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Local Self-government and Ethnic Minorities in Hungary

Introduction: Ethnic Minorities in Hungary

This paper aims at offering an insight into the Hungarian local governmental system as regards its work in the local minorities' self-governance and the problems that arise during the everyday cooperation, or lack of cooperation, of these two parallel governmental systems. The study also elaborates on the role of local minority self-governments and gives examples for their functioning in connection with the decentralized local governance in Hungary, with special respect to their role as guarantees of the cultural autonomy of minorities.

The political changes in the past decade have greatly affected the minority policy in Hungary. During the Communist era there was no minority policy at all and the largest and socially the most disadvantaged Roma population was dealt with as if all the related problems were only social problems determined by poverty of the Roma population. Nor had Hungary envisioned a minority law that could have protected the people of different nationalities from the purposeful assimilation.

In the late 1980s, the first articulation of the minority issues were to be detected and soon - after several changes in the institutional background - a Minority Round Table was established to draft the Minority Law that, after a two-year debate, was finally passed in 1993 as the Act LXXVII of 1993 on National and Ethnic Minorities. Since 1989, the Hungarian Constitution in its Art. 70 prohibits discrimination - among other aspects - on the basis of one's belonging to a nationality.

According to the law, nowadays, no citizen may be forced to declare his/her belonging to any minority; therefore, some questions may arise concerning the representation of minorities in Hungary. It is all the more important since due to the data security only estimated numbers of the minority population are available, published e.g. by several institutions dealing with nationality problems in Hungary. According to the Ombudsman's Office, an institution to be referred to later on, the total of the minorities in Hungary reaches up to 8-10% of the population of Hungary, which means that between 800 thousand and one million people belong to different nationalities or ethnicities.

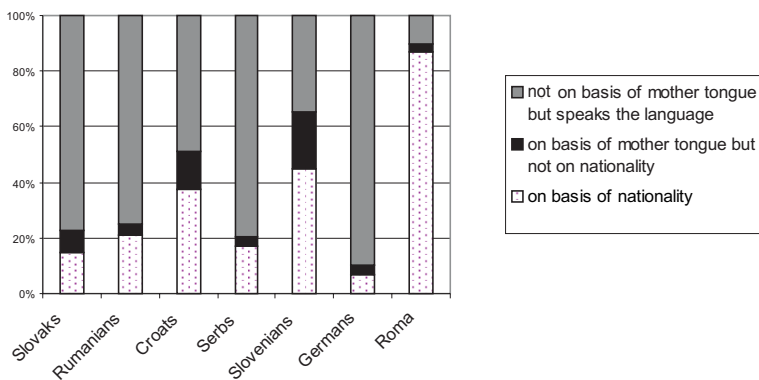
The largest group is that of the Roma (400,000-600,000), followed by Germans (200,000-220,000), Slovaks (100,000-110,000) and Croats (80,000-95,000). Another large group is the Romanian minority with 25,000 inhabitants and the Polish minority with its 10,000 inhabitants. The other minorities, Serbs, Slovenians, Bulgarians, Greeks, Armenians, Ukrainians and Ruthenians have less than 5000 inhabitants. These 13 nationalities are constituent components of the state.

Table 1 Estimated number of ethnic minorities in Hungary

| Minorities | Estimated number of inhabitants in thousand |
|--------------|---|
| Roma | 400-600 |
| Germans | 200-220 |
| Slovaks | 100-110 |
| Croats | 80-90 |
| Romanians | 25 |
| Poles | 10 |
| Serbs | 5 |
| Slovenians | 5 |
| Bulgarians | 3-3,5 |
| Greeks | 4-4,5 |
| Armenians | 3,5-10 |
| Ukrainians | 1 |
| Ruthenians | 1 |
| Total | 790,5-1085 |

Source: The Ombudsman's Office

Chart 1 Identification of Inhabitants connected with minorities



Source: Ministry of Justice, 1997

According to the data in 1990, when the minority identification was examined in several minorities, it turned out that the different nationalities have different bonds with their minority groups. It is interesting to observe the two extremes, the German and Roma minorities in the sense that they greatly differ in the motivation for identification. The chart demonstrates that most Roma identify themselves on nationality basis, while the German minority members tend to call themselves Germans due to cultural (e.g. language) identification.

The minority inhabitants live widespread around the country, which affects the role and effectiveness of the minority self-governance. There are some exceptions though; for example, small villages in the Northeast of Hungary, where we can still see a couple of villages mostly inhabited by Roma. In the closest neighbourhood of the capital, Budapest, there are some villages with high proportion of both Germans and Slovaks.

Legal, political and financial frames for participation of minorities in Hungary

As mentioned above, after a long arrangement, the Act on National and Ethnic Minorities was passed in 1993.

This act defines the individual and collective rights of the minorities in accordance with several international regulations. Thus, the right for ethnic identity is declared to be a human right and the decision about the belonging to a minority group is defined as a decision of the individual persons.

The regulation sets the criterion for forming a minority only if there is at least 100-year settlement history in Hungary and it also tells that all such nationalities "which are in a minority as regards the number of inhabitants of the state, are Hungarian citizens, and are different from the rest of the population in their language, culture and traditions, and such a consciousness of bonding together can be seen in them, that preserves this heritage, protects their historically created societies, and represents their interests" (Act LXXVII), are to be regarded as ethnic or national minorities. The 100-year limit was set to ensure the historical minorities the constitutional rights, whereas immigrants (e.g. coming from the Far-East) would not be granted any similar rights.

Therefore, the list of the 13 minorities above remains open and further groups of at least 1000 voters can be endowed with the appropriate legal status.

The act on National and Ethnic Minorities provides the minorities with the right to participate in public life - e.g. forming local governments - and also to foster their culture and identity (through mass media), to use widely their native language (including settlements, street signs and public notices), to use mother tongue (or bilingual) education and to use their names in the mother tongue, as

well. In accordance with the Hungarian Constitution, the Act also declares the prohibition of any discrimination and the freedom from forced assimilation. It is also the act that declares the right to receive any support from the mother country. Of this provision many minorities, principally the German minority, may make use when receiving funds and non-financial aid.

The most important aim of the Act was to establish the background for the representation of interests and for the cultural autonomy of the minorities, and to grant minority's equal rights with any other citizen of Hungary.

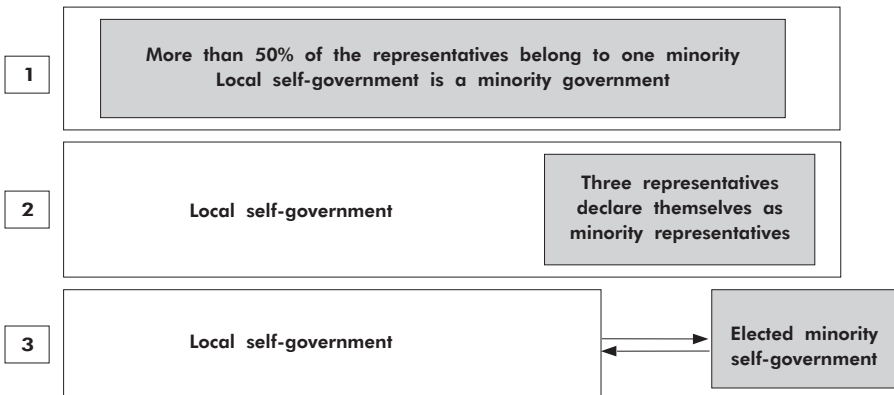
This law sets up the possibility of formation of minority self-governments. These are run at national and local levels and have similar legal status to territorial local self-governments. There are three ways to formulate local minority self-government. These ways, however, do not show any differences in their further responsibilities.

(1) If a local government has more than 50% local representatives from a local minority, the local government may declare itself a minority government. This kind of formulation is considered to be seen as a form of territorial autonomy of the minority.

(2) If at least three representatives are members of a minority, they may define themselves as local minority self-government (indirect formulation).

(3) The third possible way to establish local minority self-government is through direct elections (the 3rd one coming in autumn 2002). Such an election demands at least five voters to declare themselves belonging to the same minority. This form of minority government elects its own officials. During the elections, the representatives of the minorities have special regulations with respect to the minimum amount of the votes to win a mandate, which is exactly the half of what is defined for non-minority representatives.

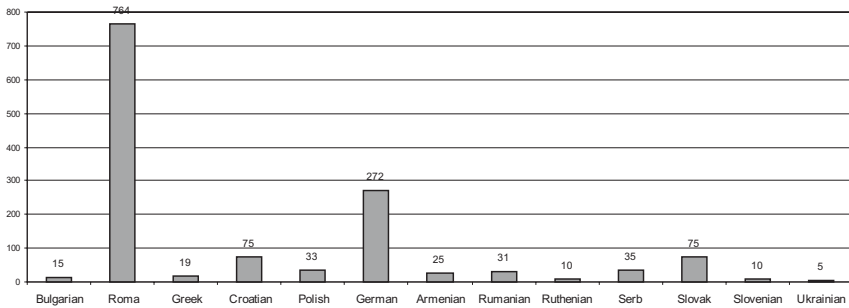
Table 2 Summary of minority local self-government formation



The first minority elections ever to take place were in 1994-1995. The participation, according to the amount of the given votes, rose significantly until the second elections. However, since the belonging to a minority depends only on individual declaration and habit, all Hungarian citizens have the right (without declaring themselves a minority) to vote for minority representatives at local level. Therefore, the so-called real minority votes are always somehow mingled with, let us say, majority votes.

According to the result of the second minority elections in 1998, the following number of local minority self-governments has been established:

Chart 2 Number of local minority self-governments



Source: Ministry of the Interior

This means that in the 3149 local governments altogether 1369 minority self-governments have been established, 63 minority local governments have been elected and 48 mayors have been functioning as minority mayors since then. Most representatives belong to the German and the Roma minority; however the latter has approx. one hundred less representatives. This fact also shows the divergences in participation when the minority groups are compared.

Table 3 Election results, 1998

| | Roma | Greek | Croatian | Polish | German | Romanian | Serb | Slovak | Slovenian |
|---|------|-------|----------|--------|--------|----------|------|--------|-----------|
| Elected mayors | 1 | - | 8 | - | 30 | 1 | - | 8 | - |
| Minority local self-government | 1 | - | 18 | - | 30 | 3 | - | 8 | 3 |
| Representatives of local minority self-government | 177 | 1 | 108 | 2 | 262 | 22 | 2 | 67 | 12 |

Source: Ministry of the Interior

The local minority self-governments can participate in certain key decisions that affect the local minority population to some extent. Questions, especially those dealing with educational matters can only be discussed and solved with the agreement of the minority self-government or (if it is lacking) of the representatives of the minority. These non-elected representatives are inhabitants belonging to the minority and declare themselves mediators (and hopefully, have the legitimacy through the other inhabitants).

The local minority self-governments have the right to establish their own educational institutions or take over any educational tasks from the local government by means of Act LXXVII. Unfortunately for the time being, no local minority self government has ever taken such a task upon themselves, mostly because of the lack of financial means and the doubtfulness of the education policy that could be observed after the Educational Reforms of 1997.¹

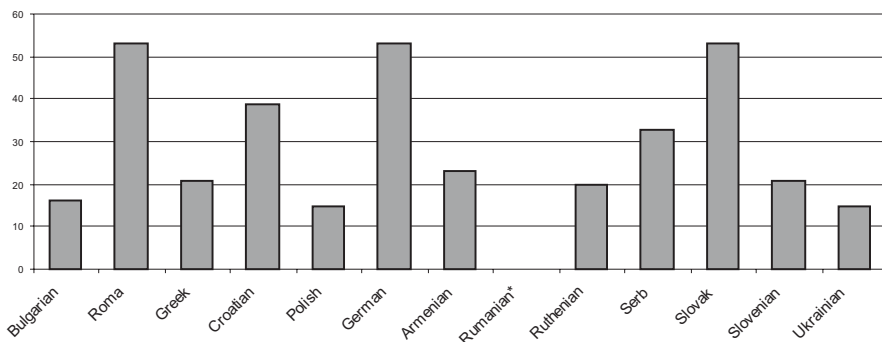
The local minority self-governments have various sources of financing. A definite majority of the sources come from the allocations of the central government; the second most important source is usually the local government. However, as a result of a survey among the local German self-governments it has turned out that the larger the population of the town, the higher the support by the local government is, which means that minorities in small towns have a more disadvantageous situation in this sense. In cases when the mother country pays subsidies, it can mean also a few percentages of the resources, although it is more common that the mother countries rather supply books or organize meetings than allocate cash. Local minority self-governments have the opportunity to apply for financial support from the State Foundation for Minorities, as well. If we look at the yearly budgets of the minority self-governments, it might also strike the eye that some additional resources are regrouped from last years' budgets as a routine. Besides these sources, the local governments (including minority self-governments) may run their own enterprises and use the returns of these for any purposes they define. Unfortunately, for now it is not local minority self-governments' practice to do so.

The minority self-governments send electors in order to establish the national level minority self-government that has the allowance to declare its opinion upon any proposed laws affecting the represented minority and furthermore to approve the basic material for the minority education. It is also the duty of the national level self-government to define the rules pertaining to the preservation of historic settlements and monuments.

¹ Due to calculations, the central education subsidies cover only 60% of the costs of the educational institutions, the rest has to be placed to the schools disposal by the local selfgovernment. Since the selfgovernments are organized territorily, they have their own additional revenues (e.g. local taxes); however, the local minority selfgovernments do not. Because the financial background does not make it possible to establish a school of their own, the central minority subsidies are used for other purposes.

As a result of the elections in 1998, the following representation of the minorities was established at national level.

Chart 3 Number of elected representatives in the national minority self-governments, 1998



Source: Ministry of the Interior

The largest minorities, such as the Roma, the German and the Slovak minority have formed the largest national level self-governments and, very similarly to local governments, they have usually formed councilors' departments or advisory functions. As it can be seen on the chart, in 1999 the Rumanian self-government failed to form itself due to internal legitimacy problems of the electors sent from the local minority governments.

In Hungary, there still exists a constitutional gap due to the lack of parliamentary representation of the minorities. The discussions have been going on for ages; however, due to the elections that have just taken place there should be some more time spent in vain waiting for the acceptance of the modification of Act LXXVII that has already been introduced in November 2001. The parliamentary representation of the minorities has failed because of the strict regulations of the minimum votes needed to have a mandate in the Hungarian parliament, presuming approx. 300 thousand votes that only one minority could ever reach. Secondly, a representative can be nominated with 10,000 supporters, and only a split of the minorities has more than 10,000 inhabitants. A system of delegating representatives by the national level minority self-governments in case of the largest minorities may also be impeded because of their inner division. Therefore, most minorities go along with the need to modify the law in order to lay the foundations of the minority parliamentary electoral system; unfortunately, until now, in vain.

Integration policies of local governments concerning language and education

Local governments play a key role in the implementation of a minority policy. In consequence of the drastic measures that reformed the public administration system of Hungary as a result of the transition, even the smallest settlements have received independence in managing their local affairs. This resulted in 3149 local self-governments, 19 county self-governments (nowadays having less importance than ever before), the capital with its special administration structure, and finally, placed hierarchically above the latter, the central government. There are no hierarchical relations between the first (local) and the second level, and the role of the latter; the county municipalities can mostly be described as an instance that takes tasks over from the local municipalities they cannot perform.

The local governments are required to provide healthy drinking water, kindergarten education, primary school education, basic health and welfare services, public lighting, local public roads and public cemeteries and - now our concern - the protection of the rights of ethnic and national minorities.

The minority self-governments work closely together with the local governments. Sometimes literally, since in quite a few cases it is the local government that provides rooms and offices for (or just simply rent them to) the local minority self-government. Act LXXVII on National and Ethnic Minorities and Act LXV on Local Self-Governments give certain commitments to local authorities to cooperate with local minority self-governments. The strongest power of the minorities' self-government is the right of veto in questions with any impact on minorities, mainly in matters of public education and local media, or even collective language usage. The central funding of the minority self-governments is technically arranged through the "merciful big brother" local governments, which sometimes may lead to the misuse of authority while not transferring on the sources. Unfortunately, the law does not contain any descriptions how sanctions can be imposed on the local government in case it would not cooperate with the local minorities' representatives; therefore, a number of cases are known when the Ombudsman's Office had to intervene with its so-called recommendations.

Since it is the local affairs that most affect the citizens' everyday lives, and hence are responsibility of the local governments, they play the most important role also in the minorities' way of life. It is the local government that runs the most important public sectors (e.g. public education and health care), which are also in connection with the issue of the minority rights. We have to remember that in Hungary minority communities are defined locally and that is also the terrain of

tensions between minorities and majority. It could also be observed during the past few years that the problems of minorities have been merely politicized on local level. According to the Ombudsman's Office, it became known that every prominent case of minority right violation (e.g. ignoring the responsibilities of the minority local self-government) could be traced back to local governments. Especially in case of the local education and protection of culture it can be easily followed up that due to the raised subsidies to minority education institutions, there are some local governments that take advantage of the financial means and may easily classify a local public school as a minority education school. The only condition that has to be fulfilled is either to have more than 25% minority pupils in classes or find eight parents or legal guardians to state their children's belonging to the minority. From this point on, the local minority self-government has to cooperate in every matter that might come up concerning the operation of the school. However, it happens that the obligatory check on the local government by the minority government is hindered.

The conflicts between the two; however, normally lead back to personal and prestige conflicts between representatives or/ and the mayor. In the everyday performance there are both formal and informal cooperation between the local and the minority government, and since the minority self-governments are often subsidized through the local governments to a great extent as well, the local minorities receive means to fulfill their self declared aims and purposes, which are mostly in connection with preserving local culture and reviving the minorities' identity.

Parliamentary Commissioner for the Protection of National and Ethnic Minority Rights as a unique constitutional institution

In Hungary, the enforcement of the minority rights is the task of the state government. A variety of special minority rights organizations and general government institutions support the enforcement, as well. A few examples follow before detailing the Ombudsman's Office's duties and tasks.

The Parliament's Human Rights, Minority and Religious Committee prepare legislation, the Office for National and Ethnic Minorities tasks are related to the accommodation of minorities in Hungary, the Action Plan for the Roma is a medium-term action plan touching a broad range of policy issues, the Ministry of Education and the Ministry of Internal Affairs are responsible for the dealing with cultural autonomy.

There is a further institution, though that functions uniquely in Europe: the Parliamentary Commissioner for the Protection of National and Ethnic Minority Rights, above also referred to as the Ombudsman. Throughout Europe

Ombudsmen's Institutions perform, but it is Hungary that has a distinct commissioner for minority rights. The commissioner provides a constitutional check on public administration and has the right to investigate any abuse of the minority rights. His uniqueness - above the one already mentioned - consists of his exclusive responsibility to the parliament.

Every individual who has suffered injuries by a public administration institution, or if s/he feels that the action of an agency, such as ministries, armed forces, law enforcement, or even broadcasting for example, or as a result of an agency's decision, proceedings or negligence, or a violation has taken place in her/his national or ethnic minority rights, or that the direct threat of such a violation is imminent, may turn to the commissioner for aid. The Parliamentary Commissioner deals either with violation of citizens and minorities, whose rights are guaranteed in the minority law, or with the issues of local or national minority self-government rights violation.

The Commissioner delivers a yearly report on his operation also containing statistics in charge of issues pertaining to minorities. The number of submissions shows that out of approx. 430 more than a half were individual submissions and minority self-governments or NGO-s delivered only a quarter of the claims. Another statistics available from the Ombudsman's office show which minorities have been involved in the cases. The leading position goes to the Roma with approx. 2/3 of the cases, whereas all other large minorities were involved in less than 60 cases. Most violations can be easily localized in the Northeast and less developed part of the country besides the huge amount of cases observed in the capital. The organs involved in the cases varied a lot from health-care institutions to power and water distributors through local governments. The proposals made by the Commissioner go mostly to municipal governments and the Ministry of Education.

Local minority self-government in practice: the case of the German minority in Hungary

In this chapter the experiences of the German local minority self-governments will be introduced. It is mostly based on the research paper of Dr. Váradi Monika Mária, that summaries the answers of questionnaires from the representatives of the German local minority self-governments in 2000.

Most of the local minority self-governments are directly elected (85%), 8.3% percent of them are territorial self-government, while only 3.5% of them are indirect self-government. Only 14% of them own their office, while most of them get office from the local government. Usually the representative works on his or her own, only few of them employ anyone.

The directly elected representatives of the local minority self-governments are usually independents (91%) or supported by civil organizations (9,5%), but almost none of them get (or rather accept) support from any party. The 39% of the representatives are also members of the local governments.

The age structure of a representative shows that the older generation and the very young are over represented, comparing to the members of the local governments. It seems that to be a representative of the local minority is less prestigious than a political carrier in the local government. Generally the older generation is very active in the self governance of the local minorities, and it seems that the young generation is not as interested in the local minority politics, a trend which forecasts a problem of supply of representatives in the future.

The German minority self-governments define their main goal as following: care and preservation of the traditions, care of the national culture and language, the support of the national schools, and the fostering of the national identity. The German self-governments do not put stress on the representation of the national interest, and don't care much about the care of twin city relations.

According to the most frequently mentioned tasks it seems that because of the lack of minority civil organizations or cultural societies on the local level the local minority self-governments need to take many tasks upon themselves, which usually have to be carried out by these civil organizations. National traditions, feasts and programmes are initiated and organized by the local minority self-governments. Despite their efforts they feel that the results are in risk because of the assimilation, the collapse of the traditional communities, the globalization, and the traditional fear, mostly in the east part of Hungary.

The local German self-government holds at least the obligatory six sessions per year, but almost half of them have more sessions. They usually hold consultancy hour during the week, but in smaller villages the informal way of informing people of the activities of the self-government is also typical. It is interesting that in most of them, the official language of the sessions is Hungarian, and only 61% of them define the German language as the official language of consultancy hours.

Most of the local German self-governments take part in the sessions of the local government, and many of them take part in the work of the committees of the local governments, too. The cooperation with the local government is ruled by a formal decree, as the law obliges it. Most of them mentioned a good relationship with the local government and the tensions, where they exist, are usually based on personal conflicts.

The strongest right of the local minority self-governments are the right for veto against the decision of the local government in all questions that concern any minority matter, but it was used very rare by the German minority self-governments in the year 2000. This right was used only by the 10 % of them and

mostly in the larger cities, where the informal relation is less typical in the cooperation between the two self-governments. Veto was used usually in educational matters, like introduction of new pedagogical programme, establishment of new schools or classes, or merging if them and so on. The rare use of the veto is partly misleading. There were some answers that say that the local minority self-government didn't use it because the good relation with the local government was more important, than a particular question. It shows dependency on the local government. This is mostly a financial dependency.

The most important revenue of the German local self-governments were the state grant, but the second largest source of them were the support of the local governments, that was about 23%. In the case of the Germans the support of the fatherland is also significant, around 7% of their revenues comes from Germany. It really catches the eye that the support of the local government is much smaller in small villages, than in larger cities.

Considering the expenditures, German self-governments spend half of the budget on their operational expenses (including the payment of the representatives, which is around 10%). Then come cultural expenses with 21% and the educational expenses with a 9% of share. Other expenses such as social costs and costs of twin city relations are insignificant.

The educational expenses are related to support the minority education with providing books, and teachers' education, and scholarships for language courses. The 28% of the German local self-government supports the minority schools with financial means, and 45% support them both with financial, and expertise means.

The cultural expenses are usually direct support to local minority civil organizations. Direct support of the health and social institutions of German populated areas that come from the Ministry of Interior of Germany can partly explain the insignificance of social expenses.

Summary and conclusions

The paper intended to deliver a brief overview of the minorities' self-governmental system in connection with the majority's public administration institutions in Hungary. The connections between the two, such as obligatory participation of the minority's representatives in local decisions concerning education and literally dependence of the minority self-government on local governments, have been underlined and the problem of deficiency for guarantees of law enforcement has been stressed. The unique institution of the Parliamentary Commissioner for the Protection of National and Ethnic Minority Rights has been introduced.

As a conclusion, it must be added that the legal status of the minorities as collectives are considered to be ambiguous in the sense that declaring the belonging to a minority can sometimes result in a kind of ethno-business and the lack of financial resources often make the minorities self-governments an apparent self-governing instance with no means and no real minority representation. Since the minority policy of Hungary is still in its infancy, the minorities and political forces are initiating major changes, it is to be hoped.

References

Doncsev, Toso: Recent Changes in the Condition of National Minorities (www.hhrf.org)

Eiler, Ferenc: Az országos német, szlovák és horvát kisebbségi önkormányzatok első négy évének működési tapasztalata (Experiences of the German, Slovak and Croatian self-governments during the first 4 years of performing in Hungary) (www.mta.hu)

Hegedüs, József and Balás, Gábor: Local Self-Government and Decentralization in Hungary, in: *Local Self-Government and Decentralization in South-East Europe*, FES 2001

Kaltenbach, Jenő: From Paper to Practice in Hungary; *The Protection and Involvement of Minorities in Governance*, OSI 2001.

Proposal for Modification of the Act LXXVII of 1993 on National and Ethnic Minorities (www.obh.hu)

Statistics on the Minority Self-Government Elections, Ministry of Interior (www.web.b-m.hu)

Temesi, István: Local Government in Hungary, in: *Decentralization: Experiments and Reforms*, ed. Tamás M. Horváth, OSI/LGI 2000

The Act LXXVII of 1993 on National and Ethnic Minorities

The Ombudsman's Report of the year 2000 on Actualities concerning Minority Rights (www.obh.hu)

The Ombudsman's Report on the Employment Discrimination (www.obh.hu)

The Ombudsman's Report on the Problems of Minority Education (www.obh.hu)

Tímár, János: Füstbement törvénymódosítások? (Initiatives in Vain?) (www.romacentrum.hu)

Váradi Monika Mária; Eredmények, kudarcok, hiányok és dilemmák: német kisebbségi önkormányzatok mérlegén - Kutatási összefoglaló - jelentés az LDU számára (<http://www.ldu.hu/doc/ekhd.rtf>)