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The techniques of political access for minorities: a critique of Hungarian policy reforms

Introduction

June 13, 2005: The Hungarian Parliament passed the new minority law. Next day there was a great indignation and disappointment among the minorities. Emails with the modifications were sent around, so I, as the president of the German Minority Self Government in Szentendre acknowledged, according to the new law there would be no possibility to form our self-governments for the next four years. Actually only “a civil minority organization” have the right to nominate candidates, who previously have to declare their origin, language knowledge before the notary of the settlement – who according to law has no right to gather such data. There are no such civil minority organizations in our town. As researchers of minorities report, not only our town misses them. In addition, I know from my own research practice, that there are settlements with more civil organizations of the same minority; they are often rivals. Which one will have the right to nominate? There are no answers in the Law. How can minorities access to the power, if the law aggravates the way to it? How can they represent their rights as communities, if the law excludes them from the Parliament? Anyway, there are some MPs of ethnic origin but they have no right to represent their minority. Minorities hoped that this new law will realize their representation in the Parliament but as it is seen today, they are much farer from it then ever. Even after the decision of the Constitutional Court in September this year, elections of members to local minority’s self-governments are pending.

Short overview about the minorities of Hungary – some historical and statistical data

Hungary is traditionally a multi-ethnic country. Up to the beginning of the 19th century, the time of nation building, peoples of this country were not distinguished by their ethnic origin. People were asked about their nationality for the first time in 1851. In the middle of the 19th century only about 36% of the population was of Hungarian origin. Among the nationalities Jews, Germans, Bulgarians, Greeks, Armenians, and Italians made up the majority. In contrast to Serbians, Romanians, Croatians, and Slovaks these minorities migrated to Hungary voluntarily. At the time of the nation building the Croatians and the Saxons of Transylvania, who had autonomy wanted to defend their privileges, but the Serbians, Romanians and the Slovaks expressed their categorical wish for an own political nation. These endeavors of the nationalities caused many political and ideological problems between the Hungarian nation and its so-called nationalities. The bill brought in the diet of 1861 wanted to settle the question of the minorities liberally based on the full personal freedom and of civic rights. The bill acknowledged at the same time right of the nationalities as bodies to develop freely. It was also determined that all the peoples living in Hungary: Hungarians, Slavs, Romanians, Germans, Serbians, Russians, etc. were to be considered equal nationalities, who could freely exercise their nationalities’ rights on the basis of the individual freedom and of the liberty for unification in the framework of the

political unity of the country. The Hungarian state nation was in this sense, regardless of nationality, the unity of its citizens. The Hungarian nationality was only one of the nationalities, who all possessed equal political and civic rights. As having relative majority and having developed a state in the past, the Hungarians had only one privilege: their language was the official one. Anyhow, all citizens were free to use their mother tongue in the local administration. The denominational schools could choose the language of their schoolbooks. The minorities were authorized to claim to take minutes of the county meetings on their mother tongue as well. The bill acknowledged the right of the minorities to establish secondary schools and academies and authorized them to determine the language of the education.

The diet did not pass the bill since it had been dissolved. The text of the bill formed the basis of the minority law in 1868. The main change between the bill of 1861, which Joseph Eötvös, Minister for Public Education and Religion, composed and the law of 1868 text of which Ferenc Deák re-drafted, was that he used the term Hungarian political nation instead of the term nation state. In this sense, the nation was a political community. In Deák's words there was only one political nation as community in Hungary and this was the Hungarian. This change in terms degraded the Minority Law to the status only of a language law and caused many problems between the relative Hungarian majority and the minorities in spite of the fact that Deák recognized their rights to have and maintain own cultural identity.

This law together with the law of education passed in the same year is considered, however, a very progressive one in Europe since they widely guaranteed the use of the minority languages. As we can read in the Preamble of the Law: "From political point of view and also on the bases of the underlying principles of the constitution, all citizens of Hungary constitutes a single nation, an impartible comprehensive Hungarian nation, members of which are all citizens of the homeland, who have the same rights, should they belong to any nationality."

In the last 30 years of the 19th century, the Hungarian governments followed more and more nationalistic views. In 1879, a law (No XVIII) stipulated that teaching the Hungarian language in the elementary schools of minorities was obligatory and ordered to employ only those teachers who could teach at the same time Hungarian. This law could not be executed, so in the following 25 years the Ministry for Education and Religion passed different edicts in order to enforce the execution. The new Law of Education (No XXVII) in 1907, called "Lex Apponyi" after the Minister, requires from the pupils who finished the 4th class of the elementary school to speak, to write and to read Hungarian well and prescribes the schools to socialize honest and enthusiastic Hungarian patriots. This Law is a clear evidence of the enforced assimilation. The state promoted only those minority schools where Hungarian language was taught and the Hungarian spirit and nationalistic views were spread successfully. The schools were yearly controlled. In 1902, there were about 17,000 elementary schools in Hungary and only 10,000 were pure Hungarian. In about 3000 schools language of the education was the

mother tongue of the minorities. These schools and those who on both languages were taught had to reorganize their teaching plans.

In 1917, Prime Minister István Tisza said in the Parliament that carrying out the Nationalities' Law of 1868 is impossible and what it contains has to be disregarded. After the First World War, the Károlyi government wanted to give territorial autonomy to the minorities. During the time the Hungarian Soviet Republic in 1919, different rules were passed about the right of self-governance; guaranteeing equal rights and a wide-range use of their mother tongue. Laws were passed about the autonomy of the Ruthenians, Germans, and Slovaks. Even a Ministry for Nationalities came into being and an order (No. 4044/1919) was passed too. However, it was too late: the Slovaks, the Rumanians, and the South Slavs have already separated.

After the Treaty of Trianon in 1921, the importance of the minority's questions decreased. The biggest minority was the Germans with their 550,000 heads. In 1922, the Ministry for Nationalities finished its activity. In 1923, the order of the Hungarian Soviet Republic (No. 4044/1919) was set aside because it was found to be too promising for the nationalities. The new nationalities' order by Prime Minister Bethlen made the use of the mother tongue in the administration as well as in the cultural life possible. Three types of schools were established, where the language of education was the mother tongue of nationalities, where both Hungarian and minority languages were used, and where only in Hungarian was taught, but teaching of the minority's language was compulsory.

In the interwar period, the minority politics was determined by the political activity of the Hungarian Germans and the reannexation of the Hungarian territories. Consequently, after the war about 200,000 Germans had to leave Hungary and to resettle to Germany. Teaching German language was impossible. Even in the late 50s when learning German became possible, only very few German parents sent their children to attend German lessons. In 1948, the communists socialized all schools belonging to the South Slavs, Slovaks, and Romanians as well as Germans.

During the Kádár Regime, the minorities could establish their so-called democratic organizations, which worked under the control of the Socialist Party. Different decrees were passed during this period in order to integrate the minorities in the Hungarian society, but the lack of elementary and secondary schools on the nationalities' mother tongue, the secondary socialization in Hungarian speeded up the assimilation. The Socialist Party drafted the directives of a new minority law in 1988, but no law was passed.

After the transition, a round table was convened upon the initiative of the minorities' organizations in 1991 in order to reconcile the interests, to determine the basic goals of the minorities, and to carry on negotiations with the government. The main means of the minorities to put pressure on the administration was the publicity by the media. In 1993, after two years' hard work in negotiations between the minorities and the government the Parliament passed the Minority's Law. It was a great success for the round table.

Nowadays there are 13 acknowledged “historical” ethnic minorities in Hungary. Historical means that the nationality in question has been living since more than 100 years on the territory of Hungary. Nationalities are often called national minorities in the Hungarian official administrative terminology. These minorities are in the order of their number according to the census of 2001 as to their nationality: Gypsies or Romas (190.000), Germans (62.233), Croatians (15.620), Slovaks (10.459), Romanians (7.995), Ukrainians (5.070), Serbians (3.816), Slovenians (3.040) Poles (2.962), Greeks (2.509), Bulgarians (1.358), Ruthenians (1.098), Armenians (620), totally: 306.826 persons. As seen, the biggest ethnic group is the Romas, whose estimated number is, however between 400-600.000 heads. According to this census, 3.22% of the population belongs to minorities.

However, the estimated number of all minorities except Ukrainians is much higher, then the declarations of the census. Germans estimates their number up to about 220.000, Croatians 90.000, Slovaks 110.000, Romanians 25.000, Poles 10.000, Serbians 5-10.000, the Bulgarians 3.500, Greeks 4.500, Ruthenians 6.000. Armenians overestimate their own number to 10.000 and Ukrainians underestimate their number only to 2.000. If we can believe these estimations, about 1 million people belong to minorities. Every 10th Hungarian citizen should belong to any of the minority groups.

The Law passed in 1993

The second minority’s law (No LXXVII/1993) in the Hungarian history was a very important legal adjustment of the minority question. During the 100 years between the two laws edicts, orders were passed, first of all on language rights of the nationalities. Because of this law, it became possible to establish minority self-governments. Thirteen minorities had the possibility to take advantage of the rights codified in this law. Thirteen different groups: different in number, in historical experiences, in traditions, in habits, in social status, different in institutional development, in interests and in lobby power. There are, of course, basic and common interests who concern each minority, for example to survive, or not to be handicapped by any way because of belonging to a minority group. These interests are codified in the §15 and §16 statutorily.

Further on the law regulates the individual and community rights, the election, and function of the self-governments, the cultural, and educational self-governing, the managing and the property of the minorities, as well as the activity of the local minority’s ombudsman. In the sphere of the community rights, the law specifies:

- having an own identity,
- using and attending their mother tongue without limitation,
- using their symbols, and organizing minority programs,
- commemorating and celebrating their feasts,
- broadcasting minority programs,
- having an own country ombudsman and
- representation in the Parliament.

In 1995, the country ombudsman was appointed by the Parliament, but the representation was voted down twice, in 1993 and in 1998.

According to this Law, there are three forms of minority self-governments. It depends, how the self-government is elected. There are directly or indirectly elected local minority self-governments and municipal minority self-governments.

Most of the self-governments in Hungary are directly elected. Members will be elected on the general municipality elections. The first five candidates, who receive the most votes, will be the members of the local minority's self-government.

Municipal minority self-governments come into being if in the body of the given municipality more than the half of the members has been elected as minority candidates and more than the half of them votes for the transformation. That way the municipality will function as municipal minority self-government. In this case, there will be no local minority self-government on the settlement.

The third form was the indirectly elected local minority self-government. In this case, if in municipality 30% of the members are elected from the same minority, a local minority's self-government could be formed with three members. As far as I know this form could never function in the practice.

Before the elections in 2002, there were 1318 minority self-governments, among them 65 were transformed into local minority governments. Biggest minority was the Romas (716) Germans (271) and Croatians (75). Municipal minority self-governments were formed at Germans: 31. Croatians: 19, Slovaks: 8, Romanians: 3, Slovenian: 3, Romas: 1.

Table 1. Number of self-government early 2002

Nationalities	Local minority self-governments	Municipal minority self-governments
Armenians	25	0
Bulgarian	14	0
Croatians	76	19
Germans	271	31
Greeks	18	0
Poles	33	0
Romanians	31	3
Romas	716	1
Ruthenians	10	0
Serbs	35	0
Slovenians	10	3
Slovaks	75	8
Ukrainians	5	0
Total	1 318	65

Table 2. Results of minority elections in 2002:

Minorities	Results of the elections of minority self-governments 2002						
	Major settlements		Members in municipalities Settlements				Minority self-governments
	Under 10,000 inhabitants	Above 10,000 inhabitants	Under 10,000 inhabitants		Above 10,000 inhabitants		
			total	By preference	total	By preference	
Bulgarian	0	0	2	0	1	1	
Roma	4	0	478	317	67	61	999
Greek	0	0	2	0	2	2	31
Croatian	20	0	131	13	7	7	108
Polish	0	0	6	3	3	3	51
German	35	0	382	44	36	32	341
Armenian	0	0	0	0	0	0	31
Romanian	1	0	28	6	1	1	44
Ruthenian	0	0	4	2	1	1	32
Serbian	0	0	10	6	1	1	44
Slovakian	12	0	96	21	11	10	115
Slovenian	4	0	17	1	3	3	13
Ukrainian	0	0	3	2	1	1	13
total	76	0	1159	415	134	123	1853

535 more self-government was established and it had turned out that there were severe problems at the elections. According to aims of the minorities and the legislation it was assumed that only those people will initiate establishing minority's self-governments, and only those people will vote for minority candidates, who really belong to a given minority group.

As a whole, this Law can be judged positive but many problems occurred in the practice. Eventually, the law could not meet all the requirements of each minority, but there were general problems in the field of elections and in the functioning as well. Here I speak only about two problems, elections, and functioning.

Elections: According to their aims the minorities and that of the legislation it was assumed that only those people will initiate establishing a minority's self-government, and only those people will vote for minority candidates, who really belong to a given minority group. As said, the Law guaranteed choosing the identification freely, and in this sense nobody had right to ask: "Are you really belonging to this or that minority?" Therefore, it happened several times and from election cycle to election cycle more and more, that peoples not belonging to any minority declared themselves Bulgarians, as happened in our town, Szentendre, or Romanians, or Armenians or even Gypsies. In villages where the inhabitants have face-to-face connections, such anomalies could not occur, but in cities, that was not the case. Number of the minority's self-governments steady increased and the composition of the members were not always homogenous.

Since there was not specified in the Law who can be a member of a minority, anybody could be a candidate, anybody could feel free to vote or not to vote for members of a local minority's self-

government. These so called “sympathy votes” of the Hungarian majority made possible to establish minority's self-governments even there where anyway no minorities were registered at the census. In Mátészalka, Eastern part of Hungary the inhabitants initiated to elect Serbian, Croation and Slovenian self-governments. Ten people were enough according to the law. In Martonyi, or Bódvaszilás, small villages in Borsod German self-governments was elected, where no German lived at all. At the census one year earlier, nobody declared him or herself ethnic citizen.

I know examples where beyond German members, who do not speak neither their original mother tongue, which is a dialect, any more, nor the standard literary German, a Hungarian person was asked to let her candidate, so that somebody could at least speak the language. I notice here only in brackets that at big Germans minority's assemblies, interpreters have to be employed who translate from German into Hungarian to the audience of German origin. Among the Armenians, there is a group, migrating from Transylvania in the 19th century, who could not speak their original mother tongue, which was anyway not the same as the literary Armenian today. In the case of the Gypsies, the mother tongue of the so-called Hungarian Gypsies is Hungarian. We know an example from a Hungarian town, Jászládány, where in the Gypsy self-government no gypsies were the members.

It became possible to make a business from the minority's self-governments. For those, who did not belong to any minority as well as for those who do belong to minorities. Many people live from their minority status. The term began to spread among the Germans: “Berufsdeutsche”, career Germans, but the phenomenon is not unknown elsewhere.

All minorities have their own country self-government, which represents the minority interests in front of the government of Hungary. This body is elected by electors. In practice, it means that all elected members of the minority's self-governments are at the election of this body present. In 2002 at the election of the Gypsy minority's self-government of Hungary, there were more than 3000 members at present and it made a hard work to elect the members of the country self-government. Other minorities had previous talks and only the agreed persons were nominated. The electors could only consent. After having elected this body, there is no further institutionalized connection between the two organizational levels, both are independent, and have neither rights, nor liabilities toward each other.

Functioning: The Law does not determine clearly the legal status of the local minority's self-governments. As democratically elected organizations they are independent, their decision can be judged only by the law, have own property and sources, but at the same time they are dependent of the municipalities. Financially, the law integrated the minority self-governments into the municipalities. In spite of the fact that they are democratically elected and are of the highest legitimacy, they cannot manage their own financial matters, they may not have their own account only then if they have at least one own institution. All money traffic goes through the municipality, who keeps the books. I know from my own experience that our municipality “has very often forgotten” this transfer. Lack of money, most of the minority's self-governments has no possibility to establish and maintain own insti-

tutions. The material aid supported by the Parliament for 2005 for one local minority's self-government takes 714,000 forints, about \$ 3,600.

Inter-law time

Everybody who took part in the minority's self-government affairs knew that there are severe problems not only in question of electing the members, but at the everyday functioning as well. Efforts were already done in 1997 in order to accomplish modifications, with no success.

After the elections in 1998, however, the Orbán government decided to carry on negotiations with the minorities about the way of elections and registration. Toso Doncsev, president of the Office for Ethnic and National Minorities said, it is unacceptable that ethnic citizens are minorities in their own local minority's self-government. The right to maintain organizations, schools and the financial affairs need rethinking. The legal control of minority's self-governments has also to be solved.

In addition, the Parliament sent out an ad-hoc committee headed by MP Dr. János Hargitai, himself German of origin, in order to prepare a new Law. Members to this committee were politicians of the political parties, the minority ombudsman, leaders of country minority's self-governments, and representatives of the concerned ministries, but no consensus could be reached and the negotiations stopped. Hargitai said in October 2000, "I think it's a tragedy that all the thirteen minority's self-governments make united efforts not to agree in the issues of the new regulations, as if they should have the same problems. The 13 minorities write a letter to us in every 13 week and the 13 leaders have always the same opinion: "It will not do!" Anyway, no matter what we propose."

The country leaders of the minorities claimed broadening their rights to maintain different institutions and the representation in the Parliament, made a grievance of the ethno-corruption of non-minority members, stand only for the restriction of the circle of the minority candidates. Therefore, there was a basic contradiction between the free declaration of the identity and the publicly controllable responsibility. At least the Orbán government had not time to introduce the bill.

In 2003, the 10th anniversary of passing the Law was a good occasion to continue the negotiations. The experiences of the 10 years have proven that substantial changes are needed in the way of electing the members both on local and country level. Further, it has become evident that there are substantial differences between the interests and goals of the Romas and the other 12 minorities. The main goal of the 12 minorities was to maintain their cultural traditions, wanted to have more right to maintain institutions; safeguarding their political interests and social questions were subordinated. In the case of the Romas, the situation was just inversed. The main problems of the Romas, poverty, and unemployment could however, not be, solved by this Law. Ombudsman Kaltenbach said in 2003: "Of course it important also for the Gypsies to maintain their language and culture as identity factors. However, in their case, this is only one but no the more interesting side of the coin. The worries in their life cannot be described by the traditional terminology of protecting the minorities and cannot be remedied by the traditional system of institutions."

Minority researchers and institutions together with politicians organized conferences on successes and deficiencies of the Law, books were published on the possible consequences of the registration.

The modification of the constitution of Hungary in 2003 stipulated that minority's self-governments could be elected only by ethnic citizens. It was clear that the election right of the minorities needs modification until May 1, 2005. Anyway, as to regulation of minority election rights counter-constitutional situation could evolve. Therefore, the most discussions were upheld on the question, which citizens can belong to a minority and whether to register the ethnic citizens or not. If yes, how could it be done: according to nationality or mother tongue?

The minorities could not come to an agreement in this question. In 2004 leaders of eight country's minority's self-governments among them: Bulgarians, Greeks, Poles, Armenians, Romanians, Serbians, Ruthenians, and Ukrainians were for the increase of the seriousness of the nomination but rejected the registration. These minorities had, however, no idea, how to solve the problem. Anyway, they needed the so-called sympathy votes of the Hungarian majority and did not want real changes. The country leadership of German, Croatians, Slovak, Roma minorities and the ombudsman himself as well as the President of the Office for National and Ethnic Minorities argued for the registration, in order to clear up situation and to be able to exclude non-minority candidates from the elections. In spite of the fact that the leaders supported the registration, their ethnic members did not. German people feared of putting their names again in a list. So, the Romas.

The new text was paragraphed by the Ministry of Justice and Ministry of Home Affairs in 2004.

Salient issues of the modifications were:

- more accurate definition of ethnic citizens,
- development of minority's self-governments,
- clarification of the relations between local and country minority's self-governments, municipal minority's self-governments and central state administration etc.,
- more efficient support of the real communities of minorities,
- strengthening the use of the mother tongue,
- delivery of minority institutions to the communities.

The bill determines the ethnic minority electors that way: belong to any of the minorities given in the law, has election right on the elections of municipals and mayors, and has been registered in the minority electors' list.

Setting up the lists with the names of minority electors, which means in practice the registration of the ethnic citizens, could have been done only upon the support of a minority's organization; the ethnic citizens should have declared about belonging to the given minority, and related documents should have been attached to the declaration. According to the conception of the biggest minorities, registration should be carried out and supervised by the country minority's self-governments. The country self-governments should have made a list with the name of the settlements where their minorities live. If a settlement should not have been listed, ten ethnic citizens could have asked for the regis-

tration of the settlement. After this procedure, a three heads' committee of ethnic citizens should have been established for carrying out the registration. These committees should have had the right to decide whether to register or not register a person who declares him or herself to be member of the minority in question. Election could have been organized on those settlements, where until July 1 of the year of the elections 30 citizens had him or herself registered and accepted by the committee.

The system of electors was abolished, instead of three levels; local, county, and country ones were introduced. The member to these organizational levels should have also been elected directly. By this change, a territorial form of the self-governments came into being.

The bill has broadened out the circle of persons who are subjects to the law, that is, all Hungarian citizens having domicile in Hungary, citizens of the European Union, migrants and refugees or their groups, who declare belonging to any minority. In this bill, candidates could have been independent or nominated by an election organization.

However, definition of the ethnic citizens still was missing. This term was used in the bill without interpretation. It was not only a theoretical but also a practical question: how can be determined if somebody belongs to an ethnic group or not, how will the court judge?

The Parliament began the general debate of the bill in March 2004. The members of the Fidesz the bigger party in opposition did not find the bill suitable for negotiation. Speaker of the Fidesz and of the Free Democrats argued for further negotiations with the minorities. Speaker of the Hungarian Democrats, MP Szászfalvi said, definition of the ethnic citizens was missing. This term was used in the bill without interpretation. It was not only a theoretical but also a practical question: how can be determined if somebody belongs to an ethnic group or not, how will the court judge?

In October that year the Fidesz rejected the elections lists, disagreed establishing self-governments on county level, as well as giving election right to non-Hungarian citizens. After the speeches of the MPs, which were formal and added nothing to the bill, the debate was adjourned without date.

January 2005 political secretary of the Ministry for Youth, Family, Social Affairs, and Equal Opportunity Attila Mesterházy declared that he wanted total public control over all questions relating to minorities. He said that the most important issue of 2005 was passing the Minority's law, but long negotiations were to be foreseen, since Fidesz backed out of the agreed consensus of the four parties. Giving election right to EU citizens who live in Hungary and have ethnic affiliations, so Mesterházy, was incorporated into the bill just for the special wish of the Fidesz.

On May 31 2005, the two big parties suddenly came on terms with each other. The same day Mesterházy and Zsolt Németh, MP, on behalf of the Fidesz announced on a joint press conference that after long negotiations the bill would be introduced to the Parliament. They told that no registration committees will be set up, ethnic citizens have to let themselves register at the notary of the settlement, and only registered minority's organizations will have the right to nominate candidates. Minority candidates have officially to declare, whether they speak the given language or not. At Gypsy can-

didates Hungarian language is acceptable. After declaration, the data of the candidates will be public. The politicians declared this would be a good political control. Minority institutions will be financed in the future from the central budget. There will be three levels: local, county, and country. Next day the government approved the modified bill.

On June 1, both Minority Ombudsman Dr. Jenő Kaltenbach as well as the Ombudsman for Data Security, Dr. Attila Péterfalvi disapproved these modifications of the two parties. That time even jurists did not know who has drafted this last version of the law's text. Later on it was rumored but of course officially never verified that personally politicians in the Office of the Prime Minister have changed the text of the bill.

It is a fact, that Dr. Kaltenbach was not asked; modifications of the Hungarian Socialist Party and of the Fidesz were introduced without negotiating with him, or with leaders of the minorities and were a retreat. He declared that this consensus of the two big parties served only their interests and not the interests of the minorities. The new variation would not make any obstacle people to declare themselves as ethnic citizens in order to gain political and financial advantages. Further, modifications were against constitution, since it gave possibility for non-ethnic citizens to participate in minority affairs. Since there is no possibility to control, who lets him or herself register, whoever can be elected to member in the local minority's self-governments. The main goal of the new law was, however, just to eliminate this possibility. "Now the parties have the Law and they are very confident with it. As to its content, well, it is of minor importance for them" – so Kaltenbach (Neue Zeitung, No. 23. 10/06/2005. p.3).

Péterfalvi declared setting up such lists with data of minority members by a state organization was unjustified. Further on there were no paragraphs in the bill how and how long the notary of the settlement should handle and store these documents. Péterfalvi added, he controlled the original bill; he was given the new modifications only one day before. According to his opinion, it was unacceptable to pass the bill in this form.

In spite of the fact that both ombudsmen rejected these modifications, Kinga Göncz, Minister for Youth, Family, Social Affairs, and Equal Opportunity introduced the modified bill No. 9126/101 to the Parliament on June 8. The detailed debate began the same day.

Three days later the Parliament passed the bill by a significant majority. The Free Democrats were the single party, who did not pass the bill. The previous president of the Gypsy Minority's Self-Government of Hungary voted for, János Hargitai anyway German of origin who led the negotiations in 2004, did not vote for the Law.

The Law passed in 2005

The Law defines ethnic citizens very broadly. They are those, who declare belonging to a minority and that way they let themselves register. This declaration cannot be reviewed. These lists will be kept not by the members of the minorities but by the outstanding leader of the local election office; he

or she has the right to keep the voting register. So, the whole registering and electing process was put under the control of state administration. According to the law (§31) detailed regulation for the minority electors' list a new law has to be passed. We can read here: "*Basic task of the self-governments is the protection and the representation of the interest of the minorities.*" We can read in (§31 §21 2) that another law is necessary to regulate the way of electing the county and the country self-government. The question arises, when this bill will be introduced to the Parliament.

The law defines the term of the nomination organization as follows: it is a civil organization having been registered according to the Law of Right of Unification at least 3 years before the date of elections, *whose goal is the representation of the given national or ethnic minority* and this goal is included in the statute of the organization. I think these will cause further problems, since most of the minority civil organizations are dance groups, music bands or choirs. Just since these organizations were not suitable for representation, self-governments had to be established. Which cultural organizations can be considered now as such? And, who will decide, whether this or that organization do represent the minority or not? What is to be understood on the term "*representation*" in case of the minority self-governments and that of the civil organizations?

Since the law does not define the geographical competence of these organizations either, in practice they can nominate candidates anywhere, where 30 people have themselves registered. What happens if in a settlement more organizations want to have their own list? What happens there where no such civil organizations exist? An extreme example: In Szentendre there is no German civil organization, who could nominate. What if the Pomázer want to nominate their friends and what if the Visegrader want to nominate their friends, too? Moreover, what if these circles do not cover the Germans who are members of the German minority self-government now? I do not think this situation will realize but the law does not exclude the possibility.

There are settlements, where more cultural groups exist, often as rivals. Which one can nominate if all meet the requirements?

Electing the county organizations will not be simple either. First, it is very complicated to nominate members into the county self-governments, other hand; circle of the nominating organizations is restricted. An organization has the right to nominate only then, if it has nominated at least 10 percent of the already elected electors.

Only Hungarian citizens can elect and can be elected, EU citizens not. Candidates can be put up only by registered minority's organizations. As said, one can be a candidate only after having been registered and declared that he or she speaks the minority's language, knows its tradition and culture. No regulation was however, passed, how these data will be dealt.

That candidate, who gains the most votes on the minority's election by a preferential calculation, can be even the member of the municipality. If nobody reaches the necessary rate, the president of the minority as local ombudsman may participate in the negotiations of the municipality, but may not vote. Local minority's self-government will be elected together with the municipal elections. Election

of the county as well as the country self-governments will be held only in March next year in spite of the fact, that originally it was agreed that the election of the members to the three levels of minority's self-governments would be elected at the same time. Municipal minority's self-governments cannot be established any more. Candidates cannot be nominated as "independent minority" candidates on the municipal elections any more.

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Why was it important to mention it? Because:

The previous president of state, Ferenc Mádl, did not sign the Law and turned to the Constitutional Court for an attitude. He found solicitous to allow the presidents of the local self-governments to be the full members in the municipality, since they could not be elected by the whole unity of the citizens. At the same time, members belonging to a minority could vote twice and so can vote for two members into the municipal self-government, since the minority votes could result in representation in the municipality as well. Those, who belong to the majority, could vote only once for one member. Therefore, the members of a minority would have the right to have multiply votes and can be members in the municipal self-government anyway by preference. According to the president of state, this regulation harms the principle of the sovereignty of the voters.

Conclusions – Aftermaths

The Fidesz government headed by Prime Minister Viktor Orbán was not interested in the problems of the minorities living in Hungary. His main goals were to deal with questions only of the Hungarian minority living outside of the borders of Hungary.

About the minority politics of the Hungarian Socialist Party, we can be read in its program for the elections 2002: In its minority politics, the Hungarian Socialist Party strives for dialogues, conciliations, and continuous consultation with the minorities in Hungary. It can be read even twice in the program that after having been come in power Hungarian Socialist Party would immediately initiate to modify the Election Law and promises to solve the problem of the representation of the minorities in the Parliament in the framework of this law. As seen, these promises have not been realized.

Passing the modified law of electing the minority's self-governments did not meet with a warm response at all. I have to stress that the Parliament passed this very important bill without wide-range conciliations with the related organizations.

Further on I have to point out, that the law guarantees the multiply identity but refuses to be registered on more than one list. By this procedure, the law makes compulsory to choose one identity, by which one of the identities has to be denied. The law invests rights but at the same time makes obstacles exercising them.

The politicians did not consult the minority researchers either. Therefore, they do not know that identity and nationality are not the same terms. What is, however, the most important conclusion, because of lack of control the new system does not prevent the spread of the ethno-business, at the same time can detain many people really of ethnic identity not to participate in the elections.

The Constitutional Court has found Mádl's submission justified and held the law against constitution; the law has to be renegotiated in the Parliament. Therefore, it may happen that there will be no law this year.