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The Chances of Ethnic Autonomy in Romania – between Theory and Practice

The Hungarian minority in Romania provides an interesting and rather controversial example of autonomy endeavors of sizeable, non-dominant ethno-linguistic communities. The claim for autonomy, in the sense addressed by this paper,[1] was first voiced soon after the collapse of the Ceaușescu-regime. It appeared in various public declarations elaborated in December 1989 and January 1990, in the context of a quite spectacular process

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[1] Various types of autonomy projects, claims and arrangements have been recorded after the incorporation of Transylvania into Greater Romania in 1918. Without aiming a comprehensive listing, the following deserve brief mention. The Alba Iulia/Gyulafehérvár Declaration of December 1, 1918, which expressed the collective will of Romanians in Transylvania to unite with Romania. It includes references to various types of self-government that would be granted to "cohabiting nations". The Minority Treaty signed by the Romanian authorities in 1919, as part of the Trianon Peace Treaty, included provisions referring to local self-governments with educational and confessional content. Between the two WWs, over a dozen proposals have been elaborated by various actors aiming at territorial and/or cultural-denominational autonomy for the different components of the Hungarian community, including Szeklerland. Among these, Hungarian social-democrats in Transylvania claimed that cantonal arrangements would best suit the problems faced by the Hungarian community in Romania. In 1943 the US–British Advisory Committee on Post-War Foreign Policy, being favorable, in principle, to the reincorporation of Northern Transylvania in Romania, outlined several compensatory measures, including autonomy for Szeklerland. The political autonomy of Transylvania was also taken into account, as a reserve option, by the same Advisory Committee. Transylvania as a self-standing state seems to have been one of the alternatives for the Commission in the Soviet Union in charge with preparing the peace treaties and the post-war world order, headed by Litvinov. Between September 1944 and March 1945, under Soviet military administration, the political and administrative autonomy of Northern Transylvania has been one of the options in deciding the political future of the territory for a part of the domestic actors, too, a short-lived and rather symbolical "regional government" including Hungarians and Romanians being created in February 1945. After March 1946, when the representatives of the Great Powers reached agreement in the Hungarian-Romanian territorial dispute and the reinforcement of the boundaries established in Trianon became evident, the Hungarian authorities made several attempts to include the issue in the agenda of the Paris Peace Treaty Conference pertaining to the territorial and personal autonomy of Hungarians in Romania, with no success, however. Between 1952 and 1968 a so called Hungarian Autonomous Region existed in Romania, imposed by the Soviet Union, as a result of the personal involvement of Stalin. For details see Molnár, Gusztáv: *Autonómia és integráció* (Autonomy and Integration). Budapest: Magyar Szemle Könyvek. 1993., Bárdi, Nándor: Javaslatok, tervek, dokumentumok az erdélyi kérdés rendezésére (1918-1940). (Proposals, drafts, documents regarding the solution of the Transylvanian issue, 1918-1940). *Magyar Kisebbség*, 1997 (1-2), 281-282., Fülöp, Mihály and Vincze, Gábor: *Revízió, vagy autonómia? Iratok a román–magyar kapcsolatok történetéről 1945-1947* (Revision or Autonomy? Documents Regarding the History of the Romanian–Hungarian Relationships 1945-1947). Budapest: Teleki László Alapítvány. 1998., Nagy, Mihály Zoltán, and Vincze, Gábor: *Autonomiști* și *centraliști. Enigmele unor decizii istorice. Transilvania de Nord din septembrie 1944 până* în *martie 1945* (Autonomists and Centralists. Enigmas of Certain Historical Decisions. Northern Transylvania between September 1944 and March 1945). Cluj: EDRC. 2008., Bottoni, Stefano: *Sztálin a székelyknél. A Magyar Autonóm Tartomány története (1952–1960)*. (Stalin and the Székelys. The History of the Hungarian Autonomous Region (1952-1960)). Csíkszereda: Pro-Print Kiadó. 2008.

which led to the community's quick and comprehensive political self-organization. The political program, adopted in April 1990, of the Democratic Alliance of Hungarians in Romania (DAHR), the leading political organization which emerged from this process, included the idea of collective rights and self-determination with reference, however, to the existing West-European models. Starting with October 1992 the political objective of autonomy has been assumed officially by the DAHR's main representative body, and in 1993 a detailed autonomy conception was elaborated including three complementary forms: personal autonomy, the autonomy of local self-governments with special status and regional territorial autonomy. The following close to twenty years now have recorded an impressive amount of scholarly effort and political activism aiming to achieve the settled targets, and yet, the prevailing wisdom within the Hungarian minority's public discourse holds that almost nothing has been realized to date.

A number of questions follow from this intriguing contradiction between sustained effort and apparent lack of outcome: What went wrong? Which were the main determinants of the process which led to this contradiction? What would be needed in order to redress the situation and enhance the chances of ethnic autonomy of the Hungarian community in Romania?

This paper argues that the pathway of the issue of ethnic autonomy in Romania has been influenced so far by factors of both a theoretical and an empirical nature. As far as the factors of a theoretical nature are concerned, the lack of consensus regarding the content of the autonomy concept and institutional arrangements which can be associated with it have to be mentioned in the first place. The lack of a wider acceptance of arguments which provide justification for autonomy claims have also played an important role in making the Hungarian minority's endeavor largely ineffective. The empirical factors can be listed under three different headings: international, inter-state and domestic, the latter with a reference to the Romanian intra-state setting. While during the past twenty years neither the international, nor the Hungarian–Romanian inter-sate context has been favorable to the autonomy claims of the Hungarians in Transylvania, in the domestic political context the developments have led to a deep divide between Hungarians, on the one hand, who consider that the only institutional arrangement that can guarantee their survival on medium and long run is autonomy, and Romanians, on the other, who seem firmly united around the idea that no form of autonomy on ethnic grounds is compatible with the current political and constitutional set-up in Romania. The way out of this dead-lock would require spectacular changes either in the international context, or profound transformations in both, the Romanian and the Hungarian public discourse.

Confusing words, missing justification

While the meaning of the term seems quite straightforward – an entity is considered to be autonomous if it is driven by internally elaborated and enforced rules –, the public discourse in Romania has been loaded during the past twenty years with con-

fusion regarding the content of the autonomy concept and institutional arrangements associated with the different versions of its significance. The wide horizon of senses in which the term has been used by the various actors spans from the least demanding form of *local autonomy* based on administrative decentralization, to the bold ambition of *self-determination*, meaning the recognized capacity of an ethnic group to determine its political status and pursue its own economic and cultural development, both internally and/or externally. Between these two poles, political autonomy, power-sharing, self-government and shared sovereignty are further options regarding the term's significance, each referring to intermediate institutional solutions which lay different types of burdens on state authorities. Due to a generalized lack of interest in getting rid of ambiguity, these terms have been used often interchangeably, taking advantage of the fact that the concepts embody, indeed, aspects which have nothing to do with entrenchment.

Though *political autonomy* is also used with various meanings (including statehood, or the sophisticated terminological construct suggested by Michael Tkacik, as we will see later), an ethnic group officially recognized by state authorities, organizing itself internally with the help of ethnic parties or other institutionalized forms of political representation is implicitly considered a "political community" on its own, a certain degree of political autonomy being an undeniable prerequisite for the arrangement. *Power-sharing* regularly means devolved legislative and/or executive power to sub-state actors, both on a territorial and a non-territorial basis, but it may also include cases of ethnic parties participating in governing coalition. The term s*elf-government* refers to the legally recognized capacity of a sub-state actor to govern itself through internally elected representatives, within the limits of a legally established jurisdiction, both with or without relevance to ethnic disputes. *Shared sovereignty* requires a state defined as belonging to two or more sub-state actors, most often of ethnic nature. Though symbolic declarations on groups that are considered to be part of the political nation may also be considered forms of shared sovereignty, the full sense of the concept refers to institutionalized and entrenched forms of power-sharing, devolution or legal pluralism.

This wide space of significances, confusing in many ways, allowed the different political actors on both sides, Hungarians and Romanians, to use the term in various contexts according to their political interests. Given its powerful potential for mobilization, the term has been used efficiently in campaigns both for and against attempts to institutionalize autonomy arrangements, and the more this potential has been exploited on both sides, the more the chances have diminished to reach agreement on reciprocally acceptable solutions.

The general confusion endemic in the public discourse in Romania regarding the meaning and implications of the autonomy concept is, however, not entirely politically driven and artificially created. Sincere efforts to get beyond the semantic disarray are also hampered by the fact that in the scholarly literature on autonomy the various authors provide often complementary accounts on what the concept refers to

empirically. As Matti Wiberg remarked, "It is not the clarity, but the ambiguity of the concept that is the most important guarantee of its popularity".[2]

Ruth Lapidoth observed that in the literature the stances taken by the various authors reflect a basic distinction between *political* autonomy, which applies to cases when an entity has exclusive powers of legislation, administration and adjudication in specific areas, and *administrative* autonomy, limited to powers in administration.[3] Lapidoth suggests that a more workable distinction is the one between *territorial* (sometimes referred to also as *political*) and "*personal (or cultural)*" autonomy. The former implies powers granted to the population of a specific geographical area, the latter applies to all members of a group within the state regardless of the place of residence. As far as the territorial arrangements are concerned, Lapidoth defines them as forms of "diffusion of power", or of authority, and classifies them in the following subcategories: *federal systems*, *decentralization*, *self-government*, *associate statehood*, *self-administration*. Lapidoth clarifies the relationship between autonomy and sovereignty, too, by suggesting that by diffusion of power the central government and the various autonomous entities can each become lawful bearer of shared sovereignty, successfully providing stability to conflict-prone settlements.

In the view of Hans-Joachim Heintze, there are two basic types of autonomy: territorial and non-territorial.[4] The *territorial* version refers to areas with special status within a sovereign territory, the subject of autonomy being a territorial self-government; the *non-territorial* version includes three sub-types, personal, functional and cultural. The concept of *personal autonomy* is based on the personality principle: the group must be organized as a legal person functioning under public law, the subject of autonomy being a democratic body legitimized by the majority of the minority members. *Functional autonomy* is, according to Heintze, a special case of personal autonomy, when the group is organized and officially recognized as a legal person functioning under private law. The concept of *cultural autonomy* refers to cases of personal or functional autonomy limited to cultural affairs.

Michael Tkacik, in an attempt which challenges the prevailing rigid definitions which lead, in his view, to the exclusion of certain arrangements from the discussion, considers that the content of the autonomy-concept can be classified according to the volume of it, which is the combination of scope (the aggregate number of issues controlled by the autonomous entity) and depth (intensity of the control granted or seized).[5] On a decreasing scale – meaning that any item in the list has less volume than the item above and more than the one below – the types of autonomy can

[2] Wiberg, Matti: Political Autonomy: Ambiguities and Clarifications. In Markku Suksi (ed): *Autonomy – Applications and implications.* 1998. 43-57. Cambridge, MA: Kluwer Law International.

[3] Lapidoth, Ruth: *Autonomy. Flexible Solutions to Ethnic Conflict*. Washington, D.C.: United States Institute for Peace Press. 1996.

[4] Heintze, Hans-Joachim: On the legal understanding of autonomy. In Markku Suksi.(ed): *Autonomy – Applications and implications*. Cambridge, MA: Kluwer Law International. 1998. 7-32

[5] Michael Tkacik: Characteristics of Forms of Autonomy. *International Journal on Minority and Group Rights, 15*(2-3) 2008. 369-401.

be: territorial, political, administrative, functional, cultural and personal. *Personal* autonomy is limited in this approach to basic rights granted to the individual, not necessarily in the capacity as a member of a distinct group. Freedom of association, language rights (in the sense of using translations and interpreters in courts, for instance) and other constitutional provisions are included, without the need of any specific administrative structure. *Cultural* autonomy is by nature community based and requires special bodies registered under private or public law to handle the issues of interest for the group. Functional, administrative and political autonomies – which have been interchangeably used in the literature, argues Tkacik – should be seen, for the sake of clarity, as components of a spectrum. *Functional* autonomy means the decentralization of control over a single functional subject matter in a certain geographic space (for instance, allowing two sets of language-differentiated schools in a school district where the subjects of the autonomy have no territorial continuity). *Administrative* autonomy requires a set of functional autonomies (such as schools, public services, and courts adapted to benefit a certain group) coexisting in the same geographic area. *Political* autonomy implies both functional and administrative attributes based on a more comprehensive political agreement. The gap between political and territorial autonomy should also be considered, suggests Tkacik, a matter of degree, the latter including both weak and strong forms of institutionalization. The strong forms of *territorial* autonomy regularly exist in distinct – most often insular – geographic spaces, are deeply entrenched, have independent legislatures with a wide range of competencies, with their own court system, and unconstrained ability to tax and spend.

Aiming to offer a less sophisticated framework, easier to work with, Thomas Benedikter distinguishes three basic types of autonomy: *territorial* with reference to a territorial unit that enables the residents to regulate their own affairs through autonomous legislation, government, administration and, to some extent, even judiciary; *cultural or personal*, granted to the members of a specific – ethnic, religious or linguistic – community, providing for them to be governed through their own institutions and/or their legislation; *local or administrative*, exercised by locally elected assemblies with meaningful powers and financial autonomy in the form of local taxes.[6] However, when it comes to territorial autonomy, Benedikter lists several forms of territorial power-sharing: *federal* systems with two sub-types, symmetrical and asymmetrical; *associated statehood* (full autonomy with right to secession, but no representation on national level); *autonomy* with two sub-cases, non-ethnic (territorial regional autonomy) and ethnic (reservation or territorial ethnic autonomy); *other forms of self-government* like symmetrical regionalism with autonomous legislation and administrative autonomy without legislative powers; and *dependent, not self-governing territories*, under UN Charter, Art. 73.

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[6] Benedikter, Thomas: *The World's Modern Autonomy Systems. Concepts and Experiences of Regional Territorial Autonomy*. Bolzano/Bozen: EURAC 2009.

The overall consequence of this quick and selective overview of the relevant literature for the autonomy debate in Romania is twofold: it bares important implications not only for the autonomy claims of Hungarians in Romania, but also for the public discourse on the Romanian side dominated by firm resistance against any form of autonomy on ethnic grounds.

As far as the autonomy claims of Hungarians in Romania are concerned, it follows from the above that contrary to the prevailing wisdom in the public discourse, Hungarians in Romania do have a number of autonomies they are not aware of, or they do not give appropriate importance to, and there are further types of autonomy which would be legally possible should there be interest on behalf of Hungarians to take advantage of it. The extensive language-differentiated school system on primary, secondary and tertiary level provides for functional autonomy (in Tkacik's sense); under the same label could be listed the cultural and mass media institutions operated in the Hungarian language; the complex web of officially recognized churches offering services to the members of the Hungarian community are institutionalized forms of personal autonomy (in Lapidoth's sense) or functional autonomy (in the sense proposed by Heinze, the churches being entities registered under private law); the close to 3000 elected councilors, mayors and county presidents representing the Hungarian minority in Romanian public administration are the holders of significant administrative autonomy (in the sense suggested by both Tkacik and Benedikter); the reestablished legal forms of joint ownership over forests (*közbirtokosságok*) could also be considered forms of functional autonomy (according to Tkacik). Limited forms of cultural autonomy administered on the basis of personal principle by an officially recognized body registered under private law (functional autonomy with cultural content in Heintze's sense) would also be possible due to provisions of the law based on which associations are registered in Romania. However, this option has not been exploited so far.

As far as the firm resistance against any form of ethnic autonomy on the Romanian side is concerned, the various typologies of autonomy arrangements provided in the literature yield unsustainable the frequently voiced axiom according to which no other form of autonomy is conceivable in Romania than the one defined in the law on local public administration: *local autonomy* which is, by definition, administrative and financial in nature. In addition to the above mentioned forms of partly functional, partly personal or cultural autonomy seized by the Hungarian community on the grounds of various legal provisions, the public denial of any other form of autonomy is in flagrant contradiction with the law on religious cults (489/2006), too, which lists 18 religions with officially recognized institutional status (legal personalities with status of public utility), i.e., 18 personal or cultural autonomies (in Lapidoth's sense) with religious content are recognized by Romanian law. What is evidently lacking is the political will to consider a political agreement with the actors representing the Hungarian minority which could push the existing forms of functional and administrative autonomy into the direction of political autonomy (according to

the definition suggested by Tkacik for these terms), or other entrenched forms of shared sovereignty.

In addition to the terminological confusion, the lack of proper justification is another reason for the theoretical nature of the dead-lock in the autonomy debate in Romania. Though most of the justifications of autonomy arrangements are provided by the literature on ethnic conflict and dispute resolution (not without grounds, as we will see later), normative and empirical justifications of ethnic autonomy are also possible.

The most compelling normative justification of autonomy on ethnic grounds has been offered by Will Kymlicka, who argued that cultural-linguistic embeddedness is a primordial value, the importance of which is reflected in the attachment to institutions of the state which secure conditions of maintenance and reproduction of the dominant culture.[7] Denying the right to institutionally guaranteed reproduction of non-dominant cultures would be equal to assumed discrimination, and indeed, many of the leading Western democracies accommodate ethnocultural diversity through the means of various autonomy arrangements or other forms of shared sovereignty.

Empirical justification of autonomy on ethnic grounds is possible within democratic theory. The types of democracy summarized in Table 1 are empirically identifiable categories of institutional arrangements, both with the help of straightforward descriptors, and in the form of examples located in space and time.

TABLE 1. TYPES OF DEMOCRACY[8]

TYPE, AUTHOR	CHARACTERISTICS, DESCRIPTORS	EXAMPLES
LIBERAL DEMOCRACY	*ETHNICALLY HOMOGENEOUS SOCIETIES, POLITICAL ARRANGEMENTS BASED ON THE PRINCIPLE OF THE ETHNICALLY NEUTRAL STATE.* J. S. MILL (1861): STATE = NATION; J. RAWLS (1971): VEIL OF IGNORANCE; J. RAWLS (1993): OVERLAPPING CONSENSUS; J. HABERMAS (1998): CONSTITUTIONAL PATRIOTISM; M. MANN (2005): WESTERN DEMOCRATIC CONSOLIDATION HAS BEEN ACHIEVED AT THE COST OF ETHNIC CLEANSING.	THE ECONOMIST INTELLIGENCE UNIT: 25 EXAMPLES IN THE WORLD FREEDOM HOUSE: 90 EXAMPLES IN THE WORLD

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[7] Kymlicka, Will: *Multicultural Citizenship*. Oxford: Clarendon Press. 1995

[8] Based on: Salat, Levente: *Kulturális megosztottság és demokrácia. A normatív és az empirikus politikatudomány* érvei *a közösségi autonómia kérdésében* (Diversity and Democracy. Arguments of Normative and Empirical Political Science Regarding the Issue of Autonomy). Kolozsvár: Kolozsvári Egyetemi Kiadó, 2011.

Type, author	Characteristics, descriptors	Examples
Herrenvolk-democracy (van den Berghe, 1981)[9]	*Segregated societies in which democracy exists only for an ethically defined segment.* 1. Representative government limited to a privileged group; 2. Disfranchised others.	Democracy of the ancient Greeks, USA (before 1865), South Africa (before 1994)
Ethnic democracy (S. Smooha, 1990)	*Mobilized societies with ethically defined components.* 1. The state is owned and ruled by the core ethnic nation. 2. The state perceives the non-core group(s) as a threat to stability and the continued existence of the state. 3. The authorities of the state mobilize the members of the core nation against the threat. 4. Incomplete individual and collective rights granted to non-core group(s).	Northern Ireland (1921-1971), Israel, Estonia, Latvia, Slovakia, Turkey, Georgia
Consociational democracy (Lijphart, 1977)	Power-sharing and forms of segmental autonomy for recognized ethnic segments of the society. 1. Segmental autonomy; 2. Proportional representation; 3. Elite cartel (grand coalition); 4. Group veto on vital issues.	Austria (1945-1966), Belgium, The Netherlands (1857-1967), Switzerland, Lebanon (1943–1975), Malaysia (1955–1968) Cyprus (1960–1963), Nigeria (1957–1966), Canada, Northern Ireland (after 1998), Indonesia, India
Multinational democracy (Gagnon–Tully, 2001)	Constitutional associations of recognized peoples. 1. Constitutional associations of nations; 2. Federal or confederate structures; 3. The composite nations are constitutional democracies.	Canada, UK, Belgium, Spain

Liberal democracy, as a starting point, requires either ethnically homogeneous societies, or various substitutes for homogeneity which attempt to provide stability to the arrangement (Rawls' and Habermas' venture to shadow Mill's discovery according to which representative government requires the coincidence between the state and the

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[9] The works referenced in the table are listed at the end of the paper.

nation. This has largely been ineffective according to Mann, who concluded, on the basis of thorough investigation, that Western democracy has been achieved in most cases at the cost of ethnic cleansing). Compared to liberal democracy, there are four types of democracy adapted to the circumstances of diversity: *Herrenvolk* and ethnic, which fall short of the full sense of the term, and consociational and multinational, which are compatible with the dominant view of democratic arrangements, though they embody far-reaching compromises. It is interesting to observe that the four types have a common element: they all resolve, in one way or another, Dahl's problem[10]. In the cases of multinational and consociative democracy, the *demos* is in fact a sum of sub-*demoi,* which reciprocally recognize one another and engage in negotiations regarding the details of the *kratos*; in the cases of *Herrenvolk* and ethnic democracy, the political unit is divided into *demos* and non-*demos*, governance being assigned to the former, in its assumed capacity of legitimate owner of the state. In the first two cases the democratic unit is proper and rightful since it is based on the consent of all components which see their interest properly reflected in the arrangement, in the latter two cases the units' scope and domain are imposed and sustained by means of ethnic hegemony. It follows from here that in societies divided along ethnic, linguistic or religious fault lines three options are available for democratic consolidation: ethnic cleansing, institutionalizing ethnic supremacy, or forms of shared sovereignty. Since the former two are incompatible with the dominant view of democracy based on the rule of law and respect for human rights, sovereignty shared among officially recognized and politically empowered segments of diverse societies – i.e. federal systems, consociations and various autonomy arrangements – is the remaining option for genuine democracy.

Though reaching the public discourse with arguments of that kind is not an easy task, a properly elaborated communication strategy could take advantage of the fact that while autonomy arrangements have the potential to give substance to democracy, the alternatives fall back on ethnic cleansing or ethnic hegemony, options which are not accepted today as straightforward state policies. The most influential actors participating in the contemporary autonomy debate in Romania are not interested in the issue of justification, and the consequences of this has seriously limited the horizons of the debate.

Unfavorable international context, counterproductive internal competition

According to Maria Ackrén, who believes that autonomy is "a principle of integration and organization of a political community", the various forms of autonomy arrangements can be granted through international agreements, interstate agreements or public leg-

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[10] „(…) we cannot solve the problem of the proper scope and domain of democratic units from within democratic theory. Like the majority principle, the democratic process presupposes a proper unit. *The criteria of the democratic process presuppose the rightfulness of the unit itself.* If the unit is not proper or rightful – if its scope and domain is not justifiable – then it cannot be made rightful simply by democratic procedures." (Dahl, R. A.: *Democracy and Its Critics*. New Haven–London: Yale University Press. 1989. 207 – emphasis in the original)

islation within states.[11] The three options cannot be conceived, however, independently from one another. Even when international involvement proves necessary, interstate agreements may serve as important intermediary tools, and the agreed solution needs to be entrenched, in the end, in the domestic legislation, as it happened in 1921-22 in the case of Åland autonomy. Or conversely, international intervention may be triggered in order to enforce previously signed interstate agreement, as it happened in 1959 in the South-Tyrol case, when Austria claimed UN involvement in order to give substance to the Gruber–de Gasperi agreement signed in 1946. In this case, too, the final solution was provided by a lengthy process of entrenchment in Italian domestic and constitutional law, lasting from 1972 to 2001.

Given that no legally binding document or provision exists in international law which would impose autonomy arrangements on sovereign states[12], international involvement which leads eventually to forms of shared sovereignty is due regularly to security concerns of Great Powers, or, more often, to violent and protracted conflict. Indeed, all important post-1989 documents elaborated with international involvement which include territorial arrangements, forms of shared sovereignty or power-sharing resulted from such conflicts: the 1995 Dayton Peace Agreement in Bosnia-Herzegovina (imposing cantons), the Good Friday Agreement of 1998 in Northern Ireland (creating a complex institutional framework of shared sovereignty), the 2001 Ohrid Framework Agreement in Macedonia (outlining limited power-sharing), the Iraqi Constitution adopted in 2005 (including limited autonomy granted to Iraqi Kurdistan), and the Ahtisaari Plan for Kosovo in 2007 (recommending independence).

Since no comparable conflict existed in the case of Hungarians in Romania,[13] international involvement is simply ruled-out. Those domestic actors which have kept

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[11] Ackrén, Maria: *Conditions for different autonomy regimes in the world: a fuzzy-set application.* Åbo: Åbo Akademi University Press. 2009. 12.

[12] See in this regard (Buchanan, Alan: *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law.* New York: Oxford University Press. 2004).

[13] A recent account (László, Márton and Novák, Csaba Zoltán: *A szabadság terhe. Marosvásárhely, 1990. március 16-21.* (The burden of freedom. Targu Mures, 16-21 March 1990) Marosvásárhely–Csíkszereda: Dr. Bernády György Közművelődési Alapítvány–Pro-Print Kiadó. 2012) on the ethnic conflict which erupted on March 19-20, 1990, in Tg. Mureș/Marosvásárhely, claiming 5 dead and close to 200 wounded, proves that the conflict turned out to be instrumental for the Romanian side interested in preserving positions gained in Transylvania during the National-Communist phase of the Ceaușescu-regime which accomplished important tasks of the Romanian nation-building project at the detriment of the Hungarian minority. While the Hungarians hoped that the fall of the dictatorship would abolish the anti-Hungarian measures taken by Ceaușescu, the Romanians managed to mobilize important forces against the percieved Hungarian threat, the issue of autonomy, apparently claimed by the Hungarians, being one of the topics most efficiently used in mobilization. Though the mobilization on the Hungarian side was also impressive, and the way in which the mobilized Hungarian masses riposted to the violence could not be ignored, the final outcome of the clashes was devastatating for the Hungarian side: the Hungarian middle class of the city and the region was broken by massive emigration due to fear of being brought to trial or other reasons related to the conflict (László–Novák 2012, op. cit. 227). The international attention attracted by the conflict has been relatively modest and divided, no clear support or sympathy for the Hungarian side emerged. The reactions of the Hungarian state authorities were firm, though seriously limited in impact by Hungary's position on the international arena (László–Novák 2012, op. cit. 182-187). The László–Novák account is instructive as far as an often voiced counterfactual allegation is concerned, too, according to which the autonomy claim of the Hungarian minority in Romania would have had better chances it if had been more radically voiced immediatley after the 1989 collapse,

the level of expectations high within the Hungarian community regarding possible international involvement – with vague references to the Copenhagen Document and Lund Recommendations of OSCE, the 1201/1993 Recommendation of the Council of Europe, or the 1334/2003 Resolution of the Council of Europe's Parliamentary Assembly (the Gross Report) – have significantly contributed to the confusion which is dominant to date within the public discourse of the Hungarian minority in Romania concerning the prospects of autonomy on ethnic grounds.

As far as the Hungarian–Romanian interstate perspective is concerned, the leverage the Hungarian state could have relied upon was quite modest in two crucial moments: in 2004 and in 2007, when Romania was accepted in NATO and the EU respectively, Hungary being already a member, accepted in the previous round of enlargement. While the functional autonomy of the Danish minority in South Schleswig resulted from a similar situation[14], no comparable influence has been at Hungary's disposal in any of the two moments mentioned.

As a matter of fact, Hungary did try something similar in 1996 during the preparations for signing the bilateral treaty between Hungary and Romania which was a precondition for the two states to become eligible for NATO membership. Hungary had considerably delayed the process hoping that at least a reference to the Council of Europe's 1201/1993 Recommendation could be eventually included in the treaty. On July 4-5, 1996, the Hungarian Prime Minister's Office, the Hungarian Foreign Ministry, together with the representatives of all significant Hungarian parties and organizations of Hungarian minorities abroad made public a joint declaration in support of autonomy claims of the Hungarian communities living in neighboring countries. On July 29 a high representative of the State Department issued a declaration which made clear that the US did not support any form of autonomy on an ethnic basis. On August 11 the Hungarian Prime Minister declared that Hungary is ready to sign the bilateral treaty, which was signed in the end on September 16, 1996, in a form that included the 1201/1993 Recommendation, together with a clarification requested by the Romanian partner according to which the recommendation does not refer to collective rights and it does not oblige the signing partners to grant territorial autonomy on an ethnic basis to their citizens.

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in the early days of the coagulation of the new political arrangement. Since the regime-change in Romania has been rather superficial, important pre-1989 positions were retained by central and local elites and important structures of the Communist state, a more thorough renegotiation of the political set-up was effectively ruled out.

[14] The Bonn–Copenhagen Declarations of 1955 was the result of the pressure exercised by Danish public opinion, extremely critical towards the West German policy with respect to the Danish minority: in order to convince the Danish parliament and the Danish population to accept West German NATO membership, the Danish government of Prime Minister Hans Hedtoft was instructed to present the question of the rights of the Danish minority to the NATO Council meeting in Paris. H. C. Hansen, who became Prime Minister after the death of Hans Hedtoft in January 1955, succeeded in reaching a positive result in the negotiations with Bonn. Since the United States has already made the decision on the enlargement, the Bonn–Copenhagen Declarations have been, most probably, not decisive in the NATO Council meeting in Paris on October 20-23, 1955 (Kühl, Jørgen: Pattern or Blueprint? National Minorities in the Danish–German Border Area. *NORDEUROPAforum. Zeitschrift für Politik,Wirtschaft und Kultur,* 1998. 8(1), 85-112.).

Since neither the international context, nor the Romanian–Hungarian bilateral relations has been favorable, the most significant part of the autonomy endeavors of the Hungarian minority in Romania has been fought so far on domestic grounds. The key indicators of the process are quite spectacular: three political organizations and two civic organizations have been involved as actors, and 16 autonomy projects have been elaborated to date.

The three political organizations are (1) the DAHR which has been engaged in the autonomy movement since 1992, (2) the Hungarian Civic Party (HCP) created in 2008, by former mayors and councilors elected on DAHR lists, with the aim to represent more effectively the issue of Szeklerland's territorial autonomy on the Romanian political scene, and (3) the Hungarian Popular Party in Transylvania (HPPT), registered as a political party in 2011, its organizational basis being provided by the Hungarian National Council in Transylvania (HNCT), a civic organization created in 2003 by a group of dissidents from DAHR, unsatisfied with the way in which the organization has handled the autonomy issue. In addition to the HNCT, in 2003 another civic organization – allegedly a movement – was created, the Szekler National Council (SzNC), with the aim of advocating for the territorial autonomy of Szeklerland. Given that all actors except DAHR have been created as a result of contestation of what has happened before, the spectacular list of actors fighting for the same goal negated exactly what would have been essential: the strategic cooperation between them.

Table 2 summarizes the most important details regarding the 16 autonomy projects – memorandums, statutes and draft-laws – elaborated between 1991 and 2005 (though *The Autonomy Statute of Szeklerland* is listed twice in the table, it is considered the same project).

TABLE 2. AUTONOMY PROJECTS OF THE HUNGARIAN MINORITY IN ROMANIA 1991–2005.[15]

YEAR	TITLE	INITIATOR	TYPE	STATUS
1991	*DRAFT-LAW ON NATIONALITIES*	SZŐCS GÉZA	*PERSONAL*	NOT ASSUMED OFFICIALLY BY DAHR.
1993	*MEMORANDUM ON THE SELF-DETERMINATION OF THE HUNGARIAN COMMUNITY*	CSAPÓ JÓZSEF	*PERSONAL, ADMINISTRATIVE AND TERRITORIAL*	NOT ASSUMED OFFICIALLY BY DAHR.

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[15] Based on Bognár, Zoltán: Romániai magyar autonómiakoncepciók. Az 1989 és 2006 között kidolgozott törvénytervezetek. In Fejtő Ferenc, Salat Levente, Ludassy Mária, Egry Gábor, Bognár Zoltán (eds): *Autonómia, liberalizmus, szociáldemokrácia* (Autonomy, liberalism, social democracy). Budapest: Európai Összehansonlító Kisebbségkutató Közalapítvány. 2006. 85-115. and on Bakk, Miklós: *Az autonómia kronológiája* (The Chronology of Autonomy). 2012. http://szorakozas.szekelyhon.ro/elo-emlekezet/az_autonomia_kronologiaja [accesed on May 08, 2013]

YEAR	TITLE	INITIA-TOR	TYPE	STATUS
1993	*DRAFT-LAW ON NATIONAL MINORITIES AND AUTONOMOUS COMMUNITIES*	DAHR	*PERSONAL, ADMINISTRATIVE AND REGIONAL*	SUBMITTED TO THE ROMANIAN PARLIAMNET, NEVER INCLUDED IN THE AGENDA FOR DEBATE.
1994	*DRAFT-LAW ON RIGHTS CONCERNING NATIONAL IDENTITY AND HARMONIOUS COEXISTENCE OF NATIONAL COMMUNTIES*	SZILÁGYI N. SÁNDOR	*PERSONAL*	NOT ASSUMED OFFICIALLY BY DAHR.
1994	*3 STATUTES: STATUTE FOR SELF-GOVERNMENTS WITH SPECIAL STATUS; STATUTE OF PERSONAL AUTONOMY FOR THE HUNGARIAN COMMUNITY; STATUTE OF REGIONAL AUTONOMY*	CSAPÓ JÓZSEF	*COMBINED: PERSONAL AND REGIONAL*	NOT ASSUMED OFFICIALLY BY DAHR.
1995	*2 STATUTES: STATUTE OF PERSONAL AUTONOMY FOR THE HUNGARIAN COMMUNITY IN ROMANIA; STATUTE FOR SELF-GOVERNMENTS BASED ON PERSONAL PRINCIPLE*	A GROUP OF EXPERT WITHIN DAHR	*PERSONAL*	THOUGH ELABORATED WITHIN DAHR, THE STATUTES WERE NOT ASSUMED OFFICIALLY BY DAHR.
1995	THE AUTONOMY STATUTE OF SZEKLERLAND	CSAPÓ JÓZSEF	*TERRITORIAL*	ASSUMED IN 2003 BY THE SZEKLER NATIONAL COUNCIL.
2003	*THE AUTONOMY STATUTE OF SZEKLERLAND*	SzNC	*TERRITORIAL*	SUBMITTED TO THE ROMANIAN PARLIAMENT IN 2004, TURNED DOWN BY BOTH CHAMBERS IN 2004; RESUBMITTED IN 2005 WITH MINOR CHANGES BY TWO DAHR MPs, TURNED DOWN BY THE LOWER CHAMBER.
2003	*AUTONOMY PACKAGE (3 DOCUMENTS): DRAFT-LAW ON THE REGIONS; DRAFT-LAW ON SZEKLERLAND AS A REGION WITH SPECIAL STATUS; THE AUTONOMY STATUTE OF SZEKLERLAND AS REGION WITH A SPECIAL STATUS*	HNCT	*TERRITORIAL*	NOT ASSUMED OFFICIALLY BY THE HUNGARIAN NATIONAL COUNCIL OF TRANSYLVANIA DUE TO A PROTEST FORMULATED BY THE SZEKLER NATIONAL COUNCIL.

Year	Title	Initiator	Type	Status
2005	Autonomy package (2 documents): Draft-law on personal autonomy; Statute of personal autonomy for the Hungarian minority in Romania	HNCT	personal	Submitted to the Romanian Parliament in 2004, turned down by the Committee on Public Administration for being unconstitutional.
2005	Draft-law on the status of national minorities in Romania	DAHR	personal (cultural)	Assumed by the Romanian Government in 2005, submitted to the Parliament, pending.

It would go beyond the scope of this paper to attempt a thorough analysis of the process summarized in the above table. Based on the information provided, and without reference to the content of the elaborated documents or the motives of the various actors which guided their behavior, a couple of evaluative statements can be ventured.

It is evident, first of all, that the issue of autonomy has been instrumental for almost all actors involved. A considerable part of the elaborated documents have targeted not as much legal entrenchment, but gaining positions in the debate. The issue of autonomy has been instrumental also for DAHR, which visibly lowered the topic on its priority list after 1996, when it was first invited to join a governing coalition, and in spite of that the autonomy claim has been a leading topic in the organization's election campaigns of 2000, 2004, and also in 2008. It is also illustrative in this sense that one of the probably most valuable accomplishments of this internal competition, the _Autonomy Package_ elaborated in 2003 by the HNCT, was abandoned eventually due to the protest formulated by the SzNC which considered that the package intruded into its own territory of competence (the issue of Szeklerlend's territorial autonomy). The forced submission to the Romanian Parliament, in 2003 and 2005, against the DAHR's opposition, of the SzNC's _Autonomy Statute of Szeklerland_ and of the _Autonomy package on personal autonomy_ elaborated by the HNCT were also highly instrumental gestures, given that the result was foreseeable, and forcing a negative decision on the autonomy issue was evidently not serving the long term interests of the Hungarian minority in Romania. In general, it can be stated that the autonomy issue has been largely instrumentalized and subordinated to short term political interests by all the actors representing the Hungarian side in the Romanian autonomy debate.

It is also striking that none of the 16 autonomy projects have been elaborated with at least symbolic Romanian participation. (This is true also for the _Draft-law on the status of national minorities in Romania_ initiated by DAHR with respect to its critical component, the chapter on Cultural Autonomy, which has even been rejected by Ro-

manian experts otherwise supportive to DAHR's efforts to enlarge minority rights in Romania). The way in which the Romanian side in general has been dealt with proved largely counterproductive. Due to the competing autonomy projects elaborated by the various actors confusing messages reached both the possible political partners and public opinion on the Romanian side. The important task of delivering strategic messages in critical moments has been often entrusted to badly prepared, nonprofessional communicators who created even more confusion. The overall result of the lack of professionalism and more strategic behavior in this respect has considerably contributed to hardening the firm resistance against all forms of ethnic autonomy paramount in Romanian political culture and public discourse.

Last but not least, it is interesting to observe that the sustained effort aiming to elaborate institutional frameworks for the autonomy desire of the Hungarian minority in Romania had almost no educative impact on the members of the targeted community: none of the elaborated documents became the object of public debate or at least wider concern, and in spite of the constant and overwhelming support for autonomy reflected by public opinion polls, members of the Hungarian community in Romania are largely ignorant about the way in which the different forms of autonomy would influence their lives, what it would require from them, and in which way it would contribute to improving the community's overall well-being.

Way out of the standoff?

In thinking about possible ways forward we should bear in mind that neither the Romanian, nor the Hungarian political community is as "finished and complete", to use Andrew Linklater's words, as they generally are assumed to be.[16] The Romanian political community is not finished and complete at least in two respects: on the one hand, the future of Bessarabia awaits an answer, in which more and more young Romanians have become interested. On the other hand, it is not clear what should be the future of the rapidly shrinking, but still sizeable Hungarian minority living within Romanian borders. Should it follow the fate of Jews and Germans who emigrated in masses during the Communist regime, or are ways there of accommodating this community on the long run, compatible with the Romanian nation-building project?

As far as the Hungarian political community is concerned, it is not finished and complete because it has not succeeded in coming to terms with the trauma of Trianon. It is also clear what will happen to the Hungarian minorities abroad: will they be provided with arrangements that could guarantee their linguistic and cultural survival

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[16] Linklater, Andrew: *The Transformation of Political Community. Ethical Foundations of the post-Westphalian Era.* Cambridge: Polity Press. 1998. 193.

on the long run, or is it safer to encourage their gradual relocation within Hungary's contemporary borders?

The chances of ethnic autonomy in Romania claimed by the Hungarian minority cannot be addressed apart from the dynamic of the two competing processes which will yield, sooner or later, the two political communities as "finished and complete". Though it seems very unlikely that the international context could provide, in the foreseeable future, new opportunities for the discussed autonomy claim, it cannot be ruled-out that the situation may change dramatically should the issue of Bessarabia gain importance on the agenda of Romanian politics. On the other hand, it is difficult to ignore that one of the possible interpretations of the Hungarian authorities' decision to amend the citizenship law, facilitating access to Hungarian citizenship for kins living abroad, is that they have lost patience in waiting for institutional solutions in neighboring countries which could yield Hungarian language and identity borders in the Carpathian Basin sustainable on medium and long run.

While the international context and the Romanian–Hungarian bilateral relations remain important factors with considerable potential to shape the future, the terrain on which the Hungarian minority in Romania can afford to go beyond passive hope and sheer expectations remains the domestic political scene in Romania. There is considerable room for maneuver in this context, and the stake is to keep the country on a path in which institutionalizing various forms of shared sovereignty, for the benefit of all interested national minorities, remains an option, instead of assisting to developments which could push Romania in the direction of ethnic democracy and continued incremental ethnic cleansing. In addition to a more strategic handling of the Romanian public opinion, there is much to be done at on the Hungarian side, too. The air of the Hungarian public discourse needs be cleaned of much confusion concerning the autonomy issue, and consensus regarding institutional forms associated with the vague idea of autonomy is critical among key actors claiming to represent the interests of the Hungarian minority. In the short and medium term important educational tasks should be assumed: public awareness on existing forms of autonomy should be raised, efforts to give more substance to those should be undertaken, and available forms of informal education should be exploited in order to build competencies in the Hungarian community which would lead to members who are better prepared to take advantage of the existing forms of autonomy and to provide justification for the new, desired arrangements. Until responsible political or social actors undertake this, on behalf of the Hungarian minority in Romania, the issue of ethnic autonomy in Romania will remain what it has been so far. It will remain a confusing term utilized with success by several actors in diverting the attention of a large national minority, with considerable cultural, economic and political potential, from short term community goals which could trigger lasting changes in the members' lives and could shape more effectively the future of the community. That is, in other words, practicing autonomy, instead of talking about it.

Works referenced in Table 1.:

Gagnon, Alain-G., Tully, James. (eds.): *Multinational Democracies.* Cambridge: Cambridge University Press, 2001.

Habermas, Jürgen: *The Inclusion of the Other. Studies in Political Theory.* Cambridge, MA: The MIT Press. 1998.

Lijphart, Arendt: *Democracy in Plural Societies. A Comparative Exploration.* New Haven–London: Yale University Press. 1977.

Mann, Michael: *The Dark Side of Democracy. Explaining Ethnic Cleansing.* Cambridge, MA: Cambridge University Press. 2005.

Mill, John Stuart: *On Liberty and Other Essays.* Oxford–New York: Oxford University Press. 1998.

Rawls, John: *A Theory of Justice.* Cambridge, MA: The Belknap Press of Harvard University Press. 1971.

Rawls, John: *Political Liberalism.* New York: Columbia University Press. 1993.

Smooha, Sammy: Minority Status in an Ethnic Democracy: the Status of the Arab Minority in Israel. *Ethnic and Racial Studies,* 1990 13(3), 389-413.

van den Berghe, Pierre: *The Ethnic Phenomanon.* New York: Elsevier. 1981.