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# LEGAL AND REAL POSSIBILITIES FOR POLITICAL PARTICIPATION AND THE ROLE OF NATIONAL AND ETHNIC MINORITIES IN PÉCS IN REGIONALISATION

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## INTRODUCTION

Regionalism—the main topic of Danube Rectors’ Conference Summer School 2004 in Pécs—is in the centre of political research connected towns. In Hungary, a country with a special situation concerning regionalism, we cannot speak about regionalism but regionalisation, the artificial mechanism for formulating regions. In this process the role of national and ethnic minorities appears to be increasingly important. The aim of this study is to present whether this is true, and if a change in counting on minorities still has to be waited for. Before presenting arguments on the question, however, the study tries to give an overview on international and national legislation for national and ethnic minorities to provide for a wider framework for participation. Then, it undertakes to describe legal possibilities and real-life opportunities for political participation and the role of minorities in regionalisation through the example of minorities living in Pécs.

## OUTLOOK OF INTERNATIONAL LEGISLATION FOR NATIONAL AND ETHNIC MINORITIES

### 1. Divergence between concepts of minority

The concept of minority has been subject of debate in the UN since 1950. The countries define the concept on different bases. For example, in France there are no officially accepted national or ethnic minorities but cultural minorities. The main question is whether minority should be treated as a person or as a community, and in this respect what kind of rights should be given to a minority? The next step is how a minority can make itself more independent. There are countries where more nationalities live together with the same rights;

these are multiethnic countries where the majority is only in relative majority like in the case of Belgium, Switzerland, Russia, the Ukraine, Latvia and Estonia. In addition, there are *nationality countries* where the rate of minorities is between 10-50% as in Slovakia, Romania, Serbia-Montenegro, Croatia and Spain. Finally, in the so-called *national states* the rate of minorities is less than 10% like in Austria, Albania, Poland, Hungary and the Czech Republic.

The concept of minority is therefore rather complex. There has to be a numeral minority according to the majority on the state level, but not a politically dominant group. It has to preserve ethnical characters and promote its own culture. It has to show inner cohesion, solidarity and communal identity. It has to have communal organisation, inner division of labour, stable relation with the state (the group has tolerated rights) and loyalty. The present study will deal only with two classes, that is national and ethnic minorities. The difference between them is that the former has a native or mother country, but the latter does not, like the Romany.

## **2. The Role of International Organisations**

The first appearance of minority protecting principles is dated after World War I. This is why only international regulations, such as Paragraph 27 of the Charter of Civic and Political Rights dealt with minority questions for a long time. Among the principles, we can find the one about settlement drawing new borderlines according to the self-determination of nations, getting the respective nations coincide with the borderlines. In Hungary 5-10% of national and ethnic minorities remained in the country and many Hungarians got over the borderline. After World War I the collective rights of minorities were accepted and the concept of national minority came into being, according to which a minority covers numeral minority which differs from the majority of the society in its culture and language.

Minorities have the right for territorial autonomy, with independent administration mostly in closed settlements and the prohibition of discrimination. A system guaranteeing minority protection was launched at an international forum by the international court of the Association of Nations. During World War II national minorities were sources of conflicts between many countries, such as between Germany and Poland, Hungary and the Czech

Republic. Following World War II minority questions were impossible even to talk about. Countries denied the collective rights of minorities and replaced them with a homogenising process that began everywhere across the continent, except for Switzerland and Belgium. Today another approach can be seen, as more and more countries think that minority rights are important. This is mostly connected with decentralisation processes.

The importance of minority rights is stressed upon at international forums of countries and by nations separately. The main role, however, has to be played by states, and international forums can only assist and support them. The Commission for Minorities started to work in 1970 in Geneva. This institution is not very effective because of the differing interests of nations and the over-representation of NGOs. The Council of Europe and the Conference on Security and Co-operation in Europe are more effective as they have fewer members and can concentrate more on minority rights, not as just part of human rights as the UN addresses them. But they cannot do anything unless the countries involved do not ratify the required agreements and provisions.

Since its establishment the EU has treated minority questions as the problems of member states and did not define agreements as the Council of Europe did. But after Maastricht a change has occurred. Directives are prepared and prescribed as obligatory to all the member states to operate acts about sexual, intellectual and other antidiscrimination, including national and ethnic rights. These should have been regulated in the member states until 2003, but only the UK and the Netherlands completed the task in time. There is a draft on the Charter of Minority Protection and in Nice 2000 the Charter of European Human Rights was adopted, but in the constitution drafting process there was a huge disagreement on the minority question among the member states.

The Hungarian Constitution, for instance, is rather general in this respect, as it says that minorities are part of the state and they require guarantee for autonomy and political participation (in the elections and power execution, and at court), but do not regulate how exactly this should take place. Romania, Slovenia and Croatia, on the other hand, guarantee participation for ethnic minorities even in their national parliaments. Moreover minorities in Slovenia have the right of veto in questions regarding minorities. In other countries in the regions of Central and Eastern Europe minorities have no special distinct

rights to participate in the national decision-making systems, and they neither have obstacles. In Slovakia and Serbia-Montenegro, for example, minority parties could gain seats in the parliaments. Hungary they have none because of the 5% threshold, under which no party can get into the parliament. Each minority in total number consists less than 10% of the population.

### **Hungarian Legislation Protecting National and Ethnic Minorities**

The main problem with the minority questions is that setting them straight is not in the interest of many states and the international organisations have few instruments for sanctions. Therefore, states which need guarantees for their nationalities living outside their borders, in other states, have to initiate bilateral or regional agreements with the “hosts”. As long as numerous Hungarians live in neighbouring countries the Republic of Hungary have completed several of these initiatives.

Minority Act was passed first in 1867 in Hungary, but it was drafted on minimalist principles accepting only language rights. This is why Hungarians should not have been surprised when national minorities were separated in the surrounding countries after World War I. There was no minority question after the Second World War, however; and a homogenising process began; minorities were intimidated with deportation by the state and the Romany was dealt with as a social question.

In 1990 the minority approach also changed along the lines of the change of the regime. First, the Constitution reserved a general paragraph about minorities, later on, the Act for National and Ethnic Minorities was accepted in 1993. But this has to be modified because of its generality and excluding character. It does not say much about how minorities can use their rights; registration is not regulated, and the act only contains 13 historical national and ethnic minorities although much more exist in present-day Hungary. In 2001 another act was adopted about Hungarians living across the borders causing a disagreement among neighbouring countries because it raised the question of state sovereignty.

## **LEGAL AND REAL POSSIBILITIES FOR POLITICAL PARTICIPATION AND THE ROLE TO BE PLAYED IN REGIONALISATION**

### **1. History of the Nine Minorities in Pécs**

Pécs has been a multinational town since its foundation. After the Turkish Occupation the number of Hungarians decreased enormously, so Germans and South-Slavic people came in and settled here. In 1695 beside the 36.5% of Hungarian inhabitants Germans constituted 14%, South-Slavic 45% of the total population. Over the three biggest nationalities 7-8 other nationalities<sup>1</sup> had been living in the town. Pécs became one of the centres of Hungary's significantly multinational regions. In 1839 a relative majority of the inhabitants consisted of Hungarians with their 37.9%, the biggest national minority being the Germans at that time with their 31.5%. Central governmental policy modified this ratio by attaching fully Hungarian villages to Pécs. The percentage of Hungarians became 83.7 at the time and Germans had 16.2%. This disproportionate situation was increased by the government policy of assimilation, while only German and Austrian immigration was significant because of the development of coalmines in Pécs. This is why only these minorities could maintain as a national minority with their own culture and language. The first Bulgarian settlers appeared in this period, their motivation to settle here being running away from Turkish conflicts. Most of them were horticulturists who have been traditionally accepted ever since. In 1910 half of the coal miners were of German origin. The mines attracted other nationalities such as Slovaks, Slovenians, Czechs and Moravians. The mines of Pécs also influenced the workers where to build their houses. This is well mirrored in the contemporary minority percentages of the parts of the town.

The 1918-21 Serbian occupation concerned Jews and other minorities in a negative way. The migration of minorities in general was significant at that time. The migration of the Jews was more motivated than that of the natives, as they did not have traditional roots and their main motivations to settle in Pécs was of an economic nature. Among the remaining inhabitants Germans were significant.

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<sup>1</sup> Turkish people, Greeks, Czechs, Morvians, Armenians, Spanish people, Dalmatians, Bosnians, Jews

They concentrated in special parts of the town, which was also true for Jews but they nearly disappeared due to deportations and escapes during World War II.

In 1946-47 the national government deported several Germans, while the remaining minorities either assimilated quite perfectly or did not dare to take the responsibility to be in minority. New assimilation policy was responsible for the fact that there were not publications on the arrival of Greek and Polish people in this period. Unfortunately, they almost perfectly assimilated in the local society of Pécs during the socialist regime. Therefore not just their cultural and social inner cohesion has gone but their special political and communal characters, as well. Now they are subject to an artificial revival.

Original motivations for settling has changed and national and ethnic identity plays less role in choosing a home while financial positions dominate. Due to organising communal life and recalling cultural traditions we meet national and ethnic minorities in Pécs, who are very few but try to compensate it with co-operating with each other in the frame of minority self-governments, cultural programmes and in the field of minority research. But other things such as their financial dependency on the local government and the incompleteness of their rights hinder their activities.

## 2. Legal Positions

Among the Hungarian sub-national territories Baranya County is the most frequently populated area by nationalities; and this phenomenon is concentrated in Pécs the most. This does not mean, however, that national and ethnic minorities constitute a significant proportion of society. They are only 6,000 according to census polls, which means that they are 3.6% of the total population of the whole town - their real number is most probably higher<sup>2</sup>. The biggest minorities are the following: Germans 51%, Romany 25.2% and Croatians 13.9%<sup>3</sup>. Beside them Romanians, Serbs, Slovaks, Slovenians, Polish people, Ruthenians, Greeks, Bulgarians and Ukrainians live here, but their number is insignificant compared with the first three ones. Up until now 9 minorities have set up self-governments.

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<sup>2</sup> This inadequate number derives from the old fears of being members of another nationality that was not tolerated in the socialist regime.

<sup>3</sup> Reality shows that Romanians have the bigger proportion among minorities.

Due to the Minority Act of 1993 and the Amendment of the Local Government Act in 1994 four minority self-governments (Romany, Croatian, German and Serbian) could start operating after the local elections in 1994. In 1995 after the compensation elections a Bulgarian self-government could also be formed, and in 1998 two further appeared, the Greek and the Polish. Finally, in 2002 the Ruthenians and the Ukrainian self-governments began their work.

In 1998 they formed the Council of the Association of Minority Self-governments, as the Minority Self-governments planned to take part in the decision-making of the local government with creating a Minority Committee. This attempt was supported by the Minority Act. The form of a committee, however, turned out not to be suitable as the number of an average local committee is 5 and more than half of the members have to be representatives of the local government while minority self-governments were 9. That is why a council was established with a leader from the local government to be a kind of judge or balance between the minorities. The tasks of the council are decided upon ad hoc; they mostly discuss minority questions or the correlation of the agenda of the local government and other initiatives.

Civil organisations are not obliged to register themselves and indicate their activity to the local government, so the list the study is based on, is maybe not perfect. According to that there are three minorities with more significant number: the Romany, the Germans and Croatians who represent themselves also in civil society. 12 German, 9 Romany, 6 Croatian, 1 Serb, 2 Slavic and 4 other minority civil organisations operate in Pécs.

### **3. Real Possibilities Concluded from Recent Case Studies<sup>4</sup>**

Real possibilities for political participation can be searched for within the system of relations between national and ethnic minorities and the local government, as long as minority rights are connected to local life by several threads and local life is organised and directed by the local government. Moreover, minority self-governments as the only legal forms of political participation for minorities depend on the local government in systematic, financial terms and infrastructure-wise. On this very topic three case studies have been prepared: the first is about the public work programme of the town; the second tries to

<sup>4</sup> The author of this study committed all case studies.

describe the role of minorities in the EU Accession Celebration Festival on 1 May 2004; and the third investigates the Foreign Affairs Strategy of the South-Transdanubian Region.

Fortunately, the civil sector was also made involved in the public work programme of the local government (launched in 1999). In the process of competing for financial support among the civil organisations (almost 800 in town), however, four minority organisations were far the most successful; all of them being Romany organisations. The case study tried to interpret this interesting result in a few words as politics were hidden in the background. It was first the Romany organisations that realised that they could only operate successfully if they “colour” themselves into either red or orange<sup>1</sup>. This meant they joined one of the two major national parties on the local level, and their leaders took part in political agreements, tried to get into the local corporation and sell their votes. The leaders of the four Romany organisations were members of uncountable other organisations and of parties. Not on the same side, so at present only one of them takes the big money and the other three take less.

The research continued about how the local government let the local minority self-governments get involved in the organising process of the celebration of accessing to the EU on 1 May 2004. In short the local government made a proposal three months before the celebration on a session of the Council of Association of Minority Self-governments in which the task of the minorities was to keep in touch with local governments or civil organisations from their native countries. Following this nothing happened. For the celebration guests in large numbers were invited from neighbouring countries but local national minority representatives were not.

The third case study had a closer look at the Foreign Affairs Strategy of the South-Transdanubian Region. The Regional Planning Agency has been responsible for its realisation and they surely need partners from the regions in making the region work. The strategy focussed on local governments, universities, leaders of the economic life and minorities. The programmes already running are responsible for developing co-operation along the border

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<sup>5</sup> Red is for Hungarian Socialist Party, Orange is for Young Democratic Alliance, the two main parties in Hungarian party system since 1998.



regions, and have the names Phare CBC, INTERREG III, the EQUAL programme and the EU 6. Framework Programme.

Among the conditions of such a regional co-operation the strategy counts on geography, too. This is why its priorities include partnerships across the border regions, transnational partnerships in which the partners and territories are in one homogeneous geographical territory which contains more national borders.

The priorities are the following:

1. Croatian-Hungarian cross-border co-operation: South-Transdanubian Region with the three neighbouring Croatian counties (Eszék-Baranya, Verőce-Drávamente, Kapronca-Krizsevác)
2. Other partnerships with Croatian territories not being neighbours with the region
3. Partnership with Slovenia
4. Partnership with Friuli-Venezia-Giulia Autonomous Province
5. Partnership with Karinthia, Burgenland
6. Partnership with Bavaria
7. Interregional co-operation with Vienna, Baden-Württemberg, Rhône-Alpes Region, Emilia-Romagna Province, Western Serbia, Bosnia-Herzegovina,
8. Relationships with international organisations and institutions of the EU (Duna-Dráva-Száva Euroregion, Alps-Adriatic Working Group, the Region of Future, Assembly of European Regions, Assembly of European Winegrowing Regions, Committee of Regions, guaranteeing the representation of the South-Transdanubian Region in Brussels)

These priorities show that national minorities could provide substantial help in strengthening and developing partnerships between the above-mentioned territories and our region as they are almost the same nationalities as the partner countries. Minority self-governments can feel and predict that this time they will be involved in the process that is outlined in the strategy. Two points from 17 of the strategy partially contain some roles for minorities. When the first draft was shown to the Council of the Association of Minority Self-governments in April 2004 it contained a number of concrete details, and the strategy-makers asked minorities to give proposals on it. The following session of local government representatives was held in September and the local assembly accepted the

strategy which proved to be one of the first steps in this process. So it is the question of future that minorities will have any chance to take part in “region-making” to make good service for society and to strengthen themselves.

### CONCLUSIONS

Chances of minorities are less in strengthening themselves on the way of regionalisation or without regionalisation as such if we put the whole study in a wider context. Hungary has long had a historically homogenous administration system, no large territories, but having been divided into medium-size administrative units, the so-called counties. Territorial identity is not very characteristic for counties as most of them were created artificially, especially at the time of the two world wars.

Creating regions today is a top-down process, and it has a strong institutional character which could be equalised and completed with other components under the western-type of definition of region to make regionalisation a more natural process which is closer to society. That is why specialities of certain areas have great importance as they can help to differentiate between them and other territories. Surplus in economic terms can derive from special natural resources and industry can be built on them, for example, marble mining or wine-growing; from substantially similar historical traditions consisting of legends and folk customs or from special national and ethnic composition in society which is most characteristic in the South-Transdanubian Region. Keeping old traditions in the region, however, are alive in scattered, remote places of the region and are not connected with the society at large. Therefore, regional identity cannot be a basis for region-making in this sense. Nevertheless, it is to be dealt with it as a neglected factor in region-making because it gives added value to the region even though on a more local level.

Surplus from national and ethnic colourfulness was correctly recognised by the designers of the Foreign Affairs Strategy of the South-Transdanubian Region who have made an effort to include national and ethnic minorities into the process of region-making on the ground of keeping contact and traditions with partner organisations, institutions, or territorial units and regions abroad. Technocratic top institutions responsible for decision making, however, have not yet realised the importance of minorities, neither in their minority values (only

when they acted as national party politicians), nor in being able to constructively contributing to region-making. Therefore, minority life is not prohibited or prevented, but apart from support provided by law decision-makers do not maintain further contacts with minorities. Many think the present situation is a result of EU accession and due to the concomitant constraint of the state to become compatible even on regional level, but change is not yet spectacular. Some years have to pass for visible changes no matter whether they will be positive or negative.

Minorities in Pécs are in a difficult situation. They can enforce their political rights only through entering national political life to gain support from national parties, which naturally involves some dangerous elements-for example, they might loose their original aims and authenticity. Besides, they face European, national and local challenges at the same time and they can only hope that these will yield some positive results in the future. Until then they have a lot to do as regionalism can be a means of their success.