

## MINORITY GOVERNMENTS IN HUNGARY

Megjelent: Kinga Gál (ed.): *Minority Governance in Europe*. ECMI, Budapest, 2002. 171–197.

The Parliament of the Hungarian Republic approved the law LXXVII on the rights of national and ethnic minorities in 1993. The national and international reception of the system of minority self-governments based on this law and introduced in 1994/1995 was fundamentally positive.<sup>1</sup> Today, based on the experience gathered during the past years, a first assessment of it can be made. Since this topic is a very complex one, we shall focus on the most important problems related to minority self-government after giving an overview of the rules and regulations that apply to them. Parliament is going to modify the law on the rights of national and ethnic minorities and also the law on the election of minority self-government representatives in the near future, which makes this issue particularly up to date.

### 1. Minorities in Hungary today

The proportion of national and ethnic minorities within the entire population of Hungary has not been established with certainty. According to the official data of the 1990 national census, 232,751 persons (2.24 per cent) preserved their national or ethnic identity, while 137,724 persons (1.33 per cent) out of the 10,374,823 inhabitants of Hungary declared one of the minority languages as their mother tongue. Minority organizations have a considerably higher estimate (8.1-10.2 per cent). Like most statistical data, the figures of the 1990 census have to be viewed with certain reservations.<sup>2</sup> The same considerations apply to the estimates of several minority organizations that are based on descent and disregard losses due to assimilation. Several of these estimates seem rather exaggerated. Reality probably lies halfway between the official figures and the estimates. Since there are and will be no inventories of those belonging to the national and ethnic minority groups, one has to rely on the data of censuses and scientific research as well as on the minority groups' own estimates.<sup>3</sup>

Minority groups in Hungary have reached an advanced level of assimilation. Most of them live dispersed, and most of them can be characterized by a double ethnic identity

---

<sup>1</sup> The proposal was presented at the Rights and Human Rights Committee of the Council of Europe in 1992. The two experts of international reputation, Christoph Pan and Jean-Pierre Worms, gave a positive evaluation of it at the Committee's meeting in Venice. See Judit Bodáné Pálok, "A magyar kisebbségi törvény megszületésének körülményei", *Acta Humana* 12-13 (1993): 42-43.

<sup>2</sup> Hungarian minorities are characterized by a double identity. The census questionnaire did not allow for the selection of Hungarian identity and a minority identity simultaneously. Moreover, the elder generations keep vivid memories of the fact that the majority of Hungarian Germans were forced to migrate to Germany after the Second World War based on the data of the 1944 census. The Hungarian-Czechoslovakian Population Exchange Agreement also contributed to the older generation's lack of confidence in and cooperation with the national census.

<sup>3</sup> See appendix.

often accompanied by language loss.<sup>4</sup> Several factors are responsible for this. Modernization and urbanization acted as natural factors of assimilation as early as the nineteenth century and this tendency became even stronger during the course of the twentieth century. The rural population having moved to the cities, leaving their local communities behind, in a matter of a few decades became Hungarianized, which was one of the criteria of upward social mobility. Internal migration and the large number of ethnically mixed marriages led to the dissolution of local communities in a few generations' time. Moreover, governments of the inter-war and post-war period intended to fortify the rather strong spontaneous assimilation process by political means as well.<sup>5</sup>

The social and economic integration process of national minorities in Hungary has concluded successfully. Generally, the majority society expresses a benevolently neutral attitude towards minorities and their organizations. This positive attitude, however, does not apply to all minority groups in Hungary. The situation and social acceptance of the Hungarian Roma, defined as an ethnic minority and largely assimilated from a linguistic point of view, is much less favourable than those of the twelve other minority groups in Hungary:

“The social structure of Gypsies has preserved several elements of their position on the periphery of society, they do not all have a shared language and culture, and their ethnic identity is still in formation. Their internal cultural differences hinder their assimilation, while there are several obstacles to the formation of a Roma community, such as their linguistic and cultural differences, their geographic dispersion, their social problems, and the small number of Roma intellectuals needed for the moulding of a communal Roma identity.”<sup>6</sup>

Negative stereotypes rooted in the majority society and the practice of discrimination frequently encountered at workplaces, in the administration, in police action, and in the education system further obstruct the integration possibilities of this minority group.<sup>7</sup>

## 2. Minority rights before the shift of regimes

---

<sup>4</sup> On the situation of minorities in Hungary, see Erzsébet Forgács, “Ungarn und seine Minderheiten”, *Österreichische Osthefte* 2 (1992): 195–217; Edwin Bakker, *Minority Conflicts in Slovakia and Hungary?* (Capelle a/d: Labyrinth Publication, 1997): 139–243.

<sup>5</sup> On the minority politics of Hungary, see Gerhard Seewann, “Minderheiten in der ungarischen Innenpolitik 1949–1989/90”, in *Nationen, Nationalitäten, Minderheiten*, ed. Valeria Heuberger (Wien, 1994): 105–114; Lóránt Tilkovszky, *Nemzetiségi politika Magyarországon a 20. Században* (Debrecen: Csokonai Kiadó, 1998); Gizella Föglein, *Nemzetiség vagy kisebbség?* (Budapest: Ister, 2000).

<sup>6</sup> István Schlett, “Nemzetek és nemzeti kisebbségek” in *Mi a politika? Bevezetés a politika világába*, ed. János Gyurgyák (Budapest: Osiris, 1996), 197. See also: István Kemény, ed., *A magyarországi romák* (Budapest: Útmutató Kiadó, 2000).

<sup>7</sup> The Annual Report of the European Committee on Hungary's development emphasizes the frequent occurrence of the discrimination of Gypsies. The problem is analysed in detail in *Beszámoló a Nemzeti És etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről* 1999, Január 1. 1999. December 31. (Budapest: Országgyűlési Biztosok Hivatala, 2000): 113–152.

As far as the aims and methods of the official state policy on minorities are concerned, the four decades of socialism cannot be regarded as a unified period. The Constitution of 1949 prohibited discrimination, it declared the national minorities' right to education in their mother tongue and to the preservation of their national culture. However, no serious attempts were made to actually fortify the minorities' national identities before 1989. It was only in 1968 that the Party abandoned the plan of the rapid assimilation of minorities; however, not even after this did it face the challenge of the gradually accelerating natural assimilation process.<sup>8</sup> During the mid-seventies, a new element was included in the official minority policy. Unsettling developments in the situation of the Hungarian minority groups in the neighbouring countries and some basic principles of minority protection accepted at international conferences (the Helsinki UNESCO Conference, the UN seminar in Ohrid, the 1975 Helsinki Document of the CSCE) forced minority policy-makers to launch the concept of minorities as connecting elements. It essentially meant that by making use of the minorities' natural cross-border connections and by suggesting the principle of mutuality, tensions generated by the minority policies of neighbouring countries that considered minority questions as strictly internal affairs could and should be eased. This attempt, however, failed due, on the one hand, to the uneven numbers and proportions of minorities on the two sides of the border, i.e. there are far more Hungarians living in Hungary's neighbouring countries than ethnic minorities living in Hungary, and of the latter are at a rather advanced stage of assimilation. On the other hand, there are still deeply rooted fears and prejudices, which the communist propaganda of proletarian internationalism did not manage to change.

Officially, the interests of the "Southern Slav", as well as of the Slovakian, Romanian, and German minorities were supposed to be represented by the so-called national associations established between 1945 and 1955. These associations, however, were created from above by the highest political circles and were kept under their strictest control. Instead of representing the minorities' interests they conveyed governmental (Party State) policies towards national minorities. Although minority primary and secondary schools, integrated into the national educational system, existed throughout the entire period, they could not stop the process of assimilation. (Until 1960, there were three types of institutions: schools teaching in the minority language exclusively, schools teaching in both the minority language and Hungarian, and schools teaching the minority language as a foreign language; between 1960 and 1985, only the last two types existed, whereas since 1985, all three types have operated again.)<sup>9</sup>

As a result of the new international political situation and the radical transformation of national political relations, a new era started in national minority policies as well.<sup>10</sup> In accord with the political and social transformations of the country, the last communist government approved the 1989 law (XXXI) on the Constitution, which prohibited discrimination and guaranteed educational, cultural and language rights to the state-forming components of minorities as well as their collective participation in public life. During the summer of 1990, the first democratically elected parliament

---

<sup>8</sup> Gizella Föglein, *Nemzetiség vagy kisebbség?* (Budapest: Ister, 2000), 82.

<sup>9</sup> Ágnes Vámos, *Magyarország tannyelvi atlasza/Atlas of languages of instruction in Hungary/Atlas der Unterrichtssprachen in Ungarn* (Budapest: Keraban Kiadó, 1998).

<sup>10</sup> Róbert Györy Szabó, *Kisebbségpolitikai rendszerváltás Magyarországon* (Budapest: Osiris, 1998).

modified the Constitution again, thus defining the main directions for the legal regulations concerning the situation of minorities in Hungary. The Constitution specified local and national minority governments as the future organizational framework of minorities. At the same time, it admitted the – not precisely circumscribed – right of national and ethnic minorities living in Hungary to political representation and it declared the necessity for a law concerning minority rights.<sup>11</sup>

Although the unregulated situation of minorities in Hungary did not threaten to cause social upheaval, an exemplary regulation seemed important to the Hungarian political elite – mainly due to foreign policy considerations.<sup>12</sup> The direction of Hungarian foreign policy was expected to change radically after 1989/1990. Priority was given to the rapid establishment and consolidation of economic, political and (later) military relations with Western Europe and to supporting the Hungarian minorities living in the neighbouring countries as much as possible. The legislator decided to guarantee minorities the possibility to establish cultural autonomy in a separate law. This decision was motivated by the responsibility felt for the Hungarian minorities living in the neighbouring countries and also by the several-decade-long internal debt towards the national and ethnic minorities living in Hungary.<sup>13</sup>

Once free from the suffocating state control, minority organizations soon discovered the possibilities lying in the democratic social development. They needed real, well-functioning organizations to represent their interests, and therefore wanted to participate in the preparation of the law on minorities, which had been in progress from September 1989. Thus, in early 1991, the Minority Round-Table, a consultative moderator forum, was formed, comprising representatives of all organizations of the thirteen minority groups in Hungary.<sup>14</sup> Due to many (a number of?) conceptual differences, the negotiations between the Office for National and Ethnic Minorities in Hungary, the respective Ministries and the Minority Round Table did not reach an end until the summer of 1993. Consensus was finally reached, and the Parliament passed the 1993 LXXVII law on the rights of national and ethnic minorities (Minority Law) on 7 June 1993 with a 96.5 per cent majority.<sup>15</sup>

### **3. The legal regulation of minority governments**

The Minority Law occupies a peculiar place in Hungarian jurisdiction. It departs from the basic right referring to minorities included in the Constitution and defines specific

---

<sup>11</sup> The Constitution of the Hungarian Republic. § 68 – 70/A §.

<sup>12</sup> Herbert Küpper, *Das neue Minderheitenrecht in Ungarn* (München: R. Oldenbourg Verlag, 1998), 3.

<sup>13</sup> For the “national liberal” and the “autonomist” concepts, see in detail: Gáspár Biró, “A magyarországi nemzeti és etnikai kisebbségek jogairól szóló törvénytervezet előkészítésének tapasztalatairól”, in Gáspár Biró, *Az identitásválasztás szabadság* (Budapest: Századvég, 1995), 36–42.

<sup>14</sup> One of the Hungarian Jewish organizations also participated in the negotiations. Finally, however, the Hungarian Jewry decided not to be included in the 13 minorities enlisted in the Minority Law. See Herbert Küpper, *Das neue Minderheitenrecht in Ungarn* (München: R. Oldenbourg Verlag, 1998), 96–98.

<sup>15</sup> The minority law does not differentiate between national and ethnic minorities. The term “ethnic” refers to the fact that the Roma have no mother country.

details of it, while it directly changes those parts of the Hungarian jurisdiction that have regulated this issue. The law itself can be called a skeleton law since its applicability depends on the numerous other specific laws that it refers to in several places.<sup>16</sup>

The law departs from the principle of *free choice of identity*,<sup>17</sup> according to which “[t]o admit and to acknowledge that one belongs to a national or ethnic group or minority (hereafter minority) is the exclusive and inalienable right of the individual. Nobody is obliged to make a statement concerning the issue of which minority he or she belongs to”.<sup>18</sup> The prohibition of registration demanded by minorities led to a unique legal resolution of the definition of the subject of the law. The subjects of the law are determined by a definition that takes into consideration Capotorti’s suggestion. Besides, the law enumerates thirteen local minorities and their languages who are automatically covered by it, and defines the procedure through which new members can be included in the enumeration.

The legislator defines the right of national and ethnic minorities to their identity as part of universal human rights, while their individual and collective rights (*Gemeinschaftsrechte*) are seen as basic rights to freedom. Thus, one of the main characteristics of the Minority Law is that it is based on a dualistic concept of minority rights. In concordance with this, it specifies individual and collective rights in separate chapters. The collective rights cover the most important areas of collective minority identity preservation. Thus, minorities have the right to preserve their language and traditions, to organize their feasts and events undisturbed, to preserve their architectural, cultural and religious heritage, and to use their symbols. At the same time, the law guarantees their rights to education in their mother tongue and to the establishment of a national network of educational, cultural, and scientific institutions. Public radio and television are obliged to prepare and transmit minority programmes regularly, while the state is called upon to facilitate the reception of radio and television programmes transmitted from the minorities’ motherlands. Minorities have the right to form social organizations as well as local and national minority governments, and these are entitled to establish direct international relations. The law mentions the possibility of minorities’ parliamentary representation, too. Finally, it enacts the institution of the ombudsman for the rights of national and ethnic minorities.<sup>19</sup>

The explicit aim of the Minority Law is the establishment of a person-based cultural autonomy.<sup>20</sup> The organizational consequence of this – and thus the essence of the entire regulation – is a system of minority governments endowed with a legal status.

---

<sup>16</sup> The minority law is described and analysed by Herbert Küpper, *Das neue Minderheitenrecht in Ungarn* (München: R. Oldenbourg Verlag, 1998); Jenő Kaltenbach, “Die Rechtstellung der Minderheiten in Ungarn”, in *Ethnos-Nation* 1–2 (1997):115–128; Jenő Kaltenbach, “Hungarian Report”, in ed. Jerzy Kranz, *Law and Practice of Central European Countries in the Field of National Minorities Protection After 1989* (Warszawa: Center for International Relations, 1998): 61–131.

<sup>17</sup> The theoretical background of this problem is described and analysed in Gáspár Bíró, “Az etnikai elvű csoportautonómia néhány elméleti kérdése”, in Gáspár Bíró, *Az identitásválasztás szabadsága* (Budapest: Századvég, 1995): 177–211.

<sup>18</sup> Minority law (LXXVII) of 1993 on the rights of national and ethnic minorities (Minority Law) 7.§ 1.

<sup>19</sup> Minority Law § 15-§ 20.

<sup>20</sup> Due to the dispersion of the minorities, territorial autonomy was completely out of the question.

As far as self-organization of minorities was concerned, during the preparation of the Minority Law the Ministry of Justice held the view that minorities could enjoy full rights under the general democratic legislation so that their self-organization based on the right to form civil associations could guarantee minority identity preservation in Hungary. This view, however, was shared neither by the Minority Round Table nor by the Office for National and Ethnic Minorities, and finally the legislator decided to integrate minority governments into the system of local governments and modelled minority representation on the regulations of local self-governments.<sup>21</sup>

The system of minority self-governments consists of two levels, the local and the national one. The law outlines three possible local minority government models. If more than half of the members of a local self-government board are representatives of a particular minority group, the local self-government can transform itself into a local minority self-government. In this case the minority government is granted all the necessary rights to achieve cultural autonomy, and at the same time it performs all regular legal duties of a local self-government

If thirty per cent of the board of the local representatives have been elected as representatives of the same minority group, they as a minority may form an *indirectly created local minority self-government*, whose area of competence coincides with that of the third type, the most frequent *directly created local minority government*.<sup>22</sup> (The last type of minority government is elected by voters directly, that is votes cast for the minority government. In villages with a population of less than 10,000, fifty valid votes are necessary to do this. In villages with more than 10,000 one hundred valid votes are needed.

Local minority self-governments are legal persons, and they fulfil their duties in close coordination with the local self-government. Since minority governments are elected at the same time as local governments, both the principle of concession and the legal prescription of free choice of identity are met.<sup>23</sup> Minority candidates can present themselves for election with as few as five recommendations. Since minority group citizens are not registered in Hungary as such, the legislator has decided to entitle all Hungarian citizens to both active and passive voting rights for minority self-governments. The minority candidates themselves do not have to make a declaration about their minority affiliation; they merely have to give a written declaration that they take charge of the representation of the minority group in question. Depending on the size of a particular municipality, minority self-government bodies consist of three representatives in municipalities with a population of no more than 1,300 people, five in larger villages and towns, and nine in the capital.

A local minority self-government has the power to establish cultural autonomy.<sup>24</sup> It may approach the head of the board of the competent public body with a request concerning any issue affecting the minority. It may ask for information, make a

---

<sup>21</sup> Some minority leaders were afraid that local minority self-governments might become too dependent on local self-governments. Cf. Judit Bodáné Pálok, "A magyar kisebbségi törvény megszületésének körülményei", in *Acta Humana* 12-13 (1993): 38.

<sup>22</sup> If no minority government is formed at a particular locality, minority rights are represented by a minority spokesperson. Minority Law § 40-§ 41.

<sup>23</sup> The election of national and ethnic minority self-government representatives is regulated by the 1990- LXIV law on the election of local government representatives and mayors (§ 48-§ 50/D).

<sup>24</sup> Minority Law § 25-§ 30.

proposal, initiate measures and object to a practice or decision related to the operation of institutions that violates the rights of the minority. The minority self-government can define within its authority: the use of the property set aside for it as part of the total property of the local government; its budget; its closing balance sheet; the circle of its protected monuments and memorial sites; its organizational structure and operational system; its own name and insignia as well as its medals and decorations; and the holidays and festivals of the minority they represent. The local minority self-government may establish and operate an institution within its authority, it may invite tenders and establish scholarships, and it has the right to establish and run a company or other business organization. Concerning the issues of basic education, media, promotions of tradition and culture, and the language used by the community, any act of the local government affecting the minority population in their capacity as such may be passed by the board of representatives only with the approval of the minority self-government representing the population.

A local minority self-government may assume control of an educational institution from the local self-government if the two can reach an agreement about it and if the former can ensure the maintenance of the same standards of education as the latter.

The legal supervision of local minority self-governments is performed by the regional offices of public administration, while the lawful use of the subsidies provided by the government may be supervised by the National Audit Office.

The Minority Law makes it possible for local minority self-governments to integrate on a national level: each minority group can establish one national minority self-government ('national assembly').<sup>25</sup> These represent the interests of local minority self-governments on the county and on the national level. The local level is not subordinated to the national level, nor are local minority self-governments obliged to report to the national one.

The national minority self-government is elected by the minority electors.<sup>26</sup> If fifty per cent of all electors are present at the national assembly it has a quorum. The national minority self-government can have a minimum of 13 and a maximum of 53 members. Similarly to local minority self-governments, the lawful use of the subsidies provided by the government is supervised by the National Audit Office. Nevertheless, unlike in the case of local minority governments, no state organ is legally entitled to the legal supervision of national minority self-governments.<sup>27</sup>

---

<sup>25</sup> The Ruthenian and Ukrainian minorities formed no national minority self-governments in 1995. In 1999 all thirteen traditional national and ethnic minorities became integrated on the national level as well.

<sup>26</sup> Every local government representative who has been elected as a minority representative is a minority elector, and so are the minority self-government representatives and spokespersons. If in the municipality the minority concerned does not have a minority self-government, the election of the elector may be initiated by three citizens who are entitled to vote, who are residents of the municipality, and who declare themselves to be members of the minority concerned. Minority Law 31. § (2).

<sup>27</sup> Minority ombudsman Jenő Kaltenbach has pointed out this deficiency several times. *Beszámoló a Nemzeti és Etnikai Jogok Országgyűlési Biztosának tevékenységéről 1997, január 1 - december 3* (Budapest: Országgyűlési Biztosok Hivatala, 1998), 53.

The national minority self-government has the same rights to send memoranda as local minority self-governments (except for remonstrance). The national council decides independently on the location of its headquarters, its form of organization, its operational mode, its budget, its closing balance sheet, and an authoritative statement of its asset inventory. Similarly, it can decide independently on the principles governing the use of the radio and television channels at its disposal. It can establish and maintain different types of institutions (libraries, theatres, museums, publishing companies, secondary and higher education institutions) with a national scope. The national council may also state its opinion on bills concerning the minority represented by it, including the regulations issued by the general meetings of counties and the capital. The national council has a right of veto in the course of legislation on the preservation and conservation of the historical settlements and architectural monuments of the minority as well as in regard to the development of the core curriculum of minority education.<sup>28</sup>

The infrastructural background to the operation of local minority self-governments has to be provided by the local self-government. They have to be provided with a separate building or room (as possible) and with the use of technical facilities necessary for their operation. National minority self-governments are entitled to a self-contained building or part of a building with a net area of 150-300 square metres. The fixed assets do not become properties of the minority self-governments, but are transferred to them only for usage. If the minority self-government terminates its activities, they have to be returned to the local self-government. The state compensates all losses local self-governments in connection with accommodating the local minority self-governments. Besides the fixed assets the state provides national minority self-governments with a one-off allocation of property.<sup>29</sup>

The financial conditions of the operation of minority self-governments are created by an annually changing standard financial assistance from the central budget.<sup>30</sup> They may, however, obtain financial assistance from other sources, too. Local and county-level self-governments, foundations, national and foreign organizations, and individuals can also support them financially. They may participate in enterprises in which their liability does not exceed the total value of assets demanded by such an enterprise.

The assistance to the operational costs of minority self-governments is only part of the multi-channel system through which national and ethnic minorities are supported. The largest part of the central budget assistance for minorities is the additional standard

---

<sup>28</sup> Minority Law § 35-§ 39.

<sup>29</sup> The national self-governments (in the year 1995) received shares in the following values: the Roma National Minority self-government: 60 million HUF (250,000 USD), the German, the Slovak, the Croatian, and the Romanian national self-governments: 30 million HUF (125,000 USD); the others: 15 million HUF (62,500 USD). Minority Law 63 § (4) (1 USD = 240 HUF in 1 May 2000).

<sup>30</sup> The standard financial assistance received by local minority self-governments was 300 million HUF (1.25 million USD) in 1997, 350 million HUF (1.46 million USD) in 1998, and 730 million HUF (3.04 million USD) in 1999. In: J/1397sz. Kormánybeszámoló a Magyar Köztársaság területén élő nemzeti és etnikai kisebbségek helyzetéről 1999. Június. In: Mária Demeter Zayzon (ed.): *Kisebbségek Magyarországon*. Budapest, 1999. 172.

assistance promoting minority education.<sup>31</sup> Minority civil associations may apply for support from the Human Rights and Minorities Committee of the Hungarian Parliament. Minority public foundations are equally indispensable elements of the financial support system financing programmes and activities.

#### 4. Minority self-governments: results and dilemmas

During the six years since the local elections of 1994, the basic principle of the system of minority self-governments has proved to be fundamentally correct.<sup>32</sup> In spite of the deficiencies of the legal regulations pointed out critically as early as the first electoral cycle, according to the representative survey of 1996/1997, most people concerned found the recently introduced system necessary and unquestionably a step towards the representation of minority interests.<sup>33</sup> The number of local minority self-governments almost doubled after the local elections of 1998, which confirmed this impression. At the same time, it demonstrated the majority's positive attitude towards this issue since the number of sympathy votes in 1998 was much higher than at the previous elections.<sup>34</sup>

*Table 1-: The number of local minority self-governments as a result of the two elections*<sup>35</sup>

Minority	1997	Number of votes	1999	Number of votes
Bulgarian	4	2,882	15	21,998
Roma	421	888,279	754	1,092,044
Greek	6	10,635	19	61,605
Croatian	56	98,005	75	102,956
Polish	7	3,220	33	82,743
German	163	560,620	272	966,324
Armenian	16	32,052	25	72,725
Romanian	12	19,844	31	36,430

<sup>31</sup> In 1997, 3246.8 million HUF (13.528 million USD), in 1998 3924 million HUF (16.350 million USD), in 1999 4941 million HUF (20.588 million USD). Mária Demeter Zayzon, *op.cit.*

<sup>32</sup> The minority self-government system is discussed by Csaba Tabajdi, "Minderheitenselbstverwaltung in Ungarn", in *Ethnos-Nation* 1-2 (1996): 129–136; Edwin Bakker, *op. cit.*, 181–189; Ferenc Csefkó and Ilona Pálné Kovács, *Kisebbségi önkormányzatok Magyarországon* (Budapest: Osiris-MTA Kisebbségkutató Műhely-MTA Regionális Kutatások Központja, 1999).

<sup>33</sup> Ferenc Csefkó and Ilona Pálné Kovács, *op. cit.*, 138. The legal regulation has been criticized frequently because it guarantees minority self-governments few real powers and because it contains many merely permissive, conditional regulations. Those concerned have found it a very serious deficiency that there are contradictions between the Minority Law, the self-government law, and the public education law. Ferenc Csefkó – Ilona Pálné Kovács, *op. cit.*, 132–144.

<sup>34</sup> The term *sympathy vote* refers to the votes cast for minority self-government representatives by the majority. The legal prohibition of registration makes it impossible to find out the exact ratio of minority votes and sympathy votes. In the case of most minorities, however, sympathy votes are considerably higher than minority votes. According to the 1990 national census, 232,751 persons declared themselves members of ethnic minority groups. According to the estimates of minority organisations, on the other hand, a minimum of 843,000 and a maximum of 1,062 5000 minority citizens live in Hungary. If one compares these data with the votes cast for minority representatives, one can see that the majority supports the institutions of minority self-governments as well.

<sup>35</sup> Government Report number J/1397. 42–43.

Ruthenian	1	1,323	10	7,117
Serbian	19	37,319	35	34,642
Slovak	49	114,460	75	163,110
Slovenian	6	5,660	10	9,558
Ukrainian	–	0	5	6,670
Total	760	1,774,299	1,369	2,657,922

Experiences of the first four years have thrown a sharp light on the weak points of the minority self-government system. This was the reason why the Parliament decided to modify the Minority Law and the law regulating the election of minority self-government representatives on several points in 1998. At the same time the question of the parliamentary representation of minorities was also raised.

*a) Minority self-government elections – the trap of free identity choice*

During the parliamentary debate on the Minority Law, the ad hoc committee of experts formed by the Human Rights, Rights and Religion Committee of the Hungarian Parliament sent the bill to the Council of Europe for evaluation. The Rights and Human Rights Committee of the Council of Europe gave a positive evaluation of the bill, emphasizing especially that the principle of free identity choice would be included in the legislation of a country for the first time.<sup>36</sup>

During the preparation of the Minority Law it became evident that minority organizations would object categorically to any kind of minority registration – primarily because of negative historical experiences. Thus the complete freedom of the assumption or expression of identities became the cornerstone of the preparatory debates and of the system of minority self-governments as a whole. When it became clear that minority self-governments would be integrated into the existing system of local self-governments and that they would be financed permanently from the central budget, a new electoral system respecting these ideas had to be developed. Its realization, however, faced legal experts with a serious dilemma because they had to validate two opposing articles of the Constitution that were very difficult to coordinate. While Article 68 § (4) of the Constitution states that it is national and ethnic minorities that can form local and national minority self-governments, Article 70 § (1) guarantees active and passive electoral rights to all Hungarian citizens in the elections prior to the formation of self-governments. Finally, the legislator decided to give priority to the principle of free identity choice. The legislator also decided that elections for minority self-government representatives should take place on the same day as elections for local government representatives.

During the first term of office of minority self-governments, fears of possible electoral abuse were related primarily to Article 70 § (1) of the Constitution. Theoretically, it is possible that the majority votes for persons who are not authentic leaders of the particular minority community and in this way they may intervene – out of lack of information or driven by political goals – in the minority community's

<sup>36</sup> The Parliamentary Assembly of the Council of Europe, Strasbourg, 1992. The Legal Affairs and Human Rights Committee's remarks on the bill concerning the rights of national and ethnic minorities. The statement of Jean-Pierre Worms is cited by Bodáné, *op. cit.*, 42.

power relations, with the potential to seriously threatening their possibilities to represent their interests.

The local elections of 1998 verified the reservations about the possible abuse inherent in the electoral system. Four years after the first elections the opportunities provided by the Minority Law became well known among all those who wanted to take advantage of the weaknesses of the electoral system. The so-called ethno-business phenomenon was born. Although the financial position of minority self-governments is still far from ideal, there is enough money in it to induce some persons to run for minority representative who do not belong to any minority group, or belong to a different group from the one they intend to represent. Since voters of the majority usually do not know minority candidates, sympathy votes have, in some cases, helped several such persons to get into local minority self-governments.<sup>37</sup> One might have serious moral reservations about these self-candidates; nevertheless, their behaviour is completely lawful. At the moment nobody is authorized to question a candidate's minority identity. The sympathy-voters' lack of information can also be abused by the fact that the names of minority candidates appear in alphabetical order on the electoral list. The electoral behaviour of majority voters during the second elections showed that due to their lack of information they tended to give their votes to those candidates who appeared on the top of the alphabetical list. As it is legally permitted in Hungary to change one's surname once, certain candidates changed their family names in order to obtain a better position on the alphabetical list of candidates. They were quite efficient in doing so and became minority self-government representatives while several actual minority leaders did not.<sup>38</sup> These problems have generally occurred in larger towns, and mostly in the capital. On the other hand, in small villages which provide the mass-basis of most minority groups in Hungary there is a natural social control that makes this type of abuse more difficult.

Local election results obviously influence the election of the national minority self-governments since local minority self-government representatives become electors automatically. It may cause serious problems in the formation and operation of the national minority self-government, too, if several non-minority representatives get elected on the local level. The best example for this is the scandal concerning the election of the Romanian National Minority Self-Government that broke in 1998. The number of Romanian local minority self-governments increased by 250 per cent after the second local elections. Leaders of the Romanian minority in Hungary, however, noted that a considerable number of the representatives elected in Budapest did not actually belong to the Romanian minority group. These representatives (and electors)

---

<sup>37</sup> Although several minorities had to face this problem, the largest scandal occurred about the election of the Rumanian Minority Self-Governments in the capital. The president of MRDSZ (the Hungarian-Rumanian Democratic Federation) formed just before the elections had been the president of the Roma Minority Self-Government of the 16<sup>th</sup> district of the capital four years before. (The law permits this.) *Rumanian election*. In: HVG, 1995/5. 89–90. There were Roma candidates who run for Rumanian self-government representatives and there were also Hungarian candidates who had previously moved from Rumania to Hungary. (Several of the latter had obtained their Hungarian citizenship more rapidly because they had formally claimed to be ethnic Hungarians.) Riba István, “Vita kisebbségi önkormányzati szabályokról”, in *HVG*, 1998/8. 105–106. The general context of this problem is presented in Sándor Palásti, ed., *A kisebbségi önkormányzatok kézikönyve*, (Budapest: Publisher, 1999) 104–106.

<sup>38</sup> *A Kisebbségi önkormányzatok kézikönyve, op. cit.*, 107.

decided not to take part in the election of the Romanian National Minority Self-Government. As a consequence, the representatives who were present in the assembly and genuinely belonged to the Rumanian minority did not reach the 75 per cent of all the representatives required by law and the Romanian National Minority Self-Government could not be formed.<sup>39</sup> Due to the principle of free identity choice present in the law, the odd ones out could not be made responsible, and it was only by lowering the 75 per cent threshold to 50 per cent that this problem, generating also some diplomatic complications, could finally be solved.<sup>40</sup>

The free choice of identity can also be abused in the elections for local self-government.<sup>41</sup> The law LXIV of 1990 regulating the election of local self-government representatives and mayors allows minority candidates to enter the local self-government as representatives even if none of the minority candidates obtains the necessary minimum of votes. If a minority candidate gets half as many votes as the local representative who has got in with the smallest number of votes, he or she automatically becomes a full member of the local minority self-government board.<sup>42</sup> (It has to be noted here that this article of the law has been received with serious reservations by members of the public administration. According to their views, it is minority self-governments that are expected to achieve cultural autonomy. If no minority self-government is formed a minority spokesperson is expected to represent the minority's interests. Moreover, if a particular national or ethnic minority forms the majority in a specific village or locality, the local self-government can transform itself into a local minority self-government. It is for this reason that this advantage is found redundant.<sup>43</sup>)

After the minority self-government elections of 1998, minorities and government officials alike found it necessary to modify the Minority Law and also the law regulating the election of local self-government representatives, primarily in order to avoid the abuse of the electoral system. There would be several ways to do this without harming substantially the principle of free identity choice.

First, it has to be accepted that the active franchise should not in any way be restricted in the future. The twelve national minorities in Hungary reject registration

---

<sup>39</sup> The Rumanian National Minority Self-Government could not be formed in Gyula because of the absence of the MRDSZ. Forty per cent of the electors are MRDSZ-members. It was unwilling to participate in the election unless the authentic leaders of the Rumanians in Hungary participated, too, thus making possible the election of the Rumanian minority self-government in the capital which would logically have fallen under MRDSZ control. Moreover, the MRDSZ wanted to be represented in the presidency of the Rumanian National Minority Self-Government according to the number of its electors. Their requests were turned down. Román választás, HVG, 1999/8, 105-106.

<sup>40</sup> Rumanian Prime Minister Radu Vasile met Prime Minister Viktor Orbán in February 1999 and urged for measures so that the Rumanian National Minority Self-Government could be formed. The Hungarian Prime Minister promised to take measures. Public speech held by political the Under-Secretary of the Foreign Ministry, Mr. Csaba Hende, at the national self-government electing reunion of the Rumanian minority of Hungary in the town of Gyula on 18 September, 1998.

<sup>41</sup> *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 1998. január 1. – december 31. Országgyűlési Biztosok Hivatala, Budapest, 1999. 2.4.5. fejezet.*

<sup>42</sup> *A kisebbségi Önkormányzatok kézikönyve.* 103–104.

<sup>43</sup> Makai Sándor, "Az önkormányzati választási törvények módosításához", in *Magyar Közigazgatás* 1 (2000): 58.

unanimously.<sup>44</sup> This leaves only two ways left to resolve the problem. First, the passive franchise could be restricted, which means that only those candidates would be included in the minority electoral lists whose candidacy has been consented by a competent authority, such as the respective national minority self-government. Most minority leaders would find this alternative acceptable.

The second proposal, prepared by the Ministry of Internal Affairs in July, 2000, discards this alternative and would only oblige minority candidates to declare that they belong to the minority they intend to represent.<sup>45</sup> The Ministry's solution, which in some way could be combined with the first one, is a legal-technical solution and would separate local elections from local minority self-government elections by six weeks. This would increase the probability that only the people concerned go to vote who naturally know which candidates are genuine members of their minority group. In this case sympathy votes cast by the majority would not influence the election results considerably.

Most minority leaders do not find this idea acceptable for several reasons. It would decrease dramatically the number of sympathy votes that give – among other things – vital feedback on the acceptance of the minorities by the majority. A more serious and substantial reason against the second procedure is that the identity of minority communities is not yet strong enough to mobilize its members for minority elections held on a separate day. They find the six-week pause between the two elections particularly unacceptable.<sup>46</sup>

#### *b) Operational problems of minority self-governments*

#### Cooperation of minority self-governments and local self-governments

Minority self-governments are integrated into the self-government system and do their tasks in co-ordination with the self-government of the village or locality. Some of their powers are similar to those of civil law associations (e.g. petition), and they have others that they can exercise together with the local self-government (e.g. the right of consent). At the moment, the operational efficiency of minority self-governments depends largely on their relationships with the local self-government because several operational and infrastructural aspects of minority self-governments

---

<sup>44</sup> Although several Roma minority leaders would find registration acceptable, the other minorities reject this alternative. Greek National Minority Self-Government director Jorgosz Dzindisz stated in an interview for the weekly HVG that small minority groups living in geographical dispersion would have to face serious difficulties when trying to form their minority self-governments. Péro Lásztity, director of the Serbian National Minority Self-Government feared that minority self-governments would be financed according to their size and not according to the tasks they performed. István Riba, *Vita a kisebbségi önkormányzatokról, op. cit.*, 106. – cited before? Yes, see note 37.

<sup>45</sup> 6-Á-568/2000. sz. Előterjesztés a Kormány részére a kisebbségi képviselők választásáról szóló törvénytervezetről.

<sup>46</sup> The reservations about the proposal were summarised by Péro Lásztity in an interview given to ETNONET. He emphasized that the proposal would make the formation of minority self-governments in several places and primarily in larger towns impossible. In this case intellectuals would be excluded from minority self-governments. <http://atnonet.hu/archiv/inter/interpero.htm>

are still unregulated,<sup>47</sup> and because minority-protective sanctions are almost completely absent from the Minority Law. Moreover, the right of consent, an actual veto right and the strongest power in the hands of minority self-governments, can only be used if the local self-government wishes to settle an issue by passing a decree. Most issues concerning minorities are decided upon by decrees and not by regulations.<sup>48</sup>

The results of the above-mentioned survey of 1996/1997 show that the majority of minority self-governments find co-operation between the two types of self-governments satisfactory. Nevertheless, five years after the introduction of the system of minority self-governments the minority ombudsman still receives formal complaints frequently. The majority of these complaints draw attention to the exclusion of minority self-governments from joint decision-making with the local self-governments.<sup>49</sup> These offences are extremely important because they affect the most basic interests of entire minority communities. The right of consent in the nomination and removal of minority institution leaders, for example, has been ignored several times. Numerous minority self-governments have sent petitions in this matter to the Ombudsman for National and Ethnic Minorities.<sup>50</sup>

Minority education in Hungary today is integrated into the public education system – except for the so-called Sunday schools maintained by the national self-governments of some smaller minorities and financed by the Ministry of Education. Schoolchildren may receive their education in three different types of schools according to the language of instruction: instruction in the minority language; instruction in the minority language and Hungarian; instruction in Hungarian with minority language classes. Gypsy students may also participate in the so-called ‘levelling education’. Most schools concerned belong to the language-teaching type, while there are very few schools where the minority language is the language of instruction.<sup>51</sup> The positive

---

<sup>47</sup> The law has not regulated the remuneration of minority representatives, and has given instructions neither on the incompatibility of different functions nor on the possibility to remove the president of minority self-governments. It has been unclear who should finance by-elections if the local minority-self government terminates its activities. The possibility to take over institutions from the local self-government has already been pointed out; nevertheless, it has been unclear how the institution would be financed in the new situation.

<sup>48</sup> A regulation is a legal norm issued by the self-government in its own area of competence. A decree is a decision made by the self-government board.

<sup>49</sup> Ferenc Csefkó–Ilona Pálné Kovács, *op. cit.*, 120.

<sup>50</sup> The vice-director of a Slovak Minority Self-Government in the county of Nógrád complained to the minority ombudsman that the permanent director of the local cultural centre was removed from his post by the self-government of the municipality because of his lack of ability to carry out this task. The local self-government did not ask for the opinion of the local minority self-government, moreover the opinions they expressed were ignored. The ombudsman found the complaint well-grounded. *Beszámoló a nemzeti és etnikai kisebbségi jogok országgyűlési biztosának tevékenységéről 1997. Január 1. – December 31.* 59–61.

<sup>51</sup> Minority kindergarten education in the academic year 1997/98 took place in minority language kindergartens (69 groups) and in language-teaching minority kindergartens (860 groups). At primary school level 174 groups participated in minority language education, 446 in bilingual education, and 3019 in the language-teaching type of education. The German National Minority Self-Government questioned the statistical data based on the auto-classification of minority education institutions because they found them exaggerated. There are 19 minority language and bilingual secondary

statistical indicators of minority education are due to the increased prestige of the German language in Hungary.

The state provides these schools with additional standard assistance.<sup>52</sup> The distribution of this assistance with a precisely defined purpose has been a frequent element of minority self-government complaints. Schools are financed from the national budget and from the budget of the local government. A large proportion of local self-governments in Hungary, however, is in a very difficult financial situation and some of them do not actually transfer the additional standard assistance to the school that it has actually been allocated to. Instead, they decrease their own contribution to the budget of the school by the amount of the additional standard assistance.<sup>53</sup> Since most schools have to be operated with very limited financial resources, it seems a great achievement in the present economic situation if a school does not have to be closed down. The infringing local self-governments therefore often argue that priority has to be given to basic school functions over perfect conditions of minority.<sup>54</sup>

The legal background to this has changed from the beginning of the academic year 2000/2001 since the financial assistance allocated to minority education in the Central Budget has been re-qualified as additional standard assistance with no obligatory purpose to be spent on. The institutions that maintain the schools in villages with a population of less than 3,500 inhabitants receive double of the standard assistance for each student who participates in minority education. Moreover, they may apply for additional standard assistance if less than 80 per cent of the local self-government's expenses on minority education are covered from the Central Budget.<sup>55</sup>

Local self-governments could only be prevented from ignoring the right of consent if the relationship between local self-governments and local minority self-governments was regulated in much more detail in the Minority Law, and if efficient control mechanisms and sanctions against the violation of the law were also included.

Besides the competence of joint decision-making the law, allows minority self-governments to take over the maintenance of cultural and educational institutions

---

schools, there is one Roma secondary school, and there are four secondary level technical schools providing minority education. In: J/1379 sz. Kormánybeszámoló. 67-72.

<sup>52</sup> The additional standard assistance in the 1999 national budget (Ft/person) amounted to: kindergarten: 25,000 HUF (104 USD), minority language as a foreign language: 26,000 (108 USD), Gypsy 'levelling' schools: 27,000 HUF (113 USD), normative supplement for kindergartens and schools: 20,000 HUF (83 USD), boarding school for Gypsy students: 22,000 HUF (92 USD). In: Government Report number J/1397. 172.

<sup>53</sup> *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 1998. január 1–1998. december. 31. 7. 4 fejezet.*

<sup>54</sup> The ombudsman studied in detail the situation of minority education. He found that some of the local self-governments did not use the state assistance for the purposes it was intended. The study by the National Audit Office reached the same conclusions. *Beszámoló a Nemzeti és Etnikai Jogok Országgyűlési Biztosának tevékenységéről 1999. január – december 31.* Országgyűlési Biztosok Hivatala, Budapest, 2000, 60–61.

<sup>55</sup> About the new legal background and its application possibilities, see the interview to ETNONET with Nándor Torba, director of the Public Education and Minority Relations Department of the Ministry of Education, at <http://www.etnonet.hu/archiv/inter/torba.htm>

from the local self-government – in agreement with the latter agrees. However, in practice, the takeover of institutions by minority self-governments is made impossible by the incomplete legal regulation and by its unclear financial consequences. Moreover, such a change is not necessarily in the interests of the employees of the institution to be taken over because in cases of public education institutions they would lose their civil servant status.<sup>56</sup> In order to give the idea of cultural autonomy real meaning, minority self-governments should have the possibility to maintain their own, primarily educational, institutions. As the financial situation of local minority self-governments generally does not allow for more than their daily maintenance, they are unlikely to establish new institutions using their own economic resources. It is for this reason that the takeover of existing institutions is so important. Nevertheless, no mass takeover of institutions can be expected as a result of the improved conditions (after a possible modification of the law) neither on the local nor on the national level. Preliminary enquiries have also shown that it is primarily national assemblies that would use this possibility and take over schools that accept students from larger regions or from the entire country.<sup>57</sup> Once the law is modified and defines the conditions of takeover, the effective functioning of the institutions concerned could be guaranteed by an agreement on specific details. The overwhelming majority of local minority self-governments are satisfied to participate in the direction of minority institutions by making joint decisions with the local self-governments.

## Roma

While the principal objective of the 12 national minorities today is to stop the process of assimilation and to fill the framework of cultural autonomy with actual content, the greatest challenge for Roma minority self-governments is the social and economic integration of the Roma minority.<sup>58</sup> Although the Minority Law defines minority self-governments as the tools to achieve cultural autonomy, fundamentally, most of the resources and energy of Roma minority self-governments are spent on urgent social and employment-related problems.<sup>59</sup> The results of the national survey of 1996/97 on minority self-governments also revealed this. According to the survey, Roma minority self-governments have to attend to social problems much more frequently than other

---

<sup>56</sup> *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 1997. január 1. – december 31.* 79.

<sup>57</sup> Interview with Mr. János Hargitai, president of the sub-committee preparing the modification of the Minority Law. 2 March 2000. AKM Sound Archives. Tape 1. Side A.

<sup>58</sup> The Gypsy situation is presented in “Zur Lage der Zigeuner in Ungarn. Ein Untersuchungsbericht”, in *Ethnos-Nation* 2 (1994): 49-60. See also István Kemény, ed., *A magyarországi romák*, (Budapest: Útmutató Kiadó, 2000); and István Kemény “Cigánykérdés a 20. század végi Magyarországon”, *Regio* 1 (1993): 84-102.

<sup>59</sup> The situation of the Roma in Hungary cannot be improved merely within the scope of the Minority Law. As opposed to national minorities, the primary objective of the Roma minority is not the achievement of cultural autonomy. Minority self-governments cannot resolve social problems on their own. Although the new government has taken over the middle-term Gypsy programme from the Horn Government and there is an Inter-Ministerial Gypsy Committee, too, serious doubts have been raised about their efficiency. Flórián Farkas, Director of the Roma National Minority Self-Government, has noted several times that ministries spend only a fragment of the assistance at their disposal on the improvement of the Gypsy's situation. János Dobszay: Hazai cigányügy. In: *HVG*, 2000/31. 8.

minorities (they make up 26.3 per cent of all their cases).<sup>60</sup> This tendency can also be observed in the takeover of tasks and duties. Several local self-governments have handed over tasks related to social work and social benefits to Roma minority self-governments, arguing that they know the internal situation of their community and can therefore identify the persons in need much better and make more adequate decisions.<sup>61</sup> Although generated by good will to help, this procedure is problematic and raises constitutional questions. The Minority Law only promotes the takeover of tasks in the areas of education and culture. Social issues are set clearly within the competence of local self-governments. Instead of handing these tasks over, this issue could be treated more adequately by involving Roma minority self-government representatives in the work of the local self-government's decision-making bodies.

### Financing of minority self-governments

The efficient operation of the self-government system would be guaranteed not only by unambiguous legal regulation but also by sufficient financial resources. The financial aspect of minority self-governments is very complex; it includes national and local governmental subsidies and is related to the infrastructural background as well as to the distribution and use of the available financial resources.

Local minority self-governments receive an annual amount of additional standard assistance from the national budget. Although the amount is slightly increased each year, in most cases it is only enough to cover operational costs.<sup>62</sup> Local self-governments can also contribute to the budget of local minority self-governments, but as most of them struggle with their own difficult financial situation, they can either not support the minority self-governments at all or provide only very small subsidies.<sup>63</sup> The financing system of governmental subsidies has been criticized repeatedly because it does not take into account the proportions of minorities: Minority self-governments representing a less numerous minority community receive the same amount as those uniting larger groups. Opinions differ within the particular minority groups, as to how this problem should be addressed. A more proportional support system would be quite difficult to establish for technical reasons because the

---

<sup>60</sup> Csefkó Ferenc–Pálné Kovács Ilona, *op. cit.*, 102. The operation and problems related to Roma minority self-governments are analysed in the case study by Ernő Kállai, "The operation of the Roma minority self-government of Abony", *Regio 4* (1998) 99-111.

<sup>61</sup> According to the survey by the Regional Studies Centre of MTA, 55.6 per cent of the takeover of duties by Roma local self-governments concern social issues. This rate is particularly high. Other local minority self-governments generally take over cultural duties. Ferenc Csefkó – Ilona Pálné Kovács: *op. cit.*, 97-98.

<sup>62</sup> Local minority self-governments received 450 thousand HUF in 1997 and 550 thousand HUF in 1999 from the Central Budget.

<sup>63</sup> Most municipalities receive only government assistance. Several minority self-governments may receive financial support from the local self-government depending on the economic situation of the municipality. The amount of this support varied from 777 HUF up to several million HUF in 1997. Minority self-governments may also apply to public foundations (e.g. The Public Foundation for Minorities) for financial assistance. Ferenc Csefkó and Ilona Pálné Kovács, *op. cit.*, 78-89. The national minority self-governments have also supported the local minorities, although generally with very small amounts. This support, however, does not go to the minority self-governments but to the local cultural and folklore groups. See Ferenc Eiler, "Az országos német, szlovák és horvát kisebbségi önkormányzatok első négy évi működésének tapasztalatai", *Regio 4* (1998): 62-63.

prohibition of registration will always hide the actual size of the minority communities. The population of a particular village obviously cannot be taken as the basis for subsidy-distribution. On the other hand, the votes cast for a minority self-government also include sympathy-votes and so do not necessarily reflect the actual proportions. Therefore, a fair proportional distribution of financial support remains a problem whose solution can only be achieved – if at all – by the active involvement of national assemblies. For this to happen, however, the relationship between the two self-government types should be redefined and their complete independence from each other abolished.

Minority self-governments differ considerably according to their infrastructural background. Most of them are accommodated, although few of them enjoy ideal conditions. Generally, they have a room in the building of the local self-government. In more fortunate cases they have access to this room seven days a week, in others they can only hold their office hours in it. In some of the worst cases, the mayor's office does not provide minority self-governments with the most essential technical conditions of administration either. On the other hand, the legal requirements to accommodate and to provide technical conditions cannot be fulfilled beyond the possibilities of the local self-governments.

#### Levels of minority self-government

In the future, the structure of the self-government system will have to be adjusted to the needs expressed by some minority groups. At present, it is the national assemblies that represent minorities on the county level as well. They give their opinion on the minority-related decrees issued by county self-governments. However, experience has shown that it would be very useful to construct a separate county level of minority self-governments. The new level could provide a framework of communication for local minority self-governments and, at the same time, cut short the distance between the local and the national levels, facilitating the flow of information. Even more importantly, county level minority self-governments as legal persons could become constant and legitimate partners of the county self-government, thus influencing the processes at this level. Whether or not the county level is organized would depend on the number of local minority self-governments. Even today, there are German, Roma, Croatian, and Slovakian county federations initiated by the local minority self-governments themselves.<sup>64</sup> They have been established in accord with the law of association, and this is why their communication with county self-governments, the administrative bodies responsible for minority-related tasks, depends on the willingness of the county self-government to cooperate. The terms of organization and operation of several county self-governments state that the county minority federations may participate in the assembly sessions with a right to consultation.<sup>65</sup> The proposal presented to the government by the Ministry of Internal Affairs in July, 2000 on the election of minority self-government representatives suggests that regional minority representatives should be elected in the system of electors and that

---

<sup>64</sup> Csefkó Ferenc and Pálné Kovács Ilona, *op. cit.*, 135–137

<sup>65</sup> The county federation of Germans, Croats, and Gypsies can participate in the sessions of the county assembly of Baranya. Interview with János Hargitai. AKM Sound Archives. Tape 1. Side A.

nine should be the maximum number of local minority self-government representatives.<sup>66</sup>

Based on the experiences gained during the past few years it can be stated that the Minority Law has to be modified also in order to make minority self-governmental work more efficient. The relationship between local self-governments and local minority self-governments requires more detailed and more specific regulation, and the tasks, tools and internal operational rules of minority self-governments should also be defined more clearly. Besides, punitive sanctions should be included in the Law. Preferably, all these modifications should be included in the Minority Law, thus minimizing the possible interpretational problems arising from the simultaneous interpretation of rules and regulations in different laws. However, the modification of the law should by no means reduce the autonomy of minority self-governments.

### *c) Parliamentary representation*

Although no international documents existed that obliged states to guarantee parliamentary representation to minorities, the Hungarian government undertook this obligation voluntarily in the Minority Law of 1993. Seven years later, the issue of the parliamentary representation of national and ethnic minorities in Hungary is still unsettled.

In each parliamentary term since 1990 proposals were prepared suggesting the modification of the election law to ensure the parliamentary representation of national and ethnic minorities in Hungary.<sup>67</sup> Due to the lack of political consensus, however, the proposed bills have never received the support of two-thirds of all parliamentary representatives and have never become laws.<sup>68</sup> The legal arguments of political party experts reflect conceptual differences, but in fact they are hiding the lack of political will to resolve this problem. Parliamentary representation has never been an issue of primary political importance neither in internal nor in foreign affairs. The political parties have also ignored this issue because parliamentary minority representatives may appear as an “unsettling force” in politics and outside the power relations of the purely political parties. This new force could also tip the scales in crises of political struggles.

Article 68 of the Constitution of the Hungarian Republic states:

---

<sup>66</sup> *A 6–Á–568/2000 számú Előterjesztés a Kormány részére a kisebbségi önkormányzati képviselők választásáról szóló törvénytervezetről*. Chapter III. According to the proposal, the rules of the national self-government election would be changed, too. The existing system of minority electors would be replaced by a three-step system, and 700 would be the maximum number of electors electing the national minority self-government, *A 6–Á–568/2000 számú Előterjesztés a Kormány részére a kisebbségi önkormányzati képviselők választásáról szóló törvénytervezetről, op. cit.*, chapter V.

<sup>67</sup> Borók György, “A nemzeti és etnikai kisebbségek országgyűlési képviselőinek szabályozási modelljei Európában és Magyarországon”, *Társadalmi Szemle* 4 (1998): 68-85.

<sup>68</sup> In principle, the national assemblies of the German, Croatian, and Slovak minorities backed up the Minority Forum formed in a rush before the parliamentary elections of 1998. The Minority Forum accepted the general conditions that applied to political parties. It managed to set a national electoral list, but it had no chance whatsoever to get into Parliament.

(1) The national and ethnic minorities living in the Republic of Hungary share the power of the people; they are constituent factors in the State. (...) (3) The laws of the Republic of Hungary ensure representation for the national and ethnic minorities living in the territory of the country.

Legal experts dedicated to this problem and knowledgeable about the standpoint of the Constitutional Court have not reached an unanimous opinion on whether or not the soft legal norm obliges Parliament or not.<sup>69</sup> The legal interpretation of the Ombudsman for National and Ethnic Minorities – also supported by the resolution of the Constitutional Court – states that the Constitution has been neglected.<sup>70</sup> Although this professional debate has started out from a basically significant issue, the actual achievement of parliamentary representation is not of primary importance at the moment. If real political willingness existed, Article 20 § (1) of the Minority Law would have been stimulating enough.<sup>71</sup>

If we also take into account the preparation of the Minority Bill, this is the fourth time since 1990 that the Parliament has attempted to resolve the question of the parliamentary representation of minorities. Several plans have been proposed during the last ten years and today there are no alternatives that have not been analysed comprehensively by experts in the subsequent phases of the preparation of the bill.<sup>72</sup>

The problem of the parliamentary representation of minorities has to be solved in the existing single-chamber system. Theoretically, representation may also be achieved in a two-chamber system; however, the political reality makes one abandon this alternative. Most political parties prefer the one-chamber system.

Some political parties have insisted on the introduction of the two-chamber system since 1990 and can imagine the realization of minority representation only in this framework.<sup>73</sup> While it is true that the issue of minority representation could be most easily handled in a two-chamber system, this does not mean that it could not be achieved within the framework of the one-chamber system. In European constitutional systems minority politicians tend to be members of the House of Representatives rather than of the second chamber.

If the legislator wants to achieve the political representation of minorities, some basic issues need to be settled before details can be elaborated. Is full-right parliamentary representation of political minorities intended or is it only planned to provide minority representatives with the right of consultation? If full-right representation of minorities is envisaged, the question needs to be addressed whether it should be granted to representatives of all the minorities with parliamentary seats or only to those who have obtained a considerable number of votes.

---

<sup>69</sup> Borók György, *op.cit.*, 78-80.

<sup>70</sup> *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 1995. július 1.–1996. december 31.*, (Budapest: Országgyűlési Biztosok Hivatala, 1997): 95–97.

<sup>71</sup> It states that minorities have the right – as determined in the Minority Law – to be represented in the National Assembly.

<sup>72</sup> Some aspects of this problem are summarized by János Hargitai, in *A kisebbségek parlamenti képviselete és részvételük a politikai döntéshozatali folyamatban.* Budapest, 1999. október 15-16. Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztos, Budapest, 2000. 60–68.

<sup>73</sup> The Smallholders' Party: FKGP and the Hungarian Truth and Life Party: MIÉP.

Theoretically, there are two ways to achieve the parliamentary representation of all thirteen minority groups. The first possibility is that all minority groups get into Parliament automatically. The list of parliamentary representatives would be drawn up by the simultaneous application of the election and the delegation procedures. In this case – according to the existing plans – the representatives would only be entitled to the right of consultation. While the minorities – quite rightfully – see this alternative as a pseudo-solution, the political parties think of it as a ‘temporary solution’ in case the modification procedure of the electoral law fails.<sup>74</sup>

The alternative option, the election-based full-right representation of all national and ethnic minority groups in Hungary can only be achieved if the majority is not excluded from the election of minority representatives by any legal-technical means.<sup>75</sup> This means that all Hungarian citizens could cast three votes in the elections. They could vote for one national deputy candidate, for one political party-list, and, optionally, for one minority list. This solution raises the problem of legitimacy already known from previous elections for the minority government. In this case the principle of proportionality between minorities would not be validated: The 400,000 Roma would have one parliamentary representative just like the smallest minority groups with a population of no more than one thousand people. This solution could be a legal possibility, but for the time being it does not meet the plans of the political parties in Parliament.

If the political parties do not intend to provide all minorities with automatic parliamentary representation, they have several means to choose from during the elaboration of the electoral regulations. If the three-vote system is put into practice voters will not receive the minority ballots automatically but will have to ask for them. As an alternative to the two-vote system, all Hungarian citizens could cast their vote for a minority list, but they would have to choose between a political party list and a minority list. This would be the so-called ‘two-vote system’. The majority would probably give their votes to political parties. No doubt it would be the ‘two-vote system’ that guarantees the highest level of legitimacy to the minority representatives in Parliament because it would be their community that has supported their candidacy. Several of the thirteen minorities would have no chance at all of getting into Parliament, not even if the minimum threshold of votes was lowered to one thousand. Raising the threshold could also reduce the circle of minorities with parliamentary representation. The national assemblies of less numerous minorities obviously would not like this solution, whereas the larger groups would find it acceptable.

At the moment, the majority of the political parties are inclined to accept the ‘two-vote system’ in principle.<sup>76</sup> The electoral threshold is most likely to be defined around 3-5,000 votes. The minority that receives the prescribed number of votes for the

---

<sup>74</sup> This solution may seem simple from a political point of view, but its legal-technical resolution is more difficult. To implement it, the Constitution would also need to be modified.

<sup>75</sup> The minimum threshold of 5 per cent would not apply to the minority lists in the elections.

<sup>76</sup> In spite of the reservations of the Smallholders’ Party (FKGP), all government parties would prefer to resolve the problem of the minorities’ parliamentary representation in this form. The Hungarian Socialist Party (MSZP) prefers the three-vote system but it does not reject the two-vote system categorically either. The Free Democrats (SZDSZ) would also find this system acceptable.

minority electoral list would automatically achieve full-right parliamentary representation. The concession would apply to the election of one minority representative only. The second candidate would need as many votes to get into Parliament as a political party candidate needs to get on the national party list. According to preliminary estimates, four to five minorities could obtain full-right parliamentary representation in this way in 2002.<sup>77</sup> Although the opinions expressed by the largest political parties have drawn closer recently, the chances of reaching an agreement are diminished by the fact that the biggest of the now governing parties connects the solution to this problem with their political goal of reducing the number of parliamentary representatives. The largest party in opposition objects categorically to the solution preferred by the biggest governing party and without the votes of the opposition the two-thirds majority cannot be reached.<sup>78</sup> So it may well happen that the minorities will only have delegated representatives entitled to the right of consultation after 2002.

## 5. Evaluation –A possible trend of development

The international reception of the Hungarian model has been positive. According to experts of the Council of Europe, “the proposal takes into very high consideration the latest results of the international debate on human and ethnic rights...and intends to achieve the most modern minority protection.”<sup>79</sup> They have declared as a great merit of the proposal that it enlists the collective as well as the individual rights of minorities. This is particularly important, since international law has not recognized collective rights yet. They have found the planned system of minority self-governments “very original” and “a precedent in international law”.<sup>80</sup>

The LXXVII Law of 1993 is situated in the progressive trend of state legislation regulating the situation of minorities. The otherwise detailed law acknowledges the collective rights of minorities and lays down the organizational framework, i.e. the local and national minority self-governments, to exercise these rights. It guarantees the minorities’ right to use their mother tongue and regulates the legal pre-conditions of minority education, too. It is a fact, however, that the “regulation of the systems of tasks and tools of minority self-governments does not follow the theoretical requisites of self-governance; and based on their actual tasks and tools minority self-governments are self-governments from a formal-organizational but by no means from a real functional point of view.”<sup>81</sup> This can be illustrated very well by the fact that only very occasionally have minority self-governments taken over cultural and

---

<sup>77</sup> Joint minority lists could be one of the possible solutions. In this case minorities should reach an agreement on candidates.

<sup>78</sup> Both parties support the reduction of the number of parliamentary representatives. The difference is that one party would decrease the number of individual deputies while the other the number of those who enter from the political party lists. F. K.: Bizottsági patt. In: *Magyar Nemzet*, 2000.04.26. (26 April 2000)

<sup>79</sup> Christoph Pan’s statement about the proposal on the rights of national and ethnic minorities in Hungary. (16 September 1992), cited by Judit Bodáné Pálok, “A magyar kisebbségi törvény megszületésének körülményei”, *Acta Human*, 12-13 (1993): 42.

<sup>80</sup> Jean-Pierre Worms’ proposal. *op.cit.*, 43.

<sup>81</sup> Ferenc Csefkó, “A kisebbségi önkormányzatok közjogi státusa, működésük meghatározó területei”, *Regio* 4 (1998): 43.

educational institutions from local self-governments. (These would be some of the typical functions of cultural autonomy.) So the Minority Law needs to be modified. Based on the experiences gathered during the past five years a corrected version of it could be prepared, a version that reflects better the legislator's original intentions and that is closer to the minorities' expectations. The political will to achieve this is not missing either.

The sub-committee to modify the law on the rights of national and ethnic minorities was formed in September 1998 and prepared its proposal by May 2000.<sup>82</sup> This proposal does not refer to the issues of parliamentary and self-government elections because these areas are regulated by separate laws.<sup>83</sup> The main aim of the modification is to fill the framework created with actual content to achieve cultural autonomy.

In order to do this the proposal suggests a more detailed regulation of certain areas so that minority self-governments can actually make use of their already existing rights without any obstacles.

According to the proposal, the Minority Law should be complemented by explanatory regulations defining some concepts that are vital during the application of the law.<sup>84</sup> Their unambiguous definition would minimize the risk that certain regulations are not validated in practice because of their different interpretations.

Based on reports by the public administration offices responsible for lawfulness, the legal specification of the regulations concerning the internal relations of minority self-governments is also necessary.<sup>85</sup> The remuneration of self-government representatives, the occupational incompatibility of minority self-government presidents or their dismissal, the committee-formation, and by-elections have all raised questions impossible to answer without the simultaneous interpretation of several regulations. Besides, from 2002 onwards the self-government system is planned to be complemented by an additional level, the county level, should the minority groups request it.<sup>86</sup>

---

<sup>82</sup> The minorities would have preferred the modified Minority Law to regulate their parliamentary representation as well. They fear that they will have no parliamentary representation in the next electoral term either. The ombudsman has also prepared a proposal about the rights of minorities in Hungary. *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 1999. január 1. – december 31.* 168–220.

<sup>83</sup> The bill on the election of minority self-government representatives was prepared in July 2000.

<sup>84</sup> The interpretative regulations apply to the following concepts: minority public affairs; minority self-government; educational institutions of minority public education; employees of minority public education; minority cultural institutions; cultural institutions; minority media; minority settlement with historical traditions; part of a settlement; official documents (yes, it is part of the list). Cf. *Törvényjavaslat a nemzeti és etnikai kisebbségek jogairól szóló 1993. évi LXXVII. Törvény módosításáról. Tervezet. 6/A. §.*

<sup>85</sup> Sándor Puskás, "A helyi kisebbségi önkormányzatok működésének tapasztalatai Bács-Kiskun megyében", *Magyar Közigazgatás* 4 (1997): 223–227; László Hajdú, "Cigány kisebbségi önkormányzatok működése Jász-Nagykun-Szolnok megyében", *Magyar Közigazgatás* 9 (1998): 554–563; Csilla Kiss, "A fővárosban megalakult kisebbségi önkormányzatok törvényessége 1995. évben", *Magyar Közigazgatás* 6 (1996): 375–380.

<sup>86</sup> *Törvényjavaslat a nemzeti és etnikai kisebbségek jogairól szóló 1993. évi LXXVII. törvény módosításáról. Tervezet. 30/P. § – 30/R. §.*

The proposal re-regulates the relationship between local self-governments, minority self-governments, national minority self-governments, and governmental organs. Minority self-governments would not obtain new rights as compared to the rights guaranteed in the 1993 Minority Law. However, the specification of deadlines and the introduction of sanctions would hopefully ensure that in the future they could validate their rights guaranteed by the law.<sup>87</sup> To achieve practical – functional – cultural autonomy, joint decision-making has to be fostered and the actual possibility of taking over cultural and educational institutions has to be promoted, too. The proposal takes a great step forwards in this direction, which is the most significant merit of the reform. According to the plan of the sub-committee, the takeover of institutions would not be accompanied by a reform of the financial system. As a new element, local self-governments could be obliged to hand over the maintenance right of cultural and minority education institutions if certain prerequisites are met. In the case of educational institutions the change would apply to those schools and boarding schools which have a regional or nationwide scope and which perform minority duties exclusively.<sup>88</sup> National minority self-governments would be entitled to take over these institutions. If the founding document of a cultural institution verifies that it has been established to serve minority cultural purposes exclusively, local self-governments can also be obliged to hand over their maintenance right to the *local* minority self-government.<sup>89</sup> The takeover in the latter case has to be initiated by the national minority self-government.

Those involved with minority self-government have expressed mixed opinions about the system in place. In general, its existence has been seen as positive, while there have been serious reservations about the legal and financial conditions of its operation. The annual reports by the minority ombudsman have also supported these reservations. Thus, the modification of the Minority Law and the law regulating the election of minority self-government representatives has become indispensable.

## 6. Summary

1. The Hungarian autonomy model can be classified as personal autonomy. Its main goal is to foster the ethnic identity of minority groups already rather assimilated by providing them with cultural autonomy. The legislator has also included certain elements of territorial autonomy that can be achieved on a municipality level.
2. The international political situation of 1989/1990 made political and social changes possible in Hungary, too. Preparations for the long-absent Minority Law had been

---

<sup>87</sup> As it stands in Article § 47/B. “If the law guarantees minority self-governments the right of evaluation or the right to consult about any decision concerning public education issues, they have 15 days to make a declaration unless another regulations specifies it otherwise. After fifteen days they lose their right to do so. If the minority self-government does not agree and if the local self-government and the local minority self-government do not reach an agreement during the subsequent fifteen days, both parties have five days to initiate a legal case. After five days they loose their right to do so. A court tries the case exclusive of turn.”

<sup>88</sup> Modification bill of the 1993 Law on the Rights of National and Ethnic Minorities. A Proposal. 47 § (4).

<sup>89</sup> 49 § (3).

started four years before the changes of 1990. The task was finally accomplished by the first democratically elected Hungarian parliament.

On the national level the legislator was motivated by the historical debt to minorities. The international political aspects of this issue were seen as equally important. The attempt for an adequate legal regulation of the situation of Hungarian national and ethnic minority groups was a positive signal for the neighbouring countries and for the international – primarily the Western European – political community. Hungary would do its best to improve the minorities' chances in the gradually consolidating democratic system in spite of its limited financial resources. This was what Hungary would expect from its neighbouring countries' policies towards their ethnic minorities. As far as mutuality was concerned, these hopes proved to be illusory. On the international level, however, the Minority Law created a very positive impression and contributed significantly to enhancing Hungary's international reputation.

3. The 1993 legal regulation of the minority issue in Hungary was an original legal-dogmatic experiment. For the first time a law aimed at the right-resolution of relatively small minority groups living in geographical dispersion. The Hungarian Constitution defines minorities in Hungary as state-forming components, prohibits their discrimination, and guarantees them educational, linguistic and cultural rights as well as the right to participate collectively in public life. At the same time, it defines local and national minority self-governments as the organizational framework to exercise these rights. The Minority Law passed by the Hungarian Parliament in 1993 contains the detailed regulations concerning these rights.

The election of the minority self-governments integrated into the national system of local governments is not based on a minority inventory. Since minority leaders had objected categorically to any form of minority registration during the preparations of the Minority Law, giving priority to the principle of free identity choice, the legislator decided to restrict neither the active nor the passive franchise in any way. Thus, local minority self-governments are elected by the residents of a particular locality regardless of whether or not they belong to a minority group.

Local minority self-governments can exercise the right of consent to local government decrees related to local public education, local media, preservation of traditions and culture, and collective language use. The consent of the local minority self-government is also needed for the nomination of minority institution leaders and for any local government decision affecting the education of those belonging to minorities. According to the Minority Law, the local minority self-government may take over the maintenance of educational institutions from the local government in case they can reach an agreement about the takeover.

Although national minority self-governments are elected by the members of local minority self-governments, the two levels of minority self-governance actually work independently and none of them is subordinated to the other.

Although the entire self-government system is financed by the national government, self-governments and the motherland of the particular minority may also contribute to the improvement of the financial conditions.

4. Based on the experiences of the past six years, it has become evident that the system of minority self-governments needs to be reformed since in its present form it does not guarantee the achievement of the goals set down by the Minority Law.

The regulation of the election of minority self-governments needs to be changed so that only representatives of the particular minority group become members of the self-governments. Since minority registration is prohibited, this can only be achieved through restriction of the passive franchise and/or through the separation of local elections and local minority self-government elections.

The relationship between local governments and local minority self-governments has to be re-regulated, too. At present, the Minority Law includes no sanctions for those cases when the local governments ignore the veto right of the local minority self-governments. The internal operational regulations of minority self-governments concerning the remuneration of representatives, by-elections, committee formation, etc., have to be specified and elaborated, too.

The conditions for the actual takeover of educational and cultural institutions also have to be created. Since minorities have scarcely intended to do this, the regulations will have to be made more specific to make this possible.

There are great deficiencies in the area of financial support. The Minority Law gives no specific method of budget planning and the sum delivered to minorities is always dependent on negotiations over the national budget. More predictability would be needed in this area, too.

It has to be noted as well that the financial assistance given to minority self-governments is generally insufficient. An adequate budget should be provided in order to cover more than merely representatives' pay and operational costs.

The parliamentary representation of minorities has not been achieved since the first democratic elections in 1990. As this issue primarily depends on negotiations between the political parties, it is unlikely to be resolved before the end of this parliamentary period.

5. There are mixed opinions about the Hungarian minority self-government model. Its mere existence is seen as positive because it has created a framework of self-organization for minorities on the verge of assimilation. Another positive result is that the Minority Law guarantees not only individual but also collective rights with constitutional support. The system was well received not only by minorities but also by the majority.

Much criticism, however, has been levelled towards its implementation. It has to be reformed in order to secure its more adequate functioning. Not only the Minority Law has to be modified, though, but also the law on local governments. The national minority self-governments and the ministries concerned received the two modification-proposals for evaluation in May and June 2000. Six years after the first minority self-governments the possibility has opened to correct the minority self-

government system by including the feedback from minorities and taking into account the needs of those concerned.

*National and ethnic minorities in Hungary*<sup>90</sup>

(1990 national census data)

Minorities	Ethnicity (as appears in census)	Mother tongue	Estimates of minority organization
Roma	142,683	48,072	400,000-600,000
German	30,824	37,511	200,000-220,000
Slovak	10,459	12,745	100,000-110,000
Croatian	13,570	17,577	80,000-90,000
Romanian	10,740	8,730	25,000
Serbian	2,905	2,953	5,000
Slovenian	1,930	2,627	5,000
Armenian	*	37	3,500-10,000
Greek	*	1,640	4,000-4,500
Bulgarian	*	1,370	2,500-5,000
Polish	*	3,788	10,000
Ukrainian	*	**	2,000
Ruthenian	*	**	6,000
<b>Total</b>	<b>232,751</b>	<b>137,724</b>	<b>843,000-1,062,500</b>

\* All other minorities. Total: 19,640 persons. This number includes the ones marked by \* whose exact number cannot be stated.

\*\* The two languages appeared in the same question of the questionnaire. Altogether 647 persons.

## BIBLIOGRAPHY

6–Á–568/2000 számú Előterjesztés a Kormány részére a kisebbségi önkormányzati képviselők választásáról szóló törvénytervezetről.

*A kisebbségek parlamenti képviselete és részvételük a politikai döntéshozatali folyamatban.* Budapest, 1999. október 15-16. Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosa, Budapest, 2000.

Bakker Edwin, *Minority Conflicts in Slovakia and Hungary?* Labyrinth Publication, 1997.

*Beszámoló a Nemzeti és Etnikai Jogok Országgyűlési Biztosának tevékenységéről 1997. január 1 - december 3,* Budapest: Országgyűlési Biztosok Hivatala, 1998.

*Beszámoló a Nemzeti és Etnikai Jogok Országgyűlési Biztosának tevékenységéről 1999. január – december 31.* Budapest, Országgyűlési Biztosok Hivatala, 2000.

<sup>90</sup> J/1397 sz. kormánybeszámoló a Magyar Köztársaság területén élő nemzeti és etnikai kisebbségek helyzetéről, 1999. június. In: Demeter Zayzon Mária (ed.): *Kisebbségek Magyarországon 1999.* Budapest, 1999, 35-36.

*Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 1998. január 1. – december 31. Országgyűlési Biztosok Hivatala, Budapest, 1999.*

*Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 1995. július 1.–1996. december 31, (Budapest: Országgyűlési Biztosok Hivatala, 1997)*

Bíró Gáspár, *Az identitásválasztás szabadsága*, (Budapest: Századvég, 1995).

Bodáné Pálok Judit, “A magyar kisebbségi törvény megszületésének körülményei”, *Acta Humana*, 12-13 (1993)

Borók György, “A nemzeti és etnikai kisebbségek országgyűlési képviselőinek szabályozási modelljei Európában és Magyarországon”, *Társadalmi Szemle* 4 (1998): 68-85.

Csefkó Ferenc and Pálné Kovács Ilona, *Kisebbségi önkormányzatok Magyarországon* (Budapest: Osiris–MTA Kisebbségkutató Műhely–MTA Regionális Kutatások Központja, 1999).

Csefkó Ferenc, “A kisebbségi önkormányzatok közjogi státusa, működésük meghatározó területei”, *Regio* 4 (1998)

Demeter Zayzon Mária (ed.): *Kisebbségek Magyarországon 1999*. Budapest, 1999.

Dobszay János: Hazai cigányügy. In: *HVG*, 2000/31. 8.

Eiler Ferenc, “Az országos német, szlovák és horvát kisebbségi önkormányzatok első négy évi működésének tapasztalatai”, *Regio* 4 (1998): 62-63.

F. K.: Bizottsági patt. In: *Magyar Nemzet*, 2000.04.26. (26 April 2000)

Föglein Gizella, *Nemzetiség vagy kisebbség?* (Budapest: Ister, 2000)

Forgács Erzsébet, “Ungarn und seine Minderheiten”, *Österreichische Osthefte* 2 (1992): 195–217

Government Report number J/1397.

Győry Szabó Róbert, *Kisebbségpolitikai rendszerváltás Magyarországon*, (Budapest: Osiris, 1998).

Hajdú László, “Cigány kisebbségi önkormányzatok működése Jász-Nagykun-Szolnok megyében”, *Magyar Közigazgatás* 9 (1998): 554–563.

J/1397. sz. Kormánybeszámoló a Magyar Köztársaság területén élő nemzeti és etnikai kisebbségek helyzetéről 1999. Június. In: Demeter Zayzon Mária (ed.): *Kisebbségek Magyarországon*. Budapest, 1999.

Kállai Ernő: The operation of the Roma minority self-government of Abony. In: *Regio*, 1998/4. 99-111.

Kaltenbach Jenő, “Die Rechtstellung der Minderheiten in Ungarn”, in *Ethnos-Nation*, 1–2 (1997):115–128;

Kaltenbach Jenő, “Hungarian Report”, in ed. Jerzy Kranz, *Law and Practice of Central European Countries in the Field of National Minorities Protection After 1989*. Center for International Relations (Warszawa, 1998): 61–131.

Kemény István “Cigánykérdés a 20. század végi Magyarországon”, *Regio* 1 (1993): 84-102.

Kemény István, ed., *A magyarországi romák* (Budapest: Útmutató Kiadó, 2000).

Kiss Csilla, “A fővárosban megalakult kisebbségi önkormányzatok törvényessége 1995. évben”, *Magyar Közigazgatás* 6 (1996): 375–380.

Küpper Herbert, *Das neue Minderheitenrecht in Ungarn*, (München: R. Oldenbourg Verlag, 1998)

Makai Sándor, “Az önkormányzati választási törvények módosításához”, in *Magyar Közigazgatás* 1 (2000)

Minority law (LXXVII) of 1993 on the rights of national and ethnic minorities (Minority Law)

Palásti Sándor (ed.) *A kisebbségi önkormányzatok kézikönyve*.

Puskás Sándor, “A helyi kisebbségi önkormányzatok működésének tapasztalatai Bács-Kiskun megyében”, *Magyar Közigazgatás* 4 (1997): 223–227

Riba István: Vita kisebbségi önkormányzati szabályokról. In: HVG, 1998/8. 105–106.

Schlett István, “Nemzetek és nemzeti kisebbségek” in *Mi a politika? Bevezetés a politika világába*, ed. János Gyurgyák (Budapest: Osiris, 1996)

Seewann Gerhard, “Minderheiten in der ungarischen Innenpolitik 1949–1989/90”, in *Nationen, Nationalitäten, Minderheiten*, ed. Valeria Heuberger (Wien, 1994): 105–114;

Tabajdi Csaba, “Minderheitenselbstverwaltung in Ungarn”, in: *Ethnos-Nation* 1-2 (1996): 129–136

The 1990- LXIV law on the election of local government representatives and mayors.

The Constitution of the Hungarian Republic.

Tilkovszky Lóránt, *Nemzetiségi politika Magyarországon a 20. Században* (Debrecen: Csokonai Kiadó, 1998)

*Törvényjavaslat a nemzeti és etnikai kisebbségek jogairól szóló 1993. Évi LXXVII. Törvény módosításáról. Tervezet.*

Vámos Ágnes, *Magyarország tannyelvi atlasza/Atlas of languages of instruction in Hungary/Atlas der Unterrichtssprachen in Ungarn*, (Budapest: Keraban Kiadó, 1998).

Zur Lage der Zigeuner in Ungarn. Ein Untersuchungsbericht, in *Ethnos-Nation* 2 (1994): 49-60.