is enshrined as one of the EU’s core policies in TFEU Article 167(1) stating that the EU “shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore” (European Union, 2008).

However, the implementation of this article leads on the one hand to increased protection, but also, as Kraus (2012, p. 104) notes, to “selective multilingualism” in the European language policy, which tends to focus only on the official languages of the EU Member States and combines the recognition of diversity with the recognition of national identities, leading on the other hand to the exclusion of most forms of minority languages and, in practice, not fully recognising linguistic diversity within a member state. The EU principle of multilingualism is, therefore, often questioned and not consistently applied (Reithofer, 2018, p. 110).

Especially in light of the dominance of languages, such as English and French, in the EU’s

internal language policy, the notion of “equal status” for languages is challenged (Kraus, 2012, p. 103f.). This unequal emphasis exacerbates RMLs’ challenges and diminishes their visibility and influence within EU institutions. The dominance of one or two languages can explain the negative impact on linguistic diversity, as efforts to promote languages are also limited by the phenomenon of EU citizens being satisfied with their bilingual status, maintaining their mother tongue and often English (Modiano, 2022, p. 250). This is visible in the report “Europeans and their languages” (2024), which reveals that, despite a general approval of language learning, there has been just a slight increase in the number of citizens learning a language compared to 2012. However, English remains the dominant language learned (Eurobarometer, 2024, p. 19). The decline in language diversity throughout the 20th century is linked to the growing global use of English. This phenomenon, driven by globalisation and digitalisation, has established English as the dominant language for cross-cultural communication, thereby reducing the usage of other languages and contributing to the ongoing loss of linguistic diversity (Reithofer, 2018, p. 110). Despite several initiatives, there is a lack of a coherent and ambitious strategy to promote multilingualism at EU level (Riemersma, 2012, p. 186).

4.3 EU Objectives for Regional or Minority Language Protection

Although RMLs are not explicitly identified as a distinct category in EU policy, they are fundamental to broader initiatives pertaining to culture, education, language and minority protection, which are based on the treaties mentioned before. As language is a transversal issue, it is evident that multilingualism is integrated into wider policy objectives (Katsarova, 2022, p. 2). The EU recognises that effective multilingualism requires mechanisms that enable communication across different languages which can be achieved by different policies and initiatives like the promoting proficiency in multiple languages or implementing comprehensive translation systems (Katsarova, 2022, p. 7). This section therefore examines the policy areas in order to understand the EU’s approach to RML protection.

The EU’s language, education, and cultural policies are rooted in the shared foundation of its treaties and the principle of “Unity in Diversity”. Consequently, language-related matters are present in most policies, including those related to education and culture (Climent-Ferrando, 2023, p. 41), and are particularly relevant to linguistic minorities (Serrano & Fouces, 2018, p. 5), because linguistic diversity is rooted in a rich cultural background and is part of a wider heritage of customs, traditions and beliefs (Orban, 2012, p. 111). However, the EU’s regulatory authority in these policy areas is indirect, as these policy areas remain the responsibility of individual Member States (Schreiner, 2006, p. 60). This is because national languages are

deeply intertwined with a country's cultural identity and are considered an essential element of its sovereignty (Phillipson, 2012, p. 116). Making EU initiating "human rights measures" within its Member States, primarily through soft law instruments, which includes primarily initiatives (Iusmen, 2014, p. 171). As previously demonstrated, policy measures were mainstreamed starting in 2000, which meant that all languages were included, regardless of their speaker count, status as endangered, or other requirements (Climent-Ferrando, 2023, p. 46).

These limitations are due to the EU's competencies in the field of language and education, which are constrained by the principle of subsidiarity² (Riemersma, 2012, p. 174). Similarly, the principle of proportionality³ limits the scope of EU action to what is necessary to achieve the objectives of the treaty. (European Union, n.d.). Consequently, the EU's capacity is constrained to the provisions of promotion and support in these policy areas (Ammon, 2012, p. 578). For instance, Member States are entitled to define or recognise national minorities within their respective territories (European Union, n.d.), which has resulted in a variety of approaches to RML protection at the national level. Despite the constraints facing the EU in implementing a common language policy, it has developed a multifaceted approach that shapes policies to foster linguistic diversity in some degree, thereby avoiding the creation of a culturally and linguistically homogeneous area (Kraus, 2012, p. 98). Furthermore, the underlying principles of the EU suggest that cultural identity, social integration, and cohesion are strengthened through linguistic diversity and therefore improving citizens' access to the socio-economic benefits of a unified EU (Eurobarometer, 2024, p. 5).

In light of the varying approaches to language, education, and cultural policies, the European Parliament has emphasized the need for a unified strategy at the EU level urging the European Commission to develop a common language policy, with particular emphasis on supporting RML (Riemersma, 2012, p. 173). Language policy means creating an officially prescribed set of rules for the use of language within a nation-state (Spolsky, 2012, p. 3). It implies a variety of regulations and actions taken by governments, institutions or communities regarding the official language(s) of a country, language education, language preservation, language rights for minority groups and the promotion of multilingualism (Spolsky, 2012, p. 6). Therefore,

² TEU Art.5(2): The EU can only act in areas of non-exclusive competence when the objectives cannot be sufficiently achieved by Member States and are better addressed at the Union level.

³ TEU Art.5(4): EU interventions do not undermine the autonomy of Member States, maintaining a balance between EU objectives and national sovereignty.

general language policy or regulation cannot be owned by individuals or be subordinated to specific agendas, as it is an inherent representation of different language ideologies (Krzyzanowski & Wodak, 2011, p. 118). It needs to be continuously evaluated and adapted to changing societal needs and circumstances (Spolsky, 2012, p. 5). The implementation of a language policy that regulates the language use has the potential to prevent the rapid decline of RML, as languages used by governments, schools and the media are less vulnerable to extinction because of their frequent incorporation into various aspects of social life (Ethnologue, 2024). The European Commission also stresses that a language policy is multilateral and cannot be limited to a single language, as languages are crucial to personal identity and part of a common heritage (European Commission, 2008, p. 3). In this context, several programmes are being implemented under the 2021-2027 multiannual financial framework, which offers a broader language policy perspective which includes programs encompassing economic and cultural objectives (European Commission, n.d.). The economic focus of language policy is the overall objective of promoting a multilingual economy in order to create an efficient single market, as a multilingual and mobile workforce contributes significantly to the effectiveness of the single market (Katsarova, 2022, p. 2). However, language policies have often been primarily subordinated to economic goals such as growth, competitiveness and job creation, leading to the perception that RMLs are not economically beneficial (Climent-Ferrando, 2023, p. 90f.). This approach of prioritising economic goals marginalises the importance of RMLs and their significance for cultural heritage (Krzyzanowski & Wodak, 2011, p. 132) and therefore, fails to provide the concrete measures and resources needed to reduce language loss.

In addition to the economic focus, another key policy area utilised by the EU is language learning. The EU's language learning policies encourage multilingualism and prevent discrimination between speakers of widely spoken languages and those of less common ones playing a critical role in education policies (Climent-Ferrando, 2023, p. 41). The EU supports the acquisition of proficiency in at least two additional languages beyond one's mother tongue, viewing this as a valuable goal (Modiano, 2022, p. 253). Article 165 TFEU thus emphasises that the action of the EU regarding linguistic diversity should be primarily developed in the field of education at European level, in particular through the promotion and acquisition of the languages of the Member States, whilst ensuring the preservation of their cultural and linguistic diversity (European Union, n.d.). This legal framework highlights the importance of promoting multilingualism and preserving linguistic diversity within educational contexts. Concrete

measures of these objectives are seen in language learning being a central policy area through programs such as Erasmus+ and Creative Europe, which are instrumental in promoting multilingualism (Modiano, 2022, p. 253). These initiatives reflect the EU's commitment to fostering a multilingual environment by supporting language education and cultural exchange (Orban, 2012, p. 110). The Erasmus+ program, for instance, indirectly addresses minority communities by including broader language learning goals and funding opportunities (Climent-Ferrando, 2023, p. 54). By supporting these educational and cultural initiatives, the EU indirectly influences Member States' language policies, aiming to align with its supranational objectives while navigating the complex interplay between multilingualism's economic and cultural dimensions. However, the dominance of English within these programmes poses a challenge. While facilitating communication, the dominance of English marginalises indigenous languages and contribute to their decline (Modiano, 2022, p. 254). The Minority SafePack (2020) addressed this particular issue by stating that "most national and linguistic minorities face an accelerating trend of assimilation and language loss, which translates into a linguistic and cultural impoverishment within the EU and the loss of its diversity, something the EU is required to protect under the treaties; whereas education is the main tool for the revitalisation and preservation of minority languages" (European Parliament, 2020). The Minority SafePack Initiative responded to the growing demand for stronger action at the EU level, advocating for enhanced protection of RMLs stressing the role of education policies in safeguarding and promoting these languages (ibid.). Nevertheless, in 2022, the EU Commission's stance that its current measures were sufficient to meet the objectives of the Minority SafePack initiative resulted in limiting the scope for further specific actions or budget allocations dedicated to RMLs (Climent-Ferrando, 2023, p. 52) and referred to the ECRML and the role of the CoE in this area (Secretary General of the Council of Europe, 2021, p. 13).

Lastly, in 2013, the European Parliament adopted a resolution addressing endangered languages, reaffirming the EU's core values, including linguistic diversity. The resolution emphasized that protecting languages and minority rights are integral aspects of the Copenhagen criteria, urging Member States to comply with or sign the ECRML (European Parliament, 2013, p. 5). In response to the 2013 Resolution on Endangered Languages, the Commission clarified that no action would be taken to promote RMLs (Climent-Ferrando, 2023, p. 46). This absence of RMLs from the EU agenda is justified by the Commission, stating that language policy is the responsibility of Member States (Climent-Ferrando, 2023, p. 95).

In light of these challenges, Kraus (2012, p. 98) argues that the EU needs to address language

issues through political means. The lack of active institutional intervention in the ‘language market’ has consequences, such as warning against the homogenising effects of market integration on political culture. According to Kraus, the absence of a pro-active language policy undermines diversity by reducing it to an abstract principle that is subject to the pressures of market integration and communicative efficiency (Kraus, 2012, p. 103f.).

4.4 The EU’s Role in Protecting Regional or Minority Languages

The analysis of the treaties and policies approved the first hypothesis stating the protection of RML is embedded in various EU policies but in a broader sense and depending on the strategic agenda of the EU. It has been characterised by challenges and continuous development, with the EU gradually prioritising linguistic diversity at different times, including minority languages, but not specifically mentioning RMLs.

There are many different components through which the EU is “protecting” RML in its policy. The analysis shows that even though RML are not explicitly mentioned, the overarching goal of protecting languages—mainly due to the equal rights of EU citizens to use their language and national languages having equal status in the face of the EU—is evident. RML are influenced by these broader objectives, where multilingualism policies reflect a balance between economic interests and the protection of cultural values. Particularly indirect competencies lie within the EU through the TEU, the Charter of Fundamental Rights, and the motto “Unity in Diversity”.

The outline of the treaties indicates that due to the EU’s formation, it was necessary from the beginning to establish a form of equality among languages to prevent conflicts, as languages constitute a significant part of national identity. Initially, this primarily concerned national languages; however, with further EU enlargements, particularly with the Eastern enlargement, the need for increased regulations, especially concerning minorities in the countries, arose. The accumulated challenges led to the Lisbon Treaty in 2007, which, as mentioned, is a cornerstone in protecting RML. This was integrated into the Copenhagen criteria, and resulted also in an internal shift, with more focus on diversity.

Consequently, multilingualism was on the agenda, leading to an expanded competencies for the EU emphasising linguistic diversity. On the one hand, it had positive effects on internal mechanisms, such as initiatives and policies developed afterwards that addressed languages. It made it a pillar of the EU, aligning with the motto, among other things, of Unity in Diversity. This mainstreaming brought about positive outcomes because it integrated various policies with

the overarching economic policy, specifically in the EU's language, education, and cultural policy. However, mainstreaming also created challenges, undermining the potential for specialised measures and budgets for RMLs, leaving them disadvantaged in the broader language policy landscape (Riemersma, 2012, p. 186). In particular, it was shown that RML needs to be considered explicitly in the objectives of EU programs, as otherwise leads to invisibility and a lack of measures. Scholars - such as Kraus (2012, p. 98) - warn that the absence of active measures to protect RML in particular could lead to a homogenisation of linguistic diversity in the EU, which, according to the theory of Europeanisation, would result in the protection of RML not being perceived as a problem in the candidate countries.

The dominance of languages like English and French exacerbates the challenges RMLs face. It diminishes their visibility and influence within EU institutions because the dominance of certain languages negatively affects linguistic diversity. Some scholars (Kraus 2012, Serrano & Fouces 2018, Climent-Ferrando, 2023) view a coherent language policy that implies other different policies relevant in increasing the protection for RML within the EU.

Furthermore, although linguistic diversity is recognised as part of Europe's cultural heritage and multilingualism has been a central goal of European language and education policies, strategies to maintain linguistic diversity are mostly developed at local, national or regional level (Toivanen et al., 2016, p. 204). From the perspective of Europeanisation theory, this suggests that EU Member States play a key role in shaping the intensity with which issues such as RML protection are discussed. The degree to which these issues are prioritised and addressed at the EU level depends on how Member States frame them at the national level. This, in turn, is reflected in EU mechanisms and standards, such as in the EU enlargement process, where the importance of RML protection is assessed and negotiated.

Consequently, due to the entanglement with national identity and historical backgrounds outlined earlier, the EU has limited actions relating to Member States in these areas. This leads to most EU Member States not actively addressing the issue of protecting RML, whereas the EU should support more programs prioritising RML (Riemersma, 2012, p. 174). For instance, despite a large number of initiatives taken by the European Parliament in 2003, 2013, 2018 and 2020, significant challenges regarding RML protection remain. Nevertheless, EU Member States are subject to the EU's overarching treaties and policies, which provide some guidance and create certain obligations regarding RML. However, since the EU does not define specific obligations and rights but rather general ones, there is the question of implementation and prioritisation. The overarching treaties still apply to Member States, but pressure cannot be

exerted. Moreover, while the EU promotes language learning through soft power instruments aimed at economic goals, this focus does not significantly benefit RMLs. Instead, the emphasis is placed on languages like English and French, leaving RML underrepresented.

Looking at the enlargement policy, it can be questioned whether it is an internal effort of the EU to exert influence in these areas on its candidate countries, especially as there are no provisions in EU law for a common cultural and educational policy, and the EU cannot adopt regulations and directives to support minority concerns (Atikcan, 2010, p. 378). However, the Enlargement Reports, which analyse the status of the candidate countries' accession process and the *acquis* chapter, show that policy areas such as education and culture are within the scope of the negotiations. Although it is mentioned that these areas are primarily the responsibility of the EU Member States and the *acquis* consists mainly of Council recommendations (European Commission, 2024). Furthermore, since the "protection of persons belonging to minorities", including linguistic minorities, is a condition for the accession of candidate countries to the EU, as set out in the Copenhagen criteria, the EU's enlargement is linked to the country's language policy and the protection of linguistic minorities.

But due to the internal challenges within the EU, the top-down effect of EU influence on candidate states is initially limited. Nevertheless, through the Copenhagen criteria, particularly the post-Lisbon Treaty, the EU has gained more reach and influence over candidate states, as shown by the gatekeeping effect outlined in Europeanisation theory. However, since RML are not a central focus within the EU itself, the protection of RMLs is assessed on an individual basis for each candidate state. While a minimum standard must be met, the level of commitment to RML protection depends mostly on the candidate state, rather than being driven by a unified EU objective. Also, with regard to the protection of minorities in the political criteria, it is an objective that is open to negotiation, given the lack of precise definition. Atikcan (2010, p. 387) describes the EU's role regarding minority language rights as one of an "imposer" in candidate countries, where it drives top-down changes through conditionality. Conversely, once countries join the Union, the EU transitions to "promoter", facilitating bottom-up changes in Member States (*ibid.*). This implies an asymmetrical impact of the EU on member and candidate countries, particularly highlighted through minority language politics because it's an area where the EU does not have legislative power (Atikcan, 2010, p. 376). Resulting in the consideration that the EU has more influence over candidate countries than Member States in the area of minority language rights.

5 The European Charter of Regional or Minority Languages

Testing the third hypothesis, that ECRML is a used international charter for RML protection referred to in the enlargement process, the chapter of the thesis will look at the ECRML and its objectives in RML protection and significance in the enlargement process.

This chapter examines the third hypothesis that the ECRML is a relevant international instrument for protecting RMLs and is referenced within the EU enlargement process. To address this hypothesis, the chapter will analyse the ECRML's objectives, mechanisms for RML protection, and its broader significance in promoting linguistic diversity. Furthermore, it will explore the role of the ECRML in the enlargement process, evaluating how it influences candidate countries' language policies and commitments to cultural rights. The aim of this chapter is to determine whether the ECRML serves not only as a protective framework, but also as a reference point for linguistic diversity in the EU's enlargement efforts.

Since the early 1990s, a strategy for the protection of the rights of national minorities has been developing in both international and national law in Europe. At the global level, the CoE has been the leading institution, adopting two international legal instruments for national minorities (European Centre for Minority Issues, 2024). One such instrument is the ECRML, which addresses the issue of linguistic diversity with a particular focus on languages. This has fostered an increased awareness among states of the importance of minority languages and their use in various contexts (*ibid.*). It was formulated by the Standing Conference of Local and Regional Authorities of Europe and, formally adopted by the Committee of Ministers of the CoE in 1992 and entered into force in 1998 (Council of Europe, 2023, p. 5). The ECRML is recognized as the only internationally binding instrument specifically designed to address the protection and promotion of RMLs (Kozhemyakov, 2008, p. 26). Being one of the crucial treaties which legally protects minority languages (Ammon, 2012, p. 588).

The creation of the ECRML was in response to the threat of language loss and extinction in Europe and raise awareness on linguistic rights as human rights and setting common standards (Riemersma, 2012, p. 170). The CoE establishes the framework for the ECRML in the European Treaty 148, which states that the aim is “to achieve a greater unity between its members, particularly to safeguard and realise the ideals and principles which are their common heritage” (Council of Europe, 1992, p. 1). Its objective is to actively encourage the utilisation of RML in a range of contexts, including education, justice, administration, media, culture, economic and social life, and cross-border cooperation (Council of Europe, 2023, p. 5). The CoE underlined

its power and primary objective to strengthen democracy and cultural diversity through the ECRML and within the framework of national sovereignty and territorial integrity, the Council saw ECRML as “an important contribution to the building of a Europe based on the principles of democracy and cultural diversity” (Council of Europe, 1992, p. 1).

Although the ECRML is not an EU framework, it is seen by the EU as a frame of reference and a means of protection. Candidate countries are strongly advised to sign and ratify it, even though older EU Member States have not. For instance, out of the 25 countries that have ratified the ECRML, 16 are EU Member States (Council of Europe, n.d.). Nevertheless, over the years, several EU institutions have repeatedly urged the remaining EU Member States to sign and ratify the ECRML and called on those that have ratified it to comply with its provisions (e.g. European Parliament, 2003, 2013, 2020). It should be noted that states which just have signed the ECRML are only obliged to respect RMLs without promoting their use in public life which is the key provision of the ECRML (European Parliament, 2016, p. 5). The reasons for not signing or ratifying the ECRML vary based on historical and geopolitical contexts. For example, former Soviet republics like Estonia, Latvia, and Lithuania face unique linguistic challenges, such as the significant minority of Russian speakers. In other EU Member States, such as France, ratification of the ECRML requires a constitutional amendment to allow for the recognition of languages other than the state language as official (*ibid.*).

However, the ECRML recognises that its functions are defined within the framework of national sovereignty and territorial integrity, and is therefore designed with specific objectives and definitions that do not diminish the position of state languages, but reinforce the coexistence and safeguarding of cultural heritage (Council of Europe, 2023, p. 1).

5.1 Background

Shortly after the end of World War II, several movements and activities were born dedicated to European unification. The CoE was founded as an international political institution in 1949, designed for international cooperation (Council of Europe, n.d.). The CoE comprises 46 Member States, with Russia being excluded since 2022 (Council of Europe, 2022). The Member States are not automatically members of the EU. This makes the CoE a distinctive organisation, encompassing not only the continent of Europe, but also several additional states designated as “observer states”, including Canada, Japan, and Mexico (Council of Europe, 2024).

The first formal step toward institutionalised cooperation of the EU and the CoE occurred in 1974 when a resolution was adopted, laying the foundation for collaboration to promote the

shared goals and values of both organisations (Council of Europe; European Union, 2007). For instance, the Lisbon Treaty established a new incentive by expanding the scope of EU action in those areas where the CoE already possesses substantial experience and knowledge, leading to greater cooperation (Council of Europe, n.d.).

The Memorandum of Understanding signed in 2007 set out the new foundation for cooperation, emphasised the need to intensify further collaboration and a strengthened political dialogue between the two institutions (Council of Europe; European Union, 2007, p. 3). The EU itself, as an entity, has signed treaties of the CoE (Council of Europe, n.d.). The memorandum also addresses specific aspects of cooperation, specifically the protection of persons belonging to national minorities, as well as the promotion of cultural diversity and dialogue to prevent discrimination, racism, and xenophobia (Council of Europe; European Union, 2007, p. 4f.).

The CoE and the EU work together on related issues and share the same fundamental values within their respective frameworks (Council of Europe; European Union, 2007, p. 6). The official Website of the CoE says: “(...) [The EU and CoE are] separate entities which perform different, yet complementary, roles” (Council of Europe, n.d.).

Also, looking at the “human rights” component of the political criteria of the Copenhagen criteria, the EU and the CoE are working strongly together as the CoE is a central European reference source related to human rights. In this context, relevant CoE norms are cited as references in EU documents: “(...) (CoE is) the Europe-wide reference source for human rights“ (Council of Europe; European Union, 2007, p. 4). In the Report of the Assembly in 2021 in the context of the application of the ECRML, the Secretary General of the CoE were stating in their report that: “National minority issues are part of the fundamental values of the EU and, hence too, the Copenhagen criteria to be met prior to accession to the EU” (Secretary General of the Council of Europe, 2021, p. 13). Furthermore, the EU and the CoE are cooperating through joint programmes based on the ECRML in the context of the enlargement process, e.g. in 2022 under the Horizontal Facility (II) for the Western Balkans and Turkey (Secretary General of the Council of Europe, 2023, p. 9).

The CoE is regarded as the European states’ principal human rights framework at the European level. All European states are state parties to the European Convention on Human Rights (ECHR), constituting the principal European instrument for protecting human rights. It is equally recognised and respected by all EU Member States. Consequently, the CoE is the principal provider of human rights protection at the European level (Iusmen, 2014, p. 168). Article 6 of the TEU states that the ECHR plays a crucial role in EU law. It is both a source of

EU law and an international treaty to which the EU accedes, thereby aligning EU law with ECHR standards. In addition, the ECHR and the Member States' constitutional traditions inspire the development of human rights protection in the EU (Iusmen, 2014, p. 170).

Also, the EU government adopted the ECRML in 1992 and has recommended it for application to all the EU Member States. However, Member States are not obliged to comply with this recommendation, as the EU is constrained from intervening in these policy areas (Ammon, 2012, p. 588). The ECRML primarily focuses on preserving cultural heritage and wealth, as reflected in its emphasis on non-discrimination. However, its Explanatory Report acknowledges minority rights, such as the right to use their language and practice their culture (Council of Europe, 1992, p. 1). Therefore, it is referenced by the EU in various contexts, particularly concerning minority protection and cultural heritage, which encompasses linguistic diversity (European Commission, 2008, p. 4).

A notable example is the Minority SafePack (2020), where the ECRML is cited in a statement calling for “mutually reinforcing cooperation between the EU and the Council of Europe in the area of protecting the rights of national and linguistic minorities” (paragraph 10).

On the official website of the European Union concerning their language policy, it is stated that: “The EU also works with Member States to protect minorities, based on the CoE’s ECRML” (Sasse & Milt, 2024, p. 2). Making ECRML a reference for language protection while also enhancing the effectiveness of its recommendations regarding the ECRML.

5.2 Strategies and Objectives of ECRML

The ECRML obligates its Member States to implement active promotional measures to benefit RML (Council of Europe, 2023, p. 5). The objective of the ECRML is to balance a unified framework for supporting RML with flexibility for individual states. Part II defines universal principles for all such languages, while Part III allows states to choose specific provisions suited to each language’s circumstances, considering factors like speaker numbers and financial capacity. This adaptability acknowledges the diversity of linguistic situations and economic limitations, with states possibly expanding their commitments over time (Council of Europe, 1992, p. 4).

Consequently, states that have ratified the ECRML must implement the core principles set out in Part II of the ECRML, and a minimum of thirty-five paragraphs or sub-paragraphs selected from the provisions of Part III. Part II outlines the key principles that should guide states in the

protection of RMLs. These include recognizing RMLs as cultural assets, respecting the regions where RML are spoken, and an emphasis is made on actively promoting their use in public and private life (Council of Europe, n.d.).

In addition, states must ensure educational opportunities for RMLs at all levels and encourage transnational exchanges to promote mutual understanding between linguistic groups (ibdi). Part III sets out specific measures to facilitate and promote the use of RML in various aspects of public life and provides concrete actions to support implementation (Council of Europe, n.d.). It must include at least three paragraphs or sub-paragraphs from Articles 8 to 14 (Council of Europe, 2023, pp. 4, 7).

The provisions are divided into education, juridical authorities, administrative authorities and public services, media and cultural activities and facilities, economic and social life, and transfrontier exchanges (Council of Europe, 2023, p. 11ff.). This framework aims to integrate RMLs into daily life by promoting and facilitating their use across various public spheres. States that ratify the Charter must adhere to its objectives and principles, aligning their policies and legislation accordingly (Council of Europe, 2023, p. 10). Nevertheless, the Charter stipulates that states should adopt measures in an “appropriate” and “flexible manner”, which allows for varying interpretations and may potentially diminish the enforceability of concrete commitments (Council of Europe, 2023, p. 11).

The ECRML’s supervisory body plays a crucial role in ensuring the effective implementation of the measures outlined in the ECRML. This body is responsible for regularly monitoring the progress achieved and for addressing the lack of implementation of the measures set out in the ECRML (Council of Europe, 2023, p. 12). The CoE’s capacity to issue recommendations and provide assistance in implementing the ECRML is a crucial aspect of its role in promoting human rights. This is particularly relevant in light of the EU’s limited availability of concrete data and benchmarks on the issue of RML.

The reports produced by the supervisory body, the Committee of Experts, have become a crucial element in ensuring that RMLs are not overlooked and that their rights are fully applied across Europe. Nevertheless, the absence of CoE ability to sanction Member States for non-compliance with the ECRML is a significant limitation (Riemersma, 2012, p. 170).

5.3 The ECRML in the EU Enlargement Process

In conclusion, the second hypothesis, which states that the ECRML is an internationally recognised charter for the protection of RML, as referenced in the enlargement process, is, to

some extent, proven. The examination reveals that the ECRML is a crucial international charter in shaping the protection of RML. It serves as a supportive framework as the EU frequently refers to CoE standards and monitoring work in its negotiations in the enlargement process (Council of Europe, n.d.). This aligns with the broader framework of minority protection established by the Copenhagen criteria, which emphasises safeguarding individual rights as integral to minority protection.

By providing linguistic rights, the ECRML enables individuals to express facets of their identity, reinforcing its role within the Copenhagen criteria's protective framework. Especially looking at the EU-CoE partnership and the source of reference, such as the Venice Convention, which is highlighted in the case of Ukraine, the ECRML. It provides a foundational structure that enhances RML protections in the enlargement process.

Also, the collaboration with the CoE, the EU leverages these frameworks to set robust standards for candidate states, reinforcing RML protections as part of the requirements for EU membership. This cooperative approach is crucial in promoting consistent RML standards across member and candidate countries. Especially when these international standards and principles guide the EU's actions after the Lisbon Treaty and the signing of the Memorandum of Understanding in 2007. This Memorandum led to a strengthened partnership between the EU and the CoE through increased efforts to protect minorities. The EU and the CoE therefore cooperate, complement each other and take joint initiatives in the field of human rights. In particular, in light of the expanded human rights component of the Copenhagen criteria, and the increased need for consultation with the CoE on these issues. In addition, the EU has ratified several CoE Charters, which increases the importance of the CoE and aspects of human rights and multilingualism within the EU (Krzyzanowski & Wodak, 2011, p. 116).

The analysis suggests that joining the CoE serves as a preparatory step toward EU membership, representing the early integration phase. Although not all EU members have ratified the ECRML, CoE membership demonstrates a commitment to European values and aligns with the favorable political framework for EU accession. While the CoE is not directly part of the EU enlargement process, it is often viewed as a strategic milestone on the path to EU candidacy

As previously stated, the hypothesis is only partially validated. While the ECRML introduces a cultural dimension to minority protection, its heritage-focused approach may restrict the broader safeguarding of individual rights. This limitation is further deepened by the fact that not all EU Member States have ratified the ECRML. This is due to several factors. Firstly, as previously mentioned, language, education, and cultural policies are developed at the national

level and are integral to national identity. As a result, it is difficult to force Member States to ratify the ECRML, particularly since the EU lacks the authority to reinforce such obligations. This remains the case despite the EU's recommendation to ratify the ECRML and its ability to influence Member States through various initiatives.

Furthermore, as outlined in the previous chapters and in the development of relations between the EU and the CoE, the human rights aspect of languages and multilingualism, as well as the protection of national minorities, only developed in the course of the EU's history and became a guiding principle later on. This meant that in the ECC and the first accession rounds, the RML and, thus also, the ECRML were of no significance. With the problems of the Eastern enlargement, human rights aspects came to the fore, leading to increased cooperation with the CoE. The non-EU countries, particularly during the Eastern European enlargement round, demonstrated a proactive stance by ratifying and signing the ECRML, such as Poland in 2003 and the Czech Republic in 2000, before their EU membership in 2004 (Council of Europe, 2024). However, this was not the norm, and it became apparent only after the Eastern enlargement round that minority protection and multilingualism needed to be established on the EU agenda to ensure peaceful coexistence. The political criteria especially evolved significantly during the next enlargement rounds in 2007 (Bulgaria and Romania) and 2013 (Croatia), particularly following the Lisbon Treaty, which emphasised democratic values (European Parliament, 2024).

Given that current EU Member States have not universally ratified the ECRML, the EU exerts more significant influence on candidate countries through the Copenhagen criteria. This creates an asymmetrical relationship, as the membership conditions are inconsistent and do not apply equally to old and new Member States (Grabbe, 2002, p. 266). Candidate states adapt to these standards to advance in EU negotiations and gain membership benefits. The Enlargement Reports, which assess alignment with the *acquis*, including education and culture, serve as tools to evaluate compliance. However, they do not directly affect current Member States, further underscoring the EU's "gatekeeping" role in shaping accession conditions. As explained by Europeanisation theory, this gatekeeping function becomes increasingly evident alongside internal EU changes aimed at incorporating these new priorities.

Moreover, EU conditionality in the current enlargement process has become broader and more entrenched due to three key factors: the lessons learned from the 2004/2007 enlargements, the challenges in the Western Balkans and Turkey, and the EU's internal constitutional reforms and evolving policy priorities (Iusmen, 2014, p. 166). These developments underline a more

strategic and structured approach to the EU's enlargement agenda.

However, the protection of RML within EU Member States is clearly visible through the ECRML, which in turn provides insights into the EU agenda. According to Europeanisation theory, Member States play a crucial role in shaping the direction and agenda of the EU. This theory suggests that the internal policies of individual Member States influence the EU's approach to minority language rights, as reflected in the reporting process under the ECRML. By highlighting how Member States prioritise RML protection, conclusions can be drawn about its prominence on the EU's agenda and the political discourse surrounding it.

6 EU-Enlargement: Potential for RML Protection?

This part will test the last hypothesis, which states that the enlargement process increases the protection of RML in the case study Ukraine. This will be done using QCA as a research method. It will assess whether these standards and instruments are effective mechanisms for enhancing the protection of RML in Ukraine. As mentioned above, Ukraine will be analysed with the QCA to assess the level of RML protection in parallel with the enlargement process. The findings will help evaluate whether the protection of RML in Ukraine is genuinely advancing and to what extent the mechanisms described by Grabbe (2003) in Chapter 2.3—such as the EU's gatekeeping function or its top-down approach to imposing values—are being reinforced through the enlargement policy in Ukraine's domestic politics.

6.1 ECRML: Findings

The analytical part of this thesis focused on examining the monitoring reports conducted by the Committee of Experts within the framework of the ECRML and on the basis of the initial state reports, in this case of Ukraine. The goal was to systematically analyse the ECRML implementation using QCA and identify relevant patterns and developments. It is divided into two sections: general development over the years and compliance with the ECRML. Finally, in the discussion section of the findings, supplementary sources, such as the enlargement reports and the Venice Convention on Ukraine, are incorporated.

Starting with the general development, a particular focus is placed on general trends and challenges over the years, including emerging topics. By coding relevant information—such as legislation, language policy measures, and urgent issues—the analysis aimed to uncover key insights with those thematic categories. Additionally, codes like external relations, the EU and the CoE, as well as best practices, emerged during the analysis and are also examined to provide

a more comprehensive picture. In addition, the evaluative categories such as positive and negative evaluation redefine the thematic categories like trends and challenges.

First, looking at the RML protected by Ukraine, a shift is evident. Over the years, both the definition and the scope of protection for RMLs in Ukraine have evolved and been refined. Initially, in 2007, the provisions of Part II and III applied to the following languages: Belarusian, Bulgarian, Gagauz, Greek, Yiddish, Crimean Tatar, Moldovan, German, Polish, Russian, Romanian, Slovak, and Hungarian (Ukraine, 2007, p. 3). However, Ukraine implemented the recommendations and demands of the Committee of Experts, which led to an expansion of the scope of protected languages. By 2014, Part II protections were extended to additional languages: Karaim, Krimchak, Romani, and Ruthenian (Council of Europe, 2014, p. 10f., 2017, p. 6, 2024, p. 6). Additionally, the Russian population constitutes the largest national minority, with the Hungarian minority representing the second-largest ethnolinguistic group in Ukraine (Ukraine, 2007, p. 8).

The analysis of the codes showed that in the report 2010 the most codes were made relating to the category of legal framework which comprises the codes legislation, constitution and language policies. Especially as Ukraine's legal framework for protecting language rights includes different constitutional provisions, such as Article 10 of the Constitution, and specific laws that promote minority languages, like the Law on the Implementation of the ECRML (Council of Europe, 2010, p. 9). Additionally, several policies addressed RML usage, including education, media, and cultural rights, as well as civil and criminal law (Council of Europe, 2010, pp. 9-10). However, the monitoring report of the Committee of Experts identified considerable gaps or shortcomings in the legal framework governing RML urging to update the legal framework (Council of Europe, 2010, p. 12f.). For instance, it was due to old legislation such as 1989 Law of the Ukrainian SSR "On Languages" and the 1992 Law on "National Minorities" (ibid.).

Relating to that, the 2010 report had also the most recommendations compared to other years (e.g. ECRML 2010, pp. 16f., 19f., 20). This indicate a foundational phase where the Committee of Experts were outlining significant steps to address systemic issues at a time, where Ukraine had major legislative change. For example, in response to the recommendations and critiques, Ukraine introduced in 2014 reforms, for example the "Language Law" (Law on the Principles of State Language Policy) replaced outdated legislation and aimed to align more closely with ECRML provisions (Council of Europe, 2014, pp. 5, 9, 11).

Also, the focus on "language policy" shows a decreasing trend, indicating either improvements

or a shift in priorities towards other issues. Nevertheless, especially, the 2023 report showed further changes in Ukraine's language legislation like the new "Law on National Minorities (Communities)" which was presented and implied several improvements in protecting minority rights. Additionally, the 2019 "Law on Ensuring the Functioning of Ukrainian as the State Language" seeks to regulate minority languages in public life with the aim of complying with international standards like the ECRML (Council of Europe, 2023, p. 2).

Another significant trend is the reduction in segments coded as "lack of information" over time. In 2010, this was the most frequently coded issue (69 segments). However, it steadily decreased to 25 segments in 2014, 7 in 2017, and just 1 segment in 2023. This suggests improved data collection, reporting practices, or transparency over the years, addressing one of the initial criticised challenges.

"Measures needed" was a prominent theme in 2010 (22 segments) and again in 2017 (20 segments). This indicates that while initial recommendations were made in 2010, certain critical actions remained unaddressed or had newly emerged by 2017. This suggests an ongoing need for intervention despite previous efforts. Also, this code is associated with negative and positive evaluations indicating a nuanced assessment approach: while deficiencies are identified (negative), there is also recognition of progress with recommendations for further improvements (positive). Having this two-fold perspective guarantees that improvements are sustainable and not just reactive. The 2014 report presents the highest number of trends (8 segments), suggesting that this 2014 may have been critical in identifying emerging patterns or shifts in language use, policy implementation, or compliance challenges.

Challenges were most frequently identified in 2010 (24 segments), with a significant reduction by 2014 (14 segments) and 2017 (3 segments). However, "persisting challenges" were not coded until 2014 (13 segments), then slightly reduced in 2017 (11 segments) and 2023 (2 segments). These findings indicate that long-term, systemic issues that still influence the application of minority language protections are becoming more widely recognised. Despite this development, the code "challenges" remains in all reports. "Challenges" were seen in the lack of information provided by Ukraine and in the implementation of recommendations (Council of Europe, 2023, p. 5f.) as well as in the tense relationship with Russia. This is illustrated by the following example: "The Committee of Experts understands that those tensions have had an impact on the work of the Russian-Ukrainian bilateral Commission" (Council of Europe, 2010, p. 87). Indications for these tensions are seen in all of the reports (Council of Europe, 2017, p. 84; Council of Europe, 2023, p. 2). Another reason for this tension

is that Ukrainian was established as the official and only state language because of Ukraine's historical context and the perceived need to strengthen their national identity (Council of Europe, 2010, p. 12). However, the reports demonstrate that this is a challenge, as Russian is regarded as a minority language despite its status as a mother tongue for numerous minority groups (Council of Europe, 2010, p. 5f.). Moreover, it is evident that not only minorities, but also ethnic Ukrainians perceive Russian as their mother tongue, as evidenced by the 2010 ECRML report which stated that 14.8% of Ukrainians identified Russian as their mother tongue (ECRML 2010, p. 8).

Furthermore, the persisting challenges are closely linked to a lack of information. This relationship suggests that incomplete or inadequate data collection may contribute to the ongoing difficulties in fully addressing the needs of RML. The reduction in "lack of information" segments over time might indicate progress, but the challenges imply that the quality or depth of information still requires improvement. In particular, an examination of the data provided by Ukraine concerning the numbers of minorities reveals a significant discrepancy. The last census was conducted in 2001, which has hindered the ability to obtain accurate and up-to-date data regarding the usage of RML (Ukraine 2007, pp. 3-6; Ukraine 2010, p. 2).

Despite the challenges, the reports showed the cooperative nature of the ECRML with neighbouring countries. The evaluation of the reports leads to a suggestion that the ratification of the ECRML has had a positive impact on relations with certain neighbouring states as the Committee of Experts emphasises that cooperation is crucial for the adequate protection of the ECRML (Council of Europe, 2017, pp. 11, 37, 97). Already in the first report, Ukraine was considered to have fulfilled a part of the ECRML transfrontier exchange provision with the EU Member States: "The Committee of Experts considers that the undertaking is fulfilled as regards Belorussian, Bulgarian, German, Greek, Hungarian, Moldovan, Polish, Romanian, Russian, and Slovak" (Council of Europe, 2010, p. 90). A willingness to cooperate is evident: "The Ukrainian authorities have signed many agreements with neighbouring countries [...]" (Council of Europe, 2010, p. 87). The analysis also showed, that in 2023, with the year of Ukraine getting EU candidate status, the Ukrainian legal framework grants more favorable conditions for minority languages that are official languages of the EU (Council of Europe, 2023, p. 3). This classification of languages was criticised in the 2023 report (*ibid.*). At the same time, it shows that Ukraine wants to move closer to the EU language policy, taking into account the legislation and especially Article 55(1) TEU.

The second focus was to analyse the overall compliance with the ECRML provisions. For this purpose, coding evaluative categories were initially established to distinguish whether provisions were fully met, partially met, or not met at all. During the coding process, further categories were created to assess whether the recommendations of the Committees of Experts had been implemented, creating evaluative subcategories of fully compliant, partially compliant or non-compliant. The analysis showed that the number of segments indicating “provisions met” increased consistently: 2010 13 segments, 2014 27 segments and 2017 28 segments. This trend reflects steadily improvements in meeting the provisions outlined by the ECRML, indicating progress in implementing recommendations and addressing earlier deficiencies. However, even when provisions are formally met, measures are often still necessary (Council of Europe, 2010, p. 189). The highest segments of non-compliance with RML provisions were analysed in 2014 (71 segments), significantly higher than in 2010 (29) and 2017 (30). Lastly, “Provision partially met” was most frequently coded in 2017 (46 segments), followed by 2014 (38) and 2010 (18). Such results highlight the gradual progress where full compliance has not yet been achieved but significant efforts were happening, particularly evident in 2017. The decreasing code “lack of information” and increasing code “provisions met” suggest overall progress. However, persistent themes such as “measures needed” and “persisting challenges” refer to ongoing issues that require continued attention and intervention by the CoE.

6.2 Ukraine: The Role of RML in the EU Enlargement

The examination of the findings presented in the Committee of Experts’ reports in the previous chapter implies that the hypothesis that EU enlargement results in an increase in RML protection is partially supported. There has been gradual reforms of the Ukrainian law regarding RML, as shown by the results, as well as the introduction of important steps that protect RML, such as the upgraded legislation mentioned above. Nevertheless, in order to gain a more comprehensive perspective and to take into account the influence of the enlargement process on this issue, further sources will enhance the existing evidence base.

Ukraine, due to its long history first with the Soviet Union and then with Russia respectively, is an ethnically mixed society and therefore, apart from Ukrainians, there are many Russians and members of other nationalities of the former Soviet Union (Olszański, 2012, p. 5). For this reason, Russian has also long been the language of everyday life. At the same time, Ukrainian has played a secondary role, making the language a major challenge for Ukraine’s internal and external policies (ibid.). Also, since Ukraine’s independence, a significant part of its citizens, regardless of their declared ethnicity, still used exclusively Russian (Olszański, 2012, p. 5). But

as the findings indicated, Russian has been declared by Ukraine as a minority language in the ECRML (Council of Europe, 2010, p. 5f.), which can be regarded as disadvantageous for minority communities in Ukraine, as some of these communities have Russian as their native language (Constantin, 2024). This is one of the aspects why Ukrainian legislation concerning linguistic diversity is challenging. The discrepancy is leading to the “language dispute” (Olszański, 2012, p. 5), which is also of concern for the EU and a aspect in the enlargement process of Ukraine.

The investigation of Ukraine’s position in the enlargement process reveals the evolving nature of its relationship with the EU. Ukraine is a recent EU candidate state, having been granted candidate status in June 2022 (European Council, n.d.). The European Commission outlined seven steps which Ukraine needs to address in order to integrated into the EU. Additionally, with the recommendation of the European Commission, the European Council opened in 2023 accession negotiations with Ukraine (European Commission, n.d.). In EU’s 2022 assessment of Ukraine’s candidacy according to the 31 chapters of the EU acquis, the European Commission emphasised the importance of safeguarding the rights of individuals belonging to national minorities in the context of education and language, as well as their representation in elected bodies at all levels of public life (European Commission, 2022, p. 13). Accordingly, the European Commission called for the comprehensive implementation of the recommendations set forth by the CoE’s Venice Commission on education law and those pertaining to the state language law (*ibid.*). Similarly, the 2023 Enlargement Report demonstrated that Step 7 has not been fulfilled, which concerns the status of national minorities in Ukraine. In particular, the EU urges Ukraine for the implementation of the reform of the legal framework for national minorities and the adoption of immediate and effective mechanisms, as recommended by the Venice Commission (European Commission, 2023, pp. 11, 39).

Despite general compliance with commonly adopted international human rights instruments and the ratification of most international conventions on the protection of fundamental rights (European Commission, 2023, p. 39), the issue of national minorities is subject to constant criticism. For instance, there is a discrepancy between the protected RML in Ukraine and the issues raised by the EU in the Enlargement Report. In particular, the situation of Russian, Roma and Hungarian minorities is addressed, with areas of ECRML being mentioned as a field of improvement for the national minorities, such as education, media, public life and administration (European Commission, 2023, pp. 52f., 88). This difference was apparent in the results of the RML, which indicated that, despite an increase in compliance with the RML’s

provisions, a significant part of non-compliance remained. Also, this obstacle is seen by the Ukrainian government. Olga Stefanishyna, the Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine (Government Portal, 2024), stated in the newspaper *Financial Times* that they want to adjust the legislation on national minorities and put additional amendments into the law (Hall, 2023). It is evident that EUs mechanism in the enlargement process like stated in chapter 2.3. are being used in this context. The process of aligning because of the aspiration of being an EU Member States leads the Ukraine to adjust its policies and show its compliance with EU values.

This is also evident in the gradual transfer of responsibility for the implementation and monitoring of the ECRML provisions and recommendations to different institutions in Ukraine. While the Ministry of Religion held primary responsibility in 2007, by 2024, this had shifted to the Ministry of Culture and Information Policy of Ukraine (Ukraine, 2024, p. 7) indicating a growing recognition of the importance of RML in the areas of culture, media, and public life.

Furthermore, Ukraine's language policy constitutes of a variety of legislative measures that address a range of aspects concerning minority language rights. However, the Venice Commission has identified significant shortcomings in the Education Law and the Law on Supporting the Functioning of the Ukrainian Language as a State Language. At the same time, it acknowledges that the language policy in Ukraine is complex and a substantially sensitive issue, particularly given the politicised context like the current conflict with Russia (Council of Europe, 2023, p. 6). Nevertheless, in terms of the report of the Venice Commission, it is a persistent and non-negotiable aspect, with Ukraine being urged to comply with the recommendations relating to the ECRML provisions.

The implementation of the Venice Convention recommendation is evident in the newest State report of the ECRML in 2024 as Ukraine worked together with the CoE and several representatives of the public 13 institutions of national minorities and representatives of the indigenous peoples of Ukraine and developed Concept of the State targeted national and cultural program "Unity in Diversity" defining the tasks regarding the use of the languages of indigenous peoples and national minorities (Ukraine, 2024, p. 14f.). The EU integration is seen here especially in the immediate implementation after being granted EU candidate state status, but also in the name chosen of the concept. As "Unity in Diversity" is reflecting the EU values and norms being the motto of the EU, it shows a twinning process (Grabbe, 2003, p. 311f.) with EU policies. This progress is due to geopolitical challenges which Ukraine is facing nowadays. More protection of RML in Ukraine is evident through the monitoring process itself and

benchmarking. As the EU engages with Ukraine through the European Neighbourhood Policy, particularly the Eastern Partnership, which employs a range of association agreements as core instruments to facilitate a gradual integration process (European Commission, n.d.). In this regard, the EU co-financed Ukraine's periodic report for the first time in 2024 (Ukraine, 2024, p. 3). The co-financing may be due to the fact that there are insufficient funds available for the report, which can be linked to two factors: the financial constraints caused by the war in Ukraine and the EU's commitment to ensure that Ukraine complies with EU values, the recommended Venice Convention and thus the Copenhagen criteria. These criteria, which include respect for minorities, require the allocation of resources for the implementation of the ECRML. These EU fundings which Ukraine depends on, further stipulate progress towards more RML protection, as Ukraine is at the same time dependent on the funds to continue negotiations on the *acquis*.

The findings of the ECRML, when considered alongside the additional sources, indicate that the conditionality leads to domestic policy change (Schimmelfennig & Sedelmeier, 2020, p. 815). The prospect of additional support and progress in the negotiations provides an incentive for Ukraine to adapt its standards and recommendations in accordance with those of the EU.

In conclusion, following the examination of the findings of the QCA and the additional sources, it can be posited that the hypothesis that EU enlargement contributes to enhanced protection of RMLs in Ukraine can be considered confirmed. It can be deduced from this that the influence of the enlargement process in Ukraine with regard to the protection of RMLs is particularly strong due to the high political importance and uncertainty surrounding this issue. As Grabbe (2003, p. 323) points out that Europeanisation has a greater impact on politically sensitive and insecure areas. Long-standing language disputes and geopolitical tensions, particularly affecting the Russian minority, increase the importance of RML protection. Additionally, the analysis demonstrated that particular emphasis is placed on the component of "protection of national belonging to minorities" within the political Copenhagen criteria, leading to increasing importance of the bodies of the CoE, such as the Venice Commission and the ECRML, which are being referenced. Accordingly, the EU's focus on enforcing standards such as the ECRML in Ukraine reflects its strategic interest in maintaining stability and the alignment with European values, particularly in this critical region.

7 Conclusion

This master's thesis is an attempt to investigate the protection of RML in the EU enlargement process. Therefore, the primary aim of the thesis was to answer the following research question: how and to what extent is the EU enlargement process an instrument of the EU to protect RML? In order to analyse the research question, three hypotheses were utilised as a foundation. The case study on Ukraine further synthesised the findings from the previous analyses and provided additional illustration and a practical application.

The main conclusion drawn, while acknowledging the considerable diversity in the individual enlargement processes of each candidate state, is that the EU enlargement process does function as an instrument to enhance the protection of RML. As the analysis revealed, the protection of RML is a sensitive issue because language is closely linked to various aspects of national identity and fosters a sense of belonging—an objective also reflected in the EU's multilingualism policy.

The initial literature analysis showed that the protection of RML is embedded within several EU policies, although in a broader context and depending on the EU's strategic agenda. It has been characterised by challenges and continuous development, with the EU gradually prioritising linguistic diversity at different times, including minority languages, but not specifically mentioning RMLs. There are many different components through which the EU is “protecting” RML in its policy. The analysis showed that even though RML are not explicitly mentioned, the overarching goal of protecting languages—mainly due to the equal rights of EU citizens to use their language and national languages having equal status in the face of the EU—is evident. Particularly indirect competencies lie within the EU through the TEU, the Charter of Fundamental Rights, and other aspects of the EU legal system. Although RML protection is in theory anchored in foundational EU treaties such as the TEU and TFEU, there is still an absence of specific guidelines and a unified, consistent approach to protect RMLs in the EU Member States. Overall, there is an urgent demand for further initiatives which specifically focuses on RML in areas like minority protection, language learning and cultural heritage. Resulting in the consideration that the EU has more influence over candidate countries than Member States in the area of implementing protecting RML measures.

There are several factors which contribute to this gap between Member States and candidate states: not all EU Member States have ratified the ECRML, selective multilingualism, and mainstreaming in various EU initiatives concerning RML remain. While multilingualism

protection theoretically falls under the purview of individual Member States, there is a lack of effective instruments and implementation mechanisms for RML. As a result, RML protection is incorporated under the broader category of fundamental rights within the enlargement process, albeit without a distinct focus. This is despite its partial inclusion in the *acquis communautaire*, which is subject to negotiation in accordance with current agendas. Consequently, it can be concluded that the EU, in accordance with its EU values pertaining to linguistic diversity, such as the motto “Unity in diversity”, multilingualism and the various treaties, possesses the capacity to exert its influence in some extent on the language policies in the candidate countries and their RML protection measures, despite the constrained scope of its actions on EU Member States.

From a Europeanisation perspective, the EU enlargement process can exert policy changes in candidate states. Aligning with the EU *acquis* and meeting the EU conditionality aspects are necessary steps for their integration, and therefore serve as significant gatekeeping mechanisms. The conditionality ensures the adoption of EU legislation, thereby extending the EU’s influence over candidate states. Various Europeanisation models proposed by Grabbe (2003, p. 311) apply to the case of Ukraine, including gatekeeping, models of money, benchmarking, and twinning. However, the extent and methods of influence depend on the EU’s internal priorities and its strategic agenda. Therefore, although the EU could possibly exert influence in areas such as education and culture in candidate states in comparison to EU Member States, the emphasis on RML protection remains limited. This lack of a coherent approach, both internally and externally, with regard to RML protection, poses a significant challenge in exerting influence on the policies of candidate states to promote more robust RML protection.

Nevertheless, the ECRML as an international framework for RML protection is referenced within the EU enlargement process. By acknowledging the ECRML and cooperating with the CoE on human rights concerns, the EU has the potential to enhance RML protection through its enlargement policy. Moreover, the analysis indicated that CoE membership could serve as a preliminary step towards EU accession, as it signals an interest in EU values and cooperation. Consequently, it could be regarded as a strategic milestone on the path to EU candidacy. Also, in light of the ongoing decline of RML and the growing importance of the CoE, the implementation of ECRML is likely to become even more significant in the future.

Furthermore, the QCA of the Committee of Experts’ reports and the additional sources indicates that the enlargement process has contributed to improved RML protection, as seen in the case of Ukraine. The analysis revealed that there has been some progress in implementing ECRML

recommendations, particularly in areas such as legislation and the various aspects covered by Part III of the ECRML. Nevertheless, a significant number of provisions have yet to be fully implemented by Ukraine, and new recommendations are constantly being added by the Committee of Experts. In addition, it was evident that, in contrast to the case of Ukraine, there had been no significant emphasis on the implementation of the ECRML in comparison to previous enlargement rounds. Although Ukraine's linguistic conditions are comparable to those of the Baltic states - Estonia, Latvia, and Lithuania - which also emerged from the Soviet Union and faced linguistic challenges, in particular with significant Russian-speaking minorities, the EU places additional emphasis on the implementation of the ECRML in Ukraine.

The primary concern for the EU is not RML protection in isolation but minority protection more broadly, which often overlaps with RML issues. The problem of mainstreaming becomes evident here, highlighting the challenges of aligning individual candidate states' priorities with EU expectations. A review of enlargement reports shows that the EU frequently refers to the Venice Commission and, by extension, the ECRML when assessing new candidate states. This makes RML protection a negotiable aspect within the enlargement process but not consistently enforced. But despite the indirect influence the EU could exert through negotiations, internal inconsistencies within the EU itself prevent a broader spillover effect.

This analysis created one of the first attempts at combining the issue of language diversity decline and the EU enlargement process of a mechanism for potentially protecting RML in Europe. Overall, the EU has the potential to protect RMLs due to the implementation of effective measures and the establishment of international standards. However, it is restricted by legal formalities as well as the implementation and prioritising of the issue. Other aspects of the enlargement process appear to be increasingly important for both the EU and the candidate states, specifically Ukraine in this case. Even though other aspects, like economic as well as institutional, are, of course, important aspects, the challenges faced by minorities are key factors as well and need to gain more visibility. If the decline and loss of languages is not taken seriously by policymakers, they will continue to die out, and users of RML will face increasing inequalities. Not only can this lead to a loss of identity and cultural heritage, but the inequalities faced by minority groups can lead to more conflict between them, within the state and also with neighbouring states where the language may be the state language. As there is already the ECRML, which explicitly focuses on RML and gives precise measures and provides support, this is an issue that has the potential to be solved at the European level.

In order to prevent further language loss and ensure the preservation of linguistic diversity in

Europe, it is necessary to conduct further research in this field. The findings of this thesis can be used by researchers to explore the potential of enlargement as a tool for RML, and to extend the scope by including additional candidate countries. Additionally, other EU mechanisms can be investigated to ascertain their potential to prevent language loss and support linguistic diversity. The conclusion of this thesis indicates the potential for further research to be conducted by expanding the scope of the study. The findings could have implications for not only the loss of languages in Europe, but also on a global scale, taking into account neighbourhood policies around the world and their potential to create bilateral or multilateral agreements to promote and safeguard languages and linguistic diversity.

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Appendix

Codesystem	4. UkraineECRML 2023	3. UkraineECRML 2017	2. UkraineECRML 2014	1. UkraineECMRL 2010
External Relations				
Russian				
Legislation				
Critics				
Best Practise				
Urgent				
Recommendation				
partially met				
non compliance				
compliance				
Lack of Information				
Measures Needed				
Minority Population				
not included in framwork				
General Information				
Ukraine Consitution				
ECRML General				
Measures needed				
CoE Support				
Language Policy				
European Union				
Trends				
negative				
Challenges				
persisting challenges				
RML_Provision_Met				
Negative_Evaluation				
Positive_Evaluation				
RML_Non_Compliance				
RML_Provisions_Partially_Met				

Table 1 Code - Matrix - Browser MAXQDA 10.10.2024

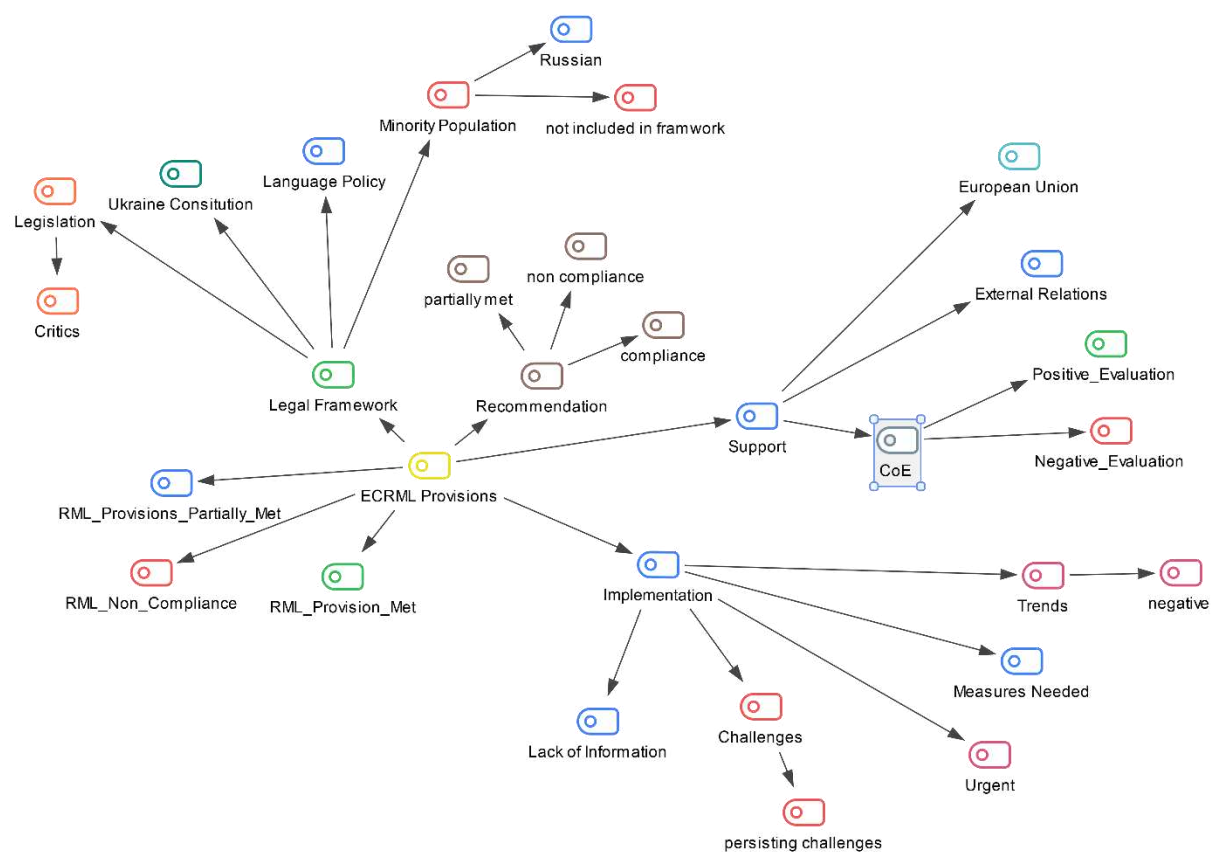


Table 2 Creative Coding Overview MAXQDA 10.10. 2024