Chapter 1. The Dynamic of Ethno-political Relations in Romania

When speaking about the field of ethno-political relations, we refer to all political interests, concepts, activities and decisions which relate either to a group's common ethnic identity and bounds, or which directly or indirectly affect the chances of a given ethnic group to reproduce its particular features. In the following analysis of ethno-political developments, we will focus on several closely connected, but analytically distinct dimensions.

First, we will deal with the *actors* involved in ethno-political processes, individual as well as collective sub-state and state actors. We will start with Brubaker's model of a "triadic nexus linking national minorities, nationalizing states and external national "homelands"[17] or kin states. The decisive step in understanding the actors' multiple interrelationships is to conceptualize them not as unified actors - as "fixed and given" entities - but as "variably configured and continuously contested *political fields*".[18] This understanding allows us to "think of a national minority not as a fixed entity or a unitary group but rather in terms of the *field of differentiated and competitive positions or stances* adopted by different organizations, parties, movements, or individual political entrepreneurs, each thinking to 'represent' the minority to its own putative members, to the host state, or to the outside world, each seeking to monopolize the legitimate representation of the group."[19] The same is also true for governmental as well as political and social actors in the host and in the kin state, with the result that the "triadic relation between these three 'elements' is, therefore, a *relation between relational fields*; and relations *between* the three fields are closely intertwined with relations *internal to*, and *constitutive of*, the fields."[20] Taken together, we have to analyse the permanently changing geometry of closely interconnected and interdependent actors, whereby large collective actors are lead back to smaller groups, factions or wings and ultimately to acting individuals.[21]

A second important analytical dimension is the structure of *motives, interests and objectives* of the different actors. We are not only interested in those aspects of the actors' agenda which are directly related to ethnicity. Rather, we start from the assumption that interests in power, welfare, status, image, or stability are frequently related to ethno-political questions and can have greater explanatory value than reference to isolated ethno-political attitudes and demands. Moreover, we assume that interests and objectives (as actors) are not "fixed and given", but can evolve under changing conditions at any time. With this assumption, our research approach differs fundamentally from so-called objective theories of nationalism.[22]

In the third dimension, we also have to consider the *underlying principles and norms* guiding the actors involved in negotiating various minority-related issues. First, this refers to the manner in which the concept of "nation" as a category, which mediates the relation between state and society[23], is substantially defined and used by the various actors. In its pure ethno-nationalistic variant, this discourse was mainly conducted with history as its main frame of reference. Of course, other variants are also relevant for understanding the development of ethno-political issues, that is, the concept of multiculturalism as an alternative to the nationalistic approach of hegemonic control. Second, this refers to the whole set of global or European legally or politically binding human and minority rights norms, which also may guide or limit the relevant actors' decisions. We are especially interested in cases where an originally history-driven discourse is replaced or at least superposed by a norm-driven one.

A fourth analytical dimension is related to the *level of state sovereignty* claimed and implemented by states when dealing with international norms and actors concerned with ethno-political issues. Tradi-

17 Brubaker 1996, p. 50.
18 Ibid., p. 60 (italics in the original).
19 Ibid., p. 61 (italics in the original).
20 Ibid., p. 67 (italics in the original).
21 For a liberal approach to international relations which traces the international actions of states back to specific interests and preferences of individuals and social groups see Moravcsik 1997.
22 For an overview on the different theoretical approaches to the field of nationalism and nation see Zellner/Dunay 1998, pp. 35-63, and Simhandl 2002, pp. 7-36.
23 As defined in Verdery 1996b.

tionally, domestic inter-ethnic relations were seen as one of the best-safeguarded sanctuaries against foreign intervention, legitimized by the international legal principle of non-interference into domestic affairs. Today, about fifteen OSCE participating States, nearly a third of the Organization's membership, allow the HCNM's 'soft intervention' into this especially sensitive area of their domestic affairs. The slowly shrinking level of state sovereignty, the rising importance of international norms and the increasing number of actors involved resulted in a growing margin of manœuvre for solutions to ethno-political problems or at least its stabilization. Finally, besides the substantial results of the different debates, we will focus on the development of frames, forms and formats for communication and interaction between the various actors involved, emphasizing the mediating role of the HCNM in order to overcome communication blockades, reduce tensions, prevent escalations and contribute to the development of durable solutions.

1.1 Minorities in Romania - A Brief Overview

This is not the place for an in-depth study on the social, political and historical roots of inter-ethnic relations in Romania. However, it is necessary to present some general features of the social and political organization of ethnic diversity in Romania in order to construct a frame of reference for the analysis of the contentious issues as well as the related interventions of the High Commissioner.

1.1.1 Size and Demographic Developments

Data, including census data on the size of ethno-political groups, are never of objective character. Liebich distinguishes between three obstacles to a reliable counting of minorities. Two come "from above", meaning the state, and one from below, meaning from interested sub-state parties. The aforementioned two are concerned with the conceptual framework of a census, including its classifications as well as its implementation, and the third obstacle points to different grievances interested actors may have with the census and/or its implementation.[24] But, even if the conception and organization of a census are perfect and there are no complaints at all by interested actors, a census cannot represent more than the aggregate result of many individuals' actual choices concerning their ethno-political identities. Therefore, even the best-organized census, under the most liberal conditions, is not more than a snapshot of a process of permanent change. Therefore, such data, at its best, represent a rough approximation to reality.

Table 1: Nationality structure of Romania's population. Censuses of 1930, 1956, 1977 and 1992 in absolute figures and per cent shares[25]

Census Year	1930	1956	1977	1992
Total	14,280,729	17,489,450	21,559,910	22,810,035
Romanian	11,118,170 77.85%	14,996,114 85.74%	18,999,565 88.12%	20,408,542 89.47%
Hungarian	1,423,459 / 9.97%	1,587,675 / 9.08%	1,713,928 / 7.95%	1,624,959 / 7.12%
German	633,488 / 4.44%	384,708 / 2.20%	359,109 / 1.67%	119,462 / 0.52%
Jewish	451,892 / 3.16%	146,264 / 0.84%	24,667 / 0.11%	8,955 / 0.04%
Roma	242,656 / 1.70%	104,216 / 0.60%	227,398 / 1.05%	401,087 / 1.76%
Ukrainian	45,875 / 0.32%	60,479 / 0.35%	55,510 / 0.26%	65,764 / 0.29%
Lipovan	50,725 / 0.36%	38,731 / 0.22%	32,696 / 0.15%	38,606 / 0.17%
Serb., Croat.	50,310 / 0.35%	46,517 / 0.27%	43,180 / 0.20%	33,493 / 0.15%
Other[26]	259,102 / 1.81%	109,154 / 0.62%	101,350 / 0.48%	98,469 / 0.44%
Undeclared	5,052 / 0.04%	13,357 / 0.08%	4,641 / 0.02%	3,940 / 0.02%

[24] Cf. Liebich 1992, pp. 32-33.
[25] CNS 1995.
[26] The category "other" includes here the Tatar, Slovak, Turk, Bulgarian, Czech, Greek, Polish and Armenian communities which were treated as distinct categories in the censuses of 1930, 1956, 1977 and 1992.

According to the census of 1992, the share of population that declared itself as having another nationality than Romanian was 10.53 per cent of Romania's total population (22,810,035 persons). The largest minority is Hungarian (1,624,959 / 7.1 per cent), followed by the Roma (401,087 / 1.8 per cent) and the German (119,462 / 0.5 per cent) communities (see below).

Regarding the accuracy of these figures, two aspects concerning the size of the Hungarian, respectively the Roma minority, should be mentioned: In the period during which the census was implemented, several complaints about inaccuracies in the course of the registration process - which were allegedly devised with the intention to reduce the number of Hungarians in Romania - were published in Hungarian-language newspapers in Romania.[27] These accusations were mainly based on the number of members of the Hungarian churches, which were guessed to be about two million.[28] These speculations, on the *genuine* size of the Hungarian community in Romania, have not been sustained by the findings of demographers. Campaigning for a higher number of Hungarians in Romania, rather reflects an element related to the collective identity[29], as well as the level of distrust the Hungarians of Romania have towards the activities of the Romanian state.

Another aspect is that many persons, who were identified as Roma by their immediate neighbours, hesitated in assuming this identity in the 1992 census. In scholarly literature, one can find the general consensus that the number of those who are regarded as belonging to the Roma population is higher than the figures of the census; estimates vary from around 1 to 1.5 million persons,[30] about five per cent of Romania's population.

The relative share of the minority population of Romania has gradually decreased since the census of 1930.[31] Since the census of 1977, even the absolute number of the Hungarian and some other minority groups has been shrinking. Among the main and demonstrable reasons for these trends, worth mentioning are the higher migration rates and the lower fertility rates of some of the minority communities. The assimilation of minorities is a factor which cannot be excluded. However, because it is based on non-biased references, it is difficult to document this.

The Romanian Statistical Office offers relatively precise data on migration.[32] Specialists consider, however, that the actual figures are higher, due to a variety of migration strategies used in the past several years. Derived from official statistics, 68,409 Romanian citizens of Hungarian origin left the country between 1985-1998. Several scholars, however, based on various sources, have advocated a considerably greater amount (more than a hundred thousand) of Hungarian migrants.[33] Similar migration processes can be noticed in the Jewish and German population of Romania. During the period 1977-1992, there were 228,252 emigrants of German origin registered.[34] Today, the German minority has shrunk to about 80-100,000 members.[35]

Apart from the definitive migration, we should also take into account periodical, transnational movements. In 1991, the number of Hungarians from Romania working in Hungary with work permits or in the black labour market was estimated at 50,000 persons.[36] In 1996, there were 61,600 long-term and permanent residents of Romanian citizenship (mostly ethnic Hungarians), who were registered in Hungary,[37] and these were the only residents with legal status. These migratory movements are of special importance for relations between the Hungarian minority of Romania and Hungary. On the one hand, they point to the fact that relations between the minority population and its kin state are not

27 For an extensive inventory of the different complaints regarding the 1992 census see Varga 1993.
28 Cf. Andrea Süle, in: Diószegi László/R. Süle Andrea (Eds.) 1990, Hetven év. A romániai magyarság története (1919-1989) [Seventy years. The history of Hungarians from Romania (1919-1989)], Budapest.
29 Cf. Varga 1998d.
30 Cf. Gheţău 1997.
31 Cf. Table 1.
32 Cf. Table 2.
33 Cf. Fassmann/Münz 1995, Varga 1998b.
34 CNS 1993, p. 143.
35 Interview with under secretary of State, Department for Interethnic Relations of the Ministry for Public Information, 29 November 2001.
36 Cf. Tóth 1991, p. 111.
37 Cf. OECD 1998, p. 118.

purely symbolic or cultural, but comprise an important economic dimension. On the other hand, the migration of Hungarians from Romania may represent one element to compensate for the declining fertility rate in Hungary proper.[38]

Table 2: Emigration from Romania according to nationality[39]

Year	Total Emigration	Romanian	German	Hungarian	Jewish	Other
1985	27,249	10,274	12,809	2,432	1,159	575
1986	26,509	9,412	11,034	4,144	1,086	833
1987	29,168	11,477	11,639	3,845	1,274	933
1988	37,298	12,879	10,738	11,728	1,048	905
1989	41,363	14,745	14,598	10,099	1,008	913
1990	96,929	23,888	60,072	11,040	745	1,184
1991	44,160	19,307	15,567	7,494	516	1,276
1992	31,152	18,104	8,852	3,523	224	449
1993	18,446	8,814	5,945	3,206	221	260
1994	17,146	10,146	4,065	2,509	177	249
1995	25,675	18,706	2,906	3,608	131	324
1996	21,526	16,767	2,315	2,105	191	148
1997	19,945	16,883	1,273	1,459	136	194
1998	17,536	15,202	775	1,217	198	144
Total	454,102	206,604	162,588	68,409	8,114	8,387

The lower birth rate of Hungarians in Romania also explains its decreasing share in the country's overall population. According to the 1992 census, 1,802 live births per 1,000 women were registered at country level, whereas, in the case of the Hungarians, only 1,708 were counted.[40] Based on this, demographers have prognosticated, for 2025, a decrease in the Hungarian population in Romania by 22.6 per cent, compared with 1992.[41]

1.1.2 Territorial Distribution and Degree of Urbanization

The Hungarians of Romania are highly concentrated in the region of Transylvania.[42] Ninety-nine per cent of them live there, representing 20.6 per cent of the population in this region. Also within Transylvania, the territorial distribution of the Hungarian minority is highly uneven. In two counties, Covasna and Harghita, the Hungarian population represents the majority, more than three quarters of the population. At the level of municipalities, far more than half of the Hungarian population lives in settlements where the share of this ethnic group is 50 per cent or more. This aspect is especially important for analyzing issues of local administration and local decision-making.

Table 3: Ethno-demographic distribution of the Hungarian population in Romania [43]

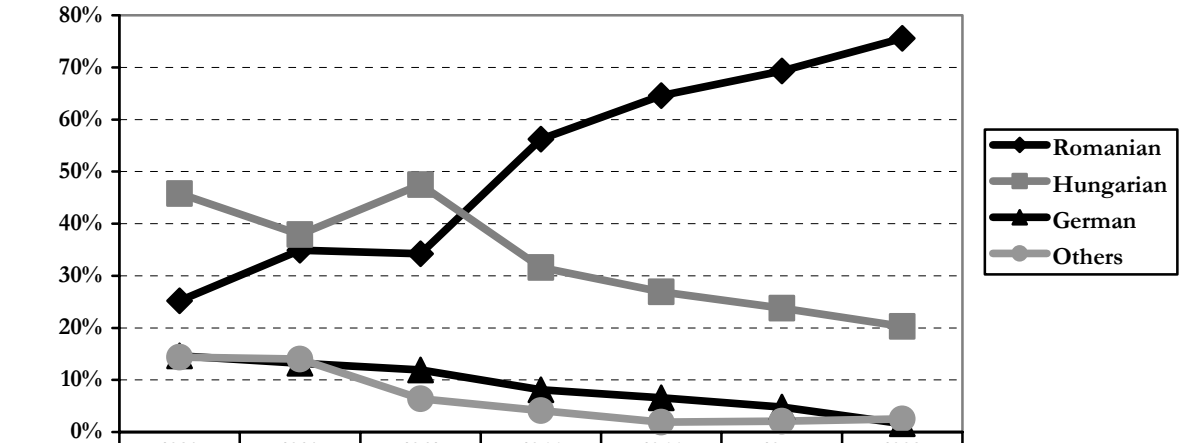
Types of settlements (share of Hungarian inhabitants)	Number of Hungarian population	%
Dominance (90 % and above)	509,351	31.7
Majority (60-90 %)	243,231	15.2
Equal proportions (40-60 %)	274,383	17.1
Minority (10-40 %)	399,976	24.9
Diaspora (under 10 %)	178,406	11.1
Total	1,605,347	100

38 Nelson considers that the declining number of Hungarians in Hungary might be one of the reasons for promoting and defending the interests of the ethnic kin in neighbouring states (1998, especially pp. 314-315).
39 Based on data published in CNS 1994, pp. 150-151, and CNS 1999 - data in electronic format, no page available.
40 Cf. Radocea 1995.
41 Cf. Gheţău 1996.
42 As conventionally used, the region of Transylvania includes Maramureş, Crişana, and Banat. We follow this understanding.
43 Compilation based on CNS 1995.

The Roma population is spread over all major regions of Romania. Cases with a high concentration, at the level of a municipality or county, are rather exceptional. Some other minorities are, in part, regionally concentrated in rural areas (Ukrainians, Lipovans); there are other minorities that constitute small-sized urban diasporas (Greeks, Jews, and Armenians). Although there is, according to the census of 1992, no major disproportion with regard to the rural-versus-urban distribution of the Hungarians and Romanians in Transylvania (59 per cent of ethnic Romanians and 56 per cent of ethnic Hungarians live in towns), for historical reasons, the degree of urbanization still represents a point of contention. The upshot is that there has been a continuous decrease in the share of Hungarians in urban areas.

When Transylvania was integrated into Romania starting in 1919, the Romanians had a political, economic and social power position. The urban areas of this province, however, were mostly dominated by non-Romanian elements.[44] Thus, the Romanian state paid special attention to the ethnic proportions in the Transylvanian urban centres and tried to change them deliberately with a policy that continued after 1945 under communist rule. In parallel, the industrialization and urbanization processes of the second half of the 20th century led to a continuous increase in the share of Romanian inhabitants in Transylvanian cities.[45] It is very probable that these processes, besides the policy efforts of different regimes, significantly contributed to the changes in the ethno-demographic structure of Transylvanian cities.[46]

Table 4: Development of the share of different ethnic groups in Transylvanian cities (1920-1992)



	1920	1930	1941	1956	1966	1977	1992
Romanian	25,20%	34,90%	34,20%	56,20%	64,60%	69,30%	75,60%
Hungarian	45,80%	37,90%	47,50%	31,60%	26,90%	23,80%	20,30%
German	14,60%	13,20%	11,90%	8,10%	6,60%	4,80%	1,60%
Others	14,40%	14%	6,40%	4,10%	1,90%	2,10%	2,50%

Data based on Varga 1998c, p. 194.

The fact is, however, that these sometimes very fast demographic changes were also the objective of a more or less systematic policy aiming at the predominance of the Romanian element in the urban area. The Hungarian elite attributes this, still today, to the aggressive nationalism of the Romanian communist regime, which was willing to undermine the Hungarians' (demographically) dominant position in the cities.[47] Therefore, the actual situation of inter-ethnic relations in Transylvanian cities is burdened with a relatively recent historical experience of large-scale immigration of rural Romanians into these cities where Hungarians used to enjoy a comfortable majority, or at least had a significant share. These experiences, enforced by the discourse of the Hungarian minority elite, often provide the basis for an

44 Cf. Livezeanu 1995.
45 For this process see Varga 1998c, Ronnas 1984.
46 Gallagher 1999b.
47 Cf. RMDSZ, Az RMDSZ Memoranduma Románia felvételéről az Európa Tanácsba [Memorandum on Romania's Admission to the Council of Europe], 26 August 1993, in: RMDSZ 2000, p. 155.

ethnification of local political processes,[48] involving a sense of competition for political and administrative resources along ethnic lines.

1.1.3 Mother Tongue and Religion

Reinforced by a corresponding elite discourse, religion and mother tongue in the Romanian inter-ethnic context are constantly being perceived by the wider population as possessing the main cultural features which people use to identify themselves and others in ethnic terms.[49] Of course, cultural realities are somewhat more complex than the dominant view on nationality and ethnicity would suggest.[50] Language differences, for example, do not necessarily coincide with ethnic ones.

As can be seen from Table 5, members of different ethnic groups perceived their own ethnicity as being different from their mother tongue, the one language which is formally considered the central defining cultural feature of a given ethnic group. The Hungarian minority displays the highest figures regarding the congruency between the declared nationality and mother tongue; 97.8 per cent of Hungarians indicate the same nationality and mother tongue. On the other hand, more than half of the Roma population declared Romanian as their mother tongue. Less than 70 per cent of the Armenians, Jews, Greeks and Poles declared the language regarded as specific to their nationality as their mother tongue. We should also notice that, according to scholars, the degree to which members of an ethnic group stick to their mother tongue can be seen as an indicator of the level of this group's political mobilization (via linguistic means).[51]

Table 5: Perception of the relation between nationality and mother tongue in Romania's population [52]

Nationality	Mother tongue		
	Same as nationality	Romanian	Other
Romanian	99.87	-	0.13
Hungarian	97.87	2.03	0.10
German	78.91	11.16	9.93
Roma	40.86	54.31	4.83
Ukrainian	91.97	7.11	0.92
Serbian	89.63	9.40	0.97
Lipovan	78.79	20.97	0.24
Hebrew	9.46	72.09	18.45
Tatar	92.20	7.19	0.61
Slovakian	91.46	6.18	2.36
Turkish	90.63	9.08	0.29
Bulgarian	85.47	13	1.53
Czech	83.47	11.39	5.14
Greek	61.17	37.59	1.24
Polish	69.07	26.51	4.42
Armenian	44.86	49.72	5.42

Regarding membership in denominations, more than 90 per cent of ethnic Romanians belong to the Orthodox church, whereas more than 90 per cent of ethnic Hungarians belong to the Roman-Catholic or different Protestant (Reformed and Unitarian) denominations. Given that the latter ones, therefore,

48 For a brief analysis of the concept of ethnification see Offe 1992.
49 For empirical evidence see Culic 1999.
50 Nationality is the term used in censuses to register the particular ethnicity of subjects. It should not be confused with the Anglo-Saxon meaning of nationality. In the Romanian use, the meanings of the terms ethnicity and nationality are synonymous and interchangeable.
51 Cf. Fasold 1984, p. 4. For a more general study on the role of language and politico-national mobilization see Hroch 1985.
52 Cf. Radocea 1995, pp. VII-LXXI.

are usually considered Hungarian churches, this cannot only be seen as a formal categorization, because church leaders have significant public influence both at local and at community level.

If we consider, in formal terms, the differences between these two dimensions, which are assumed to be the core elements of ethnicity, then the boundaries between Romanians and Hungarians are seemingly very sharp. However, we should not uncritically subscribe to this view without considering other cultural elements such as the extended bilingualism of the minority population and mixed marriages. Bilingualism represents an effective tool for social communication between culturally differentiated groups. Mixed marriages form a particular basis for inter-group relations, sustaining a sense of permeability of ethnic boundaries. Almost eight out of ten Hungarians consider themselves (based on self-assessment) able to speak the Romanian language adequately to fully function in society.[53] Thus, the linguistic difference between this minority and the Romanian majority does not involve major communicational barriers, due to the relatively extensive bilingualism of the Hungarian population. According to the 1992 census, there are 166,300 ethnically mixed marriages in Romania, representing 2.9 per cent of all married couples. This phenomenon is more characteristic of Transylvania, where the share of ethnically mixed marriages is 7.2 per cent[54] of all marriages, the majority of them between Romanians and Hungarians. Almost every Hungarian person in Romania has extended family of Romanian origin.

If one takes into account these elements, one can fully agree with Brubaker's assessment: "Even in Transylvania, however, group boundaries are considerably more porous and ambiguous than is widely assumed. The language of everyday life, to be sure, is rigorously categorical, dividing the population into mutually exclusive ethno-national categories, […]. But this categorical code, important though it is as a *constituent element* of social relations, should not be taken as a *faithful description* of them."[55]

1.1.4 Historical Background

Apart from the features presented above, the historical experiences of minorities can have an important impact on defining paths for integration into the Romanian social and political system. Having no space for a detailed analysis on each minority's particular situation, we will only provide a brief overview of Romania's state-building process, emphasizing aspects of cultural and administrative integration of ethnically differentiated populations and provinces.

The birth year of the modern Romanian state is usually considered 1859, the year when the provinces of Moldova and Valachia (including Oltenia and Muntenia) united, constituting what is conventionally called the Old Kingdom. Transylvania and other western territories and provinces were integrated into Romania after the peace treaties following the First World War. The regions incorporated in 1919 had very different historical and administrative traditions compared to the core region constituted in 1859. The Old Kingdom, due to the durable tradition of the soft but effective Ottoman suzerainty, had no notable success in creating a modern administrative system and state bureaucracy. When the new territories were incorporated into Romania, the rulers of the Old Kingdom, "long acclimatized to using the administrative machine for paying for services rendered, were not anxious to forgo the large opportunities for patronage and influence which the new territories offered".[56] The relation between the new territories and the Old Kingdom can be described as an internal colonization,[57] in which the centre, using the administrative system, exploits the newly integrated peripheries. The traditions of the Old Kingdom were not favourable for administrating cultural diversity. Before 1919, roughly 10 per cent of the Old Kingdom's overall population belonged to a minority, consisting predominantly of persons of Jewish origin. Their treatment was below the standards of that period; in spite of interna-

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53 Seventy-eight point one per cent of Hungarians from Romania considered that they were able to communicate in Romanian in every-day situations. Cf. Culic/Horváth/Lazăr 2000, p. 23.
54 Cf. CNS 1995, pp. 606-635.
55 Brubaker 1998, p. 297.
56 Crampton 1994, p. 108.
57 "Internal colonialism" (cf. Hetcher 1965) characterized by ethnic colonization and cultural homogenization was already experienced in Northern Dobrogea when it was added to Romania in 1878 (Iordachi 2001).

tional pressure, the granting of citizenship for the Jewish population was persistently refused until 1923.[58]

Against this background of a nearly complete lack of positive experience and ability of the political and administrative elite in handling cultural diversity, the real challenge occurred after 1919, when, as a result of the new territorial configuration, 28.1 per cent of the population belonged to national minorities. Cultural aspects of nation-building played a greater role than political and administrative means for the integration of this culturally heterogeneous body of citizens of the new state. Nationalizing educational and cultural policies, under the *leitmotiv* of the spiritual unity of all Romanians, were perceived by the minorities as directed against them and consequentially worsened their relations with the new state.[59]

During the communist era, two important periods can be distinguished in the handling of the minority issue. The first two decades were relatively relaxed, although not for all minority groups. For the Hungarian community, a complete educational system in its mother tongue was set up, including a Hungarian-language university. Territorial autonomy was granted for the region where Hungarians were a majority, if only in formal terms. The German population, which was considered collectively guilty of having collaborated with the Nazis during the Second World War, was proscribed and plagued. Starting at the end of the seventies, the communist regime turned to an aggressive nationalistic course in order to overcome its legitimacy crisis,[60] and gradually reduced the achievements the Hungarians had made before by harshly diminishing Hungarian-language education. The same is true for tuition in other minority languages. Also, in more general terms, the status of ethnic Hungarians within the economic, social and political spheres was reduced by systematically promoting ethnic Romanians to key positions.[61] International actors also noticed the negative development of the communist minority policies. The Parliamentary Assembly of the Council of Europe took the view that the human rights violations in communist Romania were "more specifically directed against the Hungarian and the Tzigane minorities".[62]

After 1989, the democratization process, marked by important dividing lines,[63] met with the difficult burden of the past, namely, the persistence of the utopia of national unity at the level of the Romanian political elite. In practical terms, this led to a chauvinistically-coloured anti-minority policy.[64] At the same time, it was met with dissatisfaction by minorities, especially the Hungarian, which, until recently, were the subjects of severe nationalizing policies, consisting in the gradual restriction of their possibilities to reproduce their specific ethno-cultural identity.

1.1.5 Political Minority Mobilization and Relation with the State

Influenced by the different aspects of size, territorial concentration and specific historical experiences, Romania's minorities pursued different political objectives, displaying various degrees of militancy. Based on these criteria and the risk of ignoring some details and exceptions, we can identify three different categories. The militant Hungarian minority has tried to renegotiate with the Romanian state its political and public status. The farthest-reaching goal ever publicly expressed (we are referring to the period after 1989) was the idea of becoming a co-nation with the Romanian one, meaning that it would be considered an equal, but distinct, constituent of the Romanian national community. Subsidiarily, the Hungarian minority has been striving to acquire an official status for the Hungarian language, to reframe the cultural and educational policies in a manner which promotes an autonomous administration of these areas, and also to have some forms of territorial autonomy for the territories where Hungarians live compactly. The political elite of the Hungarians set up an organization, the

58 Cf. Oldson 1991.
59 Cf. Barkey 2000, Durandin 1995, and Livezeanu 1995.
60 Cf. Verdery 1991.
61 Cf. Gilberg 1980, especially pp. 203-235.
62 Cf. CoE/PA, Rec. 1114, Recommendation on the situation of minorities in Romania, 26 September 1989.
63 Cf. Capelle-Pogàcean 1999.
64 Cf. Câmpeanu/Radzai 1991.

Democratic Alliance of Hungarians in Romania (RMDSZ),[65] which has proved to be rather efficient in mobilizing the Hungarian population for different political undertakings during the last decade. Beyond this, the Hungarian minority benefits from the active political and other kinds of support by its kin state, neighbouring Hungary.

The small-sized communities of minorities, with less than 100,000 persons belonging to it, are facing certain problems in preserving their cultural identity. They are integrated in the political system through specific mechanisms of representation. Their demands do not exceed the limits of the actual political and administrative system, and their grievances usually do not generate major political and public debates.

The Roma minority, marginalized both socially and culturally, is facing harsh prejudices by all other groups within the population.[66] This frequently manifests in the form of violent aggressions.[67] With a modest stratum of a political and intellectual elite, it presents a very low level of political mobilization. More recently, the particular problems of this population gained more public attention, and the Romanian government elaborated general policy lines.[68]

We can assess that the main inter-ethnic challenges faced by the Romanian state relate to the Hungarian and Roma minorities. The general objectives of the political project of the Hungarian minority challenge the basic ideologies and the frame of reference of the state and nation of the Romanian political and administrative elite. Regarding the social dimension of the Roma problem, the state still lacks sufficient institutional and material resources as well as the experience of engaging in such large-scale policy projects.[69]

In this rather complex environment of relations between minority groups and the Romanian state, the OSCE High Commissioner on National Minorities offered recommendations, both in general terms and related to given minorities. At the general level, the HCNM was interested in the legislative and institutional framework for the protection of the rights of minorities and their political participation.[70] The HCNM focused only occasionally on the Roma population.[71] The most comprehensive and substantial interventions by Van der Stoel, however, concern the dynamic and complex relations between the Hungarian minority and the Romanian state, and it is this issue which will be covered in the present study.

1.2 Ethno-political Developments in Romania 1989-2001

The following subchapter deals with the dynamic of the ethno-political developments in Romania since 1989, which are embedded in the general political development of the country from a totalitarian and highly nationalistic polity to a (certainly still imperfect) democracy striving for Western integration. Thereby we will mainly focus on the structure of interests and margin of manœuvre of the RMDSZ in its relations with the different majority and kin state actors. The reasons for this specific stress within the triangular relationship are that the objectives, initiatives, strategies and tactics of the RMDSZ largely determined the development of ethno-political relations. Most of the other significant players were only reacting to the various RMDSZ undertakings[72] during most of the period analysed.

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65 RMDSZ - Romániai Magyar Demokrata Szövetség; in Romanian: Uniunea Democrată Maghiară din România (UDMR), in English: Democratic Alliance of Hungarians in Romania (DAHR). For the Romanian party system see Gabanyi 1998, pp. 241-299.

66 In 1997, only 48.3 per cent of seven-year olds and 38 per cent of 14-year old Roma children were frequenting schools (cf. Pasti/Miroiu/Codită 1997, p. 194). Cf. also Zamfir/Zamfir 1993.

67 For a brief overview on this see Ligeois/Gheorghe 1995.

68 Cf. Government of Romania, Ministry of Public Information, Strategy of the Government of Romania for Improving the Condition of the Roma.

69 On the situation of the Roma population of Romania, see Crowe 1999, and Barany 1995.

70 Cf. HCNM letter to Meleşcanu, 9 September 1993. The recommendations of the High Commissioner are reproduced, in part, in the literature; see especially in Bloed (Ed.) 1993 and (Ed.) 1997, and in the Helsinki Monitor. Most of them are available at the OSCE website http://www.osce.org/hcnm.

71 Cf. ibid., para. 7.

72 Cf. Oprescu 1999.

We will differentiate between three periods: from 1989 to 1993, from 1994 to 1996, and from 1996 until now. Because the RMDSZ is a political actor participating in the Romanian legislature, the dividing lines between these periods correspond, with two notable exceptions, to the years of general elections in Romania.

The period between the end of 1989 and 1993 can be understood as the first phase of the transition of Romania from a totalitarian system with "sultanistic"[73] features to a still not completely consolidated democracy. Major processes included the setting up of the basic framework for a democratic regime and the development of the party system. The predominant political processes of the period were, according to Gallagher,[74] the consolidation of power of the PDSR,[75] the main successor party of the communist regime[76], and the establishment of a dividing line between non-democratic "former communist" and democratic parties, marking Romanian political life for nearly a decade. With regard to ethno-politics, the basic elements of majority, as well as minority nationalism, were institutionalized. Ethno-nationalism had become the main frame of reference for majority-minority relations. Also significant for this period is the fact that the PDSR, after two years of a quite ambiguous foreign policy, turned to a more firm Western orientation in the beginning of 1993[77] and tried to gain political support for this course from the democratic parties including the RMDSZ.[78] This opened the first window of opportunity for a more consensual regulation of ethno-political relations, an attempt, however, which failed.

After this failure, the PDSR fell back and governed until 1996 with the open support of the nationalistic political forces.[79] Therefore, the period between 1994 and 1996 represents the climax of inter-ethnic tensions. The RMDSZ was widely isolated within the opposition alliance, the Democratic Convention of Romania (CDR).[80] The PDSR-led government experienced growing contradictions between its nationalistic domestic politics and its Western-oriented foreign policy goals.

After the electoral victory of the CDR, the RMDSZ became part of a broad coalition government, which opened a new phase for the political integration of the Hungarians of Romania into the Romanian political system. In spite of the fact that this coalition lost power in the 2000 elections, and that the PDSR, renamed as PSD,[81] came back to government, the period from 1996 to 2001 and beyond is treated as a single one. The reason for doing so is due to the parliamentary co-operation between PSD and RMDSZ in 2001, when based on a protocol, the Hungarian party included some of its minority policy objectives in exchange for providing the government with a parliamentary majority. Thus, after 1996, there was a continuity of RMDSZ participation in different governments, be it in a direct or more indirect form.

1.2.1 Ethno-national Dispute as Dominant Frame of Reference (1989-1993)

This first period started with a very brief prologue of unproblematic solidarity between Romanians and Hungarians, ignoring ethnic differences. When the Romanian revolution broke out in December 1989 in the multiethnic city of Timisoara, Romanians and Serbs joined Hungarians protesting against the forced eviction of the reformed priest László Tőkés, one of the persons to become a symbol of the

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73 Linz/Stepan 1996, p. 344.
74 Cf. Gallagher 1999a.
75 Partidul Democrației Sociale din România [The Party of Social Democracy of Romania], cf. also FSN, FDSN and later PSD.
76 Cf. Pop-Elecheş 1999.
77 Although there was no consensus when Romania's ambiguous foreign policy orientation changed directions towards a more firm Western orientation - following the break-down of the Soviet Union (Despres 1996, p. 127) - immediately after 1992 (Dunay 1997) or only after 1995 (Capelle-Pogăcean 1996b, p. 854) we start from the assumption that with the signing of the Europe Agreement in February 1993 and with the opening of its procedure of application for membership in the Council of Europe in Spring 1993 Romania showed clear signs of a Western orientation.
78 Cf. Gallagher 1999a, pp. 171-174.
79 The three most important nationalistic parties are: PUNR – Partidul Unității Române (Party of Romanian National Unity), PRM – Partidul România Mare (Greater Romania Party) and PSM – Partidul Socialist al Muncii (Socialist Labour Party). For information about these parties see Shafir 2000a and Shafir 2000b.
80 Convenția Democratică din România, constituted on 26 November 1991.
81 Partidul Social Democrat [Social Democratic Party].

opposition against Ceauşescu's totalitarian regime. During the fights between the Securitate and the Romanian army, the Hungarian army taped Securitate's radio communication and passed it on to the Romanian army.[82] As the protests rapidly developed into a mass movement, the National Salvation Front (FSN), which assumed the provisory administration until the necessary preconditions for political pluralism and free elections were created, replaced the structures of the communist authority.[83] Hungary was the first state to recognize the FSN as a legitimate representative of Romania, and Gyula Horn was the first foreign minister who visited his Romanian colleague, Celac, on 29 December 1989.[84]

In one of its first political declarations, the FSN "solemnly declare[ed] that it shall achieve and guarantee the individual and collective rights and liberties of all the national minorities"[85], and that it would include these rights in the new constitution and concretize them with a law on minorities. Ethnic Hungarians were included within the FSN top leadership, among them former communist party members marginalized during Ceauşescu's dictatorship, such as Károly Király and Géza Domokos, and the dissident László Tőkés. Moreover, ethnic Hungarians were appointed to different positions in the executive, namely, the Deputy Minister of Education, Attila Palfalvi.

On 25 December 1989, the RMDSZ was founded and issued its first political document, asking for the re-establishment of the Hungarian-language educational system, the use of the minority language in public administration, minority access to media and, more generally, access of minorities to public life and political decision-making. The declaration re-affirms the legitimacy of the FSN and emphasizes the large support and the subsequent expectations of the RMDSZ on the provisional governmental authority.[86] Thus, the first steps of the new political regime were characterized by great inclusiveness, in particular, with regard to the minority issue. Conversely, the RMDSZ displayed a lot of confidence in the new power-holders.

For less than two months, it seemed as if this orientation towards and co-operation with the FSN were to be really beneficial for the Hungarian minority. The main concrete achievements of this co-operation were in the field of minority-language education. A part of Hungarian-language high schools, transformed during the last decade of communism into institutions having exclusively Romanian as the language of instruction, were totally or partially reinstated. Merged into an institution with Romanian as the language of instruction a few decades ago, the RMDSZ was optimistic towards the re-establishment of the Hungarian-language university in Cluj.[87] The separation of schools, however, was, in some cases, done in quite an insensitive way, to the disadvantage of Romanian pupils. This led to protests and demonstrations by ethnic Romanians in Cluj and Tîrgu Mureş. On 27 January, Palfalvi was dismissed.[88]

Starting late January 1990, the FSN leadership showed tendencies towards monopolizing and using the symbolic capital achieved during the revolution. In spite of its previous assurances to function solely as a transitory political force until the forthcoming free elections,[89] it decided to transform itself into a political party and participate at the forthcoming elections. This was not just an unfair political gesture, which the newly re-established historical parties[90] protested against in vain, but in that context, the FSN adopted a significant segment of the old communist party elite - a first sign of its intention to

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82 Cf. Reisch 1991, p. 5.

83 On the FSN (Frontul Salvării Naţionale) cf. Calinescu/Tismăneanu 1992.

84 Cf. Horn 1991, pp. 354-355.

85 Quoted from Gallagher 1995b, p. 76. For the whole document see: FSN, Declaraţia Frontului Salvării Naţionale cu privire la drepturile minorităţilor naţionale din România [The declaration of the National Salvation Front regarding the rights of the national minorities of Romania], 6 January 1990.

86 Cf. Az RMDSZ Ideiglenes Intézőbizottságának kiáltványa [The communiqué of the provisional committee of the RMDSZ], 25 December 1989. Cf. also: A RMDSZ szándéknyilatkozata [The declaration of intentions of the RMDSZ], 13 January 1990.

87 Cf. Domokos 1996, p. 132.

88 Cf. Pataki 1990a, p. 23, and Gallagher 1995b, p. 79.

89 Cf. Gallagher 1999a, p. 194.

90 These parties existed before the communists took power in 1947 and maintained a certain symbolic continuity during the period of communism. These where the PNŢCD - Partidul Naţional Ţărănesc Creştin şi Democrat (National Christian Democratic and Peasant Party), the PSDR- Partidul Social-Democrat Român (Romanian Social Democratic Party) and the PNL - Partidul Naţional Liberal (National Liberal Party).

politically restore the power of this new-old elite.[91] On 25 January 1990, FSN President Ion Iliescu spoke of "separatist tendencies"[92] in Transylvania. Romania started to return to its tradition of ethno-nationalism as the main frame of reference for majority-minority relations.

1.2.1.1 The Institutionalization of Majority Nationalism

The transition path of Romania from a totalitarian to a democratic regime was significantly different from all other former communist countries in Eastern and South Eastern Europe. "Romanian exceptionalism" displayed quite unique features: "It had the last transition. It had the most violent regime termination. It was the only country that had nothing remotely close to a national round table. It is the country where the successor regime committed the most egregious violations of human rights."[93] The violent form of the Romanian revolution was a consequence of the fact that almost all partners needed for a pacted transition were lacking: There was neither a reform wing of the ruling communist party nor any relevant oppositional forces.[94] Linz/Stepan also pointed to the fact that a violent transition would favour that "the new power holders, even if they later augment their legitimacy via elections, […] govern in a way in which undemocratic discourse and practice are frequently present."[95] In addition, Romania at that time had a "simmering stateness problem"[96]: the behaviour of the new leaders clearly represented one of a "nationalizing state" which feels threatened in its identity and existence by the claims and demands of ethno-national minorities.

Against the background of this specific course of transition, the FSN leadership relied on two main strategic elements to establish its power base: the absorption of a part of the former communist elite and the use of ethno-nationalism as the main binding ideology within the new elite and the broader population. Both elements were closely linked, which made things easier, as this meant nothing other than the continuation of Ceauşescu traditions. The unavoidable consequence of this strategic decision was that the good relations between the FSN und the RMDSZ, in the very first phase, had to be sacrificed. As Gallagher notes, "[t]he NSF clearly found itself in a contradictory position. If it was prepared to honour its promises to Hungarians, this would be at the expense of state and party officials whose co-operation the NSF needed in order to extend its authority across the whole country."[97] In the following subchapters, we will deal with some main features of this old-new amalgamation of (post)-totalitarian forces with ethno-nationalist ideology.

Although nationalism was activated in the psychological context created by the Hungarian minority's claims and activities to re-establish the Hungarian-language educational system, its consequences and future development clearly reflect that this was only the trigger and not the cause of the political institutionalization of nationalism. The media reacted very emotionally to Hungarian activities; the genuine discomfort, which Romanian pupils and parents suffered during the process of the separation of schools, was extremely dramatized. As it was a period of rapid and ambiguous social and political change with widespread uncertainty about possible developments, the rather unitary mobilization of the Hungarian minority, in relation to a precise goal, led to a sense of insecurity among the Romanian population. Thus, ethnicity as an unaltered and primordial form of solidarity, around which a new form of political commonality could be set up,[98] was rapidly discovered and promoted by many public actors of this period. The appeal to ethno-nationalism as a frame of reference in interpreting the Hungarians' activities and claims transformed rapidly into a harsh anti-Hungarian discourse.[99] This discourse was characterized by a phraseology similar to the one the population was largely accustomed to, dating back to the last decade of Ceauşescu's regime.[100]

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91 Cf. Kitschelt 1992, p. 39; cf. also Rady 1992, Verdery/Kligman 1992.
92 Pataki 1990a, p. 23.
93 Linz/Stepan 1996, p. 344.
94 Cf. ibid., p. 356.
95 Ibid., p. 361.
96 Ibid., p. 363.
97 Gallagher 1995b, p. 81.
98 Cf. Hobsbawm 1992, Verdery 1993.
99 Cf. Câmpeanu/Radzai 1991.
100 Cf. Verdery 1991.

The leading figure of this period was undoubtedly the *ad interim* President Ion Iliescu, who preferred not to be confronted with the mainstream tendency, and thus labelled the Hungarian minority's demands as "separatist tendencies". On this emotional and ideological basis, political nationalism in Romania was quickly reorganized, getting hold of, in a very short time, large popular support. The main organization for this task was the Vatra Românească[101], founded at the very beginning of 1990.[102] Initiated as a catch-all organization, it was controlled by activists of the former communist party schools,[103] army and police officers[104] and the acolytes of the communist cultural production, briefly *apparatchiks* who felt themselves marginalized by the political system, having "few rhetorical alternatives but the time-honoured 'defense of the nation'".[105] Thus, Vatra Românească nearly ideally represented the two elements of the FSN power strategy: old-new elites and nationalism. The rapid growth, rising popularity and the surprising capacity to mobilize masses of the Vatra Românească (from which later on one of the extreme nationalistic parties, the PUNR, derived) confirmed that nationalism could be used efficiently to control the population. Iliescu and the FSN not only preferred to not be confronted with them, what is more, the FSN supported the Vatra Românească at least in an indirect manner. At several occasions, it tolerated the claim of the Vatra Românească to substitute state authorities and to act as a representative of the Romanian nation in relation with the Hungarian minority.[106]

As nationalism became the dominant discourse and the organizational capacity to mobilize the population came into existence, on both the majority and the minority sides, relations between the Romanian majority and the Hungarian minority became tense. This increased the likelihood of violent conflicts to erupt - as it actually happened in the city of Tîrgu Mureş on 19/20 March 1990. In a certain sense, this city seemed to be predetermined to be the place of violent ethnic clashes. The city of Tîrgu Mureş, which up until the sixties was largely Hungarian, underwent rapid demographical changes during the last two decades of communist rule. Consequentially, the proportion between Romanians and Hungarians was roughly equal in 1990. But the change of proportion created a sense of frustration in both groups: the Hungarians felt they had lost their dominant position and the Romanians felt that the Hungarians saw them as colonists and as unwelcome newcomers.

Tensions actually arose with the public demonstrations which were organized by the Hungarian community to manifest their claims on re-establishing separate Hungarian-language educational institutions, including a separate university. However, what happened in detail, on 19/20 March 1990, is still unclear: "It may well be impossible to arrive at a thorough, reliable account of what happened in Tîrgu Mureş and there is not even agreement about the number of dead and injured in days of fury",[107] which were officially numbered as three dead and 269 injured,[108] whereas another source speaks of eight dead and 365 injured.[109] What is clear, however, is that hundreds of villagers bussed to the city, probably via Vatra Românească, participated in the clashes by beating ethnic Hungarians and ransacking the offices of Hungarian institutions, and also those of the Liberal Party and the Social Democratic Party. The army intervened only in the evening of 20 March.[110] The Romanian government claimed that the clashes were "provoked" by Hungarian citizens who had come to Transylvania "in large numbers" to celebrate the anniversary of the revolution of 1948.[111] The Hungarian Prime Minister Miklos Németh, in a letter to the Romanian Prime Minister Petre Roman, accused the Romanian leadership of "subordinat[ing] the Hungarian issue to the internal power struggle, making unacceptable concessions to forces practicing explicit racial discrimination."[112]

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101 Vatra means the hearth or symbol of home. In English, occasionally translated as Romanian Hearth.
102 There are authors who suggest that this organization has strong connections with a similarly named organization established by the Iron Guard (Romanian fascist organization between the two world wars) in the United States in 1938, see Demény 1993, p. 285.
103 Cf. Deletant 1991, p. 29.
104 Cf. Iancu 1996, pp. 41-42.
105 Verdery 1993, p. 188.
106 Cf. Iancu 1996, p. 44.
107 Gallagher 1995b, p. 88. On the development of the clashes see ibid., pp. 86-95.
108 Cf. ibid., p. 88.
109 Cf. Special Report: Transylvania, in: Soviet/East European Report, Vol. VII, No. 24, 1 April 1990.
110 Cf. ibid.
111 Cf. Shafir 1990, p. 43.
112 Quoted from Pataki 1990a, p. 23.

The clashes of Tîrgu Mureş represent a decisive event in terms of the symbolic relations between ethnic Hungarians and Romanians: The initial sense of solidarity manifested in December 1989 and the hope that some sense of common ground of shared democratic values would develop between the two ethnic groups was heavily affected. As it had become clear after Tîrgu Mureş, the FSN was not willing to intervene in favour of the Hungarian minority, even in cases where massive violence occurred. The RMDSZ, at its first party convention in April 1990, reacted to this by deciding to break off any relations with the FSN and developing a clear distinct profile within the Romanian polity.[113]

Political violence in the first two years of the Romanian transition period was, however, not confined to the ethno-nationalist sphere. Three weeks after the first elections of 20 May 1990, President Iliescu, on 13 June, called on the population to protect the government against students and civil opposition groups, which had protested for weeks on the Bucharest University square. During the next two days, some 10,000 miners from Jiu valley came to Bucharest, brutally beat the demonstrators and ransacked the headquarters of opposition parties.[114] When the miners left Bucharest, the President publicly addressed them: "I thank you for everything you have done these days. I thank you all once again for what you have proved these days: that you are a powerful force, having a high civic and working-class discipline […]. We know that we can rely on you. We should ask for your help whenever it seems necessary!"[115] The next time it was deemed necessary was in September 1991 when the miners reappeared in Bucharest, occupied the Parliament and forced Prime Minister Roman to resign.[116] In this way, they decided the fight between a more reform-oriented wing within the FSN with Roman and the traditional forces behind Iliescu. This abundant record of political violence, in part initiated by the state authorities themselves, underlines Linz/Stepan's dictum on political violence *during and after* a transition. In 1991, Romania still had to learn how to do without violence in organizing its polity.

After the violent clashes of March 1990, nationalism quickly spread throughout the whole polity. The promotion of nationalism in various forms and intensities became a common feature of the discourse among almost all major political actors and institutions. Furthermore, a significant fraction of the newly emerging party system - the PUNR, PSM and the PRM[117] - was advocating an open and extremist nationalism. The FSN (later the PDSR) cannot be included in the same category with these parties, even though the political use of nationalism by this party and several uncontrolled outbreaks of some of its leaders reflect its attraction to this ideology. However, its politically heterogeneous structure and tactical considerations inhibited it from adopting hard-line nationalistic politics.

Ethno-nationalist manifestations could also be observed in the different public institutions. In this respect, the most frequent reference is made to the restoration of the Securitate, Ceauşescu's secret service and political police.[118] Following the events of December 1989, the activities of this institution were formally suspended, but its structures remained functional. As the population saw the Securitate as the edge of Ceauşescu's repressive apparatus in the beginning of 1990, pressure was exercised on the new authorities to abolish it and to prevent its (former) employees from getting actively involved in politics.[119] The ethnic clashes of March 1990 represented a good opportunity[120] to legitimize the need for a professional secret service to point to the subversive role of the Hungarian minority and the threat to the territorial integrity of Romania by the Hungarian state. In April 1990, the organizational structures of the Securitate were reactivated. The new institution named Serviciul Român de Informatii - SRI [Romanian Intelligence Service] - employed 6,000 of the 15,000 former employees of the Securitate. The main mission of the old/new institution was to identify and track threats to Romania's

113 Cf. Bakk 2000a, p. 19.
114 Cf. Gallagher 1995b, p. 104; Linz/Stepan 1996, pp. 361-362.
115 Quoted from Linz/Stepan 1996, pp. 361/362.
116 Cf. Gallagher 1995b, pp. 115-117.
117 The PRM was founded in June 1991. It emerged from the ultra-nationalist newspaper România Mare, which was founded in June 1990 with the support of the FSN to obstruct the opposition through nationalist media discourse. The two founders of this weekly paper were the ultra-nationalist writers Eugen Barbu and Corneliu Vadim Tudor who already had served under Ceauşescu. Cf. Gabanyi 1998, pp. 284-287; Adamesteanu 2000, pp. 63-65.
118 On Securitate cf. Deletant 1995.
119 Cf. Proclamația de la Timişoara [Proclamation of Timişoara] issued on 11 March 1990. It was one of the basic documents of the political opposition of the period, formulating claims in order to block the re-establishment of the former communist elite, including Securitate members in public and political life.
120 Many authors assert that Securitate forces were behind the violent clashes of March 1990. Cf. Berindei/Ariana/Planche 1990, p. 230; Deletant 1991; Socor 1990, pp. 36-43.

security at home and abroad.[121] The context of its rebirth earmarked the orientation of the SRI. In its official reports, it repeatedly stressed the alleged dangers that emanated from minorities, especially the Hungarian, but also from the Roma.[122]

Nationalist attitudes could also be found in the judiciary. The 44 persons which were sentenced to prison because of their participation in the violent clashes of March 1990 belonged exclusively to the Hungarian and Roma minorities; only five persons of Romanian nationality were prosecuted, none of them were sentenced to prison.[123] This was not the only case of law enforcement with a nationalistic bias. The change of regime in December 1989 was associated with mass violence directed especially towards the representatives of the repressive forces (police and Securitate officers). These events were considered part of the revolutionary process, and amnesty was granted to persons who committed such acts.[124] However, this general amnesty was not taken into consideration when seven citizens of Hungarian origin, who had committed violent actions in Harghita county, were sentenced. This exception was interpreted politically by the RMDSZ, as a punishment of ethnic Hungarians for acting against Romanian authorities.[125] The political relevance of these ambiguous situations was also emphasized by the HCNM, in spite of the stipulation of his mandate to not deal with individual cases, when he referred to these cases in September 1993.[126]

Both politics and the judiciary construed an image of the Hungarian minority as an aggressive people representing a threat to Romanians. These reproaches were especially focused on the two counties where ethnic Hungarians represent the majority: Harghita and Covasna. Ethnic Hungarians of these two counties were not only accused of physically attacking ethnic Romanians but also of forcing them to leave the region. A parliamentary commission was set up to investigate the situation of the Romanians in Harghita and Covasna. The report depicted the Hungarians from these counties as trying to weaken the central authority and organize bloody vendettas, as having a genuine ethnic cleansing programme against the Romanian population.[127]

Another important dimension of the institutionalization of nationalism is related to the initiation of new public and political rituals. Various symbolic-political acts (commemorations of historical events, national holidays, etc.) were genuine manifestations of the "exaltation of the ethnically homogenous community and an exploitation by some of the hegemonic forces of *völkisch* themes and mythologies".[128] One example was the first celebration of the national holiday on 1 December 1990, the date on which the unification of Transylvania with Romania was proclaimed. Prime Minister Roman (later the president of the Democrat Party[129]) acted as a "mob cheerleader" when the masses started to yell nationalistic anti- Hungarian slogans,[130] reflecting the 'privileged' symbolic status Hungarians had achieved in producing a sense of community spirit for the Romanian polity. The strategy of instrumentalizing the past was the main resource of the old/new elite to produce legitimacy, to mobilize and exercise its control of the masses. The side effect, however, of this strategy of exploiting an exclusionary ethnic past, was to reinforce ethnic fragmentation and the present conflict.[131] The use and abuse of the past reached bizarre forms with the activities of the mayor of Cluj, Gheorghe Funar, also president of the PUNR, who started in 1992 to systematically destroy or reframe the meaning of the monuments

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121 Cf. Bacon 1992, p. 199.

122 Cf. Andreescu 1994 and Andreescu 1995b, especially pp. 21-29.

123 Cf. Az RMDSZ Memoranduma Románia felvételéről az Európa Tanácsba [Memorandum by the RMDSZ on Romania's Admission to the Council of Europe], 26 August 1993, in: RMDSZ 1994, pp. 3-34, here p. 4.

124 Cf. Decret Lege (3/1990) privind amnistierea unor infracţiuni şi graţierea unor pedepse [Decree Law concerning the amnesty of certain infractions and official pardon in case of certain sentences], 1 April 1990, art. 1.

125 Cf. RMDSZ 1994, p. 4 (cf. footnote 123).

126 Cf. HCNM letter to Meleşcanu, 9 September 1993.

127 Cf. Parlamentul României [Parliament of Romania], Raportul comisiei Parlamentare de audiere a persoanelor care, după 22 decembrie 1989, au fost nevoite să-şi părăsească locul de muncă şi domiciliul din Judeţele Harghita şi Covasna [The report of the Parliamentary Commission for hearing of those persons from Harghita and Covasna counties, who after 22 December 1989, were forced to leave their workplace and home], 1991.

128 Tismăneanu 1997, p. 435.

129 Partidul Democrat (Democratic Party). In March 1992 the FSN split. One of the successor parties - Partidul Democrat (Frontul Salvării Naţionale)/PD (FSN) [Democratic Party (National Salvation Front)] became later the PD. The legal inheritance of the party name, FSN, was obtained by the branch lead by Petre Roman, later FSN merged with the Democratic Party and finally adopted this name.

130 Shafir 2000c.

131 Cf. Smith 1996.

of the Hungarian community in the city.[132] The career of this notorious figure reflects the degree to which institutionalized nationalism has shaped power structures in Romania. Even when Funar had obviously annoyed the central authorities, they were unable to get rid of him.[133]

Nearly immediately after the start of the restructuring of the political system in Romania, the nationalist paradigm became the main ideological basis for cultivating "collective identities, loyalties, and attachments combined with suspicious attitudes toward minority rights, aspirations, and grievances".[134] As the political institutionalization of nationalism proved to have high potential in catching the attention and mobilizing the population, the predominant political force of the transitional period was ready to give up its initial commitments to an integrative minority policy and rally with the nationalist forces. During the first two to three years, the dominant frame of reference for the debates on minority rights was history, both as source to reveal the *true agenda* behind the Hungarian minorities claims[135] and to deny them more rights as a kind of punishment for their past nationalizing policies. This not only delegitimized the claims of the Hungarian minority, but also labelled it as a threat to the stability of the Romanian state, which considerably reduced the chances of resolving specific problems. In addition, the fact that the claims of the Hungarian minority were framed in terms of disloyalty to the Romanian state, introduced a major tension between identity and loyalty for the members of this community.[136]

Nationalism, in the first years of transition, can be interpreted as an instrument to legitimize and symbolically exercise authority, rather than as a mindful, nationalizing scenario. As we will see further on, at least in 1993, the PDSR was willing "to pursue incremental changes with regard to the Hungarian minority, evidently fearing that any more rapid change would alienate its key supporters".[137] However, its margin of manœuvre was limited by the nationalism it had encouraged and promoted before.

Though prevailing in public and political life, ethno-nationalism was not completely without alternatives. In the beginning of the transition period, civil society in Romania was extremely weak and, in quantitative terms, nearly non-existent. According to Linz/Stepan's comparative analysis of the independent movements in Eastern Europe in June 1989, Romania had the least of such initiatives, namely two, both of which never reached the capacity to communicate to a broader audience via printed material.[138] Although the impact of civil society groups on the general political debate remained low, the intellectual circle gathered in the "Group for Social Dialogue" was successful in articulating a rather coherent alternative to the nationalist paradigm.[139]

In the political sphere, the situation was ambiguous. Although the opposition parties, pressing for a genuine democratic change, assumed that the RMDSZ was a partner in their political alliance, this partnership did not include the development of a common position regarding the minority problem. Two political parties, the PNȚCD and the PNL, represented the most important opposition forces of the period, although they had only very limited success in the 1990 elections.

Against the background of the fact that the PDSR used violence for political ends, the opposition forces started a process of unification soon after the 1990 elections with the objective of establishing a solid political alternative to the PDSR. In August 1990, the Democratic Anti-totalitarian Forum of Romania[140] was set up as a common political platform for all opposition parties and civic organizations. In November 1991, this initial form of co-operation developed into an electoral alliance: the Democratic Convention of Romania (CDR), which in the beginning, with the remarkable exception of the PNL, united all significant parties with a democratic orientation, including the RMDSZ.

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132 For a more extensive picture of the developments in Cluj see Gallagher 1993 and 1995b, pp.161-175; Gallagher 1995a.
133 Cf. Shafir 2000d.
134 Tismăneanu 1997, p. 435.
135 Cf. Horváth/Lazăr 1999.
136 Cf. Turda 2000, or in a historical perspective Iordachi 2000.
137 Linden 1992, p. 215.
138 Cf. Linz/Stepan 1996, pp. 352-353. For problems related to the rise of civil society during the first years of transition see Tismăneanu 1997, especially pp. 427-433.
139 The Group for Social Dialogue also issues the magazine 22, for a collection of some articles from this period see Andreescu (Ed.) 1996b.
140 Forumul Democratic Antitotalitar din România [Democratic Anti-Totalitarian Forum of Romania], 9 August 1990.

Table 6a: Results of the general elections (Chamber of Deputies) in per cent of votes [141]

Date of elections Party	May 1990	September 1992	November 1996	November 2000
Valid Votes	79.7	66.4	71.1	-
Invalid Votes	6.5	9.7	4.9	-
Total Votes	86.2	76.1	76.0	-
ApR - Alliance for Romania	-	-	-	4.1
AUR - Alliance for Romanian Unity	2.1	-	-	-
CDR - Democratic Convention of Romania	-	20.0	30.2	5.0
Democratic Group of the Centre	0.5	-	-	-
FSN – National Salvation Front	66.3	-	-	-
MER - Romanian Ecological Movement	2.6	2.3	-	-
PD - Democratic Party	-	10.2	-	7.0
PDAR - Democratic Agrarian Party of Romania	1.8	3.0	-	-
PDSR - Party of Social Democracy of Romania	-	27.7	21.5	36.6
PER - Romanian Ecological Party	1.7	-	-	-
PNL - National Liberal Party	6.4	2.6	-	6.9
PNȚCD - National Christian Democratic and Peasant Party	2.6	-	-	-
PRM - Greater Romania Party	-	3.9	4.5	19.5
PSD - Romanian Socialist Democratic Party	1.0	-	-	-
PSDR - Romanian Social Democratic Party	0.5	-	-	-
PSM - Socialist Labour Party	-	3.0	2.1	-
PUNR - Party of Romanian National Unity	-	7.7	4.4	1.4
RMDSZ - Democratic Alliance of Hungarian in Romania	7.2	7.5	6.6	6.8
USD - Social Democratic Union	-	-	12.9	-
Others	7.2	12.1	17.7	12.7

The leaders of this oppositional movement rejected the nationalism promoted by the Vatra Românească and the PUNR, and pointed to the fact that it was primarily a strategy which served the restoration of the power of former communists by diverting the attention of the population from the problems of the democratization process.[142] This position was considered by Gallagher mainly as a dissociation from the political forms and circumstances of ethno-nationalism and not from nationalism itself, as some political motions of the opposition parties reflects; that is, their voting in Parliament for the above-mentioned report on Harghita and Covasna.[143]

The political alliance between the RMDSZ and the other opposition parties did not lead to a debate on the principles of the integration of minorities as a political alternative to the dominant ethno-nationalist view. Although the CDR leaders accepted that the basic problem raised by the RMDSZ should be renegotiated, namely, the principles for the relationship between minorities and the state, they did not agree on the adequate timing for such a debate. The leading politicians of the CDR took the view that for the time being the RMDSZ should keep a low profile, because its demands would only fuel nationalism and thereby indirectly support the political forces aiming at a political restoration.[144] As a consequence, they indirectly suggested that the issue of minority rights be discussed in substance only when the institutions of democracy will have become more consolidated. Practically, the RMDSZ had political partners, in terms of the general objectives of democratization, but no associates for a debate on the various alternatives of framing the relationship between the minorities and the state.

[141] Data until the elections of 1996 based on Rose/Munro/Mackie 1998; for the results of the elections of 2000 see: http://domino.kappa.ro/election/election2000.nsf/All/Home (9 May 2002).

[142] Cf. interview with Corneliu Coposu, The Central Political Personality of the Opposition Movement of This Time, in Arachelian 1992, pp. 139-140.

[143] Cf. Gallagher 1999a, pp. 267-269 and 281-282.

[144] Cf. Iancu 1994, p. 214. Cf. also Béla Markó's (president of the RMDSZ) critique on the tactic of opposition partners to consider democratization as a general priority and to treat the issue of minority rights as one of secondary importance (Markó 1993, pp. 20-21).

Table 6b: Results of the general elections (Chamber of Deputies) in seats[145]

Date of elections Party	May 1990	September 1992	November 1996	November 2000
ApR – Alliance for Romania	-	-	-	0
AUR - Alliance for Romanian Unity	9	-	-	-
CDR- Democratic Convention of Romania	-	82	120	0
Democratic Group of the Centre	2	-	-	-
FSN – National Salvation Front	263	-	-	-
MER - Romanian Ecological Movement	12	0	-	-
PD - Democratic Party	-	43	-	31
PDAR - Democratic Agrarian Party of Romania	9	0	-	-
PDSR - Party of Social Democracy of Romania	-	117	91	155
PER - Romanian Ecological Party	8	-	-	-
PNL - National Liberal Party	29	0	-	30
PNȚCD - National Christian Democratic and Peasant Party	12	-	-	-
PRM - Greater Romania Party	-	16	19	84
PSD -Romanian Socialist Democratic Party	5	-	-	-
PSDR – Romanian Social Democratic Party	2	-	-	-
PSM - Socialist Labour Party	-	13	0	-
PUNR - Party of Romanian National Unity	-	30	18	0
RMDSZ - Democratic Alliance of Hungarian in Romania	29	27	25	27
USD - Social Democratic Union	-	-	53	-
Minority organizations	9	13	15	18
Others	7	0	0	0
Total	396	341	341	345

1.2.1.2 The Options of the Main Minority Actor

The most important condition for the development of the RMDSZ's ideas, interests and objectives, concerning the relation of the Hungarian minority to the Romanian state, was this alliance's far- reaching isolation within the Romanian polity until 1996, with the notable exception of some civil society actors. This decisive factor shaped RMDSZ programmes and activities in the same way as the opening of this isolation, after 1996, had turned the alliance's course around.

For the last decade, the RMDSZ succeeded in remaining the only organization for the political representation of the Hungarians of Romania. The constituency of the RMDSZ is, with insignificant exceptions, congruent with the Hungarian population of Romania. The number of Hungarian votes for parties other than the RMDSZ is almost insignificant.[146] Although there were some attempts to create alternative political organizations for the Hungarians of Romania, they failed without having even minimal support. Implicitly, the relevant Romanian parties accepted the fact that the ethnic Hungarian population is the exclusive electoral basis of the RMDSZ. At least there is no indication of serious attempts of these parties to address this part of the population. Thus, the existence of this ethno-political organization is acknowledged as a particular but permanent part of the Romanian political system.

Even if the RMDSZ acts in a unitary way in the institutionalized political process, that is, in elections or in Parliament, it structurally represents an admittedly rather stable combination of quite heterogeneous political ideologies and orientations. Functioning as an umbrella organization, the RMDSZ incorporates a range of political and ideological groupings, some of which, as the Christian Democratic

[145] Cf. footnote 141. The dash (-) in the table means that the given party did not participate at the given elections. The zero (0) means that the party participated but did not obtain a seat.

[146] This is true for national elections, but not for local elections in areas where Hungarians were in majority. In such cases, alternative organizations and independent candidates (ethnic Hungarians) successfully competed with RMDSZ representatives.

Party of the Hungarians of Romania and the Social Democratic Party of the Hungarians of Romania, had its own juridical personality until recently. All these ideological platforms and interest groups have been integrated, since 1993,[147] by a "complicated multi-layered structure with crossing memberships in the different bodies at both central and local levels".[148] Based on this structure, the RMDSZ succeeded in mobilizing large segments of the Hungarian population, assuring a high stability of its constituency.

This integrating organization has a complicated decision-making structure. Its Executive Presidium has a weaker power position - as is usually the case in political parties. Instead, a large decision-making body, the Council of Representatives - often labelled the "mini-parliament" of the Hungarians of Romania - makes the main decisions and supervises the smaller body. With this complicated system for accommodating interests, the RMDSZ has, until now, successfully handled its internal tensions and conflicts, resulting from the heterogeneity of its constituent organizations and interests. Concerning political differentiation, one important dividing line between the so-called moderate and radical wings, frequently referred to as the possible "breaking line"[149] within the RMDSZ, should be mentioned. Both factions basically agree on the general objectives of the Alliance. The basis for their discrepancies lies in their different assessment on adequate rhetoric and tactics.

The radicals, labelled by an analyst as voluntarists and populists,[150] focus more on the desired outcome (autonomy) than on the domestic political process. Striving for the intervention of international actors, they try to exercise pressure on the domestic majority actors,[151] with the purpose of creating situations rather than waiting for adequate opportunities.[152] Or, as one analyst concluded, the main tactical step is to issue declarations which draw the attention of the international community to the destructive potential of unsolved aspects of the relations between the Romanian government and the Hungarian minority and, based on this, try to get the support of the international community for achieving autonomy.[153] One can hardly avoid the conclusion that at least a limited escalation of the level of conflict is functionally necessary for the success of this tactical line. In the beginning, this faction was identified as one where persons gathered around the charismatic Protestant bishop László Tőkés.[154] The bishop was known for his inflaming declarations regarding the ethnic cleansing of the Romanian state directed against the Hungarian minority.[155] In the last two or three years, the representatives of this orientation have formed the 'reformist' platform within the RMDSZ.

The group of so-called moderates have tried to use the Romanian political system - through alliances and internal pressure - to accomplish the objectives of the RMDSZ. According to the logic of their incrementalist tactics, they seek to set up a system of political relations and to maintain a process of negotiation with the Romanian political parties in order to establish a framework wherein the particular interests of the RMDSZ can be promoted.[156] For this tactical line, a rather low level of conflict, as well as close ties with every mainstream government, are essential.[157]

One of the crucial processes in shaping RMDSZ programmes was the debate on the new constitution in 1991. The parliamentary representatives of the RMDSZ strongly objected to defining Romania as a "National State".[158] The reluctance to accept this basic definition of the nature of a political community was motivated by the meaning of the category "nation" in the Romanian national ideology as well as by the objectives of the RMDSZ. *Nation,* as used in the Romanian Constitution, is understood as the political community of an ethnic group. This view was confirmed by a leading constitutional expert

147 Based on the statute of the RMDSZ approved at its 4th Congress.
148 Bíró 1996, p. 24.
149 Cf. Bárdi 2000.
150 Cf. Capelle-Pogăcean 1996a, p. 31.
151 Interview with former advisor of the RMDSZ, 13 September 1999.
152 Cf. Capelle-Pogăcean 1996a, Bárdi 2000.
153 Cf. Bíró B. 2000.
154 In December 1989, his opposition against the communist regime started a chain reaction, which led to the Romanian anti-communist revolution.
155 Cf. RFE/RL Newsline, 27 October 1995, Tokes accuses Romanian Government of ethnic cleansing.
156 Cf. Bárdi 2000.
157 Interview with former government official (RMDSZ), Bucharest, 27 November 2001.
158 Constituția [Constitution of Romania], art. 1, para. 1.

who interpreted the term nation in the Constitution as a historically constituted human community bound together by common ethnic origin, language, culture and religion.[159] This constitutional definition of nation was diametrically opposed to the efforts of the RMDSZ to codify in the new constitution guarantees for collective minority rights and freedoms,[160] to organize on this basis a system of local self-governments and to coordinate the activities of these self-governments with a quasi parliament for the Hungarian minority.[161] RMDSZ representatives advanced different formulas to define the status of the Hungarian minority in the Constitution. The most radical one, even from the point of view of the secretary general of the RMDSZ, was to define the Hungarians of Romania as a co-nation, constituting together with the Romanian nation the basis of the Romanian state.[162] Finally, the 2nd RMDSZ Congress decided in 1991 that the Hungarian community of Romania should be defined as an independent political subject, having the same rights as the Romanian people.[163] Despite the radical or moderate formulation of demands, it was obvious that the RMDSZ elite would strive for a collective integration of Hungarians into the Romanian state.

Far from codifying a special status for the Hungarian minority or allowing for a collectivist approach to minority rights, the Constitution, which entered into force at the end of 1991, defined Romania as a "unitary and indivisible National State",[164] and was consequent in terminology by referring to "persons belonging to national minorities" (art. 6, para. 1), allowing no illusions concerning any collective minority rights. The fact that the Constitution stipulates: "The State recognizes and guarantees the rights of persons belonging to national minorities, to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity" (ibid.) was not sufficient for the RMDSZ elite and the ethnic Hungarian population of Romania. The latter one overwhelmingly voted against the adoption of the Constitution,[165] a gesture that enforced the stereotypical image of Hungarian disloyalty, which had been spread by nationalist discourse.

After the end of the constitutional debate, the RMDSZ politicians started to work out their autonomy concept, a new ideology for collective integration, focusing on the idea of an administrative and institutional autonomy of ethnic minorities[166] - a project which represented a source of disputes for the next few years. The core idea was that the Hungarian minority be recognized as a collective political entity and that, on this basis, a process of devolution of the central authority be initiated. As a result, the Hungarians of Romania would have parallel and autonomous structures in the field of culture and education controlled and administered by leaders elected by the members of this ethnic group.

The importance of the autonomy project, formulated by the RMDSZ, is crucial from several points of view. For the RMDSZ, this project was the alternative to the barely masked nationalizing intentions of the Romanian state, representing a strategy of hegemonic control. For the majority of the Romanian political elite, however, the stress on autonomy represented not only the symbolic expression of the lack of loyalty by the Hungarian minority, but also a threat to the political and territorial integrity of the state. Aside from historical suspicion and the traditions of a strong central state,[167] the sensitivity of the Romanian political elite had various sources: among the most prominent examples are the collapse of Yugoslavia, the worsening relations with Hungary and the open support the Hungarian government granted to its co-ethnics living in the neighbouring countries.

In Hungary, a broad consensus existed on the idea of autonomy for the Hungarian communities abroad, including not only the government and the opposition, but also relevant civic and scientific actors. The president of the Hungarian Academy of Sciences elaborated a comprehensive model of

159 Cf. Constantinescu et al. 1992, p. 7.
160 Cf. RMDSZ programme adopted at the 1st Congress.
161 Cf. ibid., para. 13 and 14.
162 Cf. RMDSZ, Szőcs Géza főtitkári jelentője - RMDSZ második Kongresszusa [The Report of Secretary General Géza Szőcs, - the second Congress of RMDSZ].
163 Cf. in original: Önálló politikai szubjektumnak […] a román nép egyenjogú társának, in: Az RMDSZ II. kongresszusának a határozatai, [The decisions of the 2nd Congress of the RMDSZ].
164 Cf. footnote 158.
165 In the referendum in December 1991, 78.5 per cent voted against the adoption of the constitution in the two counties with Hungarian majority; in Harghita only 14 per cent, and in Covasna 21 per cent voted for the Constitution.
166 Cf. Bakk 1999.
167 Cf. Capelle-Pogăcean 1999.

different forms (personal, cultural and territorial) of autonomy.[168] The Antall government, which was in office between 1990 and 1994, encouraged and actively promoted the autonomy projects which were pressed ahead by the Hungarian minorities in Romania, Slovakia (after 1992) and in the Vojvodina.[169] All these autonomy projects were modelled on the memorandum on self-government, issued by the Democratic Association of the Hungarians of Vojvodina in 1992.[170] This document, which provided "a special status of autonomy", closely referred to the so-called "Carrington Plan" for Yugoslavia of 4 November 1991.[171] In this way, the Yugoslav experience influenced the Hungarian minorities' concepts of autonomy, an influence which could not but strengthen the Romanian elite's perception of threat.

All these elements were a source of inspiration and encouragement for the RMDSZ in drafting its concept of autonomy. It would, however, be too simplistic to understand this concept of autonomy solely in terms of a simple response to the guidelines of the kin state[172] and not to look at the functions these ideas promised in the given domestic political context. The idea of autonomy was present in the RMDSZ's rhetoric, starting with its 2nd Congress in May 1991, already before the adoption of the new constitution, when a "Draft on Nationalities" based on the central idea of ethnic autonomy was prepared but not adopted as an official RMDSZ document.[173]

After the elections of September 1992, the idea of autonomy was again on the top of the RMDSZ's agenda. The PDSR had won the elections, but failed to obtain the majority of seats (see Table 6b). Therefore, it formed a minority cabinet. Precisely when negotiations on the new government occurred, the RMDSZ issued, on 25 October 1992, the Cluj Declaration. This document re-emphasizes the political creed of the Hungarian minority as a separate political subject, the integration of which, based on the principle of internal self-determination, should be carried out on a collective basis and concretized in different forms of collective autonomy.[174] Parallel to this declaration, the RMDSZ demanded that the newly appointed prime minister appoint a minister dealing with minority issues. Nicolae Văcăroiu, the head of the cabinet installed on 19 November 1992, answered that this claim would go beyond the limits of the Constitution. After failing to establish some forms of institutionalized communication with the ruling party (cf. Chapter 1.2.1.4), the RMDSZ decided, in late 1993, to introduce a draft law on "National Minorities and Autonomous Communities".[175]

The idea of autonomy was a strategic goal as well as a tactical political instrument. Its ideological basis reflects the fact that also the RMDSZ adopted the dominant political code of ethno-nationalism, promoted by the political majority actors.[176] At the end of 1993, the configuration of the ethno-political relations in Romania showed, on the one hand, a Romanian political elite which conceived the nation in terms of an ethnic community and, on the other hand, a Hungarian minority which promoted a minority nation-building project in Romania[177] - a picture of two conflicting and, at the same time, reciprocally generating nationalisms.

1.2.1.3 Relations with Hungary

The historical legacy for a re-organization of the relations between Romania and Hungary, after 1989, was not promising. Ceauşescu's regime had been insisting, without compromise, on not including minority issues into the bilateral agenda, an approach which was accepted by the Hungarian communists

168 Cf. Glatz 1993, especially pp. 26-31.
169 Cf. A Magyar Köztársaság Kormányának Nyilatkozata a magyar kisebbségekrõl [Declaration of the Government of the Republic of Hungary on Hungarian minorities].
170 VMSZ, Memorandum a Szerb Köztársaságban élő magyarok önkormányzatáról [Memorandum on the self-government of the Hungarians living in the Republic of Serbia].
171 Cf. EU, Carringon Plan, Treaty Provisions for the Convention, Corrected version, 4 November 1991 [in the author's files]. On the link between the Vojvodina memorandum and the Carrington Plan see Zellner/Dunay 1998, pp. 215-216.
172 As insisted on by Mungiu-Pippidi 1996.
173 Cf. Bakk 1999, p. 98.
174 Cf. Az RMDSZ nyilatkozata a nemzetiségi kérdésrõl [The RMDSZ declaration on the nationality question].
175 Cf. RMDSZ [DAHR], Proposition for a Law on National Minorities and Autonomous Communities Proposed by the Democratic Alliance of Hungarians in Romania (DAHR).
176 For this aspect see Schöpflin 1996.
177 For the term "minority nation-building project" see Kántor 2000.

for a long period of time.[178] During the process of regime transition, Hungary's orientation changed completely and, starting with the mid-eighties, the fate of the Hungarians living abroad became a subject of concern for the whole Hungarian political elite. First, the issue of solidarity with the Hungarians abroad was frequently raised by the growing opposition movement, which was taking advantage of the Communist Party's lack of care for the fate of co-ethnics living in the neighbouring countries. Another factor, which concerned public opinion, was the wave of refugees from Romania, the majority of them being ethnic Hungarians fleeing to Hungary, starting in 1987.[179] In this context, the nationalism and authoritarianism of the Ceauşescu regime became subject of general public attention, causing the communists to include the problems of the Hungarian minorities living abroad onto their agenda.[180] This generated Ceauşescu's discontent; at a high level meeting in August 1988 he heavily criticized the Hungarian communist leadership.[181] Bilateral relations then cooled down.

When Hungary changed its Constitution at the end of 1989, a new paragraph was inserted expressing solidarity and responsibility for Hungarians abroad: "The Republic of Hungary shall sense its responsibility for the fate of Hungarians living outside its borders and shall promote the fostering of their links with Hungary."[182] With this, the increased concern of the newly emerging political elite for the Hungarian nation, defined in ethno-cultural terms, was legally codified. The political elite, installed in Romania after December 1989, however, adopted the principle that minority issues exclusively belong to the domestic domain. Thus, within the larger context of resurgent nationalism in Romania, the conflict about the Hungarian minority in Romania was put on the bilateral agenda of the two countries from the very beginning.

Until the Horn government assumed office in 1994,[183] there was a far-reaching foreign policy consensus supported by all the six parliamentary parties. On this basis, Hungary's foreign policy took three main directions: Euro-Atlantic integration, concern for Hungarians abroad and regional stability through good-neighbourly relations.[184] In its government statement, the new Antall government confirmed that it "will be a European government, not only in a geographical sense." [185] And related to the Hungarian minorities, Foreign Minister Jeszenszky said a month later: "[W]e only have to give them moral support, just as other countries lend their moral support to human rights causes."[186] In this way, Jeszenszky clearly based minority rights on human rights. One year later, the substance and tone of the Hungarian government's minority policy had completely changed. As Prime Minister Antall declared before the UN General Assembly: "The principle of self-determination of peoples cannot be applied selectively."[187] Shortly before, Jeszenszky had explained the meaning of the term "self-determination" in this context:

> In the case of ethnically more or less homogenous and/or historically definable units, [...], the aim is independence and national sovereignty, as in the Baltic region or as several republics of the old Soviet Un-

178 Cf. Barabás et al. 1990.

179 Approximately 32,000 Romanian citizens asked for refugee status in Hungary between 1987-1989, see Nagy 1995, p. 42.

180 Cf. the outline of the programme for national politics of the Hungarian Socialist Workers' Party published in February 1988 (Szokai/Tabajdi 1988, reproduced in Bárdi/Éger (Eds.) 2000, pp. 647-659). In order to institutionalize this new policy, the National and Ethnic College and Secretariat were established (cf. Győri-Szabó 1997).

181 Cf. the interview with Mátyás Szűrös, Secretary of the Central Committee of the Hungarian Socialist Workers' Party, in Forró/Havas 1988, p. 153.

182 The Constitution of the Republic of Hungary, art. 6, para. 3.

183 After the first democratic elections in Hungary in March and April 1990 a conservative government under Prime Minister József Antall was formed based on a coalition between the MDF (Magyar Demokrata Fórum /Hungarian Democratic Forum), the FKGP (Független Kisgazda-, Földmunkás- és Polgári Párt/Independent Smallholders Party and KDNP (Kereszténydemokrata Néppárt/The Christian Democratic People's Party). After elections in May 1994, a socialist-liberal coalition government formed by the MSZP (Magyar Szocialista Párt/Hungarian Socialist Party) and the SZDSZ (Szabad Demokraták Szövetsége/Alliance of Free Democrats) came to power. After elections of 1998, a coalition government under Prime Minister Victor Orban formed by the FIDESZ (Fiatal Demokraták Szövetsége/Alliance of Young Democrats), the FKGP and the MDF entered office.

184 Cf. Basic Principles of the Security Policy of the Republic of Hungary, in: Ministry of Foreign Affairs, Fact Sheets on Hungary, No. 4/1993.

185 Antall József felszólalása [Speech of József Antall], 22 May 1990.

186 Foreign Minister Geza Jeszenszky, interview by Alfred Reisch, in: Report on Eastern Europe, Vol. 1, No. 30, 27 July 1990, p. 20.

187 József Antall, Address to the Forty-Sixth Session of the General Assembly of the United Nations, 1 October 1991, 1991, p.5.

ion claim. In the case of national groups who cannot claim independence because of their smaller size or because they live intermingled with another, larger national community, the demand is not independence but autonomy and/or collective rights.[188]

The explosiveness of this argument was already obvious given the fact that both independence and autonomy were based on the identical principle of self-determination. With this, the original balance between the three main directions of Hungarian foreign policy was replaced by the supremacy of minority policy. Kiss rightly speaks about an "'ethnification' of foreign policy"[189] which at the same time was the core element of the so-called Antall doctrine. Antall himself said that "in spirit I would like to be the prime minister of 15 million Hungarians."[190] In this way, the Antall government mirrored and, at the same time, co-executed the general ethnification of conflict in Eastern and South Eastern Europe occurring at that time.

The stress on the minority question was aggravated by a second element, namely, the Antall government's unclear position concerning border changes. Before the UN Security Council, Foreign Minister Jeszenszky declared: "We most resolutely condemn any efforts or attempts at the forcible change of borders, external or internal alike."[191] This position was quite ambiguous in two respects: First, Jeszenszky equated internal borders with external ones and, second, he only mentioned forceful changes of borders, not peaceful ones. The perception of the ambiguity of this position was enhanced by complaints about historical injustice, as can be seen in the following statement by the prime minister: "Trianon is the tragedy of all Hungarian people, a national and family tragedy that causes pain."[192] The Antall government never said that it wanted to change borders, however, it refused to acknowledge the unchangeability of the Hungarian-Romanian border (see below). The possibility of a peaceful change of borders was, in the different wings of the MDF, either seen as a long-term option or as a bargaining chip in exchange for more rights for the Hungarian minorities in the neighbouring countries.[193] Taken together, we can agree with Lengyel: "The basic principle of foreign policy is that Hungary gives up the aggressive modification of its borders, but, on the basis of sovereignty, it insists on the right of changing it by a referendum."[194]

Against this background of kin state nationalism, relations between Hungary and Romania, respectively between the Hungarian government and the Hungarian minority in Romania, developed in quite a reverse way: whereas the former remained rather stagnant, the latter flourished. The Hungarian government initiated several concrete steps in order to promote the interests of Hungarian minorities. First of all, the World Union of Hungarians (Magyarok Világszövetsége), an NGO structure existing since the time of communism, was reactivated and now operates as an important pressure group.[195] Already starting in September 1989, special structures for dealing with the problems of the minorities abroad were set up in the Hungarian cabinet. Finally, in 1992 the Government Office for Hungarian Minorities Abroad (Határon Túli Magyarok Hivatala) was established.[196] Its main tasks have been to co-ordinate governmental activities related to Hungarian minorities abroad, to sustain bilateral relations with governmental bodies competent in minority affairs in the affected countries and to bring the problems of Hungarians abroad to the attention of international organizations. As a result of the activity of this agency, complex and institutionalized forms of contacts and consultations developed between the Hungarian government and the political and cultural elite of the Hungarian minority of Romania.

Apart from political contacts, financial support was granted for Hungarians abroad through a network of public foundations. Two of the most important are: the Illyés Foundation, established in 1990 to offer financing for cultural purposes, and the New Shake Hand Public Foundation (Új Kézfogás

188 Géza Jeszenszky, Europe at the Parting of the Ways, 19 September 1991.
189 Kiss 1995, p. 245.
190 Hungary in the Middle [Interview with Antall], in: Newsweek, 4 November 1991.
191 Géza Jeszenszky, The Security Council and the Crisis in Yugoslavia, 25 September 1991, p. 4.
192 József Antall, The Statue of St. Stephen, 20 October 1992, p. 3. The treaty of Trianon defines the current borders of Hungary.
193 For the border issue see Zellner/Dunay 1998, pp. 223-227.
194 Lengyel 1994, p. 366.
195 Cf. Capelle-Pogàcean 1996, p.11.
196 Cf. Government Decree 90/1992. (V.29), On the Government Office for Hungarian Minorities Abroad. This office continued the work of the above-mentioned National and Ethnic College and Secretariat.

Alapítvány) to support the business sector of Hungarians abroad. It is rather difficult to exactly calculate the total amount of funding offered to Hungarians abroad, the reason being that apart from these two foundations there are other public and private foundations receiving subsidies - from the central or local budgets - and financially sustaining Hungarians abroad. In 1995, this assistance was estimated at more than 1.3 billion HUF (approximately 6.5 Mio. US-Dollar).[197] Hungarians from Romania, due to their size (the largest Hungarian community outside Hungary[198]), are receiving the largest amount of support. A report from the New Shake Hand Public Foundation mentions that 54.38 per cent of the total amount of 1,148.5 million HUF[199] was directed to Romania in the period 1992-1999. Another important institution for the cultural integration of Hungarians abroad is Duna TV, a publicly funded satellite channel, set up at the end of 1992, especially addressing Hungarians abroad.

Relations between the two governments, however, were not flourishing in the same way. Admittedly, there had been negotiations on a bilateral basic treaty since May 1991,[200] however, there was little progress on the two core issues: Hungary was primarily interested in a substantially higher level of rights for the Hungarian minority in Romania, which was not conceded by Romania. Romania asked for a definitive renunciation of any border change by Hungary with which the Antall government did not want to agree. Even Foreign Minister Jeszenszky's visit to Bucharest, the first one at ministerial level since Horn's visit in December 1989, 45 months ago, did not result in a breakthrough. In spite of some progress in individual questions[201] and the fact that Jeszenszky was right when he said that the "Hungarian-Romanian relationship is better than the image of it at home and abroad",[202] there was neither progress in the minority nor in the border question. A third important contentious issue dealt with the Western integration of Romania and whether, and to what extent, Hungary was willing to support this objective.

1.2.1.4 The Expanding Influence of International Actors and Its Impact on the Domestic Scene

At the end of 1992, the Hungarian minority of Romania, fully supported by its kin state, and the Romanian majority confronted one another with mutually exclusive conceptions of minority-majority relations. In spite of this seemingly irreconcilable conflict constellation, in the beginning of 1993, a first chance to normalize minority-majority relations developed. This opportunity was created by Romania's more resolute Western foreign policy orientation. Still in March 1991, Romania had signed a bilateral treaty with the Soviet Union,[203] a step which was heavily criticized by Western analysts and the Romanian opposition[204] and which was seen as clearly revealing a lack of political will to break with the past.[205] In the beginning of 1993, however, the Romanian foreign policy changed its direction towards a more firm Western orientation. The first step was the signing of the Europe Agreement with the EU in February 1993.

The second objective, the admission to the Council of Europe (CoE), was, however, at least in the short term, even more important for inter-ethnic relations in Romania, because the close relationship between the admission to the CoE and minority-majority relations in Romania opened a window of opportunity for a substantial improvement of the latter. The Romanian government had asked for admission to the CoE already in March 1990.[206] However, because of the clashes in Tîrgu Mureş in March 1990 and the miners' marches in 1990 and 1991, the application was delayed. It was only in spring 1993, when the process was put into motion and all parliamentary parties, including the extrem-

197 Cf. Bíró, A. M. 1996a.
198 The distribution of ethnic Hungarians in the neighbouring countries of Hungary is as follows: Romania 1.62 million, Slovakia 563,000, Vojvodina (Yugoslavia) 240,000, Ukraine 156,000, Croatia 22,000 and Slovenia 10,000-12,000 persons.
199 Cf. Új Kézfogás Közalapítvány [The New Hand Shake Public Foundation]1994, Kisebbségi magyar gazdaságpolitika: Új Kézfogás Közalapítvány [The economic policy of the Hungarians in minority: The New Shake Hand Public Foundation].
200 Cf. Gabanyi 1993, p. 526.
201 Cf. Ionescu/Reisch 1993, p. 30.
202 Géza Jeszenszky, Can Danube and Olt Speak with one Voice?, 1992.
203 Cf. RFE/RL, Report on Eastern Europe, Vol. 2, No. 14, p. 30.
204 Cf. Bacon 1992, p. 192.
205 Cf. Linden 1992, p. 229.
206 Cf. Ionescu 1993, p. 40.

ist nationalistic ones, sent a letter to the rapporteurs of the CoE, expressing their commitment to adopt the relevant standards of minority protection.[207] On 19 July 1993, the König Report proposed that the Parliamentary Assembly recommend that the Committee of Ministers invite Romania to the CoE.[208] The report also contained a letter by the Romanian Foreign Minister Meleşcanu, which positively referred to Recommendation 1201 of the Parliamentary Assembly of the CoE.[209]

In order to qualify for CoE membership, the Romanian government set up a new form of institutionalized dialogue between minorities and the government and entered into informal talks and negotiations with representatives of the RMDSZ. In April 1993, the government established a consultative Council for National Minorities[210]composed of representatives of 16 national minorities and twelve ministries to serve as a forum for the discussion on minority issues and to make recommendations to the government. The informal bilateral talks between the government and the RMDSZ, in July 1993, were organized by the Project on Ethnic Relations[211] and conducted by second-echelon leaders of PDSR and RMDSZ. The talks resulted in a tangible positive outcome concerning Hungarian-language education and -language use in the public sphere; concretely stated, this meant "the training of 300 additional Hungarian teachers at the Babeş-Bolyai University in Cluj, more elementary school classes in history and geography taught in minority languages, and bilingual street signs in areas with over 30% minority population."[212]

However, both initiatives of the PDSR failed to produce a breakthrough in its relations with the RMDSZ. The RMDSZ, which had already joined the Council for National Minorities with reserves,[213] withdrew its representatives on 31 August, evoking the lack of genuine authority and effectiveness of the newly created institution.[214] The results of the bilateral negotiations were turned down by a large majority of the political elite of the Hungarian minority, as it is suggested by the name under which this chapter entered into the historical records of this minority: Neptungate.[215] The RMDSZ Council of Representatives took the position that the RMDSZ representatives participating in these talks had no mandate to conclude any agreement with the PDSR,[216] that such an agreement would offer undeserved legitimacy for this party, which had not proven sufficient good faith in its relations with the Hungarian minority.[217] The initiative also failed because the PDSR leadership could not prevent provocative actions among its own members and allies. For example, during the negotiation of the PDSR, the prefect of Covasna County initiated a programme of setting up Romanian-language classes in all schools of the county, regardless of the specific need for this form of education.[218]

Against this background, the RMDSZ issued a memorandum on Romania's admission to the CoE in which it took the position that Romania did not yet meet the minority standards of the Council of Europe.[219] With this, the RMDSZ had seriously undermined an important foreign policy activity of the

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207 Cf. RMDSZ, Information on the Status of Commitments Entered into by Romania upon its Application for Membership in the Council of Europe as Recorded in Opinion No. 176.

208 Cf. CoE/PA Doc. 6901, Report on the application by Romania for membership of the Council of Europe, 19 July 1993.

209 Cf. Letter addressed by Mr Teodor Melescanu, Minister of State, Minister of Foreign Affairs of Romania, to Mr Friedrich König, Rapporteur for Romania of the Political Affairs Committee, 22 June 1993.

210 Cf. Government of Romania, Decision (137/1993) regarding the structure and functioning of the Council for National Minorities, 6 April 1993.

211 An US-American NGO supported by the US government, working in several countries and focusing especially on the elite level of ethno-political relations.

212 RFE/RL Newsline, 21 July 1993, Romanians and ethnic Hungarians agree on rights improvements.

213 When joining the Council, the leadership of RMDSZ mentioned its reservations about the effectiveness of the Council for National Minorities (RFE/RL Newsline, 22 June 1993).

214 Cf. Human Rights Watch, Ethnic Hungarians in Post-Ceausescu's Romania, September 1993.

215 Neptun is a resort.

216 Cf. RMDSZ Közlöny [RMDSZ Bulletin], No. 7-8/1993.

217 Two members of the radical RMDSZ wing took the view that those participating in the Neptun talks represent a separate profile for defining the political priorities of the RMDSZ. They accused participants of giving up the interests of the Hungarian minority for minimal promises, and labeled them as collaborationists without principles (Borbély/Borbély 1999, pp. 194-195).

218 Cf. the decree of the prefect cited in an RMDSZ declaration of August 1993: Nyilatkozat: A hatalomnak az anyanyelvi oktatás visszaszorítására és az etnikai összetétel erõszakos megváltoztatására tett újabb kísérleteirõl [Declaration on the recent attempts of the authority to limit the education in mother tongue and to forcibly change the ethnic proportions].

219 Cf. RMDSZ Memorandum on Romania's Admission to the Council of Europe, 26 August 1993

government, and thus relations between the PDSR and the RMDSZ froze again, each side blaming the other one for lack of constructive communication.[220]

Hungary, which only months before had tried in vain to prevent Slovakia's admission to the CoE, abstained from repeating this futile enterprise in the case of Romania. Instead of this, the Hungarian delegates in the Parliamentary Assembly tried with some success to sharpen the conditions for Romania's admission. On 28 September, the Parliamentary Assembly of the CoE, by issuing Opinion 176 (1993), recommended that the Committee of Ministers invite Romania to become a member of the Council of Europe and, on 7 October 1993, the ministers followed this recommendation. Among the conditions and recommendations to Romania, which are part of Opinion 176, the following ones are of central importance:

> 10. The Assembly proposes that the Romanian authorities and the Romanian Parliament:
> i. adopt and implement as soon as possible, in keeping with the commitments they have made and with Assembly Recommendation 1201, legislation on national minorities and education;
> ii. make use of all means available to a constitutional state in order to combat racism and anti-Semitism, as well as all forms of nationalist and religious discrimination and incitement thereto.
> 11. The Assembly recommends that Romania sign the European Charter for Regional or Minority Languages as soon as possible.[221]

The window of opportunity to renegotiate relations between the Hungarian minority and the Romanian government, which opened in 1993 when Romania negotiated its admission to the Council of Europe, could not be used. On the contrary, after the failure of bilateral talks, the withdrawal of the RMDSZ from the Council for National Minorities and its memorandum on Romania's admission to the Council of Europe, the PDSR, again more openly relied on its collaboration with the extreme nationalistic forces. This contributed to the further isolation of the RMDSZ and, in the following period, to it retreating even more to its autonomy project.

With this failure and relapse into old habits, the period 1989-1993 *seemed* to end in the same way as it had started. During this period, two competing majority and minority nationalisms were firmly institutionalized in all spheres of social and political life. The majority actors displayed the typical behaviour of a 'nationalizing state' which is still unsure about the success of its nation-building project and understands the minority's demands as a threat to the cultural, political and territorial integrity of its ethnically defined nation-state. The RMDSZ, as the political actor of the biggest minority community isolated within the Romanian polity, but strongly supported by the kin state Hungary, answered with its own nation-building project, aimed at a kind of parallel state structure on the basis of what was perceived as a distinct minority society.[222] Seemingly, there was no common ground for the majority and minority; instead, a clear-cut frontline existed between the minority and its kin state, on the one hand, and the host state, on the other - the classic constellation for domestic as well as international conflict.

Two factors worked together to shake this cemented blockade for the first time: the consolidation of the Western orientation of Romania and a first attempt by the PDSR to draw at least some domestic consequences from its foreign policy direction. Even if this attempt failed and led to a temporary falling back, it changed the longer-term conditions for further developments in a positive way. *First*, with the Council of Europe, a new, international actor was acknowledged in the field of inter-ethnic relations, which up to now were seen as an exclusive domestic domain. Shortly later, with his first visit to Romania in the summer of 1993, the HCNM started his efforts in Romania, underlining again the internationalization of majority-minority relations. It is essential to note that this new quality of inter-ethnic relations was accepted for the first time both by majority and minority actors. *Second*, this openness towards international actors entailed the introduction of and discussion on international minority norms. Therefore, we can assess that Romania's shift towards European integration initiated

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220 Cf. RFE/RL Newsline, 6 September 1993, Romania, the Council of Europe, and the Magyar minority.

221 CoE/PA, Opinion No. 176 (1993) on the application by Romania for membership of the Council of Europe. Text adopted by the Assembly on 28 September 1993.

222 In this context A.-M. Bíró writes: "[…] Romania's Magyars do function as a society. Although this society of a minority population is not separated from the majority by and through clearcut physical, legal or administrative boundaries, its modus vivendi has produced structures necessary for its functioning as a society." (Bíró, A. M. 1996a, p. 9).

a process of redefining the traditional dividing lines between domestic and foreign policy in the field of minority policy and, at the same time, opened this field to norms, which increasingly started to matter. In this way, the ground has been laid for the transition from a history-driven to a norm-driven discourse. The RMDSZ was the first to react to this newly opened opportunity and, parallel with pressing for a comprehensive political solution (autonomy) at the very beginning of 1994, issued a set of documents[223] aimed at intervening at the start of the contentious process of setting standards, implementation procedures and supervisory mechanisms for existing rights.[224] These recommendations were in the same line as the Memorandum on Romania's admission to the CoE, however, somewhat more concrete. Even if the following period led to a further sharpening of contradictions, the first experience of negotiating with each other was not in vain, but had prepared the ground - buried for another three years - for a future window of opportunity.

1.2.2 Growing Contradictions between Domestic and Foreign Policy (1994-1996)

The institutionalization of nationalism in Romania considerably facilitated the rise of the extreme nationalist parties (PRM, PSM and PUNR), which together obtained more than 17 per cent of the seats in the Chamber of Deputies in the elections of 1992. As the PDSR had won only about one third of the seats, it co-operated with these extremist parties. This was entirely counterproductive in the light of Romania's foreign policy orientation followed since 1993. After Romania's admission to the Council of Europe, the country's minority policies have been monitored. In addition, the HCNM started to pay regular visits to Romania and has been issuing recommendations to the Romanian government since 1993. Moreover, a lowering of inter-ethnic tensions, with an international dimension, was essential for the desired accession to NATO. And last but not least, Romania negotiated a bilateral treaty with Hungary. Against this background, the PDSR had to balance the nationalistic anti-Hungarian outbursts of its coalition partners, who were frequently supported by PDSR factions and the apparent need to continue the process of integrating the Hungarian minority. This was a more than difficult task.

1.2.2.1 The Double Isolation of the RMDSZ

Since 1992, PDSR-led minority governments have ruled with the informal support of the three extremist parties; in 1994, the PDSR signed coalition agreements with the PUNR and in 1995 with the other two parties.[225] Probably short-term political calculations rather than ideological proximity were decisive for this alliance. From the very beginning, the three parties were highly uneasy partners, whose actions not only strengthened inter-ethnic tensions in Romania but also damaged the government's foreign policy initiatives. When the minister of justice, backed by the PUNR leader, Funar, launched a campaign to ban the RMDSZ in 1995,[226] this created not only domestic tensions but also affected relations with Hungary.[227] When, in August 1995, President Iliescu proposed a historical reconciliation between Romania and Hungary, based on the Franco-German model,[228] Funar issued a memorandum[229] in which he outlined that one of the necessary conditions for this objective was to outlaw the RMDSZ as the main internal obstacle to bilateral reconciliation. The HCNM's efforts to assist Romania were also attacked by Funar who labelled him as "a ghost walking freely in Bucharest, scaring the citizens", and called on the Romanian government to declare him *persona non grata*.[230]

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223 Cf. RMDSZ, Oktatási memórium [Memorandum on education] issued in January 1994; Művelődési memórium [Memorandum on culture], issued on 5 January 1994; Aide-Mémoire az Európa Tanács teljes jogú tagságának elnyerésekor vállalt kötelezettségek betartásáról Romániában [Aide-memoire concerning the observation of the recommendations made by Council of Europe on the application by Romania for membership], 21 January 1994.

224 Cf. Bíró A. 1996, pp. 38-39.

225 Cf. Gallagher 1999a, pp. 171-174.

226 Cf. RFE/RL Newsline, 26 January 1995, Romanian politicians exacerbate conflict with Hungarians.

227 Cf. RFE/RL Newsline, 25 January 1995, Romanian-Hungarian relations expected to cool off.

228 Cf. Address by Mr. Ion Iliescu, President of Romania, before the National Symposium "Romania in the summer of 1940 under the impact of the policy of force. 55 years from the Vienna Diktat" (cf. Chapter 1.2.2.2).

229 Cf. Adevărul, 12 September 1995.

230 RFE/RL Newsline, 19 January 1996, Romanian extremist leader blasts OSCE officials.

Besides such rhetoric attacks, the three extremist parties were successful in putting through, in 1995, a new law on education, which generated harsh reactions by the RMDSZ and threats of civic disobedience.[231] The disputes on this law, which is dealt with more deeply in Chapter 3, are a good example for the nature of relations between the PDSR and the nationalistic parties.[232] Especially the PUNR was pressing for an even more anti-Hungarian law. Although the RMDSZ was already more than unsatisfied, Funar protested against those articles of the law which permit separate institutions for minority education, calling them unconstitutional,[233] and even threatened President Iliescu with impeachment if he signed the law.[234] On the one hand, the president advised PDSR parliamentarians to accommodate the Hungarian claims concerning the Law on Education, as much as possible; on the other hand, a rebellion led by the minister of education, a member of Vatra Românească, promoted the position of the nationalists.[235] Although the PDSR was hesitant in collaborating with these parties from the beginning and repeatedly expressed its dissatisfaction with the harsh nationalism of the PUNR,[236] and, although it became obvious that this coalition undermined its international credibility,[237] the collaboration with the PUNR ended only in September 1996. Notwithstanding how disagreeable this alliance was, it served to keep the PDSR in power until 1996,[238] and allowed Iliescu and the PDSR to portray themselves as "reasonable" and "moderate" in contrast to the harsh nationalism of their partners.[239]

After the failure of its first negotiation attempt with the PDSR, the RMDSZ submitted a draft "Law on National Minorities and Autonomous Communities"[240] to Parliament in November 1993. This document states that the national minorities of Romania base their rights on the "principles of self-determination" and that a minority which exercises these rights becomes an "autonomous community" (art. 1). "The national minorities and autonomous communities together with the Romanian nation are political subjects and state-forming communities." (art. 2, para. 3) In practice, three forms of autonomy specified in the law realize "internal self-determination": personal autonomy, local self-government and regional autonomy (art. 2, para. 5). Personal autonomy means the right of the persons belonging to autonomous communities to establish a system of autonomous cultural and educational institutions; an elected body should exercise the administrative authority of these institutions (art. 51-53). "Local governments of special status", appropriate for municipalities where the members of a national minority are in numerical majority, "shall have a special status […] according to law. The mother tongue of the national minorities […] shall be used as an official language" (art. 54). Regional autonomy represents the "association of self-governments with a special status" within a region. Its competencies shall be established on the basis of an "own statute", and the language of the autonomous community shall be used as an official language (art. 57-59). These demands were also inspired by Recommendation 1201 of the Council of Europe,[241] and especially its most disputed article, number 11, which reads as follows:

> In the regions where they are in the majority, the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state.[242]

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231 Cf. RFE/RL Newsline, 25 July 1995, Romanian President promulgates Education Law; RFE/RL Newsline, 5 September 1995, Romania's Hungarians protest Education Law.
232 Cf. Gallagher 1999a; Shafir 2000c and 2000d.
233 Cf. Cronica Româna, 11 July 1995.
234 Cf. Curierul National, 18 July 1995.
235 Cf. Pop-Elecheş 1999, p. 131.
236 Cf. RFE/RL Newsline, 20 January 1995, Romanian President dismisses calls to ban Hungarian Party; see also Gallagher 1999a, pp. 251-252, and RFE/RL Newsline, 25 January 1995, Romanian-Hungarian relations expected to cool off.
237 The formula used in the 1995 U.S. Department of State Report on Human Rights Practices in Romania, is significant: "There was no violence in 1995 associated with ethnic Hungarian problems *despite* extremist rhetoric from the Party of Romanian National Unity" [emphasis added].
238 Cf. Gallagher 1999a, p. 182.
239 Cf. Shafir 2000d.
240 RMDSZ [DAHR], Proposition for a Law on National Minorities and Autonomous Communities.
241 Cf. Bíró, A. M. 1996a, p. 24.
242 CoE/PA, Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights, art. 11.

Bíró rightly notes that the draft law "is unclear about how much authority the autonomous community will have."[243] And still in late 2001, a member of Parliament of the RMDSZ' reformers wing, which is clearly in favour of autonomy, admitted that this concept was not even theoretically clear.[244]

The draft law was never debated in Parliament, nor were its stipulations worked out in detail as foreseen in the draft law itself. However, it was, on the one hand, the subject of a serious public debate,[245] involving a limited circle of liberal Romanian intellectuals. On the other hand, its vague and ambiguous stipulations and the use of well-known catchwords (autonomy, internal self-determination, etc.) were a welcoming basis for media attacks on the Hungarian minority, because of its alleged intentions of secession from Romania.

The draft law was promoted by the RMDSZ in an environment of rather high inter-ethnic tensions. It clearly challenged the political establishment in Romania and had low chances of being considered a serious policy proposal by the majority partners, even when the support of the kin state was taken into consideration. This raises questions on the draft law's political functions. On an abstract level, the promotion of this project can be seen as a traditionally framed answer to the breakdown of the difficult negotiation process with the majority to reach an agreement on the basic elements of democracy. The answer was traditional, because it completely remained within the frame of ethno-national thinking and nation-building reproduced by both majority and minority. The draft law's timing indicated that this project was a strategic proposal which was tactically used within the given circumstances. In this sense, its promotion led and should lead to the radicalization of the political discourse in order to get the attention of the international community, which, once alarmed by this conflict, would intervene and strengthen the position of the political minority actors. Domestically, the autonomy project of the RMDSZ can also be considered as a form of voicing its needs in order to compel the Romanian political elite to seriously consider the problems of the Hungarian minority. The less attention this elite paid to the minority's problems, the stronger the public articulation of this project was by the RMDSZ. In light of the future development, we can add that the autonomy project was less and less used when majority-minority relations became more favourable for alternative political solutions.

As noted above, the relation between the RMDSZ and the other opposition parties was not based on a common understanding regarding the minority issue, but on opposing a communist restoration using nationalistic slogans and the authoritarian tendencies of the PDSR, which continued after 1992.[246] The opposition parties allied in the CDR consolidated and prepared to take over the government in the next parliamentary elections. For this, they needed all the support they could get. Against this background, the gradual isolation of and occasionally ritualized demarcation from the RMDSZ became part of a more general strategy in the period 1994-1996, motivated primarily in electoral terms. By redefining nationalism and promoting a soft-line nationalistic discourse, attempts at changing the political discourse were made.[247] As the RMDSZ not only promoted its autonomy project in general but also explicitly focused on forms of territorial autonomy, the partnership with this organization became inconvenient. At the turn of the year 1994/1995, one analyst marked it a "turning point for Romanian inter-ethnic relations."[248] The president of the RMDSZ, in two speeches, demanded territorial autonomy.[249] A last cause for the break between the CDR and the RMDSZ was provided by the Hungarian alliance itself when it started to organize, in January 1995, a "Council of Mayors and Local Councillors of the Democratic Alliance of Hungarians in Romania".[250] This idea, probably a conscious mix between a party association of local politicians and the preparation of organizational structures for territorial autonomy, caused furious reactions. The government accused the RMDSZ "[of transform-

243 Bíró, A. M. 1996b, p. 13. Bíró worked 1993-1995 as a foreign affairs adviser to the president of the RMDSZ (cf. ibid., p. 5).
244 Interview with member of the Chamber of Deputies (RMDSZ), Bucharest, 27 November 2001.
245 For a critical analysis of this draft law see Andreescu/Stan/Weber 1994. For comments on the conception of autonomy and the draft law itself see also journal Magyar Kisebbség, Vol. 7-8, No. 1-2/1997, at http://www.hhrf.org/magyarkisebbseg/9701 (20 March 2002).
246 "By mid-1995, 10 percent of the mayors, councilors and top officials elected in February 1992 had been dismissed by the government. Of those some 80 percent represented opposition parties." (Tismăneanu 1997, p. 407).
247 Cf. Gallagher 1999a, pp. 308-313, Cornea 1995.
248 Shafir 1995, p. 23.
249 Cf. ibid.
250 RMDSZ, Council of Mayors and Local Councillors, Rules of Procedure, Sfântu Gheorghe, 14 January 1995.

ing] the party into a super-organisation of ethnic self-government and its gradual conveyance into the dangerous utopia of 'territorial autonomy on ethnic basis'"; it called upon the RMDSZ "to dissolve its anti-democratic and discriminating structures created outside the legal framework"[251] and announced legal steps. The opposition argued along the same lines as the government; CDR leader Constantinescu called upon the RMDSZ to clarify "that the new councils set up should operate exclusively as party structures and [...] [not] as illegal administrative structures".[252] In this sense, the CDR put an ultimatum to the RMDSZ, which was passed by the alliance. On 26 February, the RMDSZ left the CDR. "The UDMR, it seemed," Shafir writes, "had performed the once-unthinkable feat of eradicating any distinction between the ruling coalition and the opposition."[253] At the end of May, the 4th RMDSZ Congress adopted a programme, which repeated its demand for autonomy, "including the territorial autonomy."[254] Therewith, the RMDSZ had reached a near complete isolation, both from the government and within the opposition camp. This situation encouraged extremist forces within the government in their attempts to criminalize the RMDSZ and also fuelled radicalization within the RMDSZ. This shows how tense inter-ethnic relations were when the Romanian Parliament adopted, in mid-1995, the new Law on Education, which was considered by the RMDSZ as the main discriminatory policy measure of the Iliescu regime (cf. Chapter 3).

1.2.2.2 Norms Matter! Recommendation 1201 and the Bilateral Treaty with Hungary

The pressure of the international community to settle Hungarian-Romanian relations started to be taken into consideration by the Romanian authorities. The first major attempt is related to the French Prime Minister Balladur, the initiator of the European Stability Pact.[255] The plan emphasized the importance of bilateral treaties for framing balanced relations between kin and host states of minorities and insisted on the conclusion of such treaties as an essential criterion for admission to the European Union. Criticism by the Romanian government and Parliament of this initiative was related to the fact that the international community was pressing to settle a problem, which was always considered an exclusively domestic one, in a bilateral agreement with Hungary. Moreover, the wording of the initiative, which mentioned "collective rights of a minority" and the possibility of "minor rectifications of borders", raised suspicions. Both positions were silently removed when the EU took over the Stability Pact.

The situation started to change when the coalition government of the MSZP and SZDSZ, under Prime Minister Horn, took office in mid-1994. The Horn government substantially reframed Hungarian politics towards minorities abroad, aiming at improving their situation through the normalization of bilateral relations with the host countries,[256] and subordinated the minority policy to the objective of Western integration. It also limited its support to the minorities' cultural organizations and scrupulously avoided inciting destabilizing activities on the part of its co-ethnics abroad.[257] The new socialist-liberal coalition changed the proactive and militant policy of the Antall government to a kind of participatory observant role,[258] considering the Hungarian political parties abroad as belonging to the polity of the host states. Moreover, and this was decisive, the government declared in September 1994 that the basic treaties will have to incorporate the recognition of borders and the mutual renouncement of territorial claims.[259] With this move, one of the two contentious core issues was solved, leaving open the minority question. The contradictory positions on the latter were responsible for the fact that Romania,

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251 The Government of Romania, Nicolae Vacaroiu, Prime Minister, Statement, January 20, 1995 [translated by the RMDSZ].
252 For the Record, Emil Constantinescu, interview by Radio Bucharest, 11 February 1995, in: Transition, Vol. 1, No. 4, 29 March 1995, p. 62.
253 Shafir 1995, p. 24.
254 RMDSZ [DAHR], Documents adopted by the 4th Congress, Programme, in: RMDSZ 1995, p. 6.
255 Cf. EU, French Proposal for a Pact on Stability in Europe, submitted to the summit meeting of the European Council, Copenhagen, 22 June 1993, in: SIPRI Yearbook 1994, p. 247. At the end of 1993, the Stability Pact initiative was taken over by the EU.
256 Cf. Reisch 1994.
257 Cf. Brubaker 1998, p. 282.
258 Cf Bárdi 1999, p. 43.
259 Cf. Szóvivői tájékoztató [Press Release], Budapest, 13 September 1994, p. 1.

in contrast to Slovakia, could not agree on a bilateral treaty with Hungary before the concluding conference of the Stability Pact in March 1995.

In the period 1995/1996, both governments wanted a treaty because both needed one as an essential pre-condition for any major step towards Western integration. President Iliescu, "after a visit in Washington in September 1995, and due to the forthcoming Brussels NATO foreign minister's summit of December 1996, became confident of Romania's chances to be accepted as a member of NATO"[260] and therefore was more open to making compromises. Shortly before, Iliescu had proposed a Hungarian-Romanian reconciliation based on the Franco-German model, meaning an adjustment at the level of states and excluding any emphasis on the problems of minorities.[261] Hungary, however, insisted on solid guarantees for minority rights as an essential part of the treaty. The debate focused on the inclusion of Recommendation 1201 and especially of article 11.

Although both the Romanian government and parliamentary parties had subscribed to Recommendation 1201 during the process of accession to the Council of Europe,[262] the broad majority of the Romanian political elite was not ready to base its minority policy on this recommendation. The main concern was that especially article 11 could affect the stability of the state[263] by offering a legal basis for the autonomy movement of the Hungarian minority. Therefore, in 1994 and 1995, the majority of the political parties, with the notable exception of PL '93 and PD, started a harsh public campaign against Recommendation 1201. This joint attitude of almost all Romanian parties reflects a minimal common denominator between the PDSR and the opposition forces concerning the demands of the RMDSZ. Having no comprehensive political solution, they perceived international minority standards as merely a political resource for the Hungarian minority. Against this background, the major effort of the Romanian political elite was to define the limits of a norm-based approach of handling the minority issue.

As Hungary and Romania did not succeed in overcoming their controversy on Recommendation 1201, the process to a treaty was seemingly blocked. The path to the final solution was opened by two distinct and yet connected events: *First*, the Council of Europe issued a new interpretation of Recommendation 1201. *Second*, the Hungarian government triggered an acute crisis, a subsequent reaction with which a series of international actors, prominently among them the HCNM, opened the way for the conclusion of the treaty. On 25 June 1996, the Parliamentary Assembly of the Council on Europe adopted Recommendation 1300,[264] which considered the "Opinion" of the Venice Commission on the interpretation of article 11 of Recommendation 1201[265] as "a most important reference document".[266] The Venice Commission's interpretation does not mention collective minority rights, but "is based on recognition of individual rights, albeit exercised in association with others (i.e. collectively)", concludes "that international law cannot in principle impose on States any territorial solutions to the problem of minorities" and stresses the fact that any autonomous minority institutions "must be in accordance with the national legislation".[267] With this move, the Parliamentary Assembly had removed both any reference basis for collective rights and any obligation by states to introduce measures of territorial autonomy.

Although the Horn government had subordinated the minority issue to the aim of Western integration, consultations with the minority organizations from abroad were continued. Moreover, the contacts were institutionalized by transforming occasional bilateral meetings into the regular high-level multilateral conference "Hungary and Hungarians beyond the Borders" with the participation of members of the Hungarian government, as well as of representatives of the Hungarian minority organizations from abroad. On 4/5 July 1996, this conference issued a "Joint Declaration" which states

260 Bíró G. 1999, p. 368.
261 Cf. Gallagher1997.
262 Quoted in Andreescu 1995a, p. 39.
263 For a brief description of the juridical status see Weber 1998; for the general debate on Recommendation 1201 see Andreescu 1995a.
264 Cf. CoE/PA, Recommendation 1300 on the protection of the rights of minorities, 25 June 1996.
265 Cf. CoE/PA Doc. 7572, Report on the protection of the rights of minorities, Appendix IV, Opinion of the Venice Commission on the interpretation of Article 11 of the draft protocol to the European Convention on Human Rights appended to Recommendation 1201 (1993), 25 June 1996, pp. 28-36.
266 CoE/PA, Recommendation 1300, 25 June 1996, p. 2.
267 Opinion Venice Commission, in: CoE/PA Doc. 7572, 25 June 1996, pp. 31, 32 and 35.

> that the fundamental condition of the preservation of the identity of Hungarians living beyond the borders, their survival and development as a community, and their survival in their homeland is the creation of self-government and autonomy in accordance with the current European practice and in the spirit of international standards. Coordinated support is to be given to the autonomy endeavours [...] of the Hungarian communities beyond the borders, as means to settle their situation based on the equality guaranteed by the constitution.[268]

Although ambiguously phrased, the substance of this declaration, reiterating the core ideas of the Antall doctrine, was quickly understood in the West and triggered prompt reactions. The U.S. government "stated that while it supported the aspirations of Central European minorities to preserve their cultural heritage, it rejected any drive to territorial autonomy based on ethnic criteria."[269] In this situation, the HCNM intervened with a number of basic recommendations aiming at clarifying Hungary's position regarding the limits of its support for Hungarians abroad.[270] Concerning the political support for external Hungarian minorities, he wrote: "My hope and expectation is that Hungary in trying to promote the interests of Hungarian minorities in neighbouring countries will respect the limits drawn by international law, including bilateral treaties, and will equally respect the constitution and the laws of neighboring states".[271] Related to the promised financial support for Hungarian communities abroad, he drew attention to the point that this assistance should not be directed to parties or other political representations, but exclusively to non-political activities.[272] The HCNM also addressed the Venice Commission's interpretation of article 11 of Recommendation 1201:

> I noted that article 3 of the Joint Declaration refers to autonomy as a means of settlement of the situation of the Hungarian communities abroad based on constitutional equality. In this context I permit myself to underline that even the right provided in article 11 of Recommendation 1201 of the Parliamentary Assembly of the Council of Europe, according to the expert interpretation of the European Commission for democracy through Law (the Venice Commission), 'does not imply for States either its acceptance of an organized ethnic entity within their territories or adherence to the concept of ethnic pluralism as a component of the people of the nation, a concept which might affect any unitarity of the State.'[273]

One the one hand, this represented actual crisis management in the critical phase of the negotiation process. On the other hand, however, it was part of a more comprehensive process of clarification of minority standards[274] in which the HCNM had not only introduced Recommendation 1201 as a frame of reference in his letter of 9 September 1993 to the Romanian Foreign Minister Meleşcanu, but now also participated in the clarification of the possibilities as well as the limits of this recommendation.

The Hungarian-Romanian treaty was signed on 16 September 1996 and contains the following footnote: "The Contracting Parties agree that Recommendation 1201 does not refer to collective rights, nor does it impose upon them the obligation to grant to the concerned persons any right to a special status of territorial autonomy based on ethnic criteria."[275] According to Ratner, the High Commissioner prepared this footnote.[276] Even if the treaty were not to solve all future problems, the signing of the treaty was a major breakthrough in relations between the two countries. Because many international actors were involved in mediating this success, it is difficult to sum up Van der Stoel's share. After the signing of the treaty, the Romanian foreign minister indicated that the HCNM had worked as a "catalyst".[277] Another dimension of the HCNM's impact is that he successfully contributed to regulating the nationalistic excesses in Romanian political life, bringing to a standstill the vehemence of the nationalistic positions of the governmental coalition,[278] up to the point where the PDSR separated itself from

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268 Joint Declaration from the Conference 'Hungary and Hungarians Beyond the Borders' Held in Budapest on 4-5 July 1996.
269 OMRI Daily Digest, 5 August 1996.
270 Cf. HCNM letter to Kovács, 13 August 1996.
271 Ibid.
272 Cf. ibid.
273 Ibid.
274 Cf. Kemp (Ed.) 2001, p. 28.
275 Treaty between the Republic of Hungary and Romania on Understanding, Cooperation and Good Neighborhood, Official Translation by the International Law Department of the Ministry of Foreign Affairs of the Republic of Hungary, Annex: List of documents referred to in article 15, paragraph (1) b.
276 Cf. Ratner 2000, pp. 637-638.
277 FIER 1997b, p. 71.
278 Cf. Capelle-Pogàcean 1996a, p. 28.

the extremist parties. In this way, Hungary was not forced to give up the negotiations. The specific impact of the HCNM may at best be described by the fact that he, more than any other player, influenced both the bilateral Hungarian-Romanian relationship and the domestic situation in Romania and thereby all three poles of the triangular relationship between majority, minority and kin state.

The treaty was heavily criticized both in Romania and in Hungary. The Romanian nationalistic forces blamed Iliescu for including the Hungarian minority issue in the treaty; *vice versa*, the parliamentary opposition in Hungary accused the government of signing a treaty without having sufficient guarantees that its minority-related provisions would be respected. The RMDSZ deputies did not participate in the ratification procedure in the Romanian Parliament.[279] The Hungarian alliance was dissatisfied with the treaty both because of its restrictive notes, which delegitimized certain forms of (territorial) autonomy,[280] and with the fact that the treaty was adopted without the participation of the RMDSZ.[281] This clearly shows that the use of the kin state as a political resource for a minority has its limits and that the thesis of an unlimited community of interests between Hungary and the minority organizations abroad could not be sustained.[282]

During the period 1994-1996, international norms began to matter. The ethno-political discourse in Romania turned from a history-driven to a norm-driven one. As the rules of the game of Western integration began to include adhering to norms, at least in a formal sense, the Romanian political elite started to accept them. However, the majority of the Romanian political actors perceived these norms, not yet as positive guide-lines for framing more inclusive minority policies, but rather, as externally imposed scales of evaluation of their domestic politics. This admittedly norm-related but negative approach opened the door for a counterproductive abuse of norms. Therefore, one of the main efforts of the HCNM during this period consisted in creating confidence in norms by offering interpretations of norms and avoiding the instrumentalization of norms as instruments of pressure in bilateral relations.[283] In this way, Van der Stoel acted as a kind of interface between the international community and Romania, socializing the political actors of this country with a productive use of international norms.

1.2.3 Variable Geometry in the Triangular Relationship (1996-2001)

The classical ethno-political conflict constellation shows closed fronts between the majority of the nationalizing host state, on the one hand, and the minority and its kin state, on the other. The closer and more escalated this constellation becomes, the higher the domestic as well as the trans- and international conflict potential will be. Although already relativized by the change of government in Hungary in 1994, this constellation was typical for Romanian-Hungarian relations within Romania and Hungary, until the end of 1996, when the signing of the bilateral treaty and the participation of the RMDSZ in the Romanian government inaugurated a new period. This is not to say that conflicts and conflict potentials had disappeared, but the closed fronts, typical of the previous periods, were non-existent.

1.2.3.1 The Inclusion of the RMDSZ in the Romanian Polity

The PDSR lost both the presidential and parliamentary elections of November 1996. The CDR obtained 35.57 per cent of the votes for the Chamber of Deputies, and its candidate Emil Constantinescu was voted president in the second round with 54.41 per cent of the votes after having received 28.21 per cent in the first round.[284] As the CDR had obtained only about 35 per cent of the seats, it took the

279 Cf. RFE/RL Newsline, 4 October 1994, Romanian Parliament ratifies treaties with Budapest.
280 Cf. Bíró, A. M. 1996a, p. 26.
281 Cf. Gál 1999, p. 5.
282 Cf. Schöpflin 1998, pp. 123-124.
283 Cf. Ratner 2000, p. 637.
284 For the 1996 elections see Gabanyi 1997 and Shafir 1996.

initiative to form a coalition government with three other parties: the PD, the PSDR[285] and the RMDSZ, representing together about 58 per cent of the seats in the Chamber of Deputies.

The structure and pre-history of co-operation between the members of this coalition shows a remarkable heterogeneity leading to a relatively high potential for dysfunctional tensions.[286] On the one hand, the CDR itself was an umbrella organization,[287] which beside its two main components - the PNȚCD and the PNL[288] - included several other organizations, movements and smaller parties. The PSDR, a former member of the CDR, left the CDR at the beginning of 1995 and formed, in autumn 1995, an electoral coalition with the PD - the Social Democratic Union (USD).[289] The PD was one of the two succeeding parties after the split of the FSN. Its leader, Petre Roman, was prime minister in 1990 when the government acted with force against the demonstrations organized by the opposition parties, which in 1996 were concentrated in the CDR. Co-operation between the CDR and the USD was rather new; an agreement was only signed after the first round of the 1996 presidential elections.[290] Relations between the CDR and the RMDSZ had also seen a troubled history (cf. Chapter 1.2.2.1).

Only after difficult negotiations a cabinet was set up;[291] this was the first sign that managing this coalition would be a difficult task. The first tensions on both substantive issues and questions of negotiation style had became visible between the CDR and the PD.[292] In 1997, when the PD threatened to leave the coalition in order to dismiss Prime Minister Victor Ciorbea, the first major crisis took place. Although successful with this tactic, the appointment of the new prime minister, Radu Vasile, in April 1998, did not solve the deeply rooted problems between the coalition parties. The lack of a core authority, both in political as in personal terms, led to a permanent process of negotiation, not only between the parties, but also between their different fractions and wings. Against this background, relations between the PNȚCD and the PNL worsened, leading to the dissolution of the CDR at the end of the parliamentary term.

The inclusion of the RMDSZ into this coalition, although considered a "revolution within a revolutionary change,"[293] was not programmatically founded. Primarily, the need for electoral support for Constantinescu in the second round of the elections favoured this step.[294] In spite of the fact that the votes provided by the RMDSZ were crucial for winning the presidential elections, the RMDSZ was perceived as "electoral ballast".[295] Also, groups within the CDR attempted to keep the Hungarian alliance out of the coalition.[296] Finally, hope in gaining "control on the large Hungarian minority" and impressing the international community was decisive for including the RMDSZ in the coalition.[297] Because the inclusion of the RMDSZ was not part of a deliberate strategy of the coalition to defuse ethnic tensions, this step cannot be surmounted to a "Romanian model of ethnic conflict resolution"[298] as interested international actors did later on. The participation of the RMDSZ in the 1996-2000 coalition resulted mainly from tactical needs.

Although there were speculations on the existence of a secret protocol on the conditions of co-operation between the RMDSZ and the other coalition parties,[299] it is probable that apart from the governmental programme no other written documents existed.[300] The Hungarian alliance's main points

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285 Partidul Social-Democrat Român [The Romanian Social Democratic Party].
286 Cf. Tismăneanu 1997, pp. 441-443.
287 For the development of the CDR see Stoica 2000, pp. 93-97.
288 Partidul Național Liberal [National Liberal Party].
289 Uniunea Social Democrată. [Social Democratic Union].
290 Cf. Stoica 2000, p. 95.
291 Cf. Shafir 1997, pp. 149-150.
292 Cf. Fati 2000.
293 Shafir 1997, p. 149.
294 Cf. Severin/Andreescu 2000, pp. 26-28.
295 Ibid., pp. 26.
296 Cf. Shafir 1997, p. 150.
297 Cf. Oprescu 2000, p. 76.
298 This expression was introduced by U.S. President Bill Clinton in July 1997 (cf. RFE/RL Newsline, 13 October 1998, Romanian Coalition Conflict Continues), then reiterated in April 1999, cf. Rosapepe 2000, p. 20. For discussion see Severin/Andreescu 2000, pp. 28-32, and the proceedings of a conference dedicated to the debate on this model in: Nastasă/Salat 2000.
299 Cf. Toró 1999, p. 149; Kántor/Bárdi 2000, p. 162.
300 Interview with RMDSZ deputy, 2 February 2002.

of interest dealt with changes of the Law on Education in order to make the founding of a separate Hungarian-language university possible, and the modification of the Law on Public Administration to enable the use of the mother tongue in the public sphere. Further points were the adoption of a law on national minorities and the ratification of the European Charter for Regional or Minority Languages. The main objective of the coalition partners of the RMDSZ was to stop its autonomy campaign.[301] The RMDSZ took a series of governmental positions: two ministers (out of 37), eleven state secretaries, two prefects[302] and eight deputy prefects.[303] One of the ministers headed the newly founded Department for the Protection of National Minorities within the Office of the Prime Minister dealing with minority issues, an institution which the RMDSZ had repeatedly asked for.

The beginning looked promising: the government modified the laws on public administration and education within the parameters asked for by the RMDSZ with the instrument of so-called emergency ordinances. Decrees of this kind allow the government, in certain cases, to adopt or modify laws, which afterwards have to be confirmed by the Parliament. The two ordinances were promptly issued, but their implementation was hesitant. For example, although the modified Law on Public Administration provided for bilingual road-signs in those municipalities where the share of a minority population was at least 20 per cent, several prefects did not implement this provision.[304] However, the government faced serious difficulties in bringing the emergency ordinances through Parliament. In mid-1997, the process of erosion of the coalition became more and more noticeable. In addition, the incentive to show goodwill for the Hungarian minority decreased with Romania's failure to reach NATO membership at the Madrid Summit of July 1997.[305] The Law on Public Administration was not voted by Parliament during its whole term 1996-2000. When the modified Law on Education started to be debated in Parliament, at the beginning of the second half of 1997, difficulties appeared: a part of the deputies of the coalition had changed their minds about being hesitant in confirming provisions which would enlarge minority-language educational rights. At the end of March 1998, Foreign Minister Pleşu had still to admit that "for the time being, at least, it [was] difficult to foresee what the result of these debates will be."[306] Against the background of a weak coalition, several of its second-line politicians started to use the rhetoric of nationalism in order to raise their political prestige and to get into the first line of the public debate.[307] This also showed that commitments on minority rights were not being taken seriously. Since the end of 1997, the RMDSZ threatened several times to leave the coalition.[308] In mid-1998, the RMDSZ started to concentrate its initiatives on the issue of founding a separate Hungarian-language university. In autumn 1998, the RMDSZ set an ultimatum saying that it would leave the coalition if no favourable decision were reached.[309]

The changed ethno-political situation, with the RMDSZ participating in the coalition, significantly modified the agenda of the HCNM. He had to link the search for issue-oriented solutions with the main political objective of keeping the RMDSZ within the coalition. This objective was followed by various means, from fostering substantial proposals, using the HCNM's symbolic authority in crisis situations, to warning on the image costs of undesirable developments: "if the UDMR and its coalition partners would be unable to continue their co-operation, this might lead to worsening of inter-ethnic relations and setback for the international prestige of the country".[310] Finally a political compromise was achieved by issuing a decree on the foundation process of the "Petőfi-Schiller" State Multicultural University with Hungarian and German as the languages of instruction.[311] A month before, the government issued another decree on the "establishment of the Evaluation Committee for the foundation of

301 Cf. Kántor/Bárdi 2000, p. 162.
302 The main representative of the central government at county level.
303 Cf. RMDSZ 1998.
304 Interview with an official of the Department for the Protection of National Minorities, 25 March 1999.
305 Cf. Kántor/Bárdi 2000, p. 161; see also the interview with Béla Markó in: Evenimentul Zilei, 5 December 1998.
306 Pleşu letter to the HCNM, 30 March 1998.
307 Cf. Andreescu, A. 1998.
308 Cf. RFE/RL Newsline, 10 December 1997, Ethnic Hungarians Suspend Participation in Romanian Government.
309 Cf. RFE/RL Newsline, 4 September 1998, Ethnic Hungarian Party to Leave the Romanian Coalition; RFE/RL Newsline, 30 September 1998, Romania's Hungarian Party to Leave the Coalition.
310 HCNM letter to Constantinescu, 9 September 1998, quoted in Kemp (Ed.) 2001, p. 240.
311 Government Decree (687/1998) on the initiation of the foundation process of the "Petőfi-Schiller" State Multicultural University with Hungarian and German as the languages of instruction, 30 September 1998.

the Hungarian state university".[312] Both compromises were not substantial ones, but mainly served as a face-saving measure to keep the RMDSZ in the coalition and to calm down the political debate.[313] Neither was the "Petöfi-Schiller" University founded, nor was there any serious attempt to found a Hungarian state university.[314] After heavy pressure by the RMDSZ, the Parliament succeeded in passing the modified Law on Education in 1999,[315] which permits only private minority-language institutions of tertiary education as well as faculties and sections within public ones, but failed in initiating concrete cases. Therefore, the objective of a separate Hungarian-language university, though not excluded by any legal grounds, was still on the agenda of the RMDSZ at the end of the government's term.

Several aspects related to these two decrees are interesting and partially introduced new elements. *First*, the two proposals mark a rather broad spectrum in terms of substance, reaching from the traditional approach of a Hungarian-language state university to the newly introduced project of multiculturalism on which the political and public debate increasingly focused. Though the idea of multiculturalism was perceived as rather ambiguous, it served to keep the RMDSZ within the coalition, but generated further debates on the issue of the content and the adequate institutional design of what can be called a multicultural university. It is interesting to observe that the HCNM also left this question open. On the one hand, he backed the Petöfi-Schiller proposal when he stated in October 1998: "The international norms regarding minority education do allow the formula chosen by the Government. This formula is fully in line with the tendency of increasingly complex and open societies […]."[316] In this way, the HCNM wanted to demonstrate that "that the norms do not merely limit options, but represent balanced principles that create room for practical, creative solutions to satisfy varying need and thereby reduce tensions."[317] On the other hand, Van der Stoel did not want to exclude a minority-language state university. As he states, "it would in my view not be desirable to include in the revised Law on Education a provision excluding the possibility of a state-funded university with education in a minority language."[318] *Second*, multiculturalism was the first minority-related education project, which was not initiated by the Hungarian community and the RMDSZ alone, but by Romanian players who were assisted in some phases and to some degree by Hungarians and backed by the HCNM. This is important because it was the first time that the until then ruling order - the majority mainly defensively reacts on minority demands - had a breakthrough, and non-minority players took the initiative in core questions of minority education. *Third*, the meaning of the multicultural project was and is, as its future development will also show, ambiguous in itself. Some players can use it as a political tool to counteract the RMDSZ's claims for a separate university. From this perspective, the introduction of multiculturalism in the vocabulary of politics does not reflect a shift of perspective in handling cultural diversity, but rather a politically correct manner to block the Hungarians' desires to be recognized in institutional terms as a different cultural entity, and as an approach to maintain an asymmetric relation between the two cultures and languages.[319] On the other hand, the multicultural project promised "many advantages"[320] by combining minority-language tuition and avoiding institutional separation and isolation. In this way, the debate on multiculturalism was framed similarly to Recommendation 1201: The crucial question was whether international norms were perceived as external standards used to allow or exclude certain options, or as a guideline for one's own creative solutions. A typical example for conflicting interpretations of the HCNM's interpretation of international norms was given by Senator Pruteanu, a leader of the PNŢCD's nationalist wing, and the RMDSZ President Markó: Whereas "Pruteanu said Van der Stoel told him that under international law Romania is not obliged to set up universities teaching in national minority languages",[321] Markó declared that "he received assur-

312 Government Decree (378/1998) on the establishment of the Evaluation Committee for the foundation of the Hungarian state university, as amended by Government Decree No. 759/1998, 29 October 1998.
313 Interview with RMDSZ member of the Committee set up for the evaluation of the founding of a Hungarian state university, 13 September 1999.
314 For details cf. Chapter 3.
315 Cf. Legea (151/1999) privind aprobarea Ordonanţei de urgenţă a Guvernului (36/1997) pentru modificarea şi completarea Legii învăţământului 84/1995 [Law (151/1999) regarding the approbation of the Emergency Ordinance of the Government, (36/1997) for the modification and completion of the Law on Education (84/1995)], art. 123, para. 1.
316 HCNM Press Statement, 8 October 1998.
317 Ratner 2000, p. 629.
318 HCNM letter to Pleşu, 2 March 1998.
319 Cf. Preda 2001, p. 245.
320 HCNM letter to Pleşu, 2 March 1998.
321 RFE/RL Newsline, 6 February 1998, Van der Stoel in Romania.

ances from the commissioner that at no point during his visit did he recommend restrictive measures on teaching in national minorities languages".[322]

Of course, the PDSR and the other opposition parties practically exploited the hesitation and lack of unity of the coalition in resolving its various crises, and of course they used nationalist undertones to attack the governing coalition and destroy its policy projects. For example, in 1998, when the coalition had reached a compromise on the Petöfi-Schiller University, the opposition parties successfully appealed to the constitutional court, thus delaying the implementation thereof. Another example was the Kosovo crisis in 1999 when Romania supported the NATO intervention. This decision was disputed by the PDSR, warning against the danger of secession in Transylvania, where the ethnic Hungarians might adopt actions leading to a similar scenario as in Kosovo.[323] These few examples show that the PDSR was still ready to play the nationalist card in electoral considerations, a tactic considered by RMDSZ President Markó as "chauvinistic [and] nearly fascistic".[324] As the chances of the PDSR to win the 2000 elections were increasing, its attitude towards the Hungarian and, more general, towards minority questions was regarded with concern by political analysts who considered anti-minority positions as a possible indicator of the PDSR giving up its pro-Western foreign policy orientation.[325] At the same time, as the elections were approaching, the PDSR changed its rhetoric, distancing itself to a certain degree from the nationalist discourse promoted in the previous years,[326] moreover not even excluding a future collaboration with the RMDSZ. In its electoral campaign, the PDSR avoided any nationalistic language, offering instead a surprisingly new rhetoric emphasizing the value of ethno-cultural diversity based on a civic-multicultural model. This was combined with a set of concrete measures, some of them in concordance with steps the RMDSZ was calling for.[327]

The RMDSZ also changed during its participation in the government. Relations between its two major factions hardened and differences on the adequate political strategy for promoting minority rights widened. Whereas the so-called moderates actively promoted their views in the daily process of governing, the so-called radicals or reformers accused the mainstream RMDSZ leadership of excluding a large part of the RMDSZ's usual decision-making body from decision-making processes. Relations between the reformers and the moderate group in power functions became increasingly asymmetric[328] and worsened. The internal RMDSZ opposition left the conventional institutions of internal decision-making and tried to back its position by organizing popular assemblies or issuing declarations on the necessity of the autonomy project.[329] The autonomy project is still officially a part of the RMDSZ programme,[330] but was less prominent in the rhetoric of the dominant elite of the organization. For example, there is no reference to autonomy in the minority rights chapter of the electoral programme of 2000. Rather, this programme emphasizes the need for clear and applicable legal provisions, being somewhat critical towards 'abstract theoretical constructions'.[331] One of the most important developments in relations between the RMDSZ and the Hungarian government was the termination of the tradition that the latter does not take sides in the internal affairs of its external minorities' organizations: the Orbán cabinet openly preferred the RMDSZ reformers wing.[332] This resulted in a highly complicated and partially contradictory web of relations between the kin state and the different wings of the RMDSZ. As the domestic margin of manœuvre of the Hungarians in Romania increased, the strategies for preserving the identity of this minority also pluralized and it became increasingly difficult to integrate the relations between these "relational fields".

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322 RFE/RL Newsline, 9 February 1998, Conflicting Reports on Van der Stoel's Visit.
323 Cf. Gallagher 2000, pp. 88 and 92.
324 Cf. the declaration of Markó cited in: UDMR acuză luările de cuvânt şovine aproape fasciste ale opoziţiei [RMDSZ condemns chauvinistic nearly fascistic speeches of the opposition], in: Cronica Română, 22 April 1999.
325 Cf. Gallagher 2000, pp. 93-94.
326 Cf. Tismăneanu /Kligman 2001, p. 81.
327 Cf. Andreescu 2001, p. 333-334.
328 Cf. Toró 1999, p. 150.
329 Cf. Bakk 2000a, p. 30.
330 Cf. the programme of the RMDSZ adopted at its 6th Congress: A Romániai Magyar Demokrata Szövetség Programja [The Programme of the RMDSZ].
331 RMDSZ Választási Program [RMDSZ Electoral Programme], Cluj 2000, pp. 35-36.
332 Cf. Tibori Szabó Z, Távolodik az egyenlő közelség [The policy of equidistance: fading away], in: Népszabadaság, 20 June 2000.

The Romanian elections of 2000 resulted in a major surprise. The victory of the PDSR, obtaining 46.43 per cent of the seats in the Chamber of Deputies and almost 45 per cent in the Senate, was not surprising. Surprising were the very low results of the former coalition parties. As a political consequence of the permanent tensions and frictions within the coalition and the government's general low performance, the CDR had practically dissolved already before the elections. Surprising was that the core organization of the CDR 2000, the PNȚCD (as the alliance was renamed), failed to reach the parliamentary threshold.[333] The liberals (PNL) and the Democratic Party (PD) each obtained less than ten per cent of the seats in both chambers of the Parliament. As a result, the political right wing remained only symbolically represented in politics,[334] and one of the political poles of the Romanian political system practically disappeared, leading analysts to justifiably question the democratic consolidation of the party system of Romania.[335] Although foreseen by the polls, the major surprise and genuine shock to public opinion was the unprecedented rise of the extremist nationalists.[336] As the PUNR failed to enter Parliament, the PRM remained the main nationalistic actor, having won about one quarter of the seats in both chambers. In addition, the PRM presidential candidate, Corneliu Vadim Tudor, notorious for his extremist rhetoric and political options, qualified with 28.34 per cent of the valid votes for the second round of the presidential elections, competing with the representative of the PDSR, Ion Iliescu. Although Iliescu won in the second round (about 66.83 per cent of the votes), the fact that the representative of a nationalistic party became his direct challenger and that his party came to be the second largest parliamentary faction, was the source of intensive public concern and debates. This brought to the forefront the question of politicians' and intellectuals' responsibility for the existence of nationalism in such a large segment of the population - with special emphasis on the new phenomenon that a large amount of young people had voted for this party.[337]

Although the PDSR had reached an excellent result, it did not possess a parliamentary majority and therefore needed allies, at least in terms of parliamentary co-operation. Without long negotiations and without having tested alternatives, the PDSR set up an agreement with the RMDSZ. Taking into account that at least a part of the PDSR elite was not innocent of the promotion of nationalism within the Romanian political system, this co-operation could not come but as a surprise. However, if one considers the change of this party during the period 1996-2000, mentioned above, then there is less of a surprise. During its four years of opposition the PDSR underwent far-reaching changes. As mentioned by Bakk, who synthesized the partition between democratic and non-democratic parties out of various post-electoral analyses, this clear dividing line of the political system in Romania, functioning before 1996, disappeared in 2000. At this time, PDSR was no longer seen as a non-democratic party. The former hesitations of the PDSR, in its pro-Western foreign policy orientation, were perceived by the public as something that belonged to the past. The commitment of the leading elite of the PDSR to European integration was no longer doubted by public opinion.[338] Against this background, co-operation with the PDSR become an honourable alternative for the RMDSZ. Moreover, the Hungarian society of Romania considered the participation of the RMDSZ in the coalition government a positive step, and a large majority favoured a similar effort for the future.[339]

In concrete terms, the leaders of PDSR and RMDSZ signed an "agreement"[340] in which they outlined the common objectives concerning minority-related issues in exchange for the commitment of the RMDSZ to support the PDSR government in Parliament. Among these aims are the following:

> The adoption of the Law on Local Administration shall be finalized, including the regulations about the usage of the mother tongue where the minority population exceeds 20% […].
> The law on nationalized property shall be finalized.

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333 The irony is that the coalition itself raised the threshold from three to five per cent and introduced the rule that, in case of political alliances, the threshold shall be multiplied by the number of parties included.
334 Cf. Bakk 2000b, p. 191.
335 Cf. Preda 2000.
336 Cf. Tismăneanu/Kligman 2001.
337 Cf. Bakk 2000b, pp. 188-190.
338 Ibid., p. 191.
339 Hungarians in Romania supported the sentence by 82.6 per cent: "The leadership of RMDSZ should try to participate in a governmental coalition." (Horváth/Lazăr 2000, p. 34).
340 Agreement between the Democratic Alliance of Hungarians in Romania (DAHR) and the Party of Social Democracy in Romania (PDSR), [no date, document with the author' files].

> The legal framework shall be established to deal with the abusively confiscated real estate and movable property of churches and national minorities to permit them to regain their property. […]
> The educational framework shall be enlarged on the various specialties and levels of tuition - primary, secondary, tertiary (university); […]
> In the year 2001 the educational network in Hungarian shall be enlarged, respectively Hungarian language education shall be introduced in further higher education institutions, depending on demand; […]
> Hungarian radio and television broadcasting shall be interconnected and integrated […].

After signing the protocol with the PDSR, RMDSZ President Markó declared, in front of the RMDSZ Council of Representatives, that autonomy consists of a number of small successes and that these can be achieved through co-operation.[341] In general terms, the protocol has been implemented. For example, the Law on Local Administration, adopted at the beginning of 2001,[342] includes provisions which follow the exact wording of the protocol regarding language use of minorities. Moreover, taking into account the resistance of various local administrations, the RMDSZ suggested implementing the law in a very flexible way in order not to impede the execution of the provisions regarding language use of minorities.[343] Although effective in general, co-operation between the two parties did not lack difficulties. This was mainly due to the fact that the more conservative wing of the PDSR, respectively the PSD,[344] which had dominated the party before 1996 and was relatively marginalized after 2000,[345] still had some chances to interfere. For example, at the end of 2001, when the agreement between the PSD and the RMDSZ was due to be renewed - a well-known old issue - the problem of the two counties, where ethnic Hungarians are in majority (Harghita and Covasna), was resuscitated. The Romanian Intelligence Service issued a report claiming that the Romanian state was loosing its authority in these two counties.[346] The recurrence of this discourse, precisely timed at a moment when the two parties had to renew their agreement, shows that nationalist and especially anti-Hungarian rhetoric still has its place in power techniques employed in Romania. On the other hand, these attempts to disrupt co-operation came from the largely marginalized minority wing of the PSD and could be rather quickly overcome. In December 2001, the PSD and the RMDSZ signed a second protocol.

1.2.3.2 Hungary and Romania: Vacillating Relations

After a short period of revitalization in 1997, the development of bilateral relations between Hungary and Romania became again more contradictory.[347] There were reasons on both sides. In July 1997, Romania failed to acquire NATO membership whereas Hungary was accepted. This had particular significance, because the Romanian political elite attached great value to the parallel accession of both countries. Considering that the acceptance of Hungary only could create an asymmetric relation between the two countries and could thus strengthen Hungary's foreign policy position,[348] this was seen as also being related to minority questions. Under these circumstances, the Romanian elite's enthusiasm for supporting the Hungarian minority's claims decreased.

The 1998 elections in Hungary resulted in a new coalition government formed by the Hungarian Civic Party (FIDESZ), and the Smallholders Party, which exhibited a changed rhetoric on the relations of Hungary with its external minorities. Prime Minister Viktor Orbán emphasized that "the Hungarian nation's border does not coincide with Hungary's borders",[349] indicating a certain closeness to Antall's views.[350] Already before the elections, Orbán had considered the autonomy of the Hungarians in

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341 Cf. Benedek, Minden kis lépést értékelni kell: Az autonómia sok kis sikerbôl áll majd össze [Any step should be valued. The autonomy consists of many small successes], in: Szatmári Friss Újság, 23 January 2001.
342 Cf. Law (215/2001) concerning the general workings of local autonomy and organization of the Local Public Administration, 23 April 2001.
343 Interview with an official of the Department for Interethnic Relations, 28 November 2001.
344 In 2001, the PDSR was renamed to PSD - Partidul Social Democrat [Social Democratic Party].
345 Interview with a former state secretary, 28 November 2001.
346 Excerpts from the report of the SRI, Aspecte de interes referitoare la procesul de autonomizare a aşa numitei zone a "Pământului Secuiesc" [Aspects of interest referring to the process of autonomization of the so-called region of the "Szekler Land"].
347 Cf. Mátó 1998.
348 Cf. Zellner/Dunay 1998, pp. 270-277.
349 RFE/RL Newsline, 21 October 1998, Hungary: New Government Feels responsible For Minorities Abroad.
350 Cf. Haraszti 1998, p. 52.

Romania as a preferred option,[351] and his parliamentary opposition to the ratification of the bilateral treaty was well remembered.[352] Other senior government officials of FIDESZ issued similar statements: During the Kosovo crisis, the head of the Parliamentary Committee for National Defence, a member of the Smallholders Party, included in the coalition led by FIDESZ, declaring that the Hungarians living in Vojvodina[353] re-establish their autonomy within the framework of the political settlement of the Kosovo crisis,[354] was backed by a statement from the foreign ministry according to which the government would support the concept of autonomy of the Hungarians from Vojvodina.[355] These declarations generated suspicion on the Romanian side, which was already nervous about the likelihood of a Kosovo-like scenario happening in Transylvania.[356] In spite of Orbán's recurring declarations on support for Romania's admission to Euro-Atlantic structures, and his even emphasizing that this was not directly linked to solving the Hungarian minority's requests,[357] representatives from the one Romanian government, which the RMDSZ was part of, voiced concern about a reawakening of Hungarian irredentism in the region.[358] But it was not only rhetoric that induced tensions, but also the sustained efforts of the Orbán cabinet to enforce solutions favourable to the RMDSZ. For example, when the Romanian government debated the issue of a separate Hungarian-language and/or Petöfi-Schiller University - one of their arguments against such new institutions being their high costs - Orbán made generous offers for subsidies.[359] These ongoing efforts generated negative reactions by Romanian politicians, criticizing Orbán's frequent interventions as exceeding the limits of tactful diplomacy.[360]

In spite of these quarrels, the Orbán government did not represent a fallback to the Antall era. On the one hand, the Hungarian government was still willing to dissociate, to a higher degree, the development of bilateral relations from the minority issue. On the other hand, the Romanian authorities acknowledged that cultural closeness involves a sense of responsibility,[361] and therefore accepted support from Hungary. In spite of these changes in perspective, the contents, forms, limits and possible outcomes of Hungary's support for its external minority in Romania remained a subject on which the two sides had different views. The most prominent, contentious issue dealt with the way in which Hungary's communication with and support for the Hungarian minority in Romania could be maintained if there were an accession to the European Union. EU membership entails inclusion in the Schengen space with the consequence that borders could only be crossed (at that time) under a visa regime. Both the Hungarian government and the Hungarian minority in Romania were concerned that this would result in a certain isolation between Hungary and its co-ethnics. In its governmental programme the Hungarian government declared that "the bonds between ethnic Hungarian minorities and Hungary must be settled within a framework of legislation and government, so as to preserve the organic ties of Hungarian communities to Hungary, even after its accession to the European Union."[362]

This initiative was in line with the overall objective of the politico-cultural integration of Hungarians abroad, but involved a new dimension by passing the level of political actors to that of individuals,

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351 Cf. RFE/RL Newsline, 13 August 1997, Hungarian opposition leader backs autonomy of ethnic Hungarians in Romania.

352 Cf. RFE/RL Newsline, 28 May 1997, Hungarian Parliament approves basic treaties, despite opposition objections.

353 At the beginning of 1991, 345,400 ethnic Hungarians lived in Serbia, most of them in the province of Vojvodina, where they represented approximately 17 per cent of the population.

354 Cf. Lányi szerint a Vajdaság önálló állam is lehetne [According to Lányi Vojvodina could become even an independent state], in: Népszabadság, 11 May 1999.

355 Cf. Riba I.1999, Vajdasági autonómia [The Autonomy of Vojvodina], in: Heti Világgazdaság [Weekly World Economy], No. 20/1999.

356 The (former) president, Ion Iliescu, assessed that "regardless of assurances received by Romania, the escalation of revisionist designs questioning existing borders in East Central Europe cannot but result in apprehensions that Romanians might become victims of similar designs". For the full statement cf.: RFE/RL Newsline, 10 April 1999, see also the analysis by Gallagher 2000.

357 Cf. RFE/RL Newsline, 11 August 1998, Hungarian Defense Minister in Romania.

358 In 1999, a general who had an important function in the Romanian army headquarter declared that Hungary again has the courage to claim Transylvania. Quoted in Tibori Sz. Z., Román katonapolitikus az "erdély veszélyröl" [Romanian military on "Transylvanian danger"], in: Népszabadság, 10 November 1999.

359 Cf. RFE/RL Newsline, 27 July 1998, Hungarian Premier in Romania.

360 Cf. Tibori Sz. Z., Román kritika Orbán Viktornak [Romanian critics addressed to Orbán Viktor], in: Népszabadság, 17 April 2000.

361 Article 7 of the Constitution of Romania asserts the Romanian state's responsibility to strengthen links with Romanians living abroad in order to offer support for the preservation of their particular ethnic identity.

362 Government programme for a civic Hungary on the eve of a new millennium. .

engaging in the formal acknowledgment of ethnic ties and legal definition of the rights of those declaring themselves Hungarians. Various alternatives on how to solve this problem were developed. The most passionate debate was generated by the proposal to introduce a dual citizenship for Hungarians abroad.[363]

At the beginning of 1999, the Conference "Hungary and Hungarians Abroad" had developed into an even higher institutionalized form of consultation, the "Hungarian Standing Conference". This forum was considered the political embodiment of a nation bound together by a common culture and integrating the representatives of the Hungarian government, the political parties of Hungary and the delegates of the representative Hungarian organizations abroad.[364] One of the major efforts of this body was to work out a law regulating the status of Hungarians abroad, in Hungary proper, by granting them a legally defined position with subsequent endowment of certain rights. On 19 June 2001, the Hungarian parliament adopted, with 92 per cent of its votes, the "Act on Hungarians Living in Neighbouring Countries".[365]

This so-called status law stipulates the conditions under which a person is considered to be of "Hungarian nationality" (art. 1, para. 1), a procedure through which nationality and the rights these persons benefit from are certified. Most of these rights concern the use of educational and cultural facilities in Hungary (art. 4, para. 1), but also the possibility to work in Hungary (art. 15). The law formalizes the criteria of ethnicity and legalizes the relation between those persons considered Hungarians and the Hungarian state, practically assuring a large freedom of movement and the use of various institutions in Hungary by external minorities. The enactment of this law can be seen as straining relations in that it increases the tension arising between this form of attachment, the loyalty arising from it and the loyalty of citizenship.[366]

The RMDSZ, as a whole, backed the law which is quite popular among the Hungarians in Romania. Yet below the surface of this unity, one can detect important differentiations. One representative of the moderate wing appreciated the law, but not the procedure of its promotion, emphasizing the fact that Hungary did not consult Romania. This created unnecessary tensions between Hungarians and Romanians and difficulties in the negotiations between RMDSZ and the PDSR.[367] A representative of the reformers wing, however, stressed the law's historical importance. The law would slow down the process of assimilation; obtaining a Hungarian status identification card could help to strengthen identities and would create a register of Hungarians on the basis of which internal elections could be organized.[368]

The Romanian government took the position that the law stipulates the extraterritorial exercise of the Hungarian government's authority and, therefore, affects Romania's sovereignty. It further declared that consent with the Romanian state is needed for the application of the law to Romanian citizens of Hungarian origin.[369] Prime Minister Năstase asked the "European Commission for Democracy Through Law" (Venice Commission) to examine the compatibility of the status law with European standards and the norms and principles of contemporary public international law. The "Report on the Preferential Treatment of National Minorities by their Kin-State" from the Venice Commission of 22 October 2001 stated inter alia:

> A State may issue acts concerning foreign citizens inasmuch as the effects of these acts are to take place within its borders.
> When these acts aim at deploying their effects on foreign citizens abroad, in fields that are not covered by treaties or international customs allowing the kin-State to assume the consent of the relevant home-states, such consent should be sought prior to the implementation of any measure.

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363 Cf. RFE/RL Newsline, 14 September 1998, Radical wing of Hungarian Ethnic Party demands "dual citizenship".
364 Cf. Zs. Németh, Bontsuk le a nemzeteket megosztó határokat [Let's break down the boundaries dividing nations], in: Magyar Nemzet, 5 January 2001.
365 Act LXII of 2001 on Hungarians Living in Neighbouring Countries.
366 Cf. Andreescu 2001, pp. 341-342.
367 Interview with a RMDSZ deputy, 28 November 2001.
368 Interview with a RMDSZ deputy, 27 November 2001.
369 Cf. RFE/RL Newsline, 27 June 2001, Romania moves resolution against status law at pace.

> No quasi-official function may be assigned by a State to non-governmental associations registered in another State. […]
> Preferential treatment cannot be granted in fields other than education and culture, save in exceptional cases and if it is shown to pursue a legitimate aim and to be proportionate to that aim.[370]

"Guided by the provisions of the Venice Commission's report", the governments of Hungary and Romania on 22 December 2001 concluded a memorandum of understanding concerning the status law and its implementation related to Romania.[371] This process shows that relations between the two countries are framed within a larger international context, which can have an effective impact for solving conflicts. The fact that the memorandum of understanding was rather quickly agreed upon, also reflects that the political elites of the two states have a common frame of reference and minimal common standards for solving problems.

1.2.4 The Transformation of the Inter-ethnic Conflict Constellation in Romania

The starting point looked grim. After the first euphoria had vanished, clear dividing lines between the ethnic majority and minority were drawn within months. There was no common frame of reference and no common base for legitimacy. What the two sides had in common was an ethno-nationalist ideology resulting in two competing nation-building projects. There were different perceptions on nearly everything; symbolic politics were dominant in preventing issue-oriented solutions. The Romanian political opposition essentially shared the ethno-nationalist agenda of an authoritarian government. The Hungarian minority in its entirety enjoyed the nearly unconditional support from almost all kin state actors, including the government, the opposition and the main strata of society. There was a clear frontline between the ethnic Romanian polity and society, and the Hungarian minority and its kin state and society. With this, a nearly ideal-type cross-border inter-ethnic conflict constellation came into existence with a domestic Romanian and an international Romanian-Hungarian level of action. This was the background for the assessments of Brown and Schöpflin in 1992, mentioned in the foreword, which may sound pretty alarming from today's point of view.

Since 1993/1994, one can observe a gradual dissolution of seemingly unified actors and alliances and of the conflict constellation as a whole. Since 1993, a gradual transition from a history-based to a norm-based discourse has transpired, interrupted by occasional fallbacks. This development was clearly triggered by the emerging pro-Western foreign policy orientation of Romania and the resulting consequences for framing domestic majority-minority relations. An early negotiation initiative failed, because of the dominant nationalisms and also because of the lack of agreed norms. External international actors, both in terms of standards and practical politics, substantially shaped this transition to a norm-based process of inter-ethnic conflict regulation. In the beginning, the Council of Europe was the only organization which introduced European norms and helped further their understanding, interpretation and implementation. Later, the HCNM took on a dominant role in a process which included both political crisis management - as in 1995 with the Law on Education or in 1998 with keeping the RMDSZ in the government - and the socialization of domestic actors in the adequate use of international norms and standards. The socialization of norms started with a negative, or respectively, defensive approach: Norms were used as instruments to try to demarcate a dividing line between that which is allowed and not allowed. This led to keen battles on the interpretation of certain norms, fought domestically as well as on an international level and culminating in the dispute over Recommendation 1201. Supported by a myriad of discussions and recommendations, this time mainly by the HCNM, elements of a positive norm-based approach slowly evolved: norms not as defensive weapons, but as positive guidelines for creative and integrative solutions framed by domestic actors themselves.

The start of the Horn government marks the first breakthrough for defusing the conflict constellation altogether. It denied the external Hungarian minorities the right to veto on Hungarian foreign policy, a

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370 European Commission for Democracy Through Law (Venice Commission), Report on the Preferential Treatment of National Minorities by their Kin-state, Strasbourg, 22 October 2001.

371 Cf. 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.

right which they formerly had, thus putting the interests of Hungary proper above those of the minorities. The government recognized the unchangeability of borders and concluded the bilateral treaty against the joint resistance of the Hungarian opposition and the RMDSZ. However difficult its implementation might have been later on, this treaty stands for a breakthrough in Hungarian-Romanian relations. For the first time, host and kin state could agree on common norms. At the same time, it became evident that the interests of a minority and its kin state are not always congruent. In 1996, the Hungarian kin state was more moderate than its Romanian minority, and the conflict potential was essentially decreased by the two states. The all-Hungarian conference of July 1996 showed, however, how large the potential of falling back still was, even on this Hungarian government's side. Working together in a mutually reinforcing effort and, at the same time, sharing the work, international actors, the Council of Europe and the HCNM substantially facilitated the Hungarian-Romanian bilateral treaty. Whereas the CoE defused Recommendation 1201 by working out an authoritative interpretation of its article 11, the High Commissioner concentrated on the practical side of the negotiating process.

The second and decisive breakthrough - the participation of the RMDSZ in the Romanian government - happened only few months later at the end of 1996. The chance for the inclusion of the Hungarian alliance emerged out of a tactical constellation, leading, however, to strategic consequences. Although the tangible results of the RMDSZ's governmental participation in 1996-2000 look rather meagre, the results, in terms of the RMDSZ's public image, perception by the Romanian parties and self-perception as a political actor, are fundamental. Its co-option in the government represented a decisive experience which tempered the militancy of the Hungarian alliance and reoriented its political strategy from passionate accusations of nationalizing tendencies of the Romanian polity to a more integrative approach, using the negotiating mechanisms as a co-governing force, or in short: the RMDSZ transformed itself from being an organization that applies external pressure into one that exercises internal influence. At the end of its governmental term, the RMDSZ was generally (of course apart from the extremist parties) accepted as a legitimate element of the Romanian polity. The other parties and, more generally speaking, the Romanian polity could experience, in comparison to the tendencies of hegemonic control which manifested before 1996, the advantages of a more consensus-oriented political process,[372] which in spite of hesitations and backdrops, resulted in a lowering of inter-ethnic tensions. These experiences, which transpired especially in intellectual laboratories, led to reflections on an alternative form of macro-political regulation of relations between the Hungarian minority and the Romanian state. Various analysts started to consider the power-sharing approach as a viable alternative for the future.[373] Apart from hegemonic control and the autonomy project, another solution had emerged on the market place of ideas. It was essential for these political as well as intellectual results, that the RMDSZ remain within the government throughout the whole period. The key international player who facilitated this outcome, which was seriously endangered several times, was the High Commissioner. By directly intervening into the process and by skilfully using issue-oriented proposals for the tactical goal of keeping the RMDSZ in the government, he helped to reach strategic ends. The whole process between 1996 and 2000 is a near ideal-type example of how a tactical chance, which was endangered by a myriad of obstacles, could be transformed into a strategic and, to a certain degree, a self-sustaining process. Having substantially contributed to this outcome, certainly represents one of the main successes of the High Commissioner in Romania.

The change of government in 2000 did not change this strategic constellation. Although the RMDSZ did not participate in the PSD government, it was firmly included in its parliamentary support on the basis of a formal protocol. Two aspects are of interest, concerning this new form of parliamentary co-operation: *first*, the RMDSZ co-operated with a party, which, although it had substantially changed, had represented the archenemy only a few years ago. This again underlines to what degree the acceptance as legitimate players on both sides has changed. *Second*, this co-operation in 2001 happened with considerably less friction than in the previous coalition government, and led in one year to much better results than in the four-year period before. For the dominant moderate wing, this again meant a confirmation of its approach to policy-making through negotiation. Since 1996, the RMDSZ, co-gov-

372 For models of hegemonic control and consociational formula see McGarry/Leary 1993.
373 Cf. Mungiu-Pippidi 1999, pp. 232-236; Székely 1999; Kántor/Bárdi 2000, pp. 180-181; Andreescu 2001, pp. 329-344.

erning within and outside the government, stabilized its strategy, role and (self-)perception as a powerful minority organization which co-operates with mainstream governments.[374]

Starting with 1998, bilateral relations between Hungary and Romania became again more tense, mainly because of the Orbán governments' having changed rhetoric and action. However, the example of the status law shows that host and kin state could agree - with limited international assistance - on the application of common norms on a contentious issue. And what is more, this assistance (the Venice Commissions report) was not initiated from outside, but was actively asked for by Prime Minister Năstase, the Hungarian Foreign Minister Martonyi swiftly joining. The case of the status law shows that both governments had learnt to make use of instruments of international low-profile arbitration. International norms and their authoritative and mutually accepted interpretation clearly mattered for solving this question. The process of introducing a norm-based approach in Romania's inter-ethnic conflict regulation started with its admission to the CoE in 1993. Between 1993 and 2000, however, the High Commissioner played the main role, making use of its greater operational margin of manœuvre compared to that of the CoE. In the most recent case of the status law, we come full circle to the CoE, an organization which works mainly with legal instruments. The fact that the two governments fell back on legal instruments, is interesting from several aspects: *first*, it shows the degree to which legal norms already matter. *Second*, to resort to the legal dimension represents a 'lighter' form of international assistance than the political intervention of the HCNM would have been. *Third*, basing the solution of one's quarrels on legal (or quasi-legal) procedures also represents an advancement towards Western European norms in international business which are regulated by law.

If one looks at the performance of the relevant collective actors, the original picture has changed tremendously. The three unified actors of 1990-1992 - host, kin state and minority - have differentiated themselves into nearly ideal-types of 'fields' of actors in the Brubakerian sense. Concerning the RMDSZ, the first significant break from its vision of unconditional support from the kin state happened in relation with the signing of the bilateral treaty with Hungary, indicating that the interests of minority and kin state were not necessarily always congruent. When the RMDSZ was co-opted into the government, the use of the kin state's support became a more sensitive option. On the other hand, the Hungarian alliance (the majority of) learnt that domestic negotiations might be more fruitful than international and kin state pressure. During this process, the difference between the two wings within the RMDSZ became clearer, with the moderate one in the dominant position. This process went so far that representatives of the moderate RMDSZ wing in internal discussions (not yet openly) stated their dissatisfaction with the Hungarian government's approach to the status law: this law would be one of more symbolic than practical importance. The initiative for this law would be based on the ambitions of some Hungarian cabinet members, creating more damage than good for the Hungarians in Romania.[375] Again it was shown that the views on the adequate tactics to promote the interests of a minority and its kin state are not necessarily identical. But this time, in contrast to 1996, the Hungarian minority in Romania, respectively its dominant wing, was more moderate in behaviour than its kin state.

This difference between the interests of the 'Hungarians' in Budapest and those in Cluj and Bucharest was clearly perceived by the PSD in the debate on the status law. Even in public statements, these two groups of 'Hungarian' actors were not confused. The PSD is the most striking example how a formerly 'negative' key party, which was seen by the RMDSZ as the main enemy, turned into a parliamentary ally. The parallel and more profound development is that the perception of interests also differentiated within the ethnic Romanian majority camp, up to the point at which unconditional ethnic solidarity, highly valued at the beginning of the period, became a burden. For the dominant fraction of the PSD, the main objective is to achieve greater political stability with the support of the RMDSZ, and to keep an as low as possible profile concerning debates on the Hungarian question. The RMDSZ dominant fraction's interest in sustaining a process of increasing minority standards, having influence at the level of the central government and avoiding symbolic battles, is quite congruent with the PSD's dominant line of interest. Common interests of majority and minority moderates matter more and more - a constellation which was nearly unthinkable at the beginning of the period.

374 Interview with RMDSZ official of the Department for Inter-ethnic Relations, 27 November 2001.
375 Interview with a RMDSZ deputy, 28 November 2001.

Taken together, once unified actors and interests were differentiated, this resulted in a general diffusion of hardened front lines and a conflict potential and constellation, which fitted perfectly into the HCNM's mandate in the early years after the Romanian revolution. The conflict potential in Romania has substantially decreased whereas the potential of domestic conflict regulation has substantially grown. This has resulted in a much better balance. The Romania of today is much more self-sustainable in its own conflict regulation capacity than it was five or even ten years ago. Of course, this was no steady process but one of contradictions, qualitative leaps and relapses, and all this is still possible. There was no single turning point, but 1996, with the signing of the bilateral treaty *and* the entering of the RMDSZ into government, certainly marks a key year. And what about the potential of falling back again substantially? A worst-case scenario might have included a coalition between the FIDESZ and the extremist Life and Justice Party in Hungary after the elections in 2002 and an extremist government in Romania after the 2004 elections, leading to a reverse ratio of influence of the two RMDSZ wings. As FIDESZ lost the parliamentary elections in April 2002, at least the first part of this scenario did not materialize. In terms of domestic development, there is still the question to what degree the RMDSZ's relatively consolidated position within the Romanian polity is valued. This is the case, because of the image benefits abroad, which this co-operation entails, and/or because of its benefits in terms of internal ethnic stability. After the decision on Romania's admission to NATO, regardless whether it will be positive or negative, we will have a more convincing answer. If admitted, the Romanian government might not feel the need to offer more proofs of good behaviour in its relations with minorities and might be less eager to negotiate with the RMDSZ. If Romania is not admitted to NATO, the value of the co-operation with the RMDSZ might also decrease. Although not completely excluded, extreme developments are not very likely because moderate forces are already strong. The intermediate and most probable option for the future contains limited conflicts, which can be solved more and more by the primary actors themselves, whereas in 1990-1992 one overall and nearly unsolvable conflict seemed to exist. This is a clear indication for a qualitative conflict transformation in terms of means and actors as well as interests. The once dominant ethno-political dividing line is loosing importance and sharpness.

Such was the development of the general and ethno-political background in Romania from 1990 to 2001, against which the High Commissioner had to operate and to the framing of which he has considerably contributed.