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Legitimate Multilevel Crisis Management from the Perspective of Human Rights, Minorities, and Non-Discrimination

The COVID-19 pandemic has dominated media and scholarly literature since 2020. The impact(s) of crisis management on democracy, legitimacy, human rights, minorities, marginalized groups, and persons belonging to them are mentioned but seldom the main focus. From the perspective of human rights, protection of minorities, and the principle of non-discrimination in multilevel systems in Europe, the paper discusses certain conceptual, terminological, and methodological problems in studying such complex dynamic phenomena and argues that qualitative approaches might be the most suitable for studying the perceptions of persons belonging to diverse minorities on democracy and the legitimacy of crisis management and governance.

Keywords: crisis management, inclusion, multilevel governance, social minorities and persons belonging to them, human and minority rights, non-discrimination, LEGITIMULT project.

Legitimnost večnivojskega kriznega upravljanja z vidika človekovih pravic, manjšin in nediskriminacije

Mediji in znanstvena literatura od leta 2020 omenjajo vplive kriznega upravljanja med pandemijo covid-19 na demokracijo, legitimnost, človekove pravice, manjšine in marginalizirane skupine ter njihove pripadnike, a jih redko podrobneje obravnavajo. Članek obravnava nekatera konceptualna, terminološka in metodološka vprašanja proučevanja teh kompleksnih dinamičnih pojavov z vidika človekovih pravic, varstva manjšin in nediskriminacije v evropskih večnivojskih sistemih. Ugotavlja, da so kvalitativni pristopi najprimernejši za proučevanje percepcij pripadnikov manjšin glede demokratičnosti in legitimnosti kriznega upravljanja.

Ključne besede: krizno upravljanje, vključevanje, večnivojsko upravljanje, družbene manjšine in njihovi pripadniki, človekove pravice in pravice manjšin, nediskriminacija, projekt LEGITIMULT.

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1. Introduction

In recent years, the SARS-CoV-2 virus, the COVID-19 pandemic, and pandemic related crisis management have been omnipresent topics in media and public discourse. They also dominate scholarly literature and publications in almost all disciplines and fields, including the social sciences and humanities (e.g., Žagar 2020; 2023). This paper discusses specific issues, concepts, dimensions, and contexts that are often overlooked.

When observed from the perspective of multilevel governance (MLG) and considering the very nature and complexity of the process(es), crisis management is a complex multilevel process that requires cooperation and coordination in various levels of government and authorities effected by and involved in it. In global crises, such as the COVID-19 pandemic that shook the very foundations of contemporary societies and our traditional way(s) of life, crisis management processes resulted in specific crisis strategies, policies, decisions and measures, as well as in their implementation that impacted populations, individuals, distinct groups, and (particularly minority and border) communities in various societies and environments. Restrictive and/or repressive crisis policies and measures and their implementation impacted them profoundly. Considering the responsibilities, competences, tasks, relations, and cooperation of governments and authorities at all levels, the LEGITIMULT project on the legitimacy of COVID-19 related crisis management and measures in diverse environments¹ studies and compares COVID-19 crisis management process(es), decision making and measures, and their effects and consequences in European countries, more precisely in 31 European democracies (EU-27, plus Switzerland, Norway, Iceland, and the UK) from the perspective of various actors, democracy, and the legitimacy of crisis management and governance.

In this context, the LEGITIMULT project² examines various impacts and consequences of COVID-19 related crisis management in diverse environments on the human rights, status, situation, rights, and protection of minorities, and the principle of non-discrimination. Based on the review of literature studying the impact of COVID-19 measures on different societal groups and the effects of those measures, multilevel governance institutions and their intergovernmental relations (MLG IGR) concerning human and minority rights, the project and paper address two research questions: Which conditions, circumstances, policies, measures, and actions can contribute to more democratic and legitimate crisis management and governance? How can the inclusion and participation of diverse social actors, including (social) minorities,³ in crisis management processes and decision-making be improved, thereby contributing to their legitimacy?

Taking these questions into account, this paper and the Work Package (WP4) on legitimate crisis governance in the context of human rights, minority rights, and the principle of non-discrimination test four (working) hypotheses.

Two general hypotheses are: (H1) In different ways, crisis management processes related to the COVID-19 pandemic, adopted and executed strategies, policies, and measures, particularly restrictive and/or repressive ones that limited and/or suspended certain human rights, impact all individuals, communities, groups, associations, organisations, and institutions in a respective environment. (H2) The inclusion and participation of relevant and interested actors (individuals and diverse forms of their association and organisation), including diverse social minorities, in the formulation and adoption, as well as in the implementation of (crisis) processes, policies, and measures improve their legitimacy.

Two specific hypotheses are: (H3) Crisis management processes, policies, and measures in diverse environments impact and hurt minorities more than the rest of the population. (H4) Formal and informal inclusion and participation of diverse minorities, persons belonging to them, and particularly their representatives in the formulation, adoption, and implementation of crisis management processes, strategies, policies, and measures can improve their legitimacy, acceptance, and effectivity within those communities and respective societies.

The following section briefly presents the literature review as the basis and framework for the section on conceptual and methodological discussion as well as for the conclusion. Through presenting some preliminary results of the LEGITIMULT project, the results of other projects, and the research programme of the Institute for Ethnic Studies (IES), these sections address some key concepts, as well as terminological, conceptual, and methodological questions relevant to the study of the legitimacy of crisis management processes, strategies, policies and measures in general, and particularly from the perspective of diverse minorities, as well as (the implementation of) the principle of non-discrimination.

2. Literature Review⁴

As mentioned, SARS-CoV-2 virus and COVID-19 pandemic related content has dominated local, national, and global media, as well as the academic press over the past few years, more precisely since the end of 2019. The volume of broadcasted radio and TV programs, published news, commentaries and reports (see, e.g., 24ur.com, BBC, CNBC, DW, MMC), popular and scholarly articles, papers and studies published in scientific journals (e.g., *Nature* with more than 18 thousand search results, *Science* with more than 650 search results, *The Lancet* with more than 9,690 search results by March 2023, etc.), and scholarly books in all sciences and almost all fields is enormous. It is almost impossible to imagine the number and volume of real and fake, individual and collective, relevant and irrelevant contributions, news, blogs, shared contents, b/vlogs, and comments on the web.⁵

Consequently, working on a comprehensive literature review of SARS-CoV-2 virus, pandemic and COVID-19 crisis management-related content is a

complex task, even when focused on specific topics and contexts. Searching in general search engines (e.g., Google, Yahoo), selected national and international media databases, and various digital databases⁶ for the relevant literature and sources published between the end of 2019 and February 2023 (in addition to those in English, also those in Croatian, German, Italian and Slovene), we used search terms related to human and minority rights, the protection of minorities, minority and border communities, and the principle of non-discrimination. While studying the legitimacy of COVID-19 pandemic related crisis management in diverse environments and at various levels of government in European countries, the LEGITIMULT project's literature review focuses on:

- legitimacy (e.g., Beetham 2012; Buchanan 2002; Caby & Frehen 2021; De Fine Licht et al. 2014; Esaiasson et al. 2012; Jackson et al. 2012),
- the approaches to and concepts, strategies, policies, and measures of crisis management in general and specifically during the COVID-19 pandemic (e.g., Ansel et al. 2010; Christensen et al. 2016; Christensen & Ma 2021; Rodríguez et al. 2018),
- the roles of all branches of government, and particularly of legislation in crisis management processes (e.g., Bolleyer & Salát 2021; Chaplin 2020; Petrov 2020),
- democracy, the inclusion, integration and participation of citizens, citizens' perspectives on pandemic-related crisis management, and particularly on crisis management policies, measures, and their impacts and consequences (e.g., Alsan et al. 2020/2023, Bohle et al. 2022; Cronert 2022; Edgell et al. 2021; Engler et al. 2021; Gidengil et al. 2022; Guasti & Bustikova 2022; Heinzl & Liese 2021; Lowande & Rogowski 2021; Lozano et al. 2021; Maerz et al. 2020; Mouter et al. 2021; Rump & Zwiener-Collins 2021; Stasavage 2020).

Considering their social relevance, logically, the issues of legitimacy, human rights, equality and minorities appeared in media reports and content rather early in the COVID-19 pandemic, particularly in the context of the introduction of limitations, lockdowns and various restrictive measures, but also regarding access to adequate health and other public services for people in different environments (e.g., BBC, DW). More precisely, the following issues were addressed: the interference with human rights, constrains, restriction(s), limitation(s) and temporary suspension/derogation of human rights, the extent and reciprocity of introduced measures, as well as the fact that diverse, particularly marginalized groups and minorities, but also border communities, were over-proportionally affected by COVID-19 crisis policies, measures and restrictions. However, in most cases, media reports, discussions, concerns, and warnings, as well as various expressions of public concern and dissatisfaction did not seem to significantly influence the crisis management processes or the authorities, particularly the

executive in formulating, adopting, and executing their strategies, policies and measures in the respective environments. Explaining and justifying their position and actions, the authorities claimed that the crisis demanded urgent and immediate decisions and actions, including radical ones, such as lockdowns and other restrictive and repressive measures. They concluded that, consequently, there was no time for time-consuming, uncertain, and possibly ineffective (extensive) public consultations, inclusive democratic processes and decision making. When faced with a life or death situation, in their view, sacrificing some human rights and democracy by neglecting and limiting democratic inclusion and participation in decision-making was necessary and the price worth paying. After all, the experiences of “the war on terror(ism)” showed that people can accept certain limitations to human rights and might be willing to trade some rights for the promise, even a false one, of safety and security (Žagar 2020; 2023).

The COVID-19 pandemic and related crises immediately attracted the attention of researchers in social sciences and humanities. The first studies, research reports, and scholarly publications appeared in 2020. Their number and volume increased substantially in subsequent years. Among the LEGITIMULT partners, for example, the Institute for Ethnic Studies immediately began to study the impact and consequences of COVID-19 related crisis management strategies on ethnic minorities, particularly in Slovenia and neighbouring countries. The first results (11 scholarly papers based upon various research approaches and methods) were published in the thematic issue (No. 85) of the *Treatises and Documents, Journal of Ethnic Studies* in December 2020, and an extensive scholarly monograph in Slovene followed in 2021 (Munda Hirnök & Novak Lukanović 2021). Research at Eurac Research contributed to the edited volume on comparative federalism and COVID-19 (Steytler 2021)⁷ and the study on the impact and consequences of the COVID-19 pandemic on linguistic minorities and border communities in the South Tyrolean Political Science Association (Pallaver et al. 2021).

Our review of scholarly publications and literature (in social sciences and humanities, but also in other sciences and fields) in the beginning of 2023 shows that these frequently mention issues relevant to our topic. Among these, we could list human rights, their limitation, suspension and/or derogation, cases of possible discrimination, and the inclusion and participation of citizens (and the population in general) in decision making or – more precisely – the lack thereof (resulting in exclusion) that leads to the strengthening of the executive and could result in a democratic deficit and in the rise of illiberal policies. However, only a small share of publications and literature focus on these issues and address them in-depth or holistically. Focusing on human rights, cases of direct and indirect discrimination, border communities, the rights, position and protection of diverse minorities, their inclusion, integration, and participation in crisis management process, the impact(s) and consequences of (particularly restric-

tive and/or repressive) crisis management measures on those communities, as well as on their perceptions regarding those issues, the number of the relevant titles is smaller but still substantial.⁸

Our literature review shows that human rights, including the rights of minorities, are among the first victims of crises and crisis management. The Croatian Ombudswoman's report on the situation of human rights and equality in the country in 2021 (Pučka pravobraniteljica 2022a), and her recommendations for better resilience to future crises based on her assessments of the impact of the COVID-19 pandemic on human rights and equality (Pučka pravobraniteljica 2022b), confirm such a conclusion. These practices of authorities, particularly disproportional limitations or the suspension of human rights, restrictive and repressive measures, as well as other possible human rights violations that can provoke resistance in the people cannot be considered legitimate democratic crisis management (Huffstetler et al. 2021; Žagar 2021).

The COVID-19 pandemic exposed existing (often long-term) inequalities, including social, economic, ethnic, and racial inequality, in contemporary societies and created new ones (Katikireddi et al. 2021; Platt & Warwick 2020). As consequences of those inequalities, often economically and socially deprivileged individuals, members of diverse minorities, including ethnic and racial ones, migrants, refugees, and marginalized individuals and groups frequently experience(d) additional vulnerability and exposure to the virus, the worsening of pre-existing health conditions and illnesses (e.g., diabetes, obesity, hypertension, cardiovascular problems), and lesser access to (public) healthcare and other services. The data show that they often suffered excess mortality compared with the rest of the population (Kumar et al. 2021; OECD 2022).

The negative impacts of the pandemic and crisis require recovery and resilience plans and measures at all levels aimed at improving equal access to public services, reducing the digital divide, promoting gender equality and inclusion, and preventing all types of violence. They should consider women, children and young people, older people, people with disabilities, people in precarious working conditions, homeless people, diverse social minorities, including national, ethnic, language and religious minorities, the LGBTQIA+ community, and other diverse marginalized groups and individuals (FRA 2022; UN 2020).

Although the Roma are the largest ethnic minority in the European context, they could be considered the most marginalized minority that frequently experiences direct and indirect discrimination. The COVID-19 pandemic and related crisis management have widened long-standing exclusion, poverty and discrimination against the Roma, who often do not have access to potable tap water, adequate housing and the sanitary facilities needed to follow preventive public health measures, while their access to healthcare could be limited. There were reports on disproportionate or militarized COVID-19 crisis measures targeting Roma neighbourhoods or towns, racist and discriminatory approaches to public

health, racist narrative and discourse, as well as media reporting that cast the Roma as a collective health and safety threat in Bulgaria, Slovakia, Romania, and in other countries. In addition to the already poor inclusion and performance of Roma pupils in education in Slovenia and Europe, the suspension of regular school activities, remote learning during lockdown, and problems in establishing contact and collaboration between the teachers, Roma pupils and their parents because of technical conditions and lack of digital access are likely to have broader negative consequences for these pupils (Bešter & Pirc 2020; 2021; FRA 2020; Girard 2021; Matache & Bhabha 2020).

Systemic discrimination, socio-economic injustice, aggressive nationalism, exclusion, racism, and xenophobia frequently directed against minorities, migrants, foreigners, refugees, marginalized groups and individuals, defined as “the others”, existed long before the COVID-19 pandemic. These escalated with the growing populism and ideology of illiberal democracy. During the COVID-19 crisis, they escalated further and disproportionately affected these target populations. In the initial stages of the pandemic, when people were guessing about the possible origins of the virus, a growth in anti-Asian racism was detected. Inclusion, integration, multi- and intercultural policies, democratic participation, and ongoing inclusive open public dialogue could be useful approaches to deescalating and preventing social exclusion, populism, exclusivism, discrimination, aggressive nationalism, racism, and xenophobia (Elias et al. 2021; Žagar 2023).

The goal of the toolkit of the Council of Europe, which is based upon anti-discrimination, diversity, inclusion, and democratic participation, is to ensure that crisis management measures are proportionate to the evaluated risk and have clear time limits. Particularly important for border regions and minorities are information, communication, inclusion, and multi-level cooperation with all relevant actors, including civil society and specific communities (Cramer Marsal et al. 2020, 11–25; Engler et al. 2021; Jurić Pahor 2020).

As the case of the Slovene national minority in Austria shows, social interaction within the minority and broader, flexible (internal and external) communication, organisational capacity, and ability to adapt to the changed situation and COVID-19 crisis management measures, as well as cooperation with its kin-state, proved crucial for the vitality and development of minorities. Consequently, they were able to respond to restrictive crisis measures, the cancellation of traditional events, and the closure of bilingual schools by organizing online and hybrid activities. However, restrictive measures are likely to have a long-lasting impact on a minority’s ethnic vitality. These developments confirmed the importance of the use of minority and regional languages in such situations and in crisis management in general in diverse societies. The online survey, conducted between March and June 2020, which aimed to analyse the extent to which communication in one’s mother tongue was assured by different stakeholders

in the Member States of the EU, as well as among the members of the Federal Union of European Nationalities (FUEN), showed the importance of minority and regional languages in general, particularly during crisis situations. The availability of relevant information in one's mother tongue, the public use of one's mother tongue, mother tongue education, and other public services contribute to better social inclusion of minorities, as well as to more successful, inclusive, legitimate, and democratic crisis management (FUEN 2020; Grafenauer & Jesih 2020; 2021).

South Tyrol is an interesting case study that shows how this autonomous province experienced the COVID-19 pandemic that impacted its life and politics, as well as how it reacted to the crisis within the framework of Italy's pandemic management (Pallaver et al. 2021). It opted for a special path legitimized through a law that the provincial parliament adopted with a large majority in May 2020. Although it was flexible in adapting to new local circumstances, resulting in more or less strict measures compared to the national emergency decrees, the special path has ultimately not turned out to be successful from an epidemiological point of view. Nor was the province's governance style radically different from the national one. The pre-existing socio-political cleavages continued and resulted in criticism of the special path. However, this path, shared by other Italian regions, presented a reaction against the centralized pandemic management of the Conte II government (Alber & Zgaga 2021).

3. Studying Legitimate Crisis Management – Methodological and Conceptual Discussion

Considering that there is no perfect approach and method in studying complex phenomena and concepts, the literature review confirms the relevance of the research questions and shows that authors recognize the importance of democratic and legitimate crisis management and governance. From their specific perspectives, they indicate different and diverse (f)actors, conditions, circumstances, approaches, strategic policies, measures, and actions that can contribute to more democratic and legitimate crisis management. There seems to be a general agreement that exclusive, restrictive, and repressive crisis management usually dominated by the executive had a negative impact on democracy. In many environments (not only in countries considered illiberal democracies), such crisis management might have contributed to the strengthening of populism and the ideology and practice of illiberal democracy.

Simultaneously, our literature review, previous research, and the first interviews within the project carried out in the summer and fall of 2023 confirm the relevance of the LEGITIMULT research design, approaches, and methods in studying the legitimacy of the COVID-19 related crisis management. Studying complex, dynamic, and constantly evolving (social) phenomena and concepts

requires and stimulates constant, intense, open, and inclusive conceptual and methodological discussions. Focusing on crisis management, its legitimacy, as well as its consequences and impacts in respective environments upon individuals and distinct communities, particularly minorities, using, coordinating, combining, interpreting, constantly evaluating, and developing diverse (disciplinary, multi-, inter- and transdisciplinary) research approaches and methods as well as terminologies, concepts, definitions, theoretical models and theories seems to be the best research practice in this context. Additionally, intense and inclusive cooperation with relevant stockholders in diverse environments is needed, particularly in discussing the concept of legitimate democratic crisis governance, best practices and recommendations, as well as in developing and applying the toolbox highlighting the core elements of legitimate crisis governance. The approaches and practices of methodological pluralism (see e.g., della Porta & Keating 2008) used in studying socially relevant diversities, equality, inclusion, integration and participation of diverse minorities, distinct communities and persons belonging to them also prove useful in researching the democracy and legitimacy of crisis management and governance.

Considering specific research themes and tasks, various specific research approaches and methods are used and combined within the LEGITIMULT project. Applying quantitative approaches and methods, including statistical analysis adjusted to specific themes, the quantitative research applied by other Work Packages collects and analyses relevant data, while creating, developing and interpreting the databases on legitimate democratic crisis management in the MLG IGR context. As necessary inputs, these (quantitative) research results and findings are important for designing and executing successful qualitative research into the impacts and consequences of crisis management measures on human and minority rights, the protection and situation of diverse minorities and communities, as well as the principle of non-discrimination. Our qualitative research focuses particularly on the perceptions of those impacts and consequences by persons belonging to diverse minorities and distinct communities. Although the results of the qualitative research should not be generalized as they are contextually relevant and apply to specific case studies, they are important for the verification, evaluation, and interpretation of the data, results, and findings of quantitative research of other Work Packages.

Our qualitative research studies the attitudes and perceptions of persons belonging to social minorities (including marginalized groups and border communities) regarding the legitimacy and democratic nature of crisis management and governance, and the impact(s) of crisis management policies and measures. It focuses on the impacts of restrictive and repressive measures on human rights, the rights and position of minorities, the principle and policies of non-discrimination, and the consequences of those policies and measures. In addition to direct and indirect observation, informal conversations, and formal

events, such as meetings, panels, workshops and/or focus groups, it is based on open-ended in-depth interviews. The initial interviewees were selected from our existing contacts. These include persons (particularly activists and representatives) belonging to minorities and distinct and/or marginalized groups and communities, such as national, ethnic, religious and language minorities, (im)-migrants (in addition to documented also undocumented ones, if possible), refugees, homeless people, LGBTQIA+ communities and associations, etc. in Austria, Croatia, Italy, Slovenia and possibly other countries (e.g., Spain⁹). Additional interviewees will be determined using the snowball method.

We developed the concept and core questions for the open-ended in-depth interviews based on our previous research and the literature review. Proceeding from our existing contacts, cooperation and research,¹⁰ some informal conversations were held with a few members and representatives of various social minorities and institutions (e.g., national, ethnic and linguistic minorities, migrants, offices for migrant workers, gender and LGBTQIA+ activists in Slovenia, Austria, Croatia and Italy),¹¹ as well as selected researchers to test the concept and core questions of the open-ended in-depth interviews.¹² These conversations detected some difficulties and possible problems, particularly terminological and conceptual ones, that need to be addressed. Considering the varied social, economic, and educational background, status, and position of individual interviewees, there is a need to explain and clarify the terminology and concepts in detail in order for the interviewees to understand them fully. Namely, individual respondents understood the terminology and complex concepts used (such as democracy, inclusion, integration, participation, legitimacy, human rights, including rights and protection of diverse social minorities, the principle of non-discrimination, direct and indirect discrimination) in different ways. However, all respondents confirmed the importance of the informal and formal inclusion and the democratic participation of minorities and their representatives in decision-making processes for the legitimacy of crisis management and the adopted decisions and measures in a certain environment.

Given this experience, all interviewees shall be offered the option to anonymize their interviews. Often, the persons belonging to minorities express that they want to have their names, work, positions within their minority community, and their views visible in the research documents, as well as in the findings and results in media and publications. This practice of taking into account the expressed wishes and interests of the interviewees is consistent with research ethics and rules.

The complexities and dynamics of social phenomena often result in multiple, possibly conflicting definitions and concepts that do not fully capture the ongoing, complex, interconnected, and evolving nature of these phenomena with their specific spatial, temporal, and relational dimensions. The LEGITIMULT project recognizes that researchers, in addition to specific research

appro-aches and methods, also use their specific terminologies and definitions. These need to be presented, explained and coordinated. The participants in the informal conversations explained their understanding of key terms, concepts and definitions and assessed their importance from their specific perspectives, while considering the position, status, perceptions, worries, needs and interests of the respective minority communities. When discussing the interviews process, the members and representatives of various minority communities suggested that before the interviewer asks the core questions, the respondents should be asked to present their understanding and interpretation of certain terms. Their understanding of the concepts of legitimacy, legitimate democratic multilevel crisis management and governance in general and related to the COVID-19 pandemic, diverse social minorities, human and minority rights, inclusion, integration and participation would be of particular importance. The recommendation was that before the interviewees start answering the core interview questions, they should be given an explanation of how the researchers understand these terms, as well as which are the main goals, expected results and impacts of the study. The interviewers need to pay particular attention to the explanations of the concepts and definitions of legitimacy and multilevel democratic crisis governance, since these are not as well known or clear even to those with a social science or humanities background.

We recognize several definitions and concepts of social and political legitimacy that can be found in scholarly literature, including the ones by Locke and Weber.¹³ For the purpose of our study we can define legitimacy in the context of crisis management and governance simply as the popular acceptance of and agreement with the approaches, decision-making and practices of authorities at all levels. This also applies to specific strategies, policies, decisions, measures and activities within crisis management and particularly their execution, impacts and consequences in the respective social environments. Considering the attitudes of the people in a certain social environment, one could conclude that the higher the acceptance and agreement, the more legitimate the crisis management.

Legitimate democratic (multilevel) crisis management and governance presumes democratic inclusion, integration and participation of the people in accordance with democratic principles, rules and procedures in the development and formulation of crisis strategies and policies, in decision-making on crisis policies and measures at all levels of authority, as well as, ideally, in their execution. Confirming observations within the research project on political participation of minorities, our informal conversations pointed out that social activists, members and representatives of diverse social minorities consider the inclusion and participation of persons belonging to respective minorities, as well as those minorities as collective entities, key indicators of the legitimacy and democracy of crisis management and governance. In this context, they stressed the importance of the social and political participation of diverse minorities for

legitimacy and democracy in diverse and plural contemporary societies. There was a general agreement that democracy is a cherished social practice, value, principle and goal worth striving and fighting for.

Since there is no single, universally accepted definition of minorities, it was stressed that as a rule they are unequal and unprivileged, usually in a less favourable situation and status in comparison with the rest of the population, even if in some specific cases (e.g., women) they might be a numerical majority. It is important to recognize that all majorities are internally diverse and plural. They are not homogenous and uniform. Consequently, both majorities and minorities could be observed as coalitions of diverse coalitions.

Our informal conversations and initial interviews within the LEGITIMULT project confirmed the research findings of the Institute for Ethnic Studies (IES). In particular, the basic research project, titled Political Participation of National Minorities and Persons Belonging to Them: Comparative Study of Political Participation of Slovene Minorities in the Neighbouring Countries of the Republic of Slovenia, the results of which were that as a consequence of the inclusion of diverse (social, specifically national and ethnic) minorities in all spheres of life, their social and political participation should be considered one of the most important criteria of democracy and democratic governance in respective environments. In this context, the theoretical model of social and political participation and representation of (national) minorities (Žagar 2017, 16–18), developed as a tool and yardstick for the IES study, proves useful in studying legitimacy. This theoretical model that evolves constantly specifies general approaches to political participation of (diverse social, particularly national) minorities, as well as concepts and types of and mechanisms for the political participation of minorities.

Among the **general approaches** to social and political participation of (national and other) minorities and persons belonging to them, the theoretical model lists: (I) constitutionally and/or legally regulated **formal participation** in legislation and in executive and consultative bodies; (II) **informal participation** in political processes and decision-making, as well as lobbying; (III) inclusion, membership and activism in **political parties** (both mainstream and minority), **movements, organisations and associations**; (IV) **(Neo)Corporatist approaches, arrangements, bodies, processes and mechanisms** (such as various forms of consultations and consultative bodies); (V) **consociative arrangements**, particularly elite power-sharing; (VI) inclusion and participation through **basic principles** of constitutional and international law, including human rights, rule of law, democracy and democratic participation, equal rights and equality, justice, non-discrimination, limited majority rule, special rights and protection of minorities; (VII) inclusion and participation through **inclusion and integration policies**; and (VIII) inclusion and **participation through specific systems and mechanisms of minority protection** (at all levels), based on the special rights of minorities (Žagar 2017).

Among the **concepts, types and mechanisms** of social and political participation of minorities that can provide for and promote their better inclusion and participation, the theoretical model includes: (I) **elections and electoral systems** that can provide (A) for formally guaranteed, direct representation of minorities in the legislative (1) through reserved minority seats, (2) special minority thresholds for minority political parties and/or candidates, (3) over-proportional representation of minorities and/or minimal quotas of minority representatives on the lists of mainstream parties, or (B) for informal political arrangements and declarations, suggesting the mainstream political parties include a certain proportion of minority candidates on their electoral lists; (II) **informal agreements in political processes** and principles declared by statutes, programmes and other documents of **political parties** that should ensure (1) the inclusion and participation of minority politicians and representatives in mainstream political parties, including quotas for diverse minorities, (2) inter-party cooperation and consensus building on minority (related) issues, (3) the participation of minority political parties in political processes, including elections; (III) **special procedures of decision making** regulated by law or political agreements, including minority veto and obligatory or consultative opinions of minority institutions, organisations and/or representatives or joint consultative bodies that can ensure the adequate participation of minorities and realization of their specific interests; (IV) inclusion of minority representatives and elites in policy formulation and decision-making through various **(Neo)Corporatist and consociative arrangements** and/or (formal and informal) bodies and institutions at all levels of government that bring in the process-specific views and interests of diverse minorities; (V) **affirmative action and other affirmative measures** (sometimes called positive discrimination) that promote the inclusion, integration and participation of minorities; (VI) at least the proportional, if possible over-proportional, **employment (quotas) of persons belonging to minorities** in the public and private sectors that shall ensure an adequate number and proportion of persons belonging to minorities among public/civil servants in state administration and public institutions; (VII) **monitoring the situation, position and status of minorities and persons belonging to them** for which adequate internal and external mechanisms shall be established; (VIII) and **autonomies**, particularly minority autonomy that can be realized through diverse arrangements of self-rule and management at various levels (from local to national), such as formal (constitutional, legal, political) and informal autonomies, and territorial (federalism, regionalism) and non-territorial autonomies (such as cultural, functional and personal autonomy) (Žagar 2017).

Our informal conversations covered issues of human rights, minority rights, position and protection, possible cases of discrimination, (the realization of) anti-discrimination policies, and the principle of non-discrimination, all of which everybody considered to be of great importance. These conversations and

the interviews within the LEGITIMULT project confirmed that the core interview questions appropriately addressed the relevant issues. There was a general agreement that the adopted and implemented crisis policies and measures, particularly restrictive and repressive ones, did impact human and minority rights and, at least in some cases, resulted in inequality and discrimination. Usually, they impacted diverse minorities more than the rest of the population. For example, in addition to the unpleasant consequences of lockdowns, which were felt by everyone, owing to the closure of international borders, including the borders between the Schengen countries, regular contact, and the intense economic and particularly cultural cooperation with their kin countries involving the daily mobility of national minorities were interrupted and/or prevented. The contacts, cooperation and mobility of these minorities are essential for their vitality and preservation of their specific cultures, ways of life, and identities, considering that contacts, cooperation with and support of respective kin states represent their traditional cultural background. From the perspective of border regions, all populations within those regions and their specific ways of life, we could conclude that they were also over-proportionally affected by the closures of international borders, which made cross-border cooperation and exchange, international (daily) mobility and migration almost impossible (Grafenauer & Jesih 2020; 2021).

Although everybody was affected by lockdowns that limited or even prevented internal mobility and cut personal, cultural, social and economic links, contacts and cooperation, diverse minorities, particularly migrants, marginalized groups and individuals, felt the impacts and consequences of the lockdowns even more. Consequently, their marginalization and (social) exclusion, as well as the risk of being discriminated against increased, while their (social) inclusion and integration became still more difficult. Our literature review and research so far confirm that those in socially less favourable situations, particularly marginalized individuals and groups, did not have equal access to health and social care or to various (administrative and public) services, including medical services and education.

The reviewed literature, our previous research, the informal conversations, and the LEGITIMULT interviews confirm that developing and using more inclusive and democratic crisis management, and the inclusion and participation of interested social actors, including diverse minorities, in decision making, would contribute to more democratic and legitimate crisis management. The inclusion and participation of diverse minorities in democratic decision-making are important indicators of democracy and legitimacy in diverse societies that also apply in crisis situations.

Additionally, our literature review, previous research, the informal conversations, and the LEGITIMULT interviews indicate the relevance of our research questions and working hypotheses. They confirm that in diverse environments, formal and informal inclusion and participation of (ideally, all) minority

communities, persons belonging to those minorities, particularly their leaders, activists, and (s)electd representatives in crisis management processes, the formulation and adoption of strategies, policies and measures, as well as their implementation/execution could improve their legitimacy (within minority communities and societies as a whole) and the democratic nature of crisis management and governance. This is true even if their inclusion and participation are only symbolic. Based on our literature review, previous research and the attitudes expressed in the informal conversations, we could conclude that crisis management processes, policies and measures (particularly restrictive and repressive ones) usually impact and hurt various minorities more than the rest of the population.

4. Conclusion

Our literature review, previous and preliminary research, our methodological, terminological and conceptual discussions, as well as the informal conversations and the LEGITIMULT interviews presented in the previous sections confirm the relevance of the LEGITIMULT project, its design and planned research. They provide an adequate basis and framework for future research into the perceptions and attitudes of persons belonging to various social minorities with regard to democracy and the legitimacy of crisis management at different levels of authority. The predominantly qualitative field research on the perceptions and attitudes of (selected) persons belonging to various social minorities regarding the legitimacy of COVID-19 related crisis management will focus on the inclusion and participation of minorities in the formulation of crisis management strategies, policies and measures, as well as their implementation, on the impacts and consequences of those strategies, policies and measures regarding human rights, position, status, rights and protection of minorities, and the principle of non-discrimination.

We expect that the qualitative field research into selected minorities as specific case studies, and particularly open-ended in-depth interviews, will provide an insight into the perceptions and attitudes of persons belonging to these minorities with regard to the legitimacy and democracy of COVID-19 related crisis management and measures in respective environments. Additionally, the findings will be instrumental in evaluating and interpreting the results of the LEGITIMULT project, particularly those produced by quantitative approaches and methods within other Work Packages. This approach will contribute to the formulation of relevant recommendations and the development of a toolkit to ensure a better inclusion and democratic participation of relevant actors in decision-making in crisis management processes. This toolkit could be used by all stakeholders in respective environments at all levels and could help to improve the democracy and legitimacy of crisis management and governance in future crisis situations.

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Notes

- ¹ See the LEGITIMULT project on legitimate crisis governance in multilevel systems: <http://legitimult.eu/> as well as: <https://www.facebook.com/profile.php?id=100089222897068>, <https://www.linkedin.com/company/legitimultproject> and <https://twitter.com/legitimult>.
- ² For a brief presentation of the LEGITIMULT Project's Work Package (WP4) on legitimate crisis governance in the context of human rights, minority rights, and the principle of non-discrimination, coordinated by the Institute for Ethnic Studies, see: <http://www.inv.si/DocDir/projekti/A%20brief%20presentation%20of%20the%20LEGITIMULT%20PROJECT.doc>.
- ³ When used in this article, the term minority refers to a minority community as a collective (collective entity) as well as to individuals, i.e., persons belonging to this minority community. Although the minority rights, including the rights of national minorities, are mostly viewed as individual rights of persons belonging to those minorities, their collective dimension should also be considered.
- ⁴ The team that developed the specific WP4 bibliography and literature review on the legitimacy of crisis management with regard to human rights, rights and protection of minorities and persons

belonging to minorities, and the principle of non-discrimination of the LEGITIMULT project (available on the project's webpage) consists of Dr. Romana Bešter, Dr. Danijel Grafenauer, Dr. Boris Jesih, Dr. Janez Pirc, Dr. Sofija Zver and Prof. Dr. Mitja Žagar from the Institute for Ethnic Studies that coordinates the WP4, Prof. Dr. Ružica Jakešević, Prof. Dr. Dana Luša, Prof. Dr. Siniša Tatalović and Prof. Dr. Marta Zorko from the Faculty of Political Science, University of Zagreb, and Dr. Elisabeth Alber and Martina Gianola from the EURAC Research.

- ⁵ For example, the COVID-DEM Global Democracy & Pandemic Tracker (DEM-DEC, n. d.) that ran from April 2020 to April 2022 contains over 3,000 items.
- ⁶ E.g., national, regional and global ones, such as, *COBISS*, *Scopus*, *Web of Science*, on-line library catalogues, such as *Wiley Online Library*, as well as specialized data bases, such as *International Political Science Abstracts (IPSA)*, and on-line data bases of scholarly journals – in addition to those mentioned above, e.g., *East European Politics*, *Public Organization Review*, *Treatises and Documents*, *West European Politics*, etc.
- ⁷ The publishing of this volume in open access was enabled by a partner consortium in which Eurac Research participated as a member of the International Association of Centers for Federal Studies (IACFS).
- ⁸ A selected bibliography of those publications is available at the webpage of LEGITIMULT project (as an appendix to the Deliverable 1 of WP 4): <http://legitimult.eu/>.
- ⁹ In Spain, through existing channels, there might be an opportunity to interview some undocumented migrants, thereby gaining access to their perceptions.
- ¹⁰ E.g., interviews on political participation of minorities carried out within the project titled Political participation of national minorities and persons belonging to them: Comparative study of political participation of Slovene minorities in the neighboring countries of the Republic of Slovenia, which – although not planned initially – also addressed the consequences and impacts of the COVID-19 pandemic and pandemic-related crisis management.
- ¹¹ Some of them might be included in further research as interviewees.
- ¹² These informal conversations took place in various forms at different locations, mostly as person-to-person conversations at an agreed-upon or chance encounter/meeting and occasionally in the form of informal group discussion with a few participants. We chose these informal conversations in informal settings to test the core interview questions based on our previous experience with interviewees perceiving the interviews as formal settings to which they react accordingly. Namely, in formal settings people tend to adjust their behaviour, attitude, reactions, language and answers to their specific perception of the formal event.
- ¹³ Often presented in basic social science textbooks in secondary and higher education and all encyclopaedias.

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