

Lessons

**Prevention of**

from Romania

**Ethnic Conflict**

Wojciech Kostecki

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## Introduction

The general aim of the paper is to examine conclusions stemming from empirical research and contribute to the studies on the possibility of ethnic conflict prevention.

The analysis has the following goals:

- a) Exploration of case study related to the situation of the Hungarian minority in Romania since the overthrow of Nicolae Ceausescu and the 1990 confrontation to the results of 2000 elections and their aftermath.
- b) Discussion on practical lessons for ethnic conflict prevention that could be drawn from the case after ten years of developments.
- c) Formulation of initial conclusions concerning the relevance of the Romanian experience for a model of ethnic conflict dynamics.

In consequence, the paper is divided into three parts, followed by extended bibliography and appendix containing six illustrative documents.

The Hungarians of Romania were chosen as referent object for many reasons. Romania's desire to integrate with the Euro-Atlantic institutions and community of values – a goal that by definition must be based on successes in internal democratisation, including participation of minorities in social and political life – now seems quite achievable. However, at the beginning of the 1990s the relations between the Hungarian minority and the Romanian majority, as well as between the Romanian and Hungarian governments, occupied a prominent place among other major trouble spots in the post-communist Europe, not far from the “Balkan pot”. Then there was rather wide agreement that the problems in the region were about to develop as a source of violent conflict, even with the use of military force. The threats stemmed from the issues were linked to the actual position and demands of the Hungarian minority in Transylvania and the Romanian response to them. In the further course of events the Hungarian government also contributed to the tensions, a strong ethnic party – the Democratic Alliance of Hungarians in Romania (DAHR) – appeared, and the issue of the post-communist nationalism in Romania was at stake.

The area known as Transylvania makes up about one third of today's Romanian territory.<sup>1</sup> It has been a part of the Hungarian state until the seventeenth century and then an autonomous province within the Austro-Hungarian Empire. Romania acquired Transylvania under the Trianon Peace Treaty in 1920. The number of Hungarians in Transylvania equals 1.6 million – in a region with 6 million inhabitants. It means that being the largest single group of Hungarians outside the Hungarian state, the Transylvanian Hungarians constitute at the same time one of the largest ethnic minorities in Europe. This observation is even more impressive if one takes into account the proportion of Hungarians and the whole population of Romania – about 8 per cent, the same as the proportion of Albanians in former Yugoslavia, and far bigger than for example the well known issue of the Basques in Spain – 4.5 per cent, Muslims in France – 3.4 per cent, or Turks in (then) West Germany – 2.3 per cent.<sup>2</sup>

Obviously, the ethnic and religious mosaic in the Balkans combined with a Gordian knot of political interests inside the region, as well as new examples of power games provided by external actors, made events exactly in this region much more dramatic. These included open conflicts and military struggles involving Serbs, Croats and Muslims in Bosnia, Serbs and Croats regarding Krajina and Easter Slavonia, Serbs and Albanian Kosovars in Kosovo, Macedonians and Albanians in Macedonia etc., finally leading to the NATO intervention. However, the mass-media coverage together with academic analysis of Balkan developments has been huge and today amounts hundreds if not thousands of articles, treatises and books. As a consequence, there seems to be significantly more room now for research on other potentially hot issues, namely the interethnic relations in Romania.

Various aspects of the Hungarian minority in Romania have already been in the focus of the Berghof Research Center for Constructive Conflict Management, including very useful works prepared by Kinga Páll and Anna-Mária Bíró.<sup>3</sup> The study that follows

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1 The very name "Transylvania" means "[the land] beyond the forest", the Hungarian "Erdely" has the same meaning – as explained in George Schöpflin and Hugh Poulton: *Romania's Ethnic Hungarians*. London: The Minority Rights Group, 1990 (revised and updated edition), p. 26, footnote 8.

2 Data taken from Ted Robert Gurr: *Minorities at Risk: A Global View of Ethnopolitical Conflicts*. Washington D.C.: United States Institute of Peace Press, 1993, pp. 327-328.

3 See: Kinga Páll: *The Hungarian Concept of Autonomy for Romania. The 1993 DAHR Draft-law on "National Minorities and Autonomous Communities" and Reactions from Other Political Parties in Romania*. Berghof Occasional Paper No. 4. September 1996. Berlin: Berghof Research Center for

is to continue this line of investigation, hoping to add some new dimensions to the analysis and attempting to draw certain general conclusions.

The latter concerns the very intriguing and heuristically fruitful observation that the case of Hungarians in Romania actually represents a de-escalation model of ethnic conflict dynamics. Despite alarming signals concerning the possibility of the outbreak of violent conflict also in this part of Europe, there were *no* serious events of this type. The initial clashes between Hungarians and Romanians with the dramatic events in Târgu Mures as culmination – widely referred to, but still controversial with regard to the real forces behind them and the number and character of the victims – did not explode in the Yugoslav style. In other words: there *were* some constraints for conflict escalation, so the question: “*What happened that predictions concerning dangerous conflict potential in East-Central Europe have not been fulfilled*” was – and remains – really important. The point is whether an answer to this question *could* serve as a base for the formulation of policy recommendations aimed at preventing conflicts in other places. Thus, certain practical remarks should be formulated in order to aggregate information gathered from Romania. These are called “lessons” for prevention of ethnic conflict and briefly elaborated in the second part of the paper.

Finally, the attention is turned to the theory of ethnic conflict prevention in the sense that an attempt of ascribing a larger context to these lessons is made. The major question is whether and if yes, to what extent they are applicable in other cases. Was Madeleine Albright, the (then) US Secretary of State, right when she said in 1999 that Romania’s policy of tolerance toward its ethnic minorities: “...is one we [Americans] would like very much to see Serbia emulate”<sup>4</sup>? Or should we listen to a representative of the Romanian Hungarians who quite recently – in December 2001 – stated that this country cannot be considered “a model” for interethnic relations since

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Constructive Conflict Management; Anna-Mária Bíró: *The International Relations of the DAHR 1989 – 1996. The Democratic Alliance of Hungarians in Romania*. Berghof Occasional Paper No. 5. August 1996. Berlin: Berghof Research Center for Constructive Conflict Management. See also the Berghof Center’s contribution to: Clark University European Center in Luxemburg (ed.) (1996). *Papers from the ‘Workshop on Ethnicity and Conflict Management’, 2-4 December 1996*.

4 Quoted after Catherine Lovatt: ‘Romania’s Partial Progress in Minority Issues’. *Central Europe Review*, Vol. 1, No. 2, 5 July 1999. Online journal, available at <http://www.ce-review.org/99/2/lovatt2.html>.

the Hungarian minority “basic requests” there were still not fulfilled?<sup>5</sup> However, such discussion is justified as long as a general model of ethnic conflict dynamics can be constructed – and consequently the last part of the paper concerns a proposal of how the appropriate model could look like.

\* \* \*

I would like to express my deepest gratitude to Dr. Norbert Ropers, director of the Berghof Research Center for Constructive Conflict Management, for making this research possible, and for the extraordinary patience in waiting for the results.

The work on the paper started while I spent three months at the Berghof Research Center in 1999 and continued unexpectedly long – among other things because of the high amount of materials I found at the Center and elsewhere, including simply endless Internet resources: both relevant documents (translated into English) and various elaborations. Among the latter at least three were particularly helpful, namely: the study by Alina Mungiu Pippidi, a political psychologist from Romania, on “Subjective Transylvania”, made public by the Open Society Institute – Budapest in 1999,<sup>6</sup> the proceedings of the international conference “The Romanian Model of Ethnic Relations. The Last Ten Years, the Next Ten Years”, held in Bucharest, in 2000,<sup>7</sup> and a comprehensive report “Hungarians of Romania” prepared in the framework of the Internet-based “Center for Documentation and Information on Minorities in Europe – Southeast Europe” project, in co-operation with the Ethnocultural Diversity Resource Centre from Cluj, Romania<sup>8</sup>.

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5 ‘...As Do Ethnic Minorities’. *RFE/RL Newslines*, Vol. 5, No. 237, Part II (17 December 2001). Available from Internet at <http://www.rferl.org/newsline/2001/12/171201.asp>.

6 Alina Mungiu Pippidi: *Subjective Transylvania: A Case Study of Post Communist Nationalism*. Available from Internet at <http://www.osi.hu/ipf/publications/AlinaPP-nation.html>. Last modified: 22.10.1999.

7 Lucian Nastasã and Levente Salat (eds.): *Interethnic Relations in Post-Communist Romania*. Proceedings of the conference “The Romanian Model of Ethnic Relations. The Last Ten Years, the Next Ten Years”: Bucharest, 7-8th July 2000. Cluj-Napoca: Fundația CRDE, 2000. Available in separate parts from Internet at [http://www.edrc.ro/publicatii/link3/eindex5\\_3.html](http://www.edrc.ro/publicatii/link3/eindex5_3.html).

8 Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe. Hungarians of Romania*. Available from Internet at [http://www.edrc.ro/resurse/rapoarte/Hungarians\\_of\\_Romania.pdf](http://www.edrc.ro/resurse/rapoarte/Hungarians_of_Romania.pdf). Accessed: 31.12.2001.

In addition, I want to thank all the people from the Berghof Research Center for their hospitality and friendliness, as well as my colleagues from the Global Security Fellows Initiative who inspired me in many ways. Of course, I am alone responsible for all mistakes and weaknesses of this paper.

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## 1 Conflict Potential

As surveys of the world records confirm, the central role in triggering conflicts after the Cold War was played by the phenomenon of ethnonationalist identity, and – on the other hand – the usually late and inadequate response to this challenge by the international community. Consequently, for many years the major security fears in Europe were related to ethnic tensions in the region. These tensions emerged not only because several historical stimuli were “defrosted”, and people previously “ignorant” of the problems suddenly found them on the top of their everyday agenda. This was also because new constellations of various social forces and political factors appeared.

First of all, they were linked to the failure of *external* power – that is, the Soviet withdrawal from East-Central Europe, and the lack of success in the implementation of a *cosmopolitan* ideology – that is, a communist one – as an envisaged unifying factor. Instead, in several cases attempts were made to replace them by *internal* loyalty and *nationalist* ideas as a motivating force to unify nations. Some of the literature reviewing this period even offered an argument regarding mental attitudes in East-Central Europe which had not progressed beyond the aggressive nationalism of the 1920s and 1930s, thus even hot wars would be “now more likely, if only because the international stakes are smaller”<sup>9</sup>. Next, at the beginning of the post-communist transformations, in most countries in the region no features of civil society were present, nor was another group membership available. Finally, quite often political manipulation was taking place when post-communist governments presented economic, social and similar contradictions in ethnic terms and exploited them seeking support for their own goals.<sup>10</sup>

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9 C. J. Dick, J. F. Dunn and J. B. K. Lough: ‘Potential Sources of Conflict in Post-Communist Europe’. *European Security* 1993, Vol. 2, No. 3 (Autumn), p. 389.

10 On the other hand, the tendency to expose “ethnic” component of various social conflicts could be linked to a wider context of globalizing forces and the demands for economic liberalization spreading the world. Cf. Beverly Crawford and Ronnie D. Lipschutz (eds): *The Myth of ‘Ethnic Conflict’: Politics, Economics, and ‘Cultural’ Violence*. Research Series, No 98. UC Regents, 1999.

However, the conflict potential in East-Central Europe has not escalated into open violence. No major social or political explosion comparable to the Balkan or Caucasus wars took place, though there were several premises to expect dramatic events. Just as an illustration, one could quote here a document demanding an ethnically clean Romania issued in 1990 by Vatra Româneasca (“Romanian Hearth” or “Cradle”) – an organisation of Romanian national extremists, guided by the motto “Romanians were in Transylvania first”. The document stated: “Unfortunately, the sacred Romanian soil is still being defiled by the feet of Asiatic Huns, Gypsies and other scum. Let us unite to expel them from our country [...] Do not fear the fight and do not hesitate to shed the unclean blood of the strangers!”<sup>11</sup> What is more, Romanian politicians in general did not condemn the document. The discussion on the prevention of conflict over the Hungarian minority in Romania should start then from a closer look over this minority itself.

### **1.1 Hungarian Minority in Romania**

Several authors who study the issue stress the contribution the Hungarians have made to the very start of the Romanian revolution. Indeed, it was an ethnic Hungarian pastor of the Reformed Church in Timisoara, László Tökés, who became the central figure of the early events. The April 1990 report of the London based Minority Rights Group wrote up: “Following an interview broadcast on 24<sup>th</sup> July 1989 by Hungarian television in which he drew attention to human rights violations in Romania and the situation of the ethnic Hungarians in particular,<sup>12</sup> he was briefly detained on 6 August and placed under constant surveillance. [...] The authorities attempted to intimidate him. He received anonymous death threats and all visitors to his home were subjected to body searches and police questioning. [...] At about 2am on the morning of 17 December the Securitate came to enforce the court’s decision and physically evict

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11 Quoted after Leo Paul: ‘The Stolen Revolution: Minorities in Romania after Ceausescu’, in: John O’Loughlin and Herman van der Wusten (ed.): *The New Political Geography of Eastern Europe*. London & New York: Belhaven Press, 1993, p. 152.

12 See ‘Breaking Down the Wall of Silence’, in: *Rights for Europe’s Largest Minority*. Geneva: SOS Transylvania – Geneva Committee, December 1989, pp. 14-15.

him. His supporters surrounded the church as a defence but the security officials broke through. Mass demonstrations began immediately and by that afternoon a large crowd – by now predominantly ethnic Romanians – shouting anti-Ceausescu slogans moved into the town centre. What had initially been a local issue concerning the Hungarian minority and church affairs had become a widespread anti-government revolt. The Romanian Revolution had begun.”<sup>13</sup>

The number of Hungarian minority living in Transylvania has long been a matter of controversy. For obvious reasons Hungarians tended to exaggerate the figure while Romanian side was following the official data coming from the state’s censuses. And the latter said that there were 1,588 thousand Hungarians in Romania in 1956, 1,620 thousand in 1966, and 1,706 thousand in 1977.<sup>14</sup> The latest figure was questioned by some experts as inaccurate; implicitly: because of political circumstances. Instead, the offered estimates based on, for example, church attendance – taken from official data as well! – exceeded 2 million; highest available figures even equalled 2.5 million.<sup>15</sup>

The first census after the revolution, hold in January 1992, brought quite unexpected results showing the total number of ethnic Hungarians in Romania significantly below estimations mentioned above, namely: 1,620 thousand. Despite certain extreme behaviours on both sides, this figure in principle has not been contested. Although there were Hungarian complains about the way of conducting the census, and the Romanian president Ion Iliescu claimed in one of his interviews that there was only “about 1 million” ethnic Hungarians in Romania, the immediate reactions were rather positive.<sup>16</sup> A partial explanation could point to the growing understanding that the size of minorities does not matter, since all of them have the same right to preserve their identity and express their interests.

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13 George Schöpflin and Hugh Poulton: *Romania’s Ethnic Hungarians...*, *op. cit.*, p. 19. Another source specifies that initially 200 ethnic Hungarians were engaged, but when Romanians joined them, the crowd grew to about 5,000. See Judith Pataki: ‘Free Hungarians in a Free Romania: Dream or Reality?’ *Report on Eastern Europe*. Radio Free Europe, Vol. 1, No. 8 (February 23<sup>rd</sup> 1990), p. 19.

14 George Schöpflin and Hugh Poulton: *Romania’s Ethnic Hungarians...*, *op. cit.*, p. 6, Table 1.

15 See: *ibidem*, p. 6; Andre Liebich: ‘Minorities in Eastern Europe: Obstacles to a Reliable Count’ *RFE/RL Research Report*, Vol. 1, No. 20 (May 15<sup>th</sup> 1992), p. 38.

16 Michael Shafir: ‘Preliminary Results of the 1992 Romanian Census’. *RFE/RL Research Report*, Vol. 1, No. 30 (July 24<sup>th</sup> 1992), pp. 65 and 68.

Since then, Romania has been stuck to the 1992 figure (exactly: 1,620,109), quoting it, for instance, in its report submitted to the Council of Europe in 1999.<sup>17</sup> However, the Hungarian government preserved a tendency to use higher numbers; nevertheless, the difference has been reduced in recent years. And so, the 1997 report indicated the number of “Hungarian national minority” population as 1,624,959 and added: “[the] estimated figure of Hungarian speaking population is app. 2 million”.<sup>18</sup> Two years later, the next report lowered the latter but at the same time offered a rather confusing supplement: “According to the latest 1992 census, 1.624.959 persons living in Romania identified themselves as Hungarian while according to estimated data, the number of persons whose native-tongue is Hungarian exceeds 1.8 million.”<sup>19</sup> The same phrase – without any further elaboration – was repeated in the most recent report of 2001.<sup>20</sup>

Hungarian reports also describe more precisely geographical pattern of the Hungarian population in Romania.<sup>21</sup> Thus: “In Transylvania, ethnic Hungarians make up 20 per cent of the population. They constitute a close compact bloc mainly in the Szekler Region (the counties of Hargita /Harghita/, Kovászna /Covasna/ and Maros /Mures/), which accounts for 35% to 37% of Transylvania’s Hungarians.” One could add that, according to official Romanian data, in these two counties – Harghita and Covasna – the population of Hungarians constitutes a clear majority: 84.6 per cent and 75.2 per cent, respectively.<sup>22</sup> And further: “Close to 28% of Transylvania’s Hungarians live along the 400 km-long Romanian-Hungarian border (in Szatmár /Satu

17 *Report Submitted by Romania Pursuant to Article 25 Para 1 of the Framework Convention for the Protection of National Minorities* (1999). Council of Europe. Available from Internet at <http://www.humanrights.coe.int/Minorities/Eng/FrameworkConvention/StateReports/1999/romania/Romanianstatereport.htm>. Last modified: 4.09.2001.

18 Government Office for Hungarian Minorities Abroad (1997). *Report on the Situation of Hungarians in Romania* [1997]. Taken from Internet at <http://www.htmh.hu/dokumentumok/repro-e.htm>. Accessed: 8.06.2000.

19 Government Office for Hungarian Minorities Abroad (1999). *The Situation of Hungarians in Romania* [1999]. Taken from Internet at [http://www.htmh.hu/jelentesek/situation\\_romania.htm](http://www.htmh.hu/jelentesek/situation_romania.htm). Accessed: 8.06.2000.

20 Government Office for Hungarian Minorities Abroad (2001). *The Situation of Hungarians in Romania* [2001]. Available from Internet at <http://www.htmh.hu/reports2001/romania2001.htm>. Last modified: 12.06.2001.

21 As above.

22 *Report Submitted by Romania..., op. cit.*

Mare/, Bihar /Bihor/, Arad /Arad/ and Temes /Timis/ counties), 16% to 18% live in Central Transylvania, and the remaining 18% to 20% in a multi-ethnic *diaspora*. Outside of Transylvania, Hungarians also live in other areas of Romania, such as the capital, Bucharest, and Moldavia”. In Bucharest, the 1992 census noted 86,000 ethnic Hungarians.<sup>23</sup>

The issue of a qualitative characteristic of the Hungarian minority in Romania is more complicated. Such a characteristic should be based, first, on discovering historically accumulated features. However, as George Schöpflin and Hugh Poulton put it: “The central problem of the history of Transylvania is that there are separate Romanian and Hungarian histories, both firmly articulated and neither acceptable in its national version to the other.” What is more, the Transylvanian history has been mythicised to support nationalistic claims made by both sides that this was: “the region which ensured the survival of the nation and its separate existence over centuries”.<sup>24</sup> Consequently, the picture may vary, depending on the source one is taking into account. Second, there is no agreement on what kind of “minority” the Hungarians constitute. Its own representation DAHR uses the notion “ethnic Hungarian community” and speaks about protection and maintenance of its “national identity”.<sup>25</sup>

So, could we treat Hungarians in Romania as a “nation”? This has been for a long time a quite radical approach from the political point of view but, according to Alina Mungiu Pippidi, it can be justified by referring to the community self-identification and such attributes as possessing a homeland inhabited for centuries, a common language and a culture based on religion (Hungarians are Catholic and Protestant while Romanians are Orthodox) and a myth of common descent.<sup>26</sup> The report prepared by the Center for Documentation and Information on Minorities in Europe – Southeast Europe simply states: “Hungarians are identified as a national minority both by the minority itself and by the state.” Further its authors add: “At present in Romania the Hungarians’ status as a national minority is clearly

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23 Michael Shafir: ‘Preliminary Results...’, *op. cit.*, p. 65.

24 George Schöpflin and Hugh Poulton: *Romania’s Ethnic Hungarians...*, *op. cit.*, p. 8.

25 *The Statutes of the Democratic Alliance of Hungarians in Romania*. Available from Internet at <http://www.hhrf.org/rmdsz/ebylaws.htm>. Last modified: 2.04.1999.

26 Alina Mungiu Pippidi: *Subjective Transylvania...*, *op. cit.*

acknowledged by the state and defined in concrete terms in domestic legislation.”<sup>27</sup> However, their thesis is not exemplified.

Another question concerns the validity of the analysis for which Hungarians in Romania constitute a distinct “society”. Experts’ opinions there differ. The above mentioned report describes Hungarian minority as a “parallel society”.<sup>28</sup> Anna-Mária Bíró states that Romania’s Hungarians “do function as a society” and explains: “The Hungarian minority is present in Romania’s social and political life as an autonomous entity grounded on a clearly defined system of values related to its self-identification as a collective identity. [...] Further evidence in support of the above statement can be considered results of the opinion pools...”<sup>29</sup> Alina Mungiu Pippidi holds another view: “Hungarians in Romania are not a different society, although they are obviously a distinct culture.” Explaining her point, she refers to public surveys: “Most polls show a remarkable similarity between concerns, anxieties and values of Romanians and Hungarians inhabiting Transylvania.”<sup>30</sup>

In a classic study by Ted Robert Gurr, several sophisticated parameters were constructed to measure various minorities’ features. The Hungarians in Romania are described as “ethnonationalists”, holding a middle position on the ordinal scale of group coherence, ranking third on a six-category scale of group concentration based on demographic information, fourth on a five-category scale of cultural differentials, fifth on a seven-category scale of intergroup differentials in economic status and positions, fourth on a seven-category scale of intergroup differentials in political status and positions, having “4.0” indicator (values from 0 to 6) of loss of historical autonomy, etc.<sup>31</sup>

The same author tried to formulate indices of group grievances in the 1980s, indicating Hungarian demands for greater economic, social, cultural, and political rights, including demands for greater autonomy. In all cases, the ascribed values were greater than an average for conflict patterns in East-Central Europe and the USSR.

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27 Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE): *Minorities in Southeast Europe...*, *op. cit.*, pp. 2 and 21, respectively.

28 *Ibidem*, p. 28.

29 Anna-Mária Bíró: *The International Relations of the DAHR...*, *op. cit.*, p. 9, footnote 7.

30 Alina Mungiu Pippidi: *Subjective Transylvania...*, *op. cit.*

31 Ted Robert Gurr: *Minorities at Risk...*, *op. cit.*, pp. 328 and 342.

However, he did not note instances of group rebellion nor violent group protest.<sup>32</sup> The latter became imaginable only after the 1989 Romanian revolution.

## 1.2 Patterns of enmity

In the new political circumstances, Hungarians got the possibility to articulate their grievances, demands and aspirations in a fundamentally new mode. The catalogue of their postulates reached various spheres, starting from the education with the autonomous educational system and instructions in native language on the top of priorities, through several issues related to the preservation of their cultural heritage, to the political domain including the cessation of the harassment and intimidation, an adequate minority representation in the state political system, and the right for autonomy as a wide-ranging organisational solution. Since then, “autonomy” indeed became a key concept for the Hungarian minority demands, reflecting the common fear of an assimilationist policy by the Romanian state.

Most of the concerns in this respect focused on the new Romanian constitution adopted by the parliament in November 1991 and approved by national referendum the next month. From the Hungarian point of view, the constitution had to carry into effect a non-acceptable conception of Romania as a “*national state*” founded on “the unity of the *Romanian people*” (articles 1.1 and 4.1, italics – *WK*). The subsequent recognition of Romania as the common homeland for all citizens “without any discrimination on account of race, *nationality, ethnic origin, language, religion*” and so on (article 4.2, italics – *WK*) was perceived as being too weak and ambiguous to appease the Hungarian minority. As Kinga Páll stresses, such a declaration has no sense as long as the adjective “*different*” is not inserted before the enumeration: “nationality, ethnic origin” etc.<sup>33</sup> Further articles also contributed to the fears of Hungarians, who saw them as making possible ethnic discrimination within the law and giving no right to demands of autonomy for individuals or groups.<sup>34</sup>

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32 *Ibidem*, pp. 354-355.

33 Kinga Páll: *The Hungarian Concept...*, *op. cit.*, p. 16 (italics – *WK*).

34 See Appendix, Document 1.

The role of the political representation of the minority has been performed by the Democratic Alliance of Hungarians in Romania (DAHR)<sup>35</sup>. Founded already in December 1989 and officially registered in January 1990, the Alliance underwent a very fast evolution. During its first days, the DAHR aspired to a role of “grassroots branch” of the National Salvation Front that led the post-Ceausescu transformations. However, in a few months, the DAHR established itself as the principal political force of the Hungarians, a vehicle that made it possible to transmit the interests of the Hungarian minority into the state policy channels. And, in 1996, it became a part of the ruling coalition for four years. Later, it has been even said that since all resources of the Hungarian community are managed by the DAHR, the Alliance in fact led a so-called “Hungarian state”.<sup>36</sup>

From the beginning the DAHR acted as an “umbrella organisation”, uniting the following actors: territorial organisations, platforms, forms of internal organisations other than the territorial ones, legal persons from Romania such as political parties, social organisations, cultural, scientific and professional associations – altogether about half a million persons. Also from the beginning, the Alliance invested much of its attention and energy to the development of the above-mentioned concept of *autonomy*.

It started in December 1989 from the general demands of a “restoration of the Hungarian autonomous towns, regions, and counties where the majority of the population is Hungarian”.<sup>37</sup> In October 1992, the subsequent radicalisation of the DAHR led to a declaration – issued in Cluj at a preparatory meeting to its third congress – that recognised Hungarians in Romania as an “equal partner of the Romanian nation”. As a consequence, the so-called Cluj declaration called for the implementation of a “communitarian autonomy” as necessary means to achieve the equality. However, besides referring to a long tradition of “ethnic and religious

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35 The Romani Magyar Demokrata Szövetség (RMDSZ) in Hungarian, or the Uniunea Democrată Maghiară din România (UDMR) in Romanian. Some English sources use another translation, namely: the Hungarian Democratic Federation of Romania (HDFR).

36 Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, pp. 23-24 and 28.

37 Quoted after George Schöpflin and Hugh Poulton: *Romania's Ethnic Hungarians...*, *op. cit.*, p. 20.

autonomy” in Transylvania, the declaration did not make it clear what a communitarian autonomy would mean in practice.<sup>38</sup>

One year later, the DAHR offered a long – three chapters and 63 articles – and quite sophisticated interpretation of its political programme in a juridical form and under the title “Law on National Minorities and Autonomous Communities”.<sup>39</sup> Its essence was constituted by understanding autonomy as a phenomenon that assumes various forms in relation to minority rights. First, this is “personal autonomy”, i.e. cultural autonomy of persons belonging to a national community. Next come “local self-government” and “regional autonomy” that are different from the concept of territorial autonomy. They should be exercised in those regions where a national minority constitutes the majority of the region’s population.<sup>40</sup>

By the natural course of events, the Romanian majority perceived the promotion of such goals and solutions to the interethnic relations in Romania as a challenge that could jeopardise the state unity, and accused the Hungarian minority of irredentism. Unfortunately, the difference of opinion was not limited to the intellectual debate. Quite contrary, almost from the beginning of post-Ceausescu period real clashes have been taking place. They started already in January 1990 when the decision made by the National Salvation Front concerning the Hungarian-language education, through the separation of Romanian and Hungarian schools, met opposition from the Romanian population and was soon withdrawn. Continued demands by Hungarians to create a bilingual educational system added to the mutual tensions and inspired mass demonstrations on both sides.

This in turn contributed to the atmosphere of mutual accusations and enmity that gave birth to the infamous events in the Transylvanian town of Târgu Mures. Ethnic Hungarians wanted to restore an old Hungarian high school there (Bolyai Lyceum) but met opposition from Vatra Româneasca, which was propagating the view that what actually lies behind the Hungarian demands is an attempt to disunite Transylvania from Romania. Being a militant organisation with allegedly close contacts with former Ceausescu’s secret police and local communist party

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38 Michael Shafir: ‘The HDFR Congress: Confrontations Postponed’. *RFE/RL Research Report*, Vol. 2, No. 9 (February 26<sup>th</sup> 1993), pp. 35-36.

39 See Appendix, Document 2.

40 Kinga Páll: *The Hungarian Concept...*, *op. cit.*, pp. 18-19 and *ff.*

representatives, Vatra Româneasca was apparently seeking to continue an old regime's policy of forced assimilation of the Hungarian minority.

In March 1990 supporters of Vatra Româneasca launched a physical attack against the headquarters of DAHR in Târgu Mures. The local authorities did not prevent an escalation of the violence and an outbreak of riots that soon turned into street battles. Some 15,000 Hungarians and several thousand Romanians supported by inhabitants of neighbouring Romanian villages took part in the bloody clashes that finally ended with the intervention of the Romanian Army. According to the first official figures, 6 people died and 294 were injured. Later these figures were lowered in order to relieve political tensions<sup>41</sup>; and currently the deaths among victims are sometimes even denied. Unofficial local figures were a bit higher – 8 dead and over 300 injured<sup>42</sup>, while an independent source – the nongovernmental organisation Helsinki Watch – avoided quoting any number.<sup>43</sup> Quite recently, during a conference attended by highest Romanian and ethnic Hungarian authorities (President, Prime Minister, Chairman of the DAHR) and, widely publicised, a representative of the Association for the Protection of Human Rights in Romania, the Helsinki Committee referred to five people that died and “hundreds” that were hurt.<sup>44</sup>

The Romanian government accused Hungary of contributing to the tension by, among other things, providing the Hungarian minority with maps and textbooks in which Transylvania was presented as Hungarian territory. The Hungarian President Matyas Szuros was blamed for his appeal to Hungarians in Romania a day before the riots in Târgu Mures began “to intensify their activity and to organise themselves in accordance with the idea that Transylvania is an ancient Hungarian land”.<sup>45</sup> Finally,

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41 Vladimir Socor: ‘Forces of Old Resurface in Romania: The Ethnic Clashes in Tirgu-Mures’. *Report on Eastern Europe*. Radio Free Europe, Vol. 1, No. 15 (April 13<sup>th</sup> 1990), p. 36.

42 *Ibidem*.

43 Helsinki Watch (1993). *Ethnic Hungarians in Post-Ceausescu Romania: Struggling for Ethnic Identity*. New York: Human Rights Watch, pp. 14-18.

44 Gabriel Andreescu: ‘Pages from the Romanian-Hungarian Reconciliation: 1989-1999. The Role of Civic Organizations’. In Lucian Nastasă and Levente Salat (eds.): *Interethnic Relations..., op. cit.*, p. 95.

45 Repeated after Michael Shafir: ‘The Romanian Authorities’ Reactions to the Violence in Tirgu-Mures’. *Report on Eastern Europe*. Radio Free Europe, Vol. 1, No. 15 (April 13<sup>th</sup> 1990), p. 44. In fact, this was a deliberate misquotation of the Romanian authorities, *ibidem*.

the Hungarian citizens who crossed the border to celebrate the anniversary of the 1848 revolution were showed as provocateurs of the events.

The role played by Vatra Româneasca turned attention also to other ultranationalist parties that appeared on the Romanian political scene. One of them was the Romanian National Unity Party (RNUP) whose leader, Georghe Funar, was elected major of Cluj in 1992 – and still holds this post. For all these years, he has gained notoriety for his eccentricities and anti-Hungarian obsession and rhetoric. According to him, for instance, in 1992 a paramilitary organisation existed among Hungarians who were trained somewhere in “diversionary activities”, and the Hungarian Army was poised to intervene.<sup>46</sup> Three years later he saw possible an armed conflict between Romanians and Hungarians, explaining that: “It is not that I want a conflict, but the irresponsible leaders of the UDMR are capable of giving a signal for one” and accused the Alliance of being “nothing more than the pawns of the Budapest government”.<sup>47</sup>

Another party, the România Mare (Greater Romania Party <sup>48</sup>), guided by a typical “conspiracy theory” denounced Hungary as the most dangerous historical enemy of Romania and ethnic minorities, and Hungarians in particular, as well as Jews and Gypsies, as a part of an anti-Romania plot.<sup>49</sup> In October 1991 the Greater Romania Party issued a threat of organised violence as a response to the Hungarian demand for a referendum on self-determination for the Szeklerhand – a Hungarian region in Romania. It was supported by the statement warning that any threat to the Romanian territorial integrity would be met by a Romanian invasion of Hungary.<sup>50</sup> However, one can say that extreme organisations only exploited social and political consent to nationalistic attitudes, especially in interethnic relations. The adoption in July 1990 of

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46 Repeated after Tom Gallagher: ‘Electoral Breakthrough for Romanian Nationalists’. *RFE/RL Research Report*, Vol. 1, No. 45 (November 13<sup>th</sup> 1992), p. 16.

47 Quoted after *Magyars (Hungarians) in Romania* [1999]. “Minorities at Risk” Project’s files at the Center for International Development and Conflict Management, University of Maryland. Available from Internet at <http://www.bsos.umd.edu/cidcm/mar/romhung.htm>. Last modified: 24.10.2001.

48 Sometimes translated as “Great” Romania Party; however, România Mare uses “Greater” on its homepage. Cf. on Internet at <http://www.romare.ro>.

49 Stephen R. Bowers: ‘Ethnic Politics in Eastern Europe’. *Conflict Studies*, No. 248, Research Institute for the Study of Conflict and Terrorism (February 1992), p. 13.

50 *Ibidem*, p. 23.

the 1<sup>st</sup> of December as the new national holiday – the date when Transylvania united with the Old Kingdom of Romania – has been just one of the examples.

On the other hand, political rhetoric in Hungary also mattered. One can mention, for instance, several statements of József Antáll. After being elected – in May 1990 – he stressed the responsibility of the Hungarian state for the fate of Hungarians living outside its borders.<sup>51</sup> In August he repeated that he was “in spirit” the Prime Minister of all 15 million Hungarians throughout the world.<sup>52</sup> Two years later at the international gathering of ethnic Hungarians, he promised the motherland’s support for Hungarians living abroad and said: “It is the constitutional duty of the Hungarian government to take responsibility for Hungarians beyond the border”.<sup>53</sup> Indeed, such political standpoint is written down in the Hungarian constitution that proclaims: “The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its borders and shall promote and foster their relations with Hungary” (Article 6, Para. 3).<sup>54</sup> Antáll’s Minister of Defence Lajos Fur made things even worse saying that the Hungarian parliament and government “should do everything in their power, using all legal and diplomatic means, to end the threat to the minorities and to guarantee their survival”.<sup>55</sup> Antáll himself followed this way of reasoning, characterising at the beginning of 1993 “the ‘aspirations to autonomy’ of Hungarians in Transylvania and other regions bordering his country as ‘fundamental’ and vowed to support them”.<sup>56</sup> It is nothing strange, thus, that in public opinion surveys more than a half of Romanians saw Hungary as “dangerous” for Romania, and almost half considered it as a potential aggressor.<sup>57</sup>

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51 Alfred Reisch: ‘Hungarian parties Seek to Reassure Romania on Border Issue’. *Report on Eastern Europe*. Radio Free Europe, Vol. 1, No. 24 (June 15<sup>th</sup> 1990), pp. 30, 31.

52 Edith Oltay: ‘Minority Rights Still an Issue in Hungarian-Romanian Relations’. *RFE/RL Research Report*, Vol. 1, No. 12 (March 20<sup>th</sup> 1992), p. 28.

53 Quoted after Stephen Iwan Griffiths: *Nationalism and Ethnic Conflict: Threats to European Security*. SIPRI Research Report No. 5. Oxford: Oxford University Press, 1993, p. 22.

54 *Hungary – Constitution*. [1997]. An unofficial translation by Kendall Logan. International Constitutional Law (ICL) project of Bayerische Julius-Maximilians-Universität Würzburg. Available from Internet at <http://www.uni-wuerzburg.de/law/hu00000.html>. Accessed: 31.12.2001.

55 Quoted after Edith Oltay: ‘Minority Rights...’, *op. cit.*, p. 28.

56 Repeated after Michael Shafir: ‘The HDFR Congress...’, *op. cit.*, p. 39.

57 Dan Ionescu and Alfred A. Reisch: ‘Still No Breakthrough in Romanian-Hungarian Relations’. *RFE/RL Research Report*, Vol. 2, No. 42 (October 22<sup>nd</sup> 1993), p. 29.

In the meantime, in August 1992, the article: “Setting the Record Straight” – an infamous “manifesto” written by István Csurka, a prominent member of the leading government party Hungarian Democratic Forum – was published. The manifesto warned against the manipulation of liberals and former communists of Jewish origin that threaten the Hungarian identity, claimed that the Yalta agreement would expire in 1995 and expressed belief that the next generation would create “a Hungarian living space”. The official reactions to Csurka’s tract were cautious and weak.<sup>58</sup> In this context, repeated Hungarian assurances concerning no intentions to use force in order to solve the problems of the minorities in Romania were perceived as non-satisfactory, and Romanian nationalists continued to suspect and consider Hungarians in Transylvania as a “fifth column” serving the interests of Hungary.

Generally, the year of 1992 abounded in bad news for the interethnic relations in Romania. No-one else but the director of the National Statistical Board of the Romania Vasile Ghetau almost invited a manipulation of the results of that year national census, writing that returns of the census – 7.1 per cent of people declaring Hungarian nationality vis-à-vis 89.4 per cent declaring Romanian – “proved beyond doubt that Romania was indeed a ‘unitary’ state”. He even saw no need to preserve questions concerning nationality in next censuses.<sup>59</sup> In September, just before the elections, the Romanian parliament adopted the new national emblem, which – according to the DAHR – was a replica of that of the Greater Romania.<sup>60</sup> The elections itself showed the strength of the ultranationalist forces. In the parliamentary contest, the Romanian National Unity Party got 7.7 per cent votes and 30 places in the 384-seat Chamber of Deputies, and the Greater Romania Party – 3.9 per cent and 16 places, while the DAHR won 7.5 per cent votes and 27 places. In Transylvania, the RNUP – apparently perceived as a defender by ethnic Romanians – emerged as a major force, winning seats in all but one of the electoral districts.

A year later nationalist parties obtained an exceptional chance to express their dissatisfaction with the performance of the Democratic Alliance of Hungarians in

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58 See Judith Pataki: ‘Istvan Csurka Tract: Summary and Reactions’. *RFL/RE Research Report*, Vol. 1, No. 40 (October 9<sup>th</sup> 1992), pp. 15-22.

59 Repeated after Michael Shafir: ‘Preliminary Results...’, *op. cit.*, p. 68.

60 Dan Ionescu: ‘Romania Adopts New State Symbols’. *RFE/RL Research Report*, Vol. 1, No. 43 (October 30<sup>th</sup> 1992), p. 50.

Romania. In the late August 1993 – about a week before the debate in the Council of Europe on Romania’s admission – the DAHR issued a memorandum to the Council, expressing the opinion that: “Romania will have not satisfied in substance the conditions for membership in the Council of Europe until the necessary changes in her legal system have been accomplished and until the functioning of her principle institutions is satisfactory.”<sup>61</sup> The memorandum met criticism from all sides, and the Greater Romania Party used this opportunity to characterise the DAHR as a “terrorist organisation” and “Trojan horse”, and stated that it should be outlawed.<sup>62</sup>

What content was included into the Hungarian memorandum that irritated Romanians to such extent? Namely, the DAHR formulated several objections concerning Romania’s legal and political system. It warned that extreme nationalism became the prime legitimising factor in the politics of that country, and that certain provisions of the constitution discriminate citizens that belong to national minorities, whose basic right to preserve and develop their identity is not guaranteed. The Alliance also demanded several changes in the Romanian law and political structure, among them the recognition of national minorities as state constituting factors and the creation of a national government body that would supervise the network of minority institutions under a minority leadership. Finally, in an appendix attached to the memorandum the DAHR indicated manifestations of “ethnic discrimination” in Romania.<sup>63</sup> Together with the draft of Law on National Minorities from November 1993, the memorandum crowned the first, quite dangerous period in the post-Ceausescu relations between Hungarian minority and Romanians.

Summing up the discussion on conflict potential in Romania at the beginning of the 1990s, one can point to the *inheritance* of a policy of ethnic homogenisation conducted by the Ceausescu regime in the 1980s. According to many, the hate campaign and forced assimilation of that time left long lasting traces in the social awareness and political behaviour of Transylvanian inhabitants.

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61 *Memorandum by the Democratic Alliance of Hungarians in Romania on Romania’s Admission to the Council of Europe* (26.08.1993). Available from Internet at [http://www.hhrf.org/rmdsz/memo1\\_1.htm](http://www.hhrf.org/rmdsz/memo1_1.htm). Last modified: 7.01.1999.

62 Dan Ionescu and Alfred A. Reisch: ‘Still No Breakthrough...’, *op. cit.*, p. 27.

63 *Memorandum...*, *op. cit.*; see also Appendix, Document 1.

The overthrow of Ceausescu brought hopes for changes also in interethnic relations. They were not fulfilled. Instead of tolerance and mutual respect, as for example envisaged in the Timisoara Declaration<sup>64</sup>, primitive *nationalism* became the driving force of politics.

Politicians from both sides were keen on making use of ethnic problems in their electoral campaigns. Anti-Hungarian attitudes spread across the Romanian party lines. The Hungarian minority created a significant and wide-ranging ethnic party. As a result, a rather *bi-polar* pattern dominated the political scene, entailing all disadvantages of seeking for relative gains.

Both sides manifested tendencies to extreme attitudes. Hungarians developed a far reaching concept of autonomy and collective rights that provoked a Romanian psychosis of danger and an accusation of irredentism. Romanians stuck to the conception of unitary state that caused the *frustration* of the Hungarian minority.

The “mother country” of the minority, Hungary, contributed to the tensions by stressing its responsibility for Hungarians living abroad. This, in turn, reinforced popular stereotypes that caused Romanians to perceive the Hungarian policy as interference in their domestic affairs and as a *threat* to the Romanian territorial integrity.

Briefly speaking, the tensions over the Hungarian minority in Romania could result in serious public violence, regional political and economic destabilisation, perhaps even military struggle, and a possible breakdown of the newly formed ties between the East and the West. As a consequence, the so-called new European security architecture could be weakened and plans of development of the European integration processes and the opening Western institutions to the East delayed. However, this has not happened.

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64 “Together with the Romanians, Hungarians, Germans, Serbs, and members of other ethnic groups that for centuries peacefully and as good neighbors shared our city sacrificed their lives for the victory of the revolution. Timisoara is a European city whose nationalities have refused and are still refusing to accept nationalism. We invite all the country's chauvinists – whether Romanian, Hungarian, or German – to come to Timisoara and take a course in tolerance and mutual respect, the only principles that will rule in the future European house.” *The Timisoara Declaration*, March 11, 1990. *Report on Eastern Europe*. Radio Free Europe, Vol. 1, No. 14 (April 6<sup>th</sup> 1990), p. 42.

## **2 Lessons for Conflict Prevention**

### **2.1 Summary of the Records**

On the 28<sup>th</sup> of September 1993 the Council of Europe admitted Romania as a full member, although under several conditions related to minority rights that had to be reflected in changes in Romania's political and judicial systems and by signing appropriate documents worked out by the Council, including the Recommendation 1201 of the Parliamentary Assembly that described substantive rights of persons belonging to national minorities, including learning and using their mother tongue and the possibility of local or autonomous authorities. What is more, to examine the Romanian compliance with the Council's conditions, a mechanism of control was to be established. The next day, the DAHR welcomed Romania's admission on the assumption that the membership in the Council of Europe would work against Romanian nationalist forces and for the meeting of long-standing demands of the ethnic Hungarians by the Romanian state.<sup>65</sup>

Despite the fact that the binding character of the Recommendation was questioned by Romanian politicians several times<sup>66</sup>, Romania did not hesitate to immediately sign another document of the Council of Europe, the Framework Convention for the Protection of National Minorities – namely, on the very first day it was opened for signatures, that is on the 1<sup>st</sup> of February 1995, and ratified it in May that year. On the same day, in February, an Associated Agreement between Romania and the European Union came into force. The Agreement mentioned the minority issue only marginally, but located it in the necessary transformation context, recognising “the need to continue and complete, with the assistance of the Community, Romania's transition towards a new political and economic system which respects the rule of law and human rights, including the rights of persons belonging to minorities, operates a multi-party system with free and democratic elections, and

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65 Dan Ionescu and Alfred A. Reisch: ‘Still No Breakthrough...’, *op. cit.*, p. 32.

66 See Kinga Páll: *The Hungarian Concept...*, *op. cit.*, pp. 37-38

provides for economic liberalisation in order to establish a market economy”.<sup>67</sup> Next, in less than five months Romania presented an application to join the EU.

On the 16<sup>th</sup> of September 1996, a bilateral treaty between Romania and Hungary was finally concluded. Romania eventually agreed on referring to an internationally recognised provision for the protection of minorities (a Document of the CSCE Copenhagen Meeting, 1990; the Declaration of the UN of the Rights of Persons Belonging to Minorities, 1992; the Recommendation 1201 of the Council of Europe mentioned earlier) and the enumeration of the rules that were to guide both countries’ policy towards their ethnic minorities, but at the same time asked for an inclusion of the reservation that none of the above mentioned obligations could violate the principle of the territorial integrity of states.<sup>68</sup> The latter apparently meant the warning of no intention of the Romanian state to grant any form of territorial autonomy to the Hungarian minority, but the nationalistic forces remained highly unsatisfied. Despite the efforts of the deputies of the Romanian National Unity Party, Romania ratified the treaty after a couple of weeks.

The Parliamentary elections held at the beginning of November 1996 initiated a new period in the relations between ethnic Hungarians and their political representation – the Democratic Alliance of Hungarians in Romania – on one side, and Romanians and the Romanian government on the other. The DAHR entered the elections not as a party but as a minority alliance. The move was dictated by a law that required the registration as a party prior to the elections – something that was beyond the DAHR abilities taking into account the demands put forward by Romanian nationalist parties to bar the DAHR from the elections on a charge of not recognising Romania’s constitution and violating Romanian laws by repeated calls for autonomy.

The results of the general elections appeared to be quite successful for the Alliance, which obtained the fourth place, having received 6.8 per cent of votes, that is 11 seats in the Senate, and 6.6 per cent – 25 seats – in the Chamber of Deputies. Its main adversaries, that is the Romanian National Unity Party and the Greater Romania Party, got respectively 4.4 and 4.5 per cent – 18 and 19 seats in the Chamber of

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67 *EUR-Lex: Community legislation in force – Document 294A1231(20)* [Associated Agreement between Romania and the European Union]. Available from Internet at [http://europa.eu.int/eur-lex/en/lif/dat/1994/en\\_294A1231\\_20.html](http://europa.eu.int/eur-lex/en/lif/dat/1994/en_294A1231_20.html). Last modified: 14.11.2001.

68 See Appendix, Document 3.

Deputies. The convincing victory of the democratic opposition – 30.2 per cent votes for the Democratic Convention of Romania in the lower Chamber and 12.9 per cent for the Social Democratic Union (the Democratic National Salvation Front/PDSR received 21.5 per cent of votes) – created political space for a solution hardly expected before: opening the government coalition for the DAHR. As a result, representatives of the Alliance were included into the governmental structures on both central and local levels. Among them were: 2 DAHR ministers in the government, 10 secretaries of state, 2 prefects and 8 deputy prefects.<sup>69</sup>

The real reasons for such move – a rather unique experiment in East-Central Europe consisting in the inclusion of an ethnic organisation, in fact an ethnic party, into the governmental structures – were both realistic and pragmatic. The DAHR allies wanted to improve the image of the Romanian government abroad and believed that by participating in the government, the DAHR would be politically appeased. On the other hand, the leadership of the DAHR counted on more chances to influence the government politics with respect to minority issues and hoped for a gradual approach towards its own goals, and declared no intention to change its program.<sup>70</sup>

The appropriate documents adopted by the Fifth Congress of the DAHR, held in October 1997 – the first congress after the 1996 elections –, contained quite balanced formulas.<sup>71</sup> The Alliance stressed the ethnic Hungarian awareness of the Romanian citizenship but labelled the Hungarian minority as “an autonomous” or “national community” and claimed that the realisation of the minority interests would be beneficial also for all citizens of Romania. Repeating its call for granting the Hungarians different forms of autonomy – including the territorial one – the DAHR assured that it meant an institutional and legal system based on the rule of law and the principle of subsidiarity.

In fact, such an institutional framework – consisting of both governmental and non-governmental structures – was just being established. The Department for the

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69 According to the statement of one of the DAHR’s deputies, the Alliance was offered even three ministerial posts during the coalition-forming talks but later received only two. See *Magyars (Hungarians) in Romania...*, *op. cit.* Initially the DAHR got the departments for minorities and tourism, in 1998 lost the latter but received the department for health; anyhow, both posts were of rather minor character.

70 *Magyars (Hungarians) in Romania...*, *op. cit.*

71 See Appendix, Document 4.

Protection of National Minorities, created in 1997 and headed by a representative of the Alliance – under the title of “Minister mandated to the Prime Minister for National Minorities, and with the status of a cabinet member”<sup>72</sup> – has been one of the crucial components. It had to meet the DAHR’s wish to win a governmental policy instrument subordinated (only) to the Prime Minister and the governing coalition desire to ameliorate Romania’s international image. The responsibilities of the department consisted in, among other things, monitoring the problems of persons belonging to ethnic minorities, maintaining contacts with minority groups, submitting proposals for draft legislation and administrative measures, and investigating complaints.

Another component was set up in 1998 in the form of the Interministerial Committee for National Minorities. It was led by the Minister for National Minorities and comprised secretaries of state or general directors from the ministries that had ties with the minorities. (However, according to a representative of the Romanian National Office for the Roma, its establishment was imposed by a PHARE program aimed at Roma communities.<sup>73</sup>) The third component, and the one with the longer history, was constituted by the Council for National Minorities: already renamed Council of National Minorities since 1993 – the DAHR left the latter after a couple of months accusing it of not addressing the Hungarian minority complaints. The Council gathered representatives of 17 national minorities in Romania as well as representatives of several departments dealing with minority issues.

Simultaneously to the development of the institutional structure, relevant areas of law were modernised. In 1997 the Romanian government issued two emergency ordinances: the first concerned the modification of the Law on public administration, the second, the modification of the Law on education. The former legalised the use of minorities’ language in the administration and required bilingual signs in the regions where minorities constituted more than 20 per cent of the population. The latter made possible instructions in mother tongue at all levels and types of education. However, both ordinances encountered difficulties in the Parliament. The one related to the public administration was turned into an ordinary bill, but still appeared so

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72 Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, p. 45.

73 Dan Oprescu: ‘Public Policies on National Minorities in Romania (1996-1998)’. In: Lucian Nastasă and Levente Salat (eds.): *Interethnic Relations...*, *op. cit.*, p. 79.

controversial for Romanian deputies that finally – three years after the adoption – it was declared unconstitutional and abolished.<sup>74</sup> The other provoked a permanent debate that lasted two years before the production of the new Education Law in 1999 that allowed technical and vocational education in Hungarian, the establishment of groups, departments, colleges and faculties using minority languages, the creation of multicultural universities, admission and graduation examinations in the language in which those subjects were taught, and the running private schools by Hungarian churches.<sup>75</sup>

The positive evolution of the relations between the Hungarian minority and the Romanian state and the progress in democratisation, improvement of the law and implementation of human rights in Romania in general was noticed by the Council of Europe. In 1997 the Council decided to cease its monitoring procedures. The resolution adopted by the Parliamentary Assembly on April 24<sup>th</sup> 1997 admitted that “Romania has made considerable progress towards the fulfilment of her obligations and commitments since joining the Council of Europe”. In particular, the Assembly took note of “the Romanian authorities’ resolve to further the rights of national minorities and especially to amend the 1995 Education Act”.<sup>76</sup>

The relative “détente” between ethnic Hungarians and the Romanian majority that began with the inclusion of the DAHR into the government coalition and had its peak in 1997 seemed to weaken then. The Alliance threatened its partners with leaving the coalition because of delay in passing amendments to the education law (December 1997 and September/October 1998). Former president Ion Iliescu accused the DAHR of separatist plans (“Transylvania Proclamation”, June 1998). Pastor Tökés attempted to push the Alliance in a more radical direction and called for actions aimed to achieve the goals of the Hungarian minority as they were formulated in the

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74 Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, p. 43.

75 As above, pp. 40-41; Catherine Lovatt: ‘Romania in 1999’. *Central Europe Review*, Vol. 1, No. 25, 13 December 1999. Online journal, available at <http://www.ce-review.org/99/25/lovatt25.html>.

76 *Resolution 1123 (1997) on the honouring of obligations and commitments by Romania*. Council of Europe. Parliamentary Assembly. Available from Internet at <http://stars.coe.fr/ta/ta97/eres1123.htm>. Last modified: 16.02.2000. The resolution was reinforced on the 27<sup>th</sup> of May 1998. See also the report submitted by Romania in 1999 on the legislative and other measures taken to give effect to the principles set out in the Framework Convention for the Protection of National Minorities, Appendix, Document 5.

beginning of the 1990s (September 1998). On its side, the DAHR asked for a roundtable between Romanian and Hungarians (May 1999).

On August 31<sup>st</sup> 2000 the Government passed an emergency ordinance on “Preventing and Punishing all Forms of Discrimination” that forbade discrimination based on a number of factors and introduced the ability to sue for discrimination.

The whole year of 2000 brought significant changes on the Romanian political map. First, already on the 4<sup>th</sup> of June, the local elections took place. The results appeared successful for the Social Democracy Party (SDP) of Ion Iliescu, which obtained about 70% of all mayoralties, local counsellor and county councillor posts. The parties of the ruling coalition were left behind. The DAHR kept in principle its position, receiving 7.3 per cent of votes, which meant 148 (5.1 per cent) of mayoral offices and more than 2.5 thousand of counsellors on various levels. Next, on November 26<sup>th</sup>, after the electoral campaign with several nationalistic threads, the general elections were held. The SDP – the former opposition – took again a lead with the results of 36.6 per cent of votes – that is, 155 seats – in the lower Chamber. However, the party that could declare the real victory was the Greater Romania Party with 19.5 per cent and 84 seats – almost five times more than in the previous elections. The DAHR gathered 6.8 per cent – even 0.2 per cent more than four years earlier – and 27 seats (plus 12 seats in the Senate), but in the new circumstances lost its participation in the government, formed by the winning party alone despite earlier talks with the DAHR about a possible alliance. Finally, after the two rounds, on November 26<sup>th</sup> and December 10<sup>th</sup>, Ion Iliescu – Romanian president in 1989-1996 – gained the presidential post again, having competed with Corneliu Vadim Tudor, the infamous leader of the Greater Romania Party, known for his ultranationalist excesses.

The new government did not formulate a coherent pro-minority policy. Instead, several moves showed its tendency to lower the significance of minority issues in Romania. The Department for the Protection of National Minorities has been subordinated to the Ministry of Public Information; thus, its head lost the possibility to participate in the government sessions. Nor the internal structure of the Ministry did favour ethnic Hungarians since, among its five top officials (besides the minister), there were three secretaries of state dealing with specific issues, and two under-secretaries, one Romanian and one Hungarian, responsible for the Department for

Interethnic Relations. In addition, in the local administration, the DAHR only obtained posts of deputy-prefects.

Thus, what is the current situation in Romania? Is it rather calm and Romania fits in the President Clinton's description of a nation that "is building democracy and respecting the rights of its ethnic minorities"<sup>77</sup>? Or is this nation going to follow Chairman Tudor's call: "Within 48 hours we will liquidate the Mafia which is choking Romania! (...) Within 48 hours we will ban and dismantle the DAHR"<sup>78</sup> and give him even more support?

It is true that the political strategy of the Greater Romania Party refers to the sense of wrong and conflict perception present among the Romanian society. Alina Mungiu Pippidi quotes a pool from 1997 – a year that brought significant improvements in Romanian-Hungarian relations – which showed that 45 per cent of Romanians, as well as 75 per cent of Hungarians, think that a conflict exists between them. This does not necessary mean that violence is engaged. As Mungiu Pippidi explains: "Ordinary people feel that you can have a conflict without violence".<sup>79</sup> One could add: ...and fear that it could escalate – even if threats are rather of rhetorical nature. Examples are numerous, like the one of May 1999 when a DAHR' statement about more and more frequent attacks against Hungarians was followed by a Greater Romania Party warning that if the DAHR brings autonomy to some Transylvanian counties, the next day Hungarians will have electricity, water and air (!) cut off.<sup>80</sup>

Several gaps still present in the Romanian law and relinquishments in implementing international obligations also play today a role in shaping ethnic relations in that country. One of the recent reports indicates documents, whose practical implementation is fully or partially questioned (the 1996 Treaty between Romania and Hungary, and the Council of Europe's Convention for the Protection of National Minorities), and underlines that Romania has not ratified the European

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77 Quoted after James Rosapepe: 'Interethnic Relations in Romania'. In: Lucian Nastasã and Levente Salat (eds.): *Interethnic Relations...*, *op. cit.*, p. 20.

78 Quoted after Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, p. 14.

79 Alina Mungiu Pippidi: *Subjective Transylvania...*, *op. cit.*

80 *Magyars (Hungarians) in Romania...*, *op. cit.*

Charter of Regional and Minority Languages (Council of Europe, 1992) yet.<sup>81</sup> What is more, there is no special language law in Romania, nor exists there a general law on minorities. The applicability of the Law on Local Public Administration, especially in connection with the status of local authorities and the organisation of local institutions, is still object of parliamentary debates and differentiated interpretations in practice. The Law on Education has been successfully amended but some detailed issues remain unsolved. On the top of the list is the desire of ethnic Hungarians to re-establish a separate Hungarian university, financed by the state, in order to educate their own intelligentsia. As confirmed by surveys, two-third of Hungarians consider the issue as important,<sup>82</sup> so the DAHR consistently demands such a solution, with no success so far.<sup>83</sup> Besides, the application of these two laws meets difficulties on the local level.

Rarely analysed in the context of ethnic relations but permanently essential are economic factors. Romania was among Europe's poorest countries already before the 1989 changes. The GNP sharply dropped – about 1/3 over the following four years, and real wages were cut down to about 60 per cent of the 1989 level.<sup>84</sup> In 1998 and 1999 Romania noted negative annual GDP growth, -4.8 per cent and -2.3 per cent, respectively. This tendency was reversed only in 2000 when the GDP growth reached 1.6 per cent. Between 1990 and 2000 all important sectors of the Romanian economy – agriculture, industry, services – experienced negative growth. The most recent estimate (latest year available, 1994-2000) indicates that 41 per cent of population lives below the national poverty line.<sup>85</sup>

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81 Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, p. 45.

82 As above, p. 48.

83 On Hungarian efforts to re-create the Babes Bolyai University in Cluj Napoca / Kolosvar see Catherine Lovatt: 'A Hungarian University in Transylvania'. *Central Europe Review*, Vol. 1, No. 20, November 8<sup>th</sup> 1999. Online journal, available at <http://www.ce-review.org/99/20/lovatt20.html>.

84 Tom Gallagher: 'Romania: Nationalism Defines Democracy'. In: Wojciech Kostecki, Katarzyna Żukrowska and Bogdan J. Góralczyk: *Transformations of Post-Communist States*. Houndmills: Macmillan, New York: St. Martin's, 2000, p. 191.

85 All data from: The World Bank Group: *World Development Indicators database, July 2000*. Pages: Romania Data Profile and Romania at a Glance. Available from Internet at <http://devdata.worldbank.org/external/dgprofile.asp?rmdk=82513&w=o&L=E> (the former) and [http://www.worldbank.org/data/countrydata/aag/rom\\_aag.pdf](http://www.worldbank.org/data/countrydata/aag/rom_aag.pdf) (the latter). Accessed: 31.12.2001.

Economic and social hardships certainly contribute to political extremism also on the Hungarian side. Currently, it finds expression particularly in various aspects of the self-government program for the Hungarian minority. Looking for an example of the most radical manifestations, one could mention a letter, sent to president Clinton by a group of DAHR activists about a month after his pro-Romanian statement mentioned earlier – that is still during the DAHR’s presence in the ruling coalition. They claimed that ethnic cleansing was taking place in that country and asked for the US president’s support in obtaining autonomy and an own government.<sup>86</sup> At the end of 2001, over 60 per cent of the ethnic Hungarians complain of insufficient rights; however, more than a half – exactly 51 per cent – describe Romanian-Hungarian relations within the country as co-operative and 44 per cent perceive an improvement in these relations in comparison to 1989.<sup>87</sup> While the latter numbers probably stem from the acceptance of changes in domestic legislation, the former follow the goals not achieved yet: an administrative decentralisation of the country in favour of different forms of autonomy for the Hungarian minority, and the development of an independent educational system, including the university level.<sup>88</sup>

After some disturbances in the relations between Romania and Hungary in 1998-1999 related to political changes in the latter and the electoral victory of Fidesz-MPP (Fiatal Demokraták Szövetsége – Alliance of Young Democrats, and Magyar Polgári Párt – Civic Party) led by Viktor Orbán and his calls for self-government for the Hungarian minorities abroad, the Romanian-Hungarian interstate co-operation seems to be stable now. In the most recent document under the long title: “Memorandum of Understanding between the Government of the Republic of Hungary and the Government of Romania concerning the Law on Hungarians Living in Neighbouring Countries and issues of bilateral co-operation” signed on December 22<sup>nd</sup> 2001 in Budapest, Hungary expressed its support for the Romanian decision to become a member of NATO and committed itself to not granting any kind of support

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86 *Magyars (Hungarians) in Romania...*, *op. cit.*

87 ‘...While Interethnic Relations Still Strained in Romania’. *RFE/RL Newslines*, Vol. 5, No. 235, Part II (December 13<sup>th</sup> 2001). Available from Internet at <http://www.rferl.org/newslines/2001/12/131201.asp>.

88 *Cf.* Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, p. 26.

to the Hungarian political organisations of Romania unless previously informing the Romanian authorities and obtaining their consent.

The issue of the Hungarian minority in Romania is in fact not on the international agenda any more. Already in 1998 the US Department of State noticed in its Country Reports on Human Rights Practices: “There was no violence in 1997 associated with ethnic Hungarian issues, despite the vitriolic response of nationalist politicians to the opening of a Hungarian consulate in the Transylvanian city of Cluj in July. Many of the issues addressed in the Romanian-Hungarian Treaty of 1996 were implemented.”<sup>89</sup> The issue released in 2001 limits itself to literally few words about the responsibilities of the Department for the Protection of National Minorities, the progress in Romanian-Hungarian relations and the changes in the education law.<sup>90</sup> Even more modest is the International Helsinki Federation for Human Rights. In its report for 2000, in the section “Protection of Ethnic Minorities” it mentions only the Ordinance on Preventing and Punishing Every Form of Discrimination and changes of the status of the Department for the Protection of National Minorities.<sup>91</sup> The Human Rights Watch World Report 2001 pays no attention to the ethnic issue in Romania at all.<sup>92</sup>

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89 U.S. Department of State (1998): *Romania Country Report on Human Rights Practices for 1997*. Released by the Bureau of Democracy, Human Rights, and Labor, January 30<sup>th</sup> 1998. Available from Internet at [http://www.state.gov/www/global/human\\_rights/1997\\_hrp\\_report/romania.html](http://www.state.gov/www/global/human_rights/1997_hrp_report/romania.html). Last modified: 10.10.2001.

90 U.S. Department of State (2001): *Romania. Country Report on Human Rights Practices – 2000*. Released by the Bureau of Democracy, Human Rights, and Labor, February 23<sup>rd</sup> 2001. Available from Internet at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/881.htm>. Last modified: 21.01.2002.

91 International Helsinki Federation for Human Rights: *Human Rights in the OSCE Region: The Balkans, the Caucasus, Europe, Central Asia and North America. Report 2001*. Available from Internet at <http://www.ihf-hr.org/reports/aro1/Country%20issues/Countries/Romania.pdf>, p. 256.

92 Human Rights Watch: *Human Rights Watch World Report 2001. Romania. Human Rights Development*. Available from Internet at <http://www.hrw.org/wr2k1/europe/romania.html>. Accessed 31.12.2001.

## 2.2 Five Practical Lessons

The Hungarian minority in Romania is distinguishable by a strong cultural homogeneity and a high level of political organisation provided by the Democratic Alliance of Hungarians in Romania – DAHR. The Alliance’s politics of survival, as it is sometimes called, have had two priorities for a long time. The first is to ensure that Romania complies with international standards of human rights to the Hungarian minority advantage. A special place in this field is occupied by the long discussed concept of autonomy. One of its manifestations is the permanent campaign for an effective – that is, among other things, properly funded – local self-government. The second priority has been a struggle for the native language and education, since measures taken by the Romanian government to limit their use make the preservation of the Hungarian identity more difficult. The doctrinal background for the activity of the Hungarian minority in Romania contains the idea of “partner-nations” or “parallel societies” and grants Hungarians the status of political subject. However, the full implementation of the idea – leading to real power sharing at the local level – would demand a certain loss of national sovereignty and of citizens’ loyalty toward the common state.<sup>93</sup>

Generally speaking, three main factors have contributed to keep tensions related to the Hungarian minority in Romania on a non-violent level. The first arose from changes in the approach by the Romanian government that constituted a “side” effect of the Romanian drive for the membership in NATO and the European Union. It also played a role a parallel change in the approach of the Hungarian government that turned to co-operation with its Romanian counterpart and support for its efforts to enter European structures, considered as moves that facilitate improvements in Romanian ethnic policy. The second factor stemmed from changes in the position of the Hungarians in Romania. The reformers that appeared among their political representatives pushed for a more co-operative approach on the assumption that only a broad framework of democratic transformations in Romania could create the opportunity to meet the demands of its ethnic Hungarian minority. And exactly the

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93 See Robert Aspeslagh: *Catch22: Strained Relations between Romania and Its Hungarian Minority*. Paper for the 16th Conference of the International Peace Research Association, 8–12 July [1996, Brisbane, Australia], Commission on Eastern Europe.

constant transformation processes in Romania – especially in the domain of politics and civil society building – formed the third factor. If one adds some remarks based on both optimistic and pessimistic interpretations of what have occurred, the five practical lessons for ethnic conflict prevention will appear.

And so, the first is an *optimistic lesson*. It is that the alarms of the early 1990s were to a certain extent simply false. The reason is that they focused on factors pushing toward ethnic tensions and violence, and underestimated factors that facilitate lowering tensions and establishing peaceful relations – what should be exactly the “core” of conflict prevention. The same goes for political observers and journalists. They paid most of their attention to spectacular events rather than to everyday life. Several manifestations of ethnic hatred and the nationalisation of politics have had in fact a substitute function because in Romania – as in all post-communist states – no institutionalised mechanisms for expressing dissatisfaction were available. The Hungarian minority, thanks to the DAHR, was well organised from the beginning and capable to give voice to its needs and aspirations loudly, also on the international forum.

On the other side, Romanian leaders exploited ethnic issues striving for public support. This was, in particular, the case of the National Salvation Front, which in 1990 – facing the coming elections – decided to play a “national” card and refrained from condemning the violence in Târgu Mures unequivocally. Vatra Româneasca even clearly gained on popularity because of its involvement in the events. Furthermore, the beginning of 1990 was an election time also in Hungary; thus, Hungarian politicians publicised them for the domestic goals as well. The manipulative to some extent treatment of minority issues and the subsequent use of nationalistic rhetoric was clearly visible also at the Romanian parliament where actual results of voting were not necessary consistent with verbal ornamentation of speeches.

As far as the latter issue is concerned, one could even talk about a peculiar “emotional” nationalism among Romanians, who needed a kind of traumatic reaction after dozens of years of communist regime but did not absorb nationalistic postures too deeply. It was shown, for instance, by the course of events in Târgu Mures again, where two years later an ethnic Hungarian was elected mayor.<sup>94</sup> After another couple

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<sup>94</sup> Michael Shafir: ‘Transylvanian Shadows, Transylvanian Lights’. *RFE/RL Research Report*, Vol. 1, No. 26 (June 26<sup>th</sup> 1992), p. 33.

of years, 44 per cent of Romanians held “favourable” attitude towards the Hungarian minority and only 10 per cent expressed “very unfavourable” feelings (countrywide).<sup>95</sup> In the same year the above mentioned data were published, the DAHR tried to mobilise the Hungarian minority against the Educational Law calling for a referendum on the boycott of schools and for a hunger strike but failed,<sup>96</sup> proving that mass interest in conflict behaviour was not as big as some expected.

Moreover, it could be argued that part of the prognoses from early 1990s had so-called self-constraining features. This means that the very fact of their appearance led to a mobilisation of forces – both in the international community alarmed by the possibility of an escalation of conflict, and in the domestic sphere usually benefiting from internal stability – acting against the expected effects and succeeding in making the prognosis invalid.

The next insight could be called *realistic lesson one*. It points to the specific magnetism of international institutions, and to the international human rights order as factors that restrain ethnic conflict. It also turns attention to openness and a co-operative approach to foreign countries and not to nationalism as a conceptual base for the development of a modern state. This lesson has the following dimensions.

First of all, no East-Central European country can be admitted to West European institutions as long as it is engaged in any conflict with its neighbour or with its ethnic minority. In other words, the achievement of the highest priority of these countries’ policies – to integrate with or at least to move as close to NATO and the European Union as possible – has been linked to their domestic situation. Both organisations became greatly significant in influencing interethnic relations in Romania since 1996, when new, liberally oriented, political parties came to power. The parties understood that the only road leading to the Euro-Atlantic structures consisted in fulfilment of all the conditions set by NATO and the EU. When they made the Euro-Atlantic option their priority, in order to apply for the membership they had to solve the problems of the ethnic Hungarians that also provoked controversies with Hungary. The easiest way to deal with it was to invite the political organisation of the ethnic Hungarians in

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95 Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, p. 30.

96 Alina Mungiu Pippidi: *Subjective Transylvania...*, *op. cit.*

Romania, the DAHR, into the government, thus securing a more stable and predictable domestic environment.

One could add that East-Central European countries are so eager to meet the Western expectations that they behave in a way that fits into the theoretical concept of: “anticipatory adaptation politics”. Sophisticated considerations in this respect are directly confirmed by empirical studies. One of them, based on research conducted already in mid-1990s, contains the following passage: “...since 1989, Romania’s leaders have shaped their domestic political agendas and undertakings with an almost constant eye on how the West will perceive and judge their actions. Romanian leaders want the approval of Western governments, both for psychological reasons relating to the ardent desire of many Romanians for their country to be accepted as a full-fledged member of ‘the West’, and for the tangible security and economic benefits that good relations with the United States and Western Europe can bring.”<sup>97</sup>

Next, an entire “umbrella” of international legal norms as well as political principles has been established and if applied, it can help to protect ethnic minorities. These norms and principles are included in dozens of documents adopted by the United Nations, the Council of Europe and the CSCE/OSCE. Among them are: the United Nations’ Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, the European Convention of Human Rights, the European Charter for Local Self-Governments, the European Charter for Regional and Minority Languages, the Helsinki Final Act, the Charter of Paris and several more recommendations and documents. Consequently, ethnic conflict prevention should be based on strategies that are general and far-reaching, support quite revolutionary changes and include a long-term vision.

Last but not least, there were also significant changes in the approach of Hungary to its minorities abroad. The relevant Hungarian policy has been subordinated to the goals of the Euro-Atlantic integration as well, what meant, among other things, hesitation in the support for the autonomy aspirations of the Hungarian minority in Romania. An evidence of such hesitation is provided by, for example, document under

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97 Thomas Carothers: *Assessing Democracy Assistance: The Case of Romania*. Washington: Carnegie Endowment for International Peace, 1996, pp. 90-91.

the title “Government Programme for a Civic Hungary on the Eve of a New Millennium”, published on the homepage of the Government Office for Hungarian Minorities Abroad. It confirms traditionally that: “If these organisations [Hungarian communities abroad – WK] wish to express their democratic political intention and preserve their identity in the form of community autonomy, it is the duty of any and all Hungarian governments to support them in their efforts.” However, a few lines above, it proposes a new, quite fashionable formula: “The Government’s policy on ethnic Hungarian minorities in neighbouring countries aims to build and develop political, cultural, and economic ties between Hungary and Hungarian communities abroad as part of *the general process of European unification*” [italics – WK].<sup>98</sup> Also the Hungarian evaluation of the 1996-2000 period in Romania is twofold.<sup>99</sup> The Hungarian government enumerated several goals that have not been achieved, but at the same time expressed the opinion that four years of the DAHR’s participation in power wielding: “can determine for a long time the direction and opportunities of the political activities and interest assertion of the Hungarians in Transylvania”.<sup>100</sup>

The third is the *pragmatic lesson* stemming from the experience of moderation in both the majority attitudes and minority demands, as well as the processes of identity development.

As far as the moderation of the majority attitudes in Romania is concerned, one should point, first, to limitations of the potential influences of the “assimilationist” or “xenophobic” nationalists – as Alina Mungiu Pippidi labelled them. The Romanian society – at least until the 2000 elections – never gave them enough support to make possible the realisation of their vision of a uniform Romania. They did have opportunities to voice their views, but as Mungiu Pippidi noticed: “the ‘assimilationism’ of this group also characterised more the rhetoric than the actual policy”.<sup>101</sup> Second, the Romanian government, especially in the 1996-2000 period, did not totally reject the Hungarian minority demands, nor was able to completely settle

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98 Government Office for Hungarian Minorities Abroad (2001): *Government Programme for a Civic Hungary on the Eve of a New Millennium*. Revised: 26/04/01. Available from Internet at <http://www.htmh.hu/govprog.htm>. Last modified: 5.11.2001.

99 See Appendix, Document 6.

100 Government Office for Hungarian Minorities Abroad (2001): *The Situation of Hungarians in Romania* [2001]..., *op. cit.*

101 Alina Mungiu Pippidi: *Subjective Transylvania...*, *op. cit.*

the minority question. Instead, it adopted a “small-steps” policy that facilitated successive progress in solving minority problems.

The moderation of the minority demands starts when the followers of an evolutionary and conciliatory approach prevailed over the supporters of the idea of collective rights and territorial autonomy based on ethnicity. In the case of the Democratic Alliance of Hungarians in Romania, the latter group has been called “radicals” or “nationalists” and accused of separationist tendencies. The former group, called “liberals”, “minimalists” or directly “moderates”, favoured the DAHR’s participation in the central government as a remedy for the Hungarian ailments, trusted the power of the legal provisions produced by international institutions and intended to move the minority business forward using instruments of democratisation and human rights. Consequently, the phrasing of DAHR’ documents and statements has changed. The postulate of “territorial autonomy” for Hungarians was replaced by the concept of regional devolution and general decentralisation of the Romanian state administration, the time-table for achieving minority goals was lengthened, and the political agenda was adjusted in accordance with the current circumstances. The focus of the autonomy debate in general – so irritating for the Romanian counterpart – was switched from “self-determination” that requires political transformations to “cultural autonomy” achievable through amendments to general laws.

The question of identity development refers to the attractive hypothesis that by forming separate identity feelings among people in a given region, one could get rid of premises for conflict between them. In connection to the Hungarian minority living in Transylvania, it would mean that there is not violent conflict because members of all ethnic groups share a common, exactly: “Transylvanian” identity. The verification of such an hypothesis is one of the major threads of the “Subjective Transylvania” elaboration by Alina Mungiu Pippidi.<sup>102</sup> She tracks modern ideas of “Transilvanism” back to the beginning of the 1990s and bases her work on extensive empirical studies. The results are interesting, indeed, and could be read as a confirmation of the theory explaining the “relative peace” between ethnic minorities in Transylvania by the development of an “in-group” that has “more common than distinctive features”.<sup>103</sup>

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<sup>102</sup> See as above.

<sup>103</sup> As presented by Catherine Lovatt, see: ‘Romania’s Partial Progress...’, *op. cit.*, and by the same author: ‘Tolerant Transylvania: Why Transylvania will not become another Kosovo’. *Central*

Mungiu Pippidi's work is based on the assumption of identity, and not freedom, as the most basic need of the inhabitants of post-communist countries. The authors of another comprehensive material, "Hungarians of Romania", refer to the "clash-of-civilisation" theory that separates Transylvania from other parts of Romania. They quote an article by Gusztáv Molnár and point at him as an initiator of "the most important debate of [Transylvanian] identity".<sup>104</sup> Anyhow, as the 2000 Ethnobarometer survey shows, the issue is probably not unambiguous. In this research, only 18.6 per cent of all Transylvanians that were asked identified themselves in regional terms. More than half of the Hungarians living there – 53 per cent – chose the "Hungarian in Transylvania" identity and about one third subscribed to the official formula "Hungarian in Romania" or "Hungarian of Romanian citizenship".<sup>105</sup>

The *realistic lesson two* is related to the impact of the transformation processes in post-communist states in general and has several aspects.

And so, a "negative" aspect concerns the popular belief that difficulties in the transformations trigger violent ethnic conflict. However, in Romania such a linkage has not been confirmed by the course of the events. There is also a "positive" aspect, that is, the progress of the transformations seems to be noticeable enough to keep people "at home" – that is, not to organise demonstrations on the streets, nor emigrate to their mother tongue country – provided that they have enough opportunities to participate in those decision-making procedures which directly concern them.

The first, most visible determinant of a transformation is the democratisation process that by definition should facilitate the emancipation of ethnic minorities and enable them to aggregate, articulate and realise their interests. In theory, it can be done in a few ways, through federal patterns or even some forms of "enlightened" control, or by introducing rules of power sharing that do not refer to territory. The invitation to the DAHR to participate in the central government on a proportional

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*Europe Review*, Vol. 1, No. 14, September 27<sup>th</sup> 1999. Online journal, available at <http://www.ce-review.org/99/14/lovatt14.html>.

<sup>104</sup> See Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, pp. 22-23.

<sup>105</sup> Lucian Nastasă and Levente Salat (eds.): *Interethnic Relations...*, *op. cit.*, pp. 255, and 256, respectively.

basis, the opposition to territorial solutions and successive changes in the general law – all suggests that some sort of consociational formula was introduced into the Romanian political life, although the consequences of the 2000 election show that it has not been institutionalised yet. On the other hand, the Alliance’s pressure for the devolution of powers seems to work against consociationalisation, too. Anyway, during the 1996-2000 period, the institutional and legal system for the protection of minorities in Romania has advanced and ethnic Hungarians have gained in political subjectivity.

However, moving from an authoritarian regime to the one that allows a differentiated political ideology and freedom of expression entails also an opportunity for anti-minority discourse and the danger of an exacerbation of ethnic conflict. It was noted quite a long ago, that things take such a turn especially if ethnic issues are not addressed early enough, new political parties have no experience in political participation, and a group in a given state belongs to the ethnic group that governs a neighbouring state.<sup>106</sup> And all these features can be found in Romania and its ethnic Hungarian’s case.

What can help in such situations is the materialisation of a concept of accommodation of differences that stands in opposition to both assimilation and integration policies. The concept accepts that difference do exists but treats it as not insuperable, as the one that allows compromise and can play a creative role. Meeting the cultural-civilisation needs, listening to distinct stances, accepting political disputes within the confines of law – contribute to the accommodation of differences. Elements of such approach certainly appeared in Romania, especially if one takes into account the presence of the DAHR in the Parliament and its partial success in “language battles”.

Finally, the process of civil society building – even in the embryonic stage, yet in motion – provides positive effects on state transformations. Here one can indicate the efforts of the Romanian government to arise ethnic tolerance or the concept of “partner-nations” developed by the Romanian ethnic Hungarians. This is also a suggested direction for conflict prevention, based on the assumption that de-escalation of tensions is possible if supported by mutual adjustment.

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<sup>106</sup> See Renée de Nevers: ‘Democratization and Ethnic Conflict’. In Michael E. Brown (ed.): *Ethnic Conflict and International Security*. Princeton: Princeton University Press, 1993, pp. 61-78.

In the end, there is a *pessimistic lesson* saying that ethnic problems related to the Hungarian minority in Romania are in fact not solved, or have not been moving toward any resolution, but that they were “frozen” again, and can re-appear with full strength, not only inside academic circles but also in real life.

Dozens of years of difficult Transylvanian history cannot be easily overcome. The period of monopolised communist propaganda left its stamp on the social awareness of Romanians, who are still afraid of the Hungarian “danger”. The stereotypes of ethnic Hungarians coming out against the Romanian statehood and territorial integrity, of their devoid of loyalty feelings and of their excessive amount of rights already before 1989, survived the ethnic détente of the second half of the 1990s. Similarly, the linkage between Romanian patriotism and anti-Hungarian attitude leaves no room for neutrality in the ethnic conflict: if someone is not firmly against Hungarian demands, he or she does not take into account the national interest of Romania.<sup>107</sup>

The vision drafted above recalled itself in 2000 when the Greater Romania Party started its march to an electoral success. The rise of extreme nationalism and the spread of xenophobia in Romania at the turn of the 21<sup>st</sup> century is obvious. Things went so far that even the re-establishment of the Iron Guard, “Legionary Movement of the Archangel Michael” – inter-war fascist organisation, practising racism and violence – became thinkable.<sup>108</sup> Such attitudes certainly work against a minority-majority integration. However, by stimulating political mobilisation on both sides, they work also against assimilation of the minority by the majority. It is not clear, though, how deep are those current trends in social moods, and how the mutual perception of threat could contribute to a further evolution of the relations between ethnic Hungarians and Romanians. According to the results returned by the 2000 Ethnobarometer, 35.8 per cent of Romanians really assess these relations as worse than earlier, 20.8 per cent as equal, and 43.3 – the highest amount – as better.<sup>109</sup> On the other hand, a one-year period after the elections was enough to significantly

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<sup>107</sup> Cf. Kinga Páll: *The Hungarian Concept...*, *op. cit.*, pp. 26-33.

<sup>108</sup> See Catherine Lovatt: ‘Iron Guard Revival’. *Central Europe Review*, Vol. 1, No. 3, July 12<sup>th</sup> 1999. Online journal, available at <http://www.ce-review.org/99/3/lovatt3.html>.

<sup>109</sup> Center for Documentation and Information on Minorities in Europe – Southeast Europe (CEDIME-SE) (ed.): *Minorities in Southeast Europe...*, *op. cit.*, p. 31.

change the numbers (even if one takes into account differences in the range and methodology of the research). An opinion pool conducted in October 2001 revealed that only 22 per cent of the Romanians from Transylvania feel that the Romanian-Hungarian relations have improved compared to those in 1989, although simultaneously 43 per cent view them as co-operative. Moreover, the majority of Romanians still believe that Hungary wants to regain the control over Transylvania.<sup>110</sup>

For conflict prevention the lesson here would be that practical actions are more difficult than theoretical considerations simply because social reality is more complicated than its academic picture.

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110 '...While Interethnic Relations Still Strained...', *op. cit.*

### **3 Dynamics of Ethnic Conflict**

Modelling the dynamics of ethnic conflict has a special place in the discussion of conflict prevention. It fulfils both theoretical and practical functions. The former aims at the cognition of the forces that drive conflict phenomena; the latter refers to the obvious need to differentiate among prevention strategies according to the different phases of conflict development. The scope of the model of conflict dynamics has to be narrowed if one wants to work with ethnic conflict and advanced conflict prevention. Also, a clear definition of the levels of conflict escalation/de-escalation is necessary to avoid debate on how many deaths count for “violence”, when “ethnic” mobilisation becomes “political” struggle, what “protracted” conflict means, etc.

As I mentioned elsewhere, three levels of conflict escalation/de-escalation are of crucial importance for ethnic conflict dynamics.<sup>111</sup> They can be summarised in the shape of the following ideal scheme.

#### ***Level One. Ethnic peace.***

Natural differences between various ethnic groups are successfully accommodated rather than suffering a policy of exclusion, domination or assimilation. It means that the differences (contradictions, disputes) are recognised as something real but not perceived as a threat to any group. They are neither mixed with other kinds of differences (political, economic) nor exploited to cover them.

Each ethnic group is free to define its identity vis-à-vis another but not at the expense of the latter. There is no problem with cultural autonomy for a given group or its institution; in particular, a minority language can be admitted as an official one within state bodies, and educational institutions can be established whenever desired.

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<sup>111</sup> Wojciech Kostecki: *Ethnicity and Autonomy in East-Central Europe: In Search of Advanced Conflict Prevention*. Occasional Paper No. 14. University of Cambridge: Global Security Fellows Initiative, 1999.

Not only the multi-cultural framework works but also necessary channels to express ethnic groups' needs, interests and aspirations are open. Elites that identify themselves with various groups not only ensure that no moves towards an escalation are made ("negative" aspects of peace in Galtunian sense), but also work on the creation of the conditions able to eliminate all premises for such moves ("positive" aspects).

### ***Level Two. Politicisation.***

An issue being arisen is not accommodated but becomes part of the public policy, which requires high-level decision, and an allocation of resources. Ethnic groups are mobilised around competing goals and their perception of inequality becomes a triggering factor for open conflict. There is then a large social space available for various forms of political organisation and the creation of political leaders. The sense of loyalty among members of the minority usually pushes them to demand territorial autonomy.

Politicisation itself does not necessary mean that the next step will lead to violence or coercive solutions. On the contrary, politicisation can be a requirement to gain enough public support to keep developments inside a given group under control as well as to deter hostile action. Whether or not the conflict escalation stops in this point depends on the group goals – are they restrained or immoderate, and characteristics of the environment – on the absence or not of well-established democratic procedures, on impulses stemming from abroad, etc.

### ***Level Three. Securitisation.***

The disputed issue is presented as creating an existential threat to a given ethnic group – that is, to the non-negotiable components of its identity, and therefore the implementation of extraordinary measures to handle it is then justified. There are calls for emergency procedures, special support and priorities in relation to other, non-existential threats. Moreover, external involvement, fuelling the tension, becomes likely.

The ultimate result of the securitisation of an ethnic conflict is usually violence. Its intensity and duration depend on the “conflict energy”, that is, the recurrent patterns of enmity, durability of prejudices and stereotypes, etc., and the willingness of the sides engaged in conflict to bear the costs of struggle.

The usual way of working on conflict prevention is to look for factors that *stimulate conflict* in order to eliminate them. In such understanding, to prevent conflict means to *minimise* its violent manifestations and refers to *late* phases of its development. One could indicate here various political and diplomatic as well as economic instruments, self-restriction measures enforced by fear of retaliation, participation of outside peace-keeping forces preventing escalation, or restriction of extreme movements caused by common interests of the parties involved.

What I propose – and call *advanced conflict prevention* – is to look at the problem the other way around, that is, to identify main factors that *facilitate peaceful relations* between various ethnic groups and to compile a list of feasible measures aimed at promoting them. To apply advanced conflict prevention means to *maximise* peaceful arrangements that exclude the outbreak of violence and refers to the *early* phases of conflict development. In its ideal form, advanced conflict prevention aims at the elimination of not only the most visible, direct (physical) violence, but also the so-called structural violence, that is, violence embedded into the social/political system.

As far as the politicisation-securitisation conflict model is concerned, the role for advanced conflict prevention is to achieve de-securitisation and then de-politicisation of ethnic conflict. *De-securitisation* consists on displacing an issue down the above escalation scale, so that no special powers or portentous efforts are required. Instead, it is presented as a non-survival concern that can be dealt with within everyday politics and as a matter of choice. *De-politicisation*, in turn, means moving the issue off the political agenda and coping with it by administrative procedures. The competition between ethnic groups is channelled into open cultural expression, and ethnic diversities remain recognised.

In both instances, the assumption is that the recognition of the existing differences will lead to specific action aimed at preventing ethnic mobilisation and demands for unilateral concessions. Such action is based on the exertion of influence on all parties engaged in the possible conflict to adjust their positions in relation to the other without exposing to risk the survival of somebody’s identity.

In the light of the East-Central European developments, one can formulate a “Decalogue” of undertakings advanced conflict prevention should consist of. Five of them belong to the realm of domestic strategies. These are: democratisation, marketisation, privatisation, civil society building, and modification of mentalities. *Democratisation* means getting rid of totalitarian remnants and building the parliamentary democracy and the rule of law. *Marketisation* consists in the replacement of a centralised planned economy by free market mechanisms. *Privatisation* involves the transition from public (that is, in fact, state) to private property. The *building of a civil society* is a movement from “the state as an instrument in the hands of the ruling class” (as the old Marxist axiom says) to a society based on human rights, ethical considerations and the identification with common interests. And to *modify mentalities* attempts to replace passive and self-centred attitudes by sharing responsibility and tolerance towards dissimilarity.

Another five strategies have international character. Two of them are far-reaching and based on a long-term vision. One consists in encouraging and facilitating *democracy building*. It stems from the assumption that western-type, liberal and permissive democracies are effective in preventing internal conflicts – including ethnic, and derives from the “grand” structural approach. The second strategy, *resource allocation*, refers to the other “grand” strategy for addressing ethnic differences, namely, the distributive approach, based on the thesis that economic well-being results in security among ethnic groups and reduces their motivation for conflict. Two other strategies serve as a kind of functional supplement. The first welcomes *anticipatory adaptation* to Western requirements by East-Central European states; the second sets a kind of an *international subsidiarity* principle by demanding that these states settle their problems among themselves. Finally, the fifth strategy is *operational* and goal-oriented; it covers preventive diplomacy, fact-finding and early warning arrangements.

And what conclusions from the Romanian experience could be added to the model of ethnic conflict dynamics and advanced conflict prevention drafted above?

On the level of “ethnic peace”, self-limitation plays crucial role. The awareness of “being different” could be possible confined to cultural means of expression, but very easily pushes towards political activity. If simultaneously such awareness among minority members is not respected by the majority holding the power, then it

immediately results in mass protest and provokes mobilisation. Such course of conflict escalation has been confirmed by Romanian “language battles”, especially in the educational system. Also, interventions made by the “mother tongue country”, if not carefully balanced, inevitably meet increased counteraction of the “host country” and evoke politicisation “from abroad”. Moreover, self-limitation in this respect cannot be reduced to abandoning real action in benefit of political rhetoric. As the relations between Romania and Hungary show, even rhetorical statements contribute to conflict dynamics and should be carefully considered.

Generally, the Romanian case has proved that language is “the crucial vehicle of ethnic mobilisation”, as Alina Mungiu Pippidi put it.<sup>112</sup> It was a matter of few weeks for the DAHR to gather several hundred thousand of signatures for a project concerning the amendment of the Education Law or the petition demanding Hungarian to be the only language in a university. On the other side, Romanian ultranationalists, when lacking other means, resort to changing from Hungarian into Romanian the name of streets, etc., as major Funar did, for instance.

However, politicisation has two faces. Most probably, it is indispensable when it comes to defend ethnic group interests. For sure, at the same time it provides stimuli and sources of self-legitimation for the group enemies and is conducive to the spread of xenophobia. If one side mobilises around political goals, the other can go further and present the mobilisation as an existential threat, thus call for emergency measures – the usual sort of the Greater Romania Party reactions to actions undertaken by ethnic Hungarians.

For the DAHR, specifically, politicisation is necessary in order to keep its public support. The Alliance’s size and structure, not to mention the internal disputes, demand engagement in various competitions and non-routine activity to justify its hierarchical structure, resource spending, and power execution.

If Alina Mungiu Pippidi is right assuming that where identity cannot go together with freedom, the need for the former is stronger and psychology prevails over political theory,<sup>113</sup> then the distance between the politicisation of an ethnic issue and its securitisation is rather small. Moreover, because of the subjective content of

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112 Alina Mungiu Pippidi: *Subjective Transylvania...*, *op. cit.*

113 As above.

securitisation processes, the space for political subjects to manoeuvre appears to be very narrow.

The securitisation of the conflict in Romania has its specificity. Conflicting parties usually avoid taking such a position from which there is no way out without losing face. But the Greater Romania Party could blow up an ethnic issue for several years, presenting it as a danger to the independence of the Romanian state or to its territorial integrity – and became the second largest political force in the Romanian parliament despite the fact that the country has not been divided and ethnic Hungarians are still its citizens.

In terms of securitisation/de-securitisation, divisions inside the DAHR are significant. The radical concept of the Alliance's behaviour pushes towards an escalation of conflict, especially if it assumes changes in Romania's political system. Conversely, the liberal concept based on a moderate approach facilitates de-escalation, steering confrontation down from the securitisation level.

The subsidiarity principle – as interpreted by the Alliance – helps to move things in this direction. According to the DAHR, “the minority problem can be solved by the consequent application of the principle of subsidiarity which presumes the creation of a specific institutional and legal system for the protection of minorities”.<sup>114</sup>

The movement in another direction – towards direct, physical violence – was triggered once the nonnegotiable parts of both sides' “state of possession” were threatened and ended in the Târgu Mures events. Manifestations of indirect, structural violence – included into social and political structures – were more frequent when state regulations, local policies or electoral campaigns infringed rights acquired by the Hungarian minority in advance or led to social or cultural discrimination of the ethnic Hungarians. They have less and less chances to show up as long as the international “umbrella” of human rights is maintained and international institutions preserve their attractiveness for Romania, moderates on both sides do not lose, and transformation processes – especially the accommodation of differences – last.

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<sup>114</sup> *Priority List on the Application of the Government Programme*. Adopted by the 5<sup>th</sup> Congress of the DAHR. Hungarian Human Rights Foundation. Available from Internet at <http://www.hhrf.org/rmdsz/epriorit.htm>. Last modification: 7.01.1999. (NB. The next Congress in 1999 did not repeat this formula in the relevant document).

On the other hand, there is always an important question associated to the analysis of ethnic conflict dynamics, namely whether the fulfilment of the minority demands actually leads to de-escalation or escalation of conflict in the long run? In the Romanian case, it is a question of self-government and separate education system. Are they necessary conditions to lower the tensions between ethnic Hungarians and Romanians and finally get rid of conflict premises? Or will they deepen the division in the Romanian society, create new ethnic borders and preclude chances for a multicultural ethnic peace? And another but similar question is whether the presence of a single strong ethnic party is good or bad for the minority? Do other Romanian parties (except nationalist, of course) have enough interest – and sentiment – in ethnic Hungarian problems when the DAHR monopolises them all?

## Conclusion

Certainly, there is no universal model of ethnic conflict dynamics. The world-wide prescription for ethnic conflict prevention does not exist either. However, the applicability of the lessons and hypotheses described above seems not to be limited to Romania only. The pragmatic and realistic lessons appear valid for other hot spots in East-Central Europe, wherever large ethnic or national minorities experience troubles in their relations with majorities and states – and vice versa. This could easily be a case of ethnic Hungarians in Slovakia, Russians in Latvia and Estonia, Russian speaking groups in Ukraine, probably the Polish minority in Latvia, Romanian in Moldova, etc. In all these countries, the potential for ethnic conflict was significant but has been constrained by the countries' desire to join European integration processes, and/or the presence of moderate forces and the direct intervention and mediation of international organisations, and/or successes of democratisation, nation building and so on. Also, in all these places one could find people who believe that ethnic conflict has been solved, transformed, or stopped – whatever label they prefer, and everywhere there are pessimists thinking in terms: “the worse is still to come”.

What the Romanian case should teach us in particular is to make every effort to avoid action-reaction mechanisms. These are the case when one side makes a claim and hopes to deal with it through administrative measures, but the other tends to respond on a political level. Or when a demand appears on the political agenda, but it is considered a security risk and legitimises extraordinary measures. Secondly, we should not be upset, neither appeased, by a single event. Bad news and good news come in sequence. Ethnic tension exploded in Târgu Mures but later did not spread out. The Education Law was seriously contested and delayed but finally amended. The DAHR was in the opposition, then participated in the government coalition, now co-operates with the ruling party.

Keeping the above mentioned in mind, I would evaluate the present state of affairs in Romania as a quite safe one. It is true that optimism of the 1996-2000 détente period has been replaced by pessimism and anxiety. But Romania stays on the track to NATO and the European Union. Romanian nationalists are in the

parliament but do not govern the country, the DAHR preserves expressions like “anti-Hungarian pogrom” and “deprivation of fundamental human rights” in its documents but signs co-operation agreements with the Social Democratic Party. Democratisation and marketisation in Romania have not broken down. Thus, although some cardinal elements of the “Romanian model of interethnic relations” disappeared during the last year, it is still justified to argue that the conflict has been prevented and ethnic issues remain kept within political limits.

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## Appendix

### 1. The Situation of Hungarians in the Romanian National State (1918-1993)

*Appendix to the DAHR Memorandum<sup>1</sup>*

#### ***The 1991 Constitution of Romania***

The antiquated concept that Romania is a national state, is elaborated in the resolutions of the Constitution (Articles No.1.1, No.2.1, No.4.1, No.13) which suggest the idea that persons belonging to national minorities are inferior citizens.

- *Article 1. (1)* - "Romania is a sovereign and independent, unitary and indivisible National State."
- *Article 4. (1)* - "The State foundation is laid on the unity of the Romanian people."
- *Article 13.* - "In Romania, the official language is Romanian."

The conflicts existing between the article which states the constitutional principles of a national state and Article 4. (2) which formulates equality before the law, make possible the ethnic discrimination before the law of people of different nationalities.

- *Article 4. (2)* - "Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin."

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<sup>1</sup> Fragment from: *Memorandum by the Democratic Alliance of Hungarians in Romania on Romania's Admission to the Council of Europe (26.08.1993)*. Available from Internet at [http://www.hhrf.org/rmdsz/memo1\\_1.htm](http://www.hhrf.org/rmdsz/memo1_1.htm) (homepage of the Hungarian Human Rights Foundation). Last modified: 7.01.1999.

- - although it recognizes and guarantees the right of minority citizens to self-identity - according to Article 6. (1) "The State recognizes and guarantees the right of persons belonging to national minorities, to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity."

The spirit and dispositions of the Constitution do not make possible the institutional fostering of their ethnic identity.

- Article 148. (1) prohibits any revision and modification of dispositions concerning the prerogatives of the Romanian nation.
- Article 148. (1) - "The provisions of the Constitution with regard to the national, independent, unitary and indivisible character of the Romanian State, to the Republican form of government, territorial integrity, independence of the judiciary, political pluralism and official language shall not be subject to revision."
- - Article 6. (2) - "The protecting measures taken by the State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens."

Prohibits the positive discrimination of minorities recommended by international documents.

- - the right of minorities to establish contacts and exchange information unimpededly, in every field and in every form, with the mother-nation is not guaranteed. Article 7. of the Constitution grants this only for the Romanians who live outside the borders of Romania.
- - Article 7. - "The State shall support the strengthening of links with the Romanians living abroad and shall act accordingly for the preservation, development and expression of their ethnic, cultural, linguistic and religious identity, under observance of the legislation of the State of which they are citizens."

It has no provisions concerning the free use of mother-tongue, although international agreements recommend it. As a consequence, fundamental laws may prohibit the use of minority (regional) languages.

Deprivation of this basic human right creates a disadvantageous situation for minority citizens in each field of social life: education, jurisdiction and administration.

### ***Education***

According to article 32. (2) of the Constitution: "Education of all grades shall be in Romanian."

The Constitution doesn't guarantee education at all levels in mother tongue for minority citizens and entrusts the regulation of this to fundamental laws.

On the other hand it allows education in foreign languages.

- Article 32. (2) - "Education may also be conducted in a foreign language of international use, under the terms laid down by law."
- As there is no educational law, the dispositions of the communist dictatorship, which ban higher education and technical training in mother tongue (Educational Law from 1978; Decree 521/1990), are still valid.

### ***Jurisdiction***

- Article 127. (1) - "Procedure shall be conducted in Romanian."
- (2) - "Citizens belonging to national minorities as well as persons who cannot understand or speak Romanian have the right to take cognizance of all acts and files of the case, to speak before the Court and formulate conclusions, through an interpreter; in criminal trials, this right shall be ensured free of charge."

Thus, injuriously, the Constitution ranks citizens belonging to national minorities among foreigners. The fact, that while in criminal cases interpretation is assured free of charge, in civil cases, in a discriminative way, this is not in use. This practice is also inconsistent with the international law.

- Article 16. (1) - "Citizens are equal before the law and public authorities, without any privilege or discrimination."

However, this is not valid for minority citizens as the following examples illustrate it:

- in the show trials which took place in the spirit of communist traditions, only citizens belonging to different national minorities have been condemned;
- - in spite of the amnesty granted for all the crimes committed during the 1989 events, four citizens of Hungarian nationality from Zetea and three from Dealu were sentenced, to 110 years' imprisonment in all.

On the other hand, most of the members of the former nomenclatura, persons who had been found guilty, were set free.

The victims and the condemned of the pogrom from Tirgu Mures in 1990, are exclusively citizens belonging to national minorities (Hungarians and Gipsies). 44 persons were sentenced to 66 years' imprisonment in all.

The most unfair sentence - 10 years' imprisonment - is final in spite of the contradictory opinions.

On the other hand, against only 5 citizens of Romanian nationality were started legal proceedings, three of them were acquitted on the charge, two of them were condemned to imprisonment to be spent at their working place.

Obviously, jurisdiction serves the political power and therefore it is not independent and impartial enough to guarantee an adequate legal remedy.

## **2. Law on National Minorities and Autonomous Communities**

*Draft (Accepted by the Council of Representatives of the DAHR on the 14<sup>th</sup> of November 1993).<sup>2</sup>*

### **(From untitled introduction)**

According to the results of the 1992 Romanian census the various ethnic minorities constitute nearly 12 % of the total population of Romania. These national minorities, more than fifteen in number, have very different traditions, past history, relationship to the state, proportion of the population and degree of organization. The Lipovan and Italian minority with only a few thousand members, might intend to define its rights in a different way as the German ethnic group, which has fallen from about half a million to only tens of thousands, not to speak about the approximately two million strong Hungarian minority. The Law proposed by the DAHR provides a general legal framework, which could be suitable to settle the legal position of each of the national minorities living in Romania. The Law guarantees all the individual human rights of the persons belonging to national minorities as codified in the various international documents. Moreover the proposal makes it possible for any of the national minorities to declare themselves as autonomous communities. Autonomous communities are those communities which have the material and spiritual resources needed for their self- organization of a certain degree and for developing a necessary system of institutions. It must be emphasized, that membership of a national minority is a matter of free personal choice, and the declaration of being an autonomous community by a national minority depends on the free decision of the national minority in question.

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<sup>2</sup> Fragment from: *The Law on National Minorities and Autonomous Communities Proposed by the Democratic Alliance of Hungarians in Romania (DAHR)*. Bucharest, on the 18th November 1993. Available from Internet at [http://www.hhrf.org/mdsz/memo1\\_2.htm](http://www.hhrf.org/mdsz/memo1_2.htm) (homepage of the Hungarian Human Rights Foundation). Last modified: 7.01.1999.

If a national minority declares itself to be an autonomous community, it is in its right to develop its own system of institutions.

The Law takes into consideration the geographical location of the various national minorities, as whether they are dispersed or live in one or more blocks, and, accordingly, it distinguishes three types of autonomy in its dispositions, namely:

- a) personal autonomy
- b) local self-government of special status
- c) regional autonomy

(a) In the framework of personal autonomy persons belonging to a national minority are entitled to exercise their minority rights and to develop their institutions irrespective of residence. (For instance, such an institution can be the supreme decision-making body of the given community; in the case of Hungarians in Romania this body is the Council of Representatives. Similarly an independent school-system, cultural institutions are to be developed among other things for each national minority.)

(b) In the framework of the local self-government of special status the national minority which lives concentrated in one area is entitled to administrative functions in addition to the right to preserve its ethnic, cultural and religious identity. The dispositions regulating the local self-government of special status are complemented by the relevant provisions of the Law on Local Administration. Therefore, the local self-government of special status is not a parallel administration but a local government which has special decision-making powers in the questions directly affecting the community in question. Among the entitlements following from this special status is, for instance, that in the local self-governments of such special status the language of the national minority which constitutes the majority population in that area has to be used as an official language in addition to the language of the state.

(c) The association of the local self-governments of special status will result in the establishment of the regional autonomies' system of institutions.

The system of institutions as sketched above will enable all the minorities living in Romania, as well as citizens belonging to the majority population living in minority areas, to find the means best suited for preserving their ethnic, cultural and religious identity. Overall, the aim of the DAHR is the strengthening of the different autonomies by the decentralization of central power according to the principle of subsidiarity.

Bucharest, on the 18<sup>th</sup> November 1993

## ***B. Community rights.***

### **Article 22.**

To preserve, foster, develop and perpetuate the identity of a national minority is an inalienable community rights.

The law acknowledges and protects the historical, territorial, settlement, cultural, linguistic, religious, and ethnic traditions of national minorities and autonomous communities as political entities.

### **Article 23.**

National minorities and autonomous communities shall have the right:

- a) to practice, develop and to preserve their traditions, as well as to define their cultural, linguistic and religious identity;
- b) to declare themselves as independent judicial and political subjects;
- c) to internal self-determination;
- d) to freely express their identity through the practice of autonomies in accordance with their historical and territorial characteristics and traditions;
- e) to display the names of localities, streets, squares, institutions and of the public bodies in their mother tongue, anywhere where the minority constitutes at least 10% of the population;
- f) to establish and maintain unhindered contacts with those States with which they have ethnic, linguistic, cultural or religious relations, without infringing the principle of the state's territorial integrity;

- g) to ensure the regular preparation and broadcast of programs for national minorities on the national radio and television network;
- h) to appeal for legal redress to the state organs or to international organizations and institutions in case communal rights are violated.

**Article 24.**

The state budget shall ensure the financial conditions required to set up and manage the educational, cultural and scientific institutional network of the national minorities and autonomous communities, and to maintain and preserve their monuments in their original condition.

**Article 25.**

The national minorities and autonomous communities shall have the right to keep their gatherings and feasts, to maintain, cultivate and pass on their architectural, cultural monuments and traditions, and use their national symbols.

The national minorities and autonomous communities shall have the right to choose the dates of their religious feasts, which count as official holidays according to the traditions of their own religion.

### **3. Treaty between the Republic of Hungary and Romania on Understanding, Cooperation and Good Neighborhood**

*(Signed in Timisoara 16.09.1996)*<sup>3</sup>

#### **Article 14**

The Contracting Parties shall promote the climate of tolerance and understanding among their citizens of different ethnic, religious, cultural and linguistic origin. They condemn xenophobia and all kind of manifestations based on racial, ethnic or religious hatred, discrimination and prejudice and will take effective measures in order to prevent any such manifestation.

#### **Article 15**

(1)

- a) In regulating the rights and duties of persons belonging to national minorities living on their territories, the Contracting Parties undertake to apply *the Framework Convention of the Council of Europe for the protection of national minorities*, if more favorable provisions concerning the rights of persons belonging to national minorities do not exist in their domestic legislation.
- b) Without prejudice to the contents of the preceding paragraph, the Contracting Parties shall, with the aim of protecting and developing the ethnic, cultural, linguistic and religious identity of the Hungarian minority in Romania and the Romanian minority in Hungary, apply as legal obligations the provisions defining the rights of persons belonging to such minorities as contained in the documents of the United Nations, the Organization on

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<sup>3</sup> Fragment from: Treaty between the Republic of Hungary and Romania on Understanding, Cooperation and Good Neighborhood. Available from Internet at <http://www.htmh.hu/dokumentumok/asz-ro-e.htm> (homepage of the Government Office for Hungarian Minorities Abroad). Last modified: 18.03.1998.

Security and Cooperation in Europe and the Council of Europe, listed in the *Annex* of this Treaty.

- (2) The Contracting Parties shall reconfirm, accordingly, that the persons referred to in the preceding paragraph shall have, individually or in community with other members of their group, the right to freely express, preserve, and develop their ethnic, cultural, linguistic and religious identity. Accordingly, they shall have the right to establish and maintain their own educational, cultural and religious institutions, organizations and associations which are entitled to seek voluntary financial and other contributions, as well as public support in accordance with the domestic legislation.
- (3) The Contracting Parties shall respect the right of persons belonging to the Hungarian minority in Romania and the Romanian minority in Hungary to use freely both orally and in writing their mother tongue in private and in public. They shall take the necessary measures to ensure that such persons can learn their mother tongue and have adequate opportunities for being educated and trained in this language at all levels and forms within the framework of the State education system, according to their needs. The Contracting Parties shall ensure the conditions allowing the use also of the mother tongue of these persons in their relations with local administrative and judicial authorities, in accordance with the domestic legislation and the international obligations the Contracting Parties have subscribed to. These persons shall have the right to use their surnames and first names in their mother tongue and to have them officially recognized. In areas where persons belonging to the minority concerned live in a substantial number, both Parties shall allow the display, also in the language of the minorities, the traditional local denominations, street names and other topographical indications intended for the public.
- (4) The Contracting Parties shall respect the right of persons belonging to national minorities to have access, in their mother tongue, to information and to the electronic and printed media, as well as to freely exchange and disseminate information. The Contracting Parties shall, within the framework of their

domestic legislation, grant the possibility to establish and operate their own media.

- (5) The Contracting Parties shall ensure the right of persons belonging to the minorities to effectively participate, individually or through their parties or organizations, in the political, economic, social and cultural life and, through their representatives elected to central and local public authorities and administrations, in the settlement of issues representing national or local interests. Both Contracting Parties shall, in the process of decision-making concerning questions related to the protection and enforcement of the national identity of these persons, consult the organization, political parties or associations of these persons according to democratic decision-making procedures as provided by the law.
- (6) The Contracting Parties shall respect the cultural and historical heritage of national minorities and shall support their efforts to preserve the architectural monuments and memorial sites related to minority culture and history, and will take appropriate measures to allow citizens living in regions of mixed population to become acquainted with Hungarian and Romanian cultural values.
- (7) The Contracting Parties shall respect the rights of persons belonging to national minorities to maintain free contacts among themselves and across frontiers with citizens of other States, as well as to participate in the activities of national and international non-governmental organizations.
- (8) The Contracting Parties agree that, in the exercise of the rights referred to in this article, persons belonging to national minorities, similarly to any other citizen of the state concerned, shall respect the national legislation and the rights of others. These persons shall enjoy the same rights and have the same duties of citizenship as other citizens of the State in which they live.

- (9) Without prejudice to measures taken in pursuance of their general integration policy, the Contracting Parties shall refrain from policies or practices aimed at the assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aiming at such assimilation. They shall further refrain from measures which by altering the proportions of the population in areas inhabited by persons belonging to national minorities are aimed at restricting the rights and freedoms flowing from the international standards and norms listed in paragraph 1 of this article.
- (10) The Contracting Parties shall assist each other in observing the implementation of the present article. For this purpose they will also examine, in the framework of the regular consultations referred to in Article 5 of this Treaty, those questions of their bilateral cooperation related to national minorities concerning the implementation of this Treaty and shall establish an intergovernmental expert commission. They will cooperate in the appropriate operation of the mechanisms of the Organization on Security and Cooperation in Europe and the Council of Europe verifying compliance with obligations contained in the documents of these organizations and to which the Parties have entered into.
- (11) The Contracting Parties shall cooperate in further developing the international legal framework for the protection of national minorities. They agree that they will apply as part of this Treaty the provisions relating to further developing the rights of persons belonging to national minorities contained in those international documents to which they will subscribe in the future.
- (12) Neither of the obligations contained in the present article shall be interpreted as implying any right to engage in any activity to perform any act contrary to the purposes and principles of the Charter of the United Nations, other obligations of international law or the Helsinki Final Act and the Paris Charter of the Conference on Security and Cooperation in Europe, including the principle of the territorial integrity of states.

#### **4. The Programme of the Democratic Alliance of Hungarians in Romania**

*Adopted by the 5<sup>th</sup> Congress of the DAHR, the 3-4th of October 1997.*<sup>4</sup>

##### ***Fundamental Principles***

- (1) The Democratic Alliance of Hungarians in Romania (DAHR) is the alliance of the autonomous territorial, political, social and cultural organisations of Hungarians in Romania. Its main goal is to protect the interests and rights of the Hungarian minority. The DAHR fulfils the task of the representation of the Hungarian population both at local and national levels. It coordinates and encourages the different forms of voluntary social organisation. The Alliance assures the member organizations — different parties and platforms — the freedom to organize themselves. Any political or ideological group that, through its programme and activity, accomplishes the internal diversity of the Hungarians in Romania without threatening the unity of the alliance, is considered a platform. The Alliance's main objective is based on the universal human rights, on the European Christian values, on collective rights of ethnic minorities, on the rule of law and on the values of civil society and market economy. The Alliance condemns all fascist and communist totalitarian ideologies and practices as well as anti-Semitism, nationalism and chauvinism. The associated members of the DAHR are economic, scientific, professional, cultural, religious, youth and other organizations, as well as the territorial organisation, parties and platforms which accept the programme of the Alliance, and — according to their character — take part in the decision making process.
  
- (2) The Hungarians in Romania, including the Changos, the Hungarian speaking population of Moldavia, are Romanian citizens. Under these circumstances, the Hungarian national minority as an indigenous community, considers itself a constituent of the state and as such an equal partner of the Romanian nation.

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<sup>4</sup> Fragment from: *The Programme of the Democratic Alliance of Hungarians in Romania*. Adopted by the 5<sup>th</sup> Congress of the DAHR, the 3-4th of October 1997. Available from Internet at <http://www.hhrf.org/rmdsz/eprogram.htm> (homepage of the Hungarian Human Rights Foundation). Last modified: 7.01.1999.

Considering its language, ethnic features, national identity, culture and traditions it is also an organic part of the Hungarian nation; at the same time, centuries old historical and cultural links join it, above all, to the Romanians and Germans due to the long cohabitation of these nations. Aware of their quality of being Romanian citizens, the Hungarians of Romania wish to maintain their national identity; they do not want to emigrate, nor to assimilate into the majority. They see themselves as a minority exclusively in what concerns their number. They consider their motherland as their home, having always contributed to its economic and cultural development.

(3) The main interests of the Hungarian national minority, as an autonomous community are:

- a. to have access to all the necessary conditions enabling it to preserve its national identity, including the network of its own institutions.
- b. the democratization of the Romanian society, the development of the rule of law, the consolidation and proper functioning of its institutions, privatization and the establishment of the modern market economy, Romania's integration into the European community.
- c. the development of a normal and harmonious coexistence with the Romanian nation and the other national minorities in order to be able to feel itself at home in its native country; all these are based on coordinate relations among citizens with equal rights, relationships which exclude all forms of discrimination, national exclusiveness or supremacy.
- d. as an organic part of the Hungarian nation, to be able to freely cultivate its relationship with the mother-country and the Hungarians throughout the world.

The accomplishment of these goals is not only to the benefit of the Hungarian national community in Romania but, in a direct or indirect way, it is also the interest of all the citizens of Romania who feel responsible for the future of their country.

(...)

[4b] The Hungarians of Romania consider the defence of the interests connected to the preservation of their identity, the guaranteeing of the related rights, equal chances and necessary means attainable only within the institutional framework of the autonomies established according to the principle of the rule of law.

In this sense the DAHR regards Recommendation No. 1201 (1993) and Resolution No. 508 of the Parliamentary Assembly of the Council of Europe, the Helsinki and Copenhagen Documents of the OSCE, the European Charter of Regional and Minority Languages as well as the Basic Treaty between Romania and Hungary, together with the mechanisms which serve the monitoring of its observance as a compulsory standard.

The autonomy is:

- a principle, which has to be put into practice during the establishment of the institutions of the state based on the rule of law;
- a right exercised by the national community with the aim to defend, express, develop and preserve its national identity;
- a means for the Hungarian community of Romania to establish its economic and cultural development in its motherland, to create the economic, political and judicial conditions of its persistence in its motherland;
- a strategic objective pursued by the DAHR both in its political activity and in its relationship with the organisations of the civil society.

The DAHR wishes to elaborate theoretically, formulate legally and validate through legislation, the different forms of autonomy, including the territorial autonomy. It urges the general decentralisation and the application of the principle of subsidiarity. The alliance considers as precedents the positive traditions of the cohabitation of Transylvanian ethnic groups and the exemplary models of autonomy that function in Europe.

The autonomy based on personal principle provides the Hungarians of Romania with the framework to establish an own system of educational, cultural and informative institutions as well as an own system of institutions meant to ensure the

preservation of traditions and the protection of monuments. This form of autonomy is exercised by public corporations elected by persons belonging to the Hungarian community. The self-government of the Hungarian national community will come into being through the registration that applies the principle of the free choice of ethnic identity and through general, secret and direct elections held on the basis of the election lists drawn up as a result of the registration.

The administrative units, where the proportion of the persons belonging to national minorities is considerable, are entitled to autonomy exercised by the local administrations with special status, provided that the population adopts the special status through referendum.

The territorial autonomy comes into being as the local administrations form their associations in order to promote their common interests.

We consider very important:

- the development of such social conditions that will allow each citizen to freely assume, preserve and nurture his ethnic identity, to use his national symbols without being exposed to any kind of social, moral or judicial discrimination;
- the creation of the legal framework that will allow the free use of the native-language in different areas of social life, in the spirit of the above mentioned international documents;
- the establishment of an autonomous network of cultural institutions for the Hungarians in Romania and of a native-language educational network, which comprises all levels and forms of instruction and training of specialists;
- the guaranteeing of the functioning of independent Hungarian TV and radio stations;
- the proportional share for the Hungarian national community of the funds allocated for cultural and educational purposes in the state budget;

## **5. Report Submitted by Romania Pursuant to Article 25 Para 1 of the Framework Convention for the Protection of National Minorities**

*Information on the legislative and other measures taken to give effect to the principles set out in the Framework Convention for the Protection of National Minorities (Received [by the Council of Europe] on June 24<sup>th</sup> 1999).*<sup>5</sup>

### **PART I**

1. The Framework Convention for the Protection of National Minorities, which entered into force on 1 February 1998, was ratified by Romania on 11 May 1995.
2. The Government's Programme for 1998-2000, which was accepted by the Romanian Parliament by Decision No. 6 of 15 April 1998 expressing its confidence in the Government, also contains a number of provisions on the Romanian State's policy on the protection of national minorities.

### **National minorities**

Principles specific to the protection of national minorities

- the protection of national minorities in order to ensure their continuity and to prevent any action by the public authorities designed to alter the ethnic structure in areas inhabited by national minorities;
- the establishment of the appropriate legal framework to ensure that persons belonging to national minorities have the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity;
- the encouragement of intercultural action and promotion inter-ethnic co-operation.

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<sup>5</sup> Fragment from: *Report Submitted by Romania Pursuant to Article 25 Para 1 of the Framework Convention for the Protection of National Minorities*. Council of Europe. Available from Internet at <http://www.humanrights.coe.int/Minorities/Eng/FrameworkConvention/StateReports/1999/romania/Romanianstatereport.htm>. Last modified: 4.09.2001.

### **Institutional and legislative measures**

- continuing with the specific actions designed to achieve the criteria for accession to the European Union contained in the National Programme, by, *inter alia*, improving the legislative framework:
- setting up an inter-ministerial working group to deal with the problems of the Romas;
- promoting a legislative measure to establish a "publicly financed" Multidisciplinary Research Institute in the sphere of national minorities;
- drawing up a national strategy for the social integration of Romas;
- allocating financial resources to support the organisations of national minorities, on the basis of projects and programmes.

**3.** The relationship between the international legal regulations to which Romania is a party and domestic law is specified in the Constitution (Articles 11 and 20).

**a.** Article 11 of the Constitution provides as follows:

"1. The Romanian State pledges to fulfil as such and in good faith its obligations as deriving from the treaties to which it is a party.

2. Treaties ratified by Parliament in accordance with the law are part of national law."

This article expresses, first, one of the oldest and most important principles of international law - "pacta sunt servanda" -, which states that compliance with the treaties to which a State is a party is mandatory.

Second, Article 11 establishes relationship between the international legal regulations and Romanian domestic law, more specifically the requirement that international treaties be integrated into Romanian domestic law. The premiss of the integration of international treaties into domestic law is their ratification by the Parliament of Romania.

**b.** The correlation between international legal regulations and Romanian domestic law established in Article 11 finds specific application in the sphere of the rights and fundamental freedoms of citizens in Article 20 of the Constitution. Consequently, Article 20 must be interpreted in conjunction with Article 11 of the Constitution.

Article 20 of the Constitution is worded as follows:

"(1) Constitutional provisions concerning citizens' rights and freedoms shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights and with the covenants and other treaties to which Romania is a party.

(2) Where inconsistencies exist between the covenants and treaties on fundamental human rights to which Romania is a party and internal laws, the international regulations shall take precedence."

The first rule to emerge from Article 20 of the Constitution has the effect that the constitutional provisions on human rights and fundamental freedoms are to be interpreted and enforced in accordance with the provisions of the international treaties to which Romania is a party. The reason for introducing that provision in Article 20 of the Constitution lies in the respect which Romania expressly proclaims for the Universal Declaration of Human Rights, adopted on 10 December 1948, which is the reference document for the proclamation and protection of human rights, and also for the two Covenants - the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (adopted and opened for signature, ratification and accession on 16 December 1966 and ratified by Romania in 1974).

The second rule in Article 20 gives priority to the international regulations laid down in the treaties ratified by Romania in the event of any inconsistency between them and domestic regulations. It must be emphasised that this priority is recognised only to international regulations in the sphere of human rights.

It should be pointed out that the solution adopted in Article 20 concerning the relationship between international regulations and domestic regulations is a modern solution, which expresses not only an attachment to international regulations but also a readiness to embrace their potential dynamism. At the same time, the correlation between international regulations and domestic law does not alter or reduce the

major role which national legislation plays in proclaiming and guaranteeing human rights. That is so because the State is and remains the framework within which human rights and fundamental freedoms are realised.

**4.** Romania is a unitary and indivisible Nation State (Constitution, Article 1, paragraph (1)).

The State exists in a single form with a single constitutional system enshrined in the Constitution of Romania. All the central public authorities exercise their authority throughout the territory and over the population, the constituent elements of the State, as a subject of public international law. The territory is organised in territorial administrative units (districts, towns and villages) and the public authorities which administer these different units have equal powers, since they are uniformly subordinate to the central public authorities.

The fact that the Romanian State is defined as a unitary and indivisible Nation State does not represent a threat to the existence and recognition of persons belonging to national minorities, since Romania is "the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language ..." (Constitution, Article 4).

One of the fundamental rights recognised by the Constitution is the right to identity, to the preservation, development and expression of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities. The Constitution likewise guarantees equality before the law and the public authorities, without privilege and without discrimination.

## 6. The Situation of Hungarians in Romania

*Reports on the Situation of Hungarians Living Abroad.  
The Government Office for Hungarian Minorities Abroad.*<sup>6</sup>

### 3. LEGAL STATUS

The Constitution, adopted in 1991 and confirmed by a referendum, declares Romania to be a *nation state* whose official language is the Romanian language. The Constitution lies down several fundamental minority rights, such as the right of ethnic identity (Art. 6), the right of native-language education (Art. 32), the right of parliamentary representation (Art. 59), and the right to use the native language in court proceedings (Art. 127). However, the exercise of these minority rights is not sufficiently guaranteed in practice due to inadequate or lacking legal regulation. The parties in power between 1991 and 1996, while upholding the possibility of the political handling of the minority issue, did not seek to create the necessary legislative framework for this task. The Minority Protection Office created after the 1996 general elections initiated a number of legal regulations in order to improve the situation of the minorities but their coming into force and implementation fell behind the expectations.

Since 1991, Romania's national minorities have been calling for the adoption of a *minority law*. The political representation of the Hungarian national community, the DAHR submitted in 1993 the text of a concrete draft. The government of that time failed to deal with the proposal despite the fact that upon Romania's 1993 admission as a member of the Council of Europe, the Council's Parliamentary Assembly had stipulated such an obligation which Romania also promised to fulfill. At the beginning of the 1996–2000 government cycle up to fall 1997 then again until December 1998, Romania pledged to draft the law. In spite of the commitments, the law has not been submitted to this day.

Since 1990, Romania's 14 officially recognized Churches have been asking for the drafting of a *law on church affairs* which would guarantee the right to run a

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<sup>6</sup> Fragment from: Government Office for Hungarian Minorities Abroad (2001): *The Situation of Hungarians in Romania*. Available from Internet at <http://www.htmh.hu/reports2001/romania2001.htm>. (Last modified: 12.06.2001.

network of religious native-language schools. The lack of such a network is especially disadvantageous from the perspective of the Hungarian population. A closely related issue is that of the nationalized church properties. While the Romanian government has returned close to 100 properties to the Greek Catholic Church, which had also been deprived of its rights, the indemnization of the Hungarian historic churches has not taken place. During the previous parliamentary cycle, the government passed three emergency decrees which included the restitution of 115 community and church properties to the Hungarians. Until now, however, these decrees could be fully implemented only in the case of a few properties.

The *public administration law*, adopted in 1994, by mandating the exclusive use of the Romanian language, represents a setback compared to the situation during the Ceaușescu era. The Ciurbea government's emergency decree 22/1997 in principle modified it, allowing the use of national minority languages in public administration (for example, the posting of bilingual road signs) in settlements where minorities exceed 20% of the population. However, the implementation of the government decree is still being hindered and Parliament in 2000 did not elevate it to the status of a law.

The *education law*, which came into force in 1995, legalized the supremacy of the Romanian majority's language and culture as well as collective rights, restricting the possibilities for native-language and church education. Government emergency decree 36/1997 did remove the anti-minority provisions of the education law, and the new education law passed in 1999 based on that decree already guarantees the right of education in the mother-tongue from the kindergarten to the university. An important shortcoming, however, is the restriction which does not make it possible for the Hungarian national community to establish an *independent state university for Hungarians*.

International and bilateral agreements signed by Romania can only partially substitute for the shortcomings of domestic legislation. Among the Council of Europe's documents on minority protection, Romania ratified in 1997 the *Framework Convention for the Protection of National Minorities*, while the ratification of the *European Charter for Regional or Minority Languages*, signed by Romania in the same year, is still under way. The 1996 Romanian–Hungarian State Treaty lies down the rights needed to protect minority identity and the general principles of related

state policy policies. It also validates additional international documents, such as *the 1992 United Nations Declaration on the Rights of National, Ethnic, Religious and Linguistic Minorities, the Copenhagen Document adopted by the Conference on Security and Cooperation in Europe, and Recommendation No.1201 (1993) of the Council of Europe's Parliamentary Assembly.*

Even though the Constitution recognizes that the international documents signed and ratified by Romania take precedence over domestic laws, their implementation in practice is contradictory and the exercise of the rights contained in these documents is often not possible.

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Berghof Report	Title	Author	published
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1	<i>Peaceful Intervention. Structures, Processes, and Strategies for the Constructive Regulation of Ethnopolitical Conflicts</i>	NORBERT ROPERS	October 1995
2	Interkulturelle Mediation – eine schwierige Vermittlung. Eine empirisch-analytische Annäherung zur Bedeutung von kulturellen Unterschieden	FRANK LIEBE (WITH THE ASSISTANCE OF NADJA GILBERT)	May 1996
2	<i>Intercultural Mediation: A Difficult Brokerage. An Empirical-Analytical Attempt to Assess the Impact of Cultural Differences</i>	FRANK LIEBE (WITH THE ASSISTANCE OF NADJA GILBERT)	May 1996
3	Konstruktive Haltungen und Verhaltensweisen in institutionellen Konflikten. Erfahrungen, Begriffe, Fähigkeiten	EVA MARINGER / REINER STEINWEG	June 1997
4	Krisenprävention und zivile Konfliktbearbeitung durch die EU. Konzepte, Kapazitäten und Kohärenzprobleme	TOBIAS DEBIEL / MARTINA FISCHER	August 2000
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\* Publications by the Berghof Research Center can be downloaded from its homepage [www.berghof-center.org](http://www.berghof-center.org)

Berghof Report	Title	Author	published
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## Occasional Papers: An Overview\*

Occasional Paper	Title	Author	published
1	Ergebnisbericht: Interkulturelle Konfliktbearbeitung. Einführungsseminar in neue Konzepte der innergesellschaftlichen und internationalen Mediation und präventiven Diplomatie. 30.November – 2. Dezember 1994	NORBERT ROPERS	July 1996 out of print
2	<i>Golitsino Workshop for Peace Builders.</i> 25. – 29. September 1995	ANJA WEIß / ALEKSEJ NAZARENKO	August 1996
3	<i>Warsaw Workshop for Peace Builders.</i> 28. Januar – 2. Februar 1996	ANJA WEIß / ALEKSEJ NAZARENKO	September 1996
4	<i>The Hungarian Concept of Autonomy for Romania. The 1993 DAHR Draft-law on National Minorities and Autonomous Communities and Reactions from Other Political Parties in Romania</i>	KINGA PÁLL	September 1996
5	<i>The International Relations of the DAHR 1989 – 96. The Democratic Alliance of Hungarians in Romania. An Introduction</i>	ANNA-MÁRIA BÍRÓ	August 1996
6	<i>The Protection of National Minorities and Regional Stability</i>	KINGA GÁL	September 1996
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8	Eigeninitiativen einheimischer FriedensstifterInnen. Wirkungsmöglichkeiten in den neuen östlichen Demokratien	SONJA BORSKI / HOLGER HESS	September 1998

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Occasional Paper	Title	Author	published
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11	<i>Advanced Networking: A Conceptual Approach to NGO-based Early Response Strategies in Conflict Prevention</i>	ANTON IVANOV	October 1997
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17	<i>Southeast European NGOs for the Stability Pact.</i>	MARTINA FISCHER / GIOVANNI SCOTTO	September 2000
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19	<i>Prevention of Ethnic Conflict. Lessons from Romania.</i>	WOJCIECH KOSTECKI	August 2002

Occasional Paper	Title	Author	published
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Band	Titel	Autoren	veröffentlicht
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