

Chapter 4. Conclusions: From Closed Fronts to Inter-ethnic Co-operation

The development of the relations between the Romanian majority and the Hungarian minority in Romania is a clear example of successful conflict transformation from a closed-front constellation to meaningful inter-ethnic co-operation (cf. Chapter 1.2.4). At the beginning of the period being analysed, strategies on the integration of diversity were almost mutually excluding. The *Romanian* actors played with double standards: on the one hand, they defined the basics of Romanian nationhood in ethnic terms; on the other hand, in relation to the Hungarian minority, they promoted the ideal of an ethno-culturally neutral state which only acknowledges the need of individuals, belonging to national minorities, to maintain their identity. Thus, they followed the principle of *first among equals*. The *Hungarian* minority actors advocated the idea of differentiated relations between the state and society along ethnic lines, thus calling for a significant reallocation of authority, made concrete in various forms of autonomy on a collective basis, following the principle of *separate but equal*. The ethnic Romanian strategy aimed at a model of integration in which the supremacy of its own ethnic group was reinforced. The Hungarian strategy strived for two ethnically defined societies living separately and equally under the common roof of one state.

The main battleground was the various fields of language use. The *Romanian* actors, when framing and implementing their language policies, aimed at considerable superiority of the Romanian language over the minority languages, thus affecting the chances of cultural reproduction of minorities. The *Hungarian* actors, however, were determined to safeguard an extensive scale of linguistic rights. Concerning their political strategy, the *Romanian* actors were rather reluctant to consent to the interference of the international community, as they were especially sensitive to initiatives of Hungary proper. The *Hungarian* actors extensively used the strong sense of solidarity of their kin-state's polity to mobilize international pressure on Romania to limit its nationalizing policies and to increase the standards of minority protection. Thus, at the beginning of the period being analysed here, relations between Romania, Hungary and the Hungarian minority in Romania clearly represented the standard case of the High Commissioner's mandate on national minority issues, which "have the potential to develop into a conflict within the OSCE area, affecting peace, stability or relations between participating States".⁸²⁸

At the end of this period, we find a much more diffuse conflict constellation superimposed by a growing tendency of inter-ethnic co-operation. Certainly, we still find relevant groups within the majority willing to play the nationalistic card whenever this serves to reach or keep domestic authority and power. However, the margin of manoeuvre of these groups is balanced and limited by other majority factions willing to keep the tensions in their relations with the Hungarian minority as low as possible. Mainly motivated by their strategic foreign policy objectives, these factions are open to negotiating a part of the substantive demands from the RMDSZ. As this process of negotiations produced sufficient positive results, the moderate RMDSZ faction has clearly become dominant, marginalizing the still existing forces within the Hungarian alliance calling for an extensive reform of the polity involving the reallocation of authority along ethnic lines. Moderates on both sides have understood that a step-by-step approach is more profitable for them than a fight for a strategic reallocation of power.

The triadic relation between Hungary, Romania and the Hungarian minority has also become increasingly complex in time. The development of relations between the Hungarian polity and the representatives of the Hungarian minority in Romania showed that the commonality of interests, taken for granted because of a shared sense of nationhood, cannot be maintained under any circumstances or political configurations. The Romanian polity has, on the other hand, gradually learned to differentiate between interstate relations and domestic ethno-political negotiations. Moreover, the common appeal of both governments to the Venice Commission on the Status Law demonstrates that a shift occurred from distrustful attitudes fuelled by historical suspicions to institutionalized forms of soft arbitration in handling the ethno-political dimension of interstate relations.

⁸²⁸ CSCE Helsinki Document 1992, in: Bloed (Ed.) 1993, p. 716.

In this context, the High Commissioner had to start his activities, which in and of itself co-framed the development to a considerable degree. The objective of this chapter is to assess the relative share of the High Commissioner in this development and, thereby, the effectiveness of his interventions in Romania. In order to do so, some methodological questions have been clarified. Of course, it is the primary actors – the majority, minority and kin state – which shape the development of domestic as well as international relations; and it is these primary actors who are decisive. It is also clear that secondary actors intervening from outside – in this case, the High Commissioner as a representative of an international organization – can only assist by facilitating and mediating favourable outcomes.⁸²⁹ When we talk about the effectiveness of the HCNM, then we mean an effective intervention in order to assist the primary actors with coming to mutually beneficial solutions.

Against this background, we differentiate between three tightly linked and hierarchically ordered analytical dimensions of the potential effectiveness of the High Commissioner: operational, normative and substantive effectiveness. Operational effectiveness is related to the HCNM's efforts to influence the ethno-political process as such, trying to establish the procedural conditions for possible substantive outcomes. Without a certain minimum of procedural stability, substantive results from negotiations cannot be expected. Normative effectiveness denotes the introduction of international minority norms and standards and their adaptation, interpretation and positive use in a given context. Normative effectiveness aims at socializing the primary actors with international standards and ultimately at creating a qualitatively changed frame of reference, which replaces the inherited recourse to historic suspicions. Normative effectiveness represents the irreplaceable link between operational effectiveness and achieving sustainable results. Substantive effectiveness integrates the two dimensions mentioned above and means that the High Commissioner was effective in facilitating and/or mediating solutions to substantive inter-ethnic problems, solutions which at the same time strengthened the potential of the primary actors to peacefully regulate their problems themselves. In spite of the fact that concrete events frequently cover two or all three dimensions of effectiveness, we have adhered to these analytical instruments because they allow us to identify more precisely on what level the High Commissioner was effective or not, and to what extent.

In analysing the High Commissioner's effectiveness, we focused on the process of change in inter-ethnic relations. Special attention was given to those crisis situations where primary actors blocked one another and where the only option left open would have been a rise in the level of escalation. In this kind of crisis constellation, where the primary actors' moves are blocked, the impact of an external mediator can be most clearly evaluated. By closely following the process, one feature of the High Commissioner's activity can be clearly discerned: concentration. When he started his work in Romania in 1993, Van der Stoep made recommendations on as many as eight issue areas from the Council for National Minorities to educational issues.⁸³⁰ Already in 1995, he concentrated on one issue area, minority education, and, after 1999, on one institution: multicultural third-level education at the Babeş-Bolyai University at Cluj. When analysing the High Commissioner's effectiveness, we followed his process of concentration, because it reflects the development of the inter-ethnic agenda, where some problems were solved over time and where others lost their relevance.

The operational effectiveness of the High Commissioner. One of the focal points of the High Commissioner, especially in his first year of activity in Romania, was to develop, strengthen, sustain and institutionalize frames of communication between majority and the minority actors. Starting with 1993, his most important attempt in this area was to develop the Council for National Minorities into a kind of clearinghouse, vested with real competencies for dialogue, consultation, co-operation and co-determination on inter-ethnic issues. This attempt fell short of the expectations the High Commissioner had raised in his recommendations, because the primary actors could not agree on such a role for this body, which has never been entitled with the competencies requested by the HCNM. In addition, the Council lost importance after the RMDSZ entered the government in 1996, was represented in the cabinet and led a newly established governmental structure dealing with minority issues. Thus, the High Commissioner turned to other forms of fostering dialogue, mainly seminars and round tables as

⁸²⁹ Of course, secondary actors of another quality, i.e., powerful states, could also intervene with non-co-operative means. However, this option is out of focus in this study.

⁸³⁰ Cf. HCNM letter to Meleşcanu, 9 September 1993.

the one in 1995 on the Law on Education or the Snagov meeting in 1998 on university tuition in minority languages. Although not always successful, the High Commissioner's continuous efforts to strengthen the communicational ties between majority and minority players, contributed, among the efforts of other external players, to the gradual emergence of a sense of normality in inter-ethnic relations.

A second dimension of the HCNM's operational effectiveness concerns crisis management in tense situations with the threat of a further rise of the level of escalation. This was clearly the case in the summer of 1995 when the Law on Education was adopted. This law was perceived by the RMDSZ as a major attack on the educational rights of the Hungarian minority, falling behind the level of minority rights obtained during communism. The Hungarian alliance threatened with acts of civil disobedience, which, together with the reactions from the Romanian side, would have almost certainly led to a further escalation. The domestic actors mutually blocked themselves in this situation. The more moderate forces within the government were unable to act, because of their coalition with the extremist parties, which had strived for even sharper anti-minority stipulations within the law. Thus, the PDSR, which was not ready to finish its coalition with the extremist parties at that time, had lost every margin of manoeuvre for negotiations with the RMDSZ. In this situation, the High Commissioner successfully directed the implementation of the law in a more moderate direction with a unilateral public statement, which was based on "a number of clarifications and explanations which I received from the Government".⁸³¹ The functions of this move were to make it more difficult for the government to deviate from the assurances and interpretations given and to show to the RMDSZ that the consequences of the law would not be as bad as foreseen by the Hungarian alliance. In this way, the High Commissioner successfully diffused a tense situation, bought time and even reached a smaller substantive success by safeguarding certain temporary exceptions to the law (admittance exams in minority languages), which were later re-instated as normal procedures. If one asks whether another international actor would have been ready to play Van der Stoel's role at that time, the answer is clearly no. In 1995, Romania was still too distant from both the EU and NATO - even though it is doubtful that these organizations could have played a meaningful role. The Council of Europe, which was engaged at that time, was lacking the necessary flexible instruments to intervene at short notice. Single states, even powerful ones, would have lacked the legitimacy to interfere into the domestic affairs of a state in the way the High Commissioner could. Furthermore, he did so in consensus with the moderate part of the government, which used his intervention to escape from a dead end; one which it had been led into by its coalition with the extremist parties. Thus, we assess the High Commissioner's intervention in 1995 concerning the Law on Education as a clear example of his operational effectiveness.

Another example of operational effectiveness also refers to political crisis management, but on a different level. During the years of the RMDSZ's participation in the government from 1996 to 2000, this inclusion, highly important for the long-term normalization of inter-ethnic relations, was again and again threatened by the inability of the government to find parliamentary majorities for its minority-related legislation and the subsequent threats by the RMDSZ to leave the government. During all these years, the High Commissioner, closely following the process, was functional in keeping the RMDSZ in the government. The situation peaked in 1998, when the RMDSZ again threatened to leave the government. In this context, the High Commissioner not only addressed President Constantinescu but also promoted the benefits attributed to the launching of the Petőfi-Schiller initiative of founding a university with tuition in Hungarian and German (cf. Chapter 3.4.5). Although unsuccessful in substantive terms - the Petőfi-Schiller University was never realized - this initiative was highly successful in operational terms. It lent political success to the RMDSZ's moderate leadership, which, in turn, could assert that the RMDSZ stay within the government until the end of its term. This participation of the RMDSZ in the Romanian government over a full term, happening for the first time in modern history, was highly relevant for the current perception of the Hungarian alliance by all ethnic Romanian mainstream forces as a possible coalition partner. The High Commissioner's attention over this whole period and interventions in critical phases greatly contributed to this result. And again, as outlined above, no other international player could have adequately replaced him.

⁸³¹ HCNM statement, 1 September 1995.

Taken together, we come to the conclusion that the High Commissioner showed a remarkable degree of operational effectiveness in his mediating efforts in Romania. Although not successful with each attempt and every initiative, he reached success in those crisis and decision situations, the outcome of which was decisive for the further rise or fall of the level of escalation.

The normative effectiveness of the High Commissioner. In practical terms, the High Commissioner introduced international norms and standards in each of his recommendations, interpreted and employed them on concrete problems and thereby contributed to socializing the primary actors with these guidelines. However, it would not contribute much to the objectives of this analysis just to ask to what degree the primary actors have internalized the norms and standards recommended by the High Commissioner in order to assess his normative effectiveness. Rather, we have to link the normative with the political process and ask in what way the High Commissioner used norms in order to fulfill his core task, namely, to prevent inter-ethnic conflicts. That means that we have to look at the manner in which he followed and assessed the receptivity of a given group of political actors for certain norms. As one of the core objectives of the High Commissioner consisted in familiarizing primary actors with international norms in a way that they could internalize the value of these norms as instruments for solving problems, he carefully had to avoid the role image of an external normative enforcer. In brief: By introducing norms and standards, the High Commissioner could not neglect what his interlocutors could accept and understand in a given situation.

One example for the norm-related activity of the High Commissioner concerns the perception of Recommendation 1201 by the Romanian polity and the role of this document for the Hungarian-Romanian bilateral treaty. When Romania acceded to the Council of Europe in 1993, its government had to accept Recommendation 1201. Even the extremist forces sent letters to Strasbourg stating that they were ready to support this Recommendation. The public debate of the following years showed, however, that they did not. Recommendation 1201 was perceived by a large majority of the Romanian polity as an unbalanced source of minority empowerment, as a commitment enforced from outside to raise the standards of minority protection in various fields. Given this perception, it was rather questionable whether a long-term process of minority settlement could be built on this basis. If a given political elite largely rejects a norm, it is possible that its implementation will lead to an increase in tensions, reduce the confidence of this elite in the usefulness of norms in general and thus function in a counter-productive way. Against this background, one of the implicit targets of the High Commissioner might have been to generate a behaviour concerning norms, which did not primarily relate to their constraining aspects, but to their productive capacity for framing solutions. Seen from this point of view, the limitations promoted by the High Commissioner for the bilateral Romanian-Hungarian treaty - the famous footnote excluding any commitment to collective rights and territorial autonomy - can be interpreted as part of a larger approach of avoiding the promotion of such international norms which can be perceived as an unbalanced empowerment of minorities in their relations with host states.

A second example refers to the way in which the High Commissioner dealt with the Law on Education in 1995. In his statement of 1 September 1995, Van der Stoel pleaded for recognizing the "considerable amount of flexibility in implementation"⁸³² and rather cautiously "reminded the government on its commitments to protect minority education rights".⁸³³ With this approach, he preferred to soften the impact of this act of legislation rather than start the almost hopeless attempt to persuade Parliament and the governing coalition, which, at that time, included the extremist nationalist parties, to amend the law in the light of international minority standards including, possibly, Recommendation 1201. Although the High Commissioner never sacrificed minority standards for the sake of political stability, he adapted the range of his recommendations to the given political situation in such a way that these recommendations, including their underlying norms and standards, had a chance of being accepted by the relevant actors. Following this course, the High Commissioner was acknowledged by a large part of the domestic political actors as an international standards' trendsetter. After 1996, he was repeatedly urged to give assessments on whether certain proposals were in line with the international standards of

⁸³² HCNM statement, 1 September 1995.

⁸³³ Kemp (Ed.) 2001, p. 238.

minority protection. This was especially the case during the legal disputes on the possibility of setting up a separate Hungarian-language university. After controversial declarations of various political actors on his position, the High Commissioner declared "that European legislation on national minorities "neither prohibits nor compels" setting up universities offering instruction in national minority languages but "leaves an open door" to it".⁸³⁴ The High Commissioner repeatedly stressed this position of not legally limiting the possibilities for the future institutionalization of minority-language university education.

Perhaps the High Commissioner's boldest step in the normative field was his initiative concerning multicultural university education at the Babeş-Bolyai University at Cluj. First, he directly addressed, in a proactive approach, a single institution, instead of issuing a recommendation to the foreign minister as usual. Although this was facilitated by the fact that the rector of BBU, Marga, was also minister of education, the High Commissioner broke new ground in procedural terms. Second, Van der Stoel dared to enter a normative-ideological field, which is not fixed by any international norms or standards. There are no politically or legally binding commitments on multiculturalism. Thus, the High Commissioner worked in a sphere of a free and contingent social debate. Third, and decisively, with the multicultural approach, the High Commissioner offered both the Romanian majority and the Hungarian minority a third alternative to the options of hegemonic control and autonomy strategies. With his multicultural initiative, the High Commissioner left the fixed ground of international minority commitments, which usually form the basis of his activities. Van der Stoel could afford this step, which was not without risk, only because of his high reputation as a normative arbitrator achieved over years. It is much too early to assess the effectiveness of this normative-ideological initiative; debates of this kind need years, if not decades to bear fruit. Already, however, the attempt and the fact that it did not completely fail, but rather led to moderate substantive achievements (see below), can be seen as a successful start into a new - at least for Romania - dimension of integrating diversity.

The actors involved assessed the HCNM's approach in a different manner. A representative of civil society concluded that Van der Stoel had an extremely good feeling for reality.⁸³⁵ Some political representatives of the Hungarian minority, who also stressed his controlled approach, took the view that his interventions, especially after 1996, would resemble a fireman's work.⁸³⁶ Only in open crisis situations would the High Commissioner unequivocally work in favour of minority protection, otherwise taking a minimalist position in promoting minority interests.⁸³⁷ Although his approach was perceived as minimalist by a part of the minority representatives, the tangible improvement of the position of minorities was always among his objectives. The *modus operandi* of the High Commissioner in Romania, in terms of the promotion of norms, manifested a fair level of concern for minority standards. At the same time, in order not to alienate major actors, he avoided suggesting too-far-reaching solutions, while leaving the doors open for any further adjustments. Thus, he succeeded in reducing the tendency of the Romanian polity to formalize the discussion about norms⁸³⁸ or dispute their usefulness in the Romanian ethno-political context.

Although the High Commissioner's efforts of balancing the political process and the promotion of minority standards were assessed in somewhat contradictory terms, his continuous weighing of principles against possibilities cannot be interpreted as opportunism; rather, it must be assessed as a necessary condition for sustaining the stability of the process into which he intervened and for preserving the margin of manoeuvre with which the main actors of the Romanian polity credited him. This was especially important because the political significance of interventions by the international community went beyond their direct substantive dimension: It also represents an unfavourable rating of a given political system or regime, and therefore has to be used with great circumspection. The High Commissioner directly addressed this perception: "The involvement of the High Commissioner should therefore never be seen as a stigmatising, but rather as a sign of solidarity, by the OSCE community, to its

⁸³⁴ RFE/RL Newline, 9 February 1998, Conflicting reports on van der Stoel's visit.

⁸³⁵ Interview with the director of the Romanian Soros Foundation, 14 September 1999.

⁸³⁶ Interview with an RMDSZ member of the Chamber of Deputies, 15 September 1999.

⁸³⁷ Interview with the head of the RMDSZ president's cabinet, 16 September 1999.

⁸³⁸ Whether minority rights are collective or individual rights, or whether Recommendation 1201 is a legally binding document for Romania.

members who are facing certain difficulties."⁸³⁹ In this rather sensitive context, the High Commissioner strongly based his recommendations on international standards, but refrained from any attempt to enforce his suggestions on the primary actors. Acting in this manner, he was viewed as an impartial actor engaged in a process aimed at redefining the relations between the state and the Hungarian minority, one who did not try to coerce solutions which were considered unacceptable by significant majority actors. The symbolic weight the High Commissioner accumulated during the years is expressed by the fact that he has become the main international actor to assist the Romanian polity in achieving a balanced settlement in its relations with the Hungarian minority. His acceptance was based on his *modus operandi* of continuously balancing minority standards, the receptivity of actors and the maintenance of political stability. In this way, he has fulfilled his mandate's condition of impartiality while promoting, without being too persuasive, international minority norms and standards.

The strongest evidence of the High Commissioner's normative effectiveness in Romania was an event, which may, someday, as a trend and over time, make the HCNM's activity superfluous for bilateral relations between Romania and Hungary. Having experienced serious disagreement with the Hungarian Status Law, the Hungarian and Romanian governments called upon the Council of Europe's Venice Commission for advice and, shortly thereafter, concluded an agreement based on the guidelines they had received from the Venice Commission. This represents a business-like form of soft mediation, where parties choose their mediators, as parties in legal cases do when they go to court. What is more, the two governments' common step is symbolic of norm-guided behaviour, where parties are able to solve their quarrels with limited and quite non-intrusive help from outside. The example shows the progress both countries have made during the last decade. Through his patient, recurring normative initiatives, wisely adapted to a permanently changing process, the High Commissioner has contributed much to this successful example of normative socialization.

The substantive effectiveness of the High Commissioner should be analysed on two relatively distinct levels: direct and subsidiary substantive effectiveness. Direct substantive effectiveness means that concrete recommendations by the HCNM were explicitly implemented; subsidiary substantive effectiveness refers to the impact his recommendations have on issue-oriented policy processes. In this way, subsidiary substantive effectiveness adjoins the more general category of operational effectiveness. Analysing the focus of the activities of the High Commissioner, we can observe that he concentrated his activities from a wide range of issues to a particular issue area, education in minority languages, and later on, on one specific institutional question, the establishment of multicultural structures at the Babeş-Bolyai University at Cluj. Although, in formal terms, the number of subjects he dealt with decreased, the roles he played, the objectives he followed and the underlying functions of his interventions became increasingly complex, at the same time increasing the subsidiary impact of his recommendations. In his first intervention of September 1993, the High Commissioner touched upon eight issue areas: minority language rights in public administration, pardon in legal cases, the Council on National Minorities, the preparation of a Law on Minorities and a Law on Education, the establishment of the Advocate of the People, the problems of Roma and, more generally, combating violence and ethnic hostility.⁸⁴⁰ At this stage, he was pointing to problems and indicating directions for further improvements. In his last published recommendation, the High Commissioner exclusively dealt with the organization of the academic administration within the Babeş-Bolyai University, asking for the transfer of a reasonable amount of authority to the lines of education in minority languages. However, this particular focus, when viewed from a more comprehensive perspective, represents nothing less than an attempt to promote an exemplary implementation of the amended Law on Education. The normative tool for this, multiculturalism, was nothing less than an ideological alternative to the traditional ethno-centric views on the function of universities.

With this focal concentration, the High Commissioner followed the development of the agenda of the main ethno-political actors in Romania. This explains why wide-ranging initiatives he started at the beginning, primarily on a comprehensive Law on Minorities, designed to regulate relations between the state and minorities, were not followed further. In the same way, over time, the reform agenda, set

⁸³⁹ Van der Stoel, 20 November 1997, in: Van der Stoel 1999, p. 147.

⁸⁴⁰ HCNM letter to Meleşcanu, 9 September 1993.

up by the Council of Europe and taken over by the High Commissioner, lost importance in favour of new problems brought up by the political process. Thus, the lack of insistence on solving problems such as the Romanian ombudsman, the Law on Minorities and even the Council on National Minorities can be explained by the decrease of their relative weight within the dynamic of inter-ethnic relations. Although the objectives outlined in these early initiatives were not fulfilled in institutional and legal terms, they were met in subsidiary terms to a different degree. The Council for National Minorities, for example, was intended to act as an institutional frame with a significant impact on minority policies of the state. As the political co-operation of governing Romanian parties with the RMDSZ fulfilled this function, significantly transforming the nature of ethno-political relations at the same time, these recommendations can be seen as already implemented, at least in terms of subsidiary substantive effectiveness. The same is true for the original vision of a comprehensive Law on Minorities, whose objectives and functions are partially fulfilled today by a range of sectoral laws, *inter alia*, the Law on Education and the Law on Public Administration.

The High Commissioner proved to be substantively effective in a direct sense in domestic Romanian inter-ethnic relations, as well as on the bilateral Hungarian-Romanian level. His intervention into the negotiations on the bilateral treaty helped to prevent that either the highly contentious stipulation on the autonomy of Recommendation 1201 - not acceptable to the broad majority of the ethnic Romanian polity - be included in the treaty, or that the treaty fail because of Recommendation 1201. Even if the treaty in this form was opposed by the RMDSZ, it contributed to paving the way for the inclusion of the Hungarian alliance into the Romanian government some months later. Together, these two events of the key year 1996 opened up a new era in Romanian-Hungarian relations: Romania, for the first time, basically acknowledged the interest of Hungary in supporting its co-ethnics in Romania. Since then, negotiations on the forms and limits of this support - the latter being those on the Status Law - have not created major crisis situations leading to significant set-backs in bilateral relations. Because of these far-reaching consequences, we have assessed the High Commissioner's intervention concerning the Hungarian-Romanian treaty of 1996 as a case of direct substantive effectiveness.

Regarding the Law on Education, we have to differentiate between the situation before and after 1996. As the High Commissioner started to deal with the forthcoming Law on Education in 1993, he pleaded for a law that would take into account the educational needs of national minorities. In this respect, the Law on Education of 1995 was a clear failure, not only because it failed to meet the demands of the Hungarian minority, but also because, in some aspects, it represented a potential for a set-back to the open nationalizing practices of the communist period. The High Commissioner's intervention after the adoption of the law can be considered damage control by means of softening the law's impact through some control over its implementation. Assessed in terms of subsidiary substantive effectiveness, this was an effective intervention. The High Commissioner further recommended a revision of the law,⁸⁴¹ which was performed in 1997 with the instrument of an emergency ordinance, opening a new stage of intervention in a radically different political configuration. The final version of the Law on Education (1999) meets all major recommendations of the High Commissioner since 1993, apart from the approval of public universities with tuition in minority languages. However, the objective of establishing concrete arrangements that "enlarge the range of alternatives providing meaningful choice in the field of education"⁸⁴² was only partially achieved; the Hungarian claims for institutional reforms of Hungarian-language tertiary education were also not fulfilled. Thus, the High Commissioner engaged in a proactive long-term approach, addressing his recommendations directly to the BBU and not to the foreign minister. We assess the direct substantive effectiveness of this set of recommendations as partial: The number of the Hungarian lines of study was expanded. The informal patterns of the decision-making process were formalized, although in a less resolute manner than the High Commissioner had recommended, offering now a strengthened influence over academic teaching in Hungarian. In subsidiary terms of substantive effectiveness, the process is open. Because of the frustrated expectations of the ethnic Hungarians and also because of the rather complicated nature of the solutions found, it is highly probable that the issue will remain on the agenda.

⁸⁴¹ HCNM letter to Meleşcanu, 26 February 1996.

⁸⁴² Press Statement HCNM, 8 October 1998.

The overall picture clearly shows that the High Commissioner was effective in all three dimensions. He did not succeed with every initiative or recommendation. Some of his suggestions, mainly of minor importance, were not implemented; some issue areas lost importance as the inter-ethnic agenda changed and certain projects were abandoned, both by the primary actors and the High Commissioner. Importantly, however, the High Commissioner was effective in those crisis situations which decided on the future course of events. The 1995 intervention into the Law of Education, the key year 1996 with the conclusion of the bilateral treaty, the RMDSZ entering into government, the adoption of the revised Law on Education in 1999 and the first reform of the BBU in 2000 are the benchmarks of this process. Even more important than these single events is the fact that they together framed the basis for a successful transformation of inter-ethnic conflict in Romania. A decade ago, the Romanian situation represented the standard case of the High Commissioner's mandate: an unsolved domestic inter-ethnic conflict with a considerable potential for escalation, including the bilateral level. Today, the escalation level has become fairly low; the capacity of the primary actors to solve problems on their own has sharply risen. The danger that domestic inter-ethnic conflict will seriously affect international relations has widely disappeared. Keeping inter-ethnic tensions at the lowest level possible has become profitable for mainstream actors from both the majority and minority, sustaining their common prime interest: Euro-Atlantic integration. Co-operation between the PSD and the RMDSZ, unthinkable some years ago, has produced significant results with far less quarrels than during the period of the RMDSZ's governmental participation between 1996 and 2000. The Hungarian minority is included in a political constellation, which not only provides benefits in inter-ethnic terms, but also gives it a considerable amount of responsibility for reaching the country's superordinate objectives.

What are the reasons for this successful case of conflict transformation? The main condition for the improvement of inter-ethnic relations in Romania and included therein, for the effectiveness of the High Commissioner, was and is the *Western orientation* of the country since 1993. The objective of both NATO and EU accession is supported by a clear majority of the population and by all political mainstream forces. There is no inter-ethnic divide on this question. On the contrary, both in a tactical and in a strategic sense, the objective of Western integration is one of the most important bonds between the ethnic majority and minority. The whole process of settling inter-ethnic problems started with the attempt to satisfy foreign policy needs since 1993 and, still today, it is substantially driven by the requirement to solve one's inter-ethnic problems before acceding to NATO and EU. Therefore, the development of domestic inter-ethnic conflict and co-operation in Romania during the last decade can be conceived as a translation of foreign policy objectives into domestic requirements and re-arrangements. To stay in this picture, the High Commissioner's role can be described as one of the most important international interpreters and translators. From a broader conceptional view, the impact of European and Trans-Atlantic integration on Romania and inter-ethnic relations in Romania can be classified as a benign effect of one of the main features of globalization: regional integration. Although the domestic basis for inter-ethnic co-operation in Romania is gaining weight, we assess the foreign policy factor as still being decisive. In other words: As long as Romania has a realistic option of Western integration and, tightly connected to this, as long as the economic and social conditions do not worsen any further, it is probable that the current course of inter-ethnic co-operation can be continued, deepened and internalized. An interesting question beyond the reach of this study will be, in what way the accession to NATO, and even more important to the EU, will influence the readiness of the Romanian majority elite to co-operate with the Hungarian minority.

One subsidiary factor which has contributed to explaining the High Commissioner's effectiveness consists of the fact that the basic conflict constellation in Romania is rather simple - the majority versus one main minority community, more or less backed by its kin state - that is, overlying conflict constellations did not exist as in other countries. The High Commissioner had full access to all three groups of actors in the triangular relationship. This enabled him to combine the effects of his interventions into the domestic scene with the ones on the bilateral level, which was crucial in some phases, especially in 1996. The fact that the High Commissioner could influence the whole triangular relationship led to better procedural control and, thus, to more operational effectiveness.

Another subsidiary factor contributing to the High Commissioner's effectiveness was the existence and growing importance of actors open to compromise in both camps. The operational success concerning

the 1995 Law on Education was possible only because there were moderate forces within the PDSR, which were not interested in a further rise of the level of escalation. The biggest step for strengthening the moderate factions in both the majority and minority was keeping the RMDSZ in the government over its whole term, a success to which the High Commissioner has greatly contributed. The governmental participation of the Hungarian alliance substantively changed the perception of the ethnic Romanian mainstream parties: Whereas earlier the RMDSZ was seen more in terms of a danger, it is now perceived also because of the expertise and discipline of its parliamentarians as an asset to both the government and the opposition. The dominant moderate factions within and outside the government enjoy the advantage over their radical counterparts that they have more to distribute in political and also in material terms, which strengthens their position. Another aspect is that the dominance of moderate forces on both sides is mutually stabilizing, because both sides jointly have more control over attempts of provocation. The perhaps most surprising example of the rise of moderate forces is the change of the PDSR from a non-democratic post-communist party to a moderate social democratic one. Even if this change is by far not yet concluded and an old-style wing still exists within the PSD, the Western-oriented forces under Prime Minister Nastase clearly lead the process, being able to control and suppress occasional attempts to draw the wheel back.

An additional subsidiary factor, especially effective since 2000, consists of the experience that a small number of factions or parties, both within the majority and the minority camp, and a high degree of coherence of factions favour positive outcomes.⁸⁴³ The RMDSZ is an umbrella organization for different political groups and associations, but it succeeded in acting as the only legitimate political representative of the Hungarian minority from the very beginning. Although at times it was quite difficult to come to decisions within this alliance, it acted united *vis-à-vis* the ethnic majority. This represents a considerable advantage compared to a situation where several ethno-political parties, claiming to represent the same ethnic community, engage in processes of ethnic outbidding, which, as a rule, tightens tension and gives rise to conflicts and consequentially increases the level of escalation. The situation on the Romanian side was more complicated. Until 1996, the number of parties within the ethnic Romanian polity was high. The PDSR (or any other party) had no parliamentary majority and governed with the support of three extremist parties. As already known, this rather high fragmentation led to considerable problems and strangled the more moderate forces within the PDSR. A comparable situation in terms of the number of factions occurred within the coalition government from 1996 to 2000. Endless quarrels between parties and single factions, processes of ethnic outbidding driven by second-line politicians and leaderships unable to lead made it extremely difficult to reach results. The current situation is quite different: With the support by the RMDSZ, the PSD government has a clear parliamentary majority. The factions open to negotiation and compromise are clearly dominant in both parties and are able to overcome occasional opposition by their radical counterparts. Thus, the substance of the PSD/RMDSZ protocol for 2001 could be implemented to a high degree and a second protocol for 2002 has been concluded. A constellation with one dominant and rather coherent faction on each side made it much easier to reach results.

The factors mentioned in the last four paragraphs are necessary or at least contributing, but not sufficient, conditions for solutions to inter-ethnic problems. Results cannot be achieved by structural conditions, but only by actors negotiating in a specific framework. The last decade has shown that the primary actors in Romania have been able to negotiate, in a step-by-step approach, their inter-ethnic problems to come to results and to acquire more problem-solving capacity. The High Commissioner was both a continuous condition as well as the central secondary actor during this decade. His effectiveness in facilitating and mediating the primary process was of such quality that the whole inter-ethnic conflict constellation in Romania was transformed. Romania, which in the early nineties represented a classic inter-ethnic conflict constellation including all its dangers, is on its way to becoming an example for the peaceful integration of ethnic diversity.

⁸⁴³ For this paragraph compare Doyle/Sambanis 2000.