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Hungarian National  
Council of Transylvania  
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# Transylvanian Monitor

minority and human rights watch

## “ALL PEOPLES HAVE THE RIGHT OF SELF-DETERMINATION.”

*(The International Covenant  
on Civil and Political Rights 1.1)*

The 1.5 million strong native Hungarian national community of Transylvania has wished for autonomy for 86 years, as granted by the international treaties which attached Transylvania to Romania. Hungarians of Romania have, as yet, been unable to reach this vital political objective.

The fall of the communist dictatorship (1989) offered a very good chance to establish the autonomy of Romania's Hungarians. Despite the chances offered the political representation of Transylvanian Hungarians has failed to achieve this objective.

An extensive movement to continue the struggle to attain Hungarian minority self-determination in Transylvania was initiated on 1 February 2003.

This movement led to the foundation of the Hungarian National Council of Transylvania, on 13 December 2003.

**As requested by the Hungarian community in the early 1990s, the Hungarian National Council of Transylvania wishes to attain political autonomy on three levels:**

- **Self-government at the individual level ("personal autonomy");**
- **Special legal status for ethnic Hungarians in localities where Hungarians constitute a majority of the population;**
- **Autonomy for the east Transylvanian Szekler Land region (where Hungarians constitute a majority of the population).**

The Hungarian National Council of Transylvania produced draft laws on the aimed autonomy forms (Draft Law on Regional Autonomy for the Szekler Land; Personal Autonomy for Minorities Living in Romania and Personal autonomy for Hungarians of Romania) and submitted them in 2004 to the Romanian Parliament. The parliament refused to adopt the drafts.

These objectives are based on the will of Hungarians in Romania, and they are consistent with the rule of law practiced in European countries, and with bi-lateral international agreements, which protect the national identity of (ethnic) minority communities.

The Hungarian National Council of Transylvania is inclined to reach these objectives peacefully, through the democratic and legal tools within the government constitution, and by a mutual agreement with the majority Romanian population. That is why the Council is promoting the idea of interethnic dialogue. It has been proved by western European examples that long-term stability could only be reached by applying different forms of autonomies on the basis of power sharing, subsidiarity and regionalism.

Transylvania's Hungarians are determined to join Europe in exercising their universal human rights as an autonomous and prosperous community within Romania.

The fact that the National Assembly of Alba Iulia had proclaimed (1 December 1918) the basic principles for both the creation of the new Romanian state and the rights of the national minorities in a single document meant a political guaranty in Romania's judgment. The third point of the Proclamation declares as basic principle: **"Total national freedom for all co-inhabiting peoples."** Romanian historiography considers, the Alba Iulia Declaration the legal base of the formation of the new Romanian state. Nevertheless, in questions concerning national minorities the Romanian state has been pursuing a policy **contradictory** to the initially declared intentions.

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## GENERAL ASSEMBLY

### OF THE HUNGARIAN NATIONAL COUNCIL OF TRANSYLVANIA

In the honour of the 15 March National Holiday of all Hungarians, the Hungarian National Council of Transylvania held a commemorative festive assembly in the central Reformed Church of Szatmárnémeti/Satu Mare, on 11 March 2006. More than 1.500 delegates arrived from various regions of Transylvania to provide a large ecclesiastical, civic and political representation at the Assembly.

The Assembly declared that the jeopardized 1.5 million strong Hungarian community of Transylvania does not want to end up with the tragic destiny of the large German and Jewish communities of Romania which in some decades almost entirely disappeared from the ethnic map of the country. The Assembly initiated a dialogue aiming the peaceful political settlement of obtaining self-governance for Transylvania's native Hungarians - in harmony with the principles regarding coexisting ethnicities as declared by the Romanian Assembly of Gyulafehérvár/Alba Iulia (1918), and in the spirit of the Declaration of Kolozsvár/Cluj as adopted by the representatives of Hungarians of Transylvania (1992), as well as due to the three level autonomy concept included in the Programme of the Democratic Alliance of Hungarians in Romania, which was improved by the Hungarian National Council of Transylvania and the Székely (Szekler) National Council.



*President László Tőkés as opening the session*

The Assembly adopted the Transylvanian Memorandum, and when re-proclaiming the demand for autonomy of Transylvania's Hungarians, the Assembly urged the joining of all forces of the Hungarian national community of Romania.

## TRANSYLVANIAN MEMORANDUM

The Hungarian National Council of Transylvania intends to use all democratic and legal means to achieve the objectives stated below:

### I. Moral Compensation for the Transgressions of Communism

Without squarely confronting the crimes of communism, and without banishing the former totalitarian regime's ideology and practice from all levels of decision-making and the administration of justice, the task of creating a healthy and just society cannot be achieved.

*Accordingly, we urge the implementation of all initiatives, and concrete moral, legal and administrative measures which aim to restore integrity to public life. We expect both the elected and appointed representatives of the Hungarian community to support this purpose with all the power of their public mandates.*

### II. Corruption-Free Public Life, Credible Administration of Justice, Rule of Law

The touchstone to the rule of law is the separation of powers between co-equal branches of government, without subservience by one to the other. This is especially important in the case of the judicial system, whose genuine independence and freedom from political influence remains doubtful even 16 years after the fall of communism.

*We expect the public officials representing the Hungarian community to actively support all democratic-minded forces which work to eliminate corruption and to secure a judiciary free of political influence.*

### III. Territorial-Administrative Reform Based on the Historical Evolution of Regions

To achieve success in Romania's European integration, and the full and efficient use of European funding sources, it is imperative to **rethink the present boundaries of territorial divisions**, taking into consideration the natural development of traditional regions.

*We propose negotiations with the parties represented in Parliament, and with the government. To moderate the discussions, we invite the European Commission's Commissioner for Regional Development and officials entrusted to represent regions before European bodies.*

The current division of Romania into territorial and administrative units does not conform to European standards. **The essential objectives of territorial-administrative reform would be to reverse the excessive centralization of power, and to create regional divisions which recognize the characteristics which emerged through historical evolution.** Effective reform is possible only if the decision-making and executive regional bodies have wide autonomy in the exercise of their powers, and possess the necessary tools to complete their task, in accordance with the European Charter for Regional Autonomy. In addition, reform is acceptable only if it supports the ability of the national community, living either as a numerical majority or minority, to maintain its relative proportion to the population in its native land.

*We urge dialogue with all political parties represented in Parliament to achieve a consensus on the substance and timetable of such reform, with mediation from the President of Romania and with the involvement of representatives of the European Union.*

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#### IV. Equal Status and Strategic Partnership between the Historic Nationalities of Transylvania

**As a historic region, Transylvania needs and is entitled to its own political, administrative, cultural, economic and social institutions.** Transylvania's social and economic potential can best be realized through the multi-tiered implementation of the principle of subsidiarity, in accordance with the European integration of Romania.

*We recommend legislation to mandate regional political parties, and the creation of a regional roundtable to include the various stakeholders in Transylvania. We urge collaboration among the political forces in Transylvania which articulate regional interests and policies, to formulate joint development programs in consultation with the responsible European Union bodies. Furthermore, we urge that Transylvania, as a historic region of Europe, be included in the cooperative network of European regions.*

#### V. Szekler Land (Székelyland, east Transylvania) - Autonomous Administrative Region

Szekler Land - home to almost half of Transylvania's 1.5 million Hungarians - according to historic, geographic, economic and social criteria, and in all other respects, fully satisfies the conditions of a separate European region for both administrative and development purposes. The Székely (Szekler) people, an indigenous community comprising the 76% majority population in the 10,000 square kilometre territory of Székelyland, has articulated the will for, and right to recognition of the special administrative status, the autonomy of the historic region of Székelyland (Lat.: *Terra Siculorum*). The Székely people have displayed and continue to exhibit a high degree of responsibility by using only the tools of representative and parliamentary democracy in their struggle for territorial autonomy. Even though Council of Europe Recommendation No. 1334/2003 considers this administrative formula, which provides for full and real equality, as an effective means of conflict prevention between majority and minority, meaningful dialogue has yet to materialize. Instead, Romanian authorities have rejected every initiative to legislate the administrative autonomy of the Székelyland, disregarding even the reminder of the European Parliament to this effect.

*For this reason, we recommend the commencement of substantive dialogue with the political and intellectual elite of Romanian society, either as part of, or separate from, the larger debate on the division of the country into administrative and developmental regions. We support the goals and recommendations adopted by the Székely National Council. Considering the sensitivity of the issue, and to formulate the appropriate legislation, we deem it necessary for the President of Romania to assume the role of moderator. We further urge the involvement of international bodies, including the European Commission, the European Parliament, the EU Committee of the Regions and appropriate officials from the United Nations.*

#### VI. Legal Framework of Various Forms of Local Autonomy

After 1990, the political representatives of the Hungarian community in Transylvania articulated the following three **forms of community autonomy** to implementation of the principle of self-administration:

- ◆ **territorial autonomy** - for the area where Hungarians comprise the vast majority of the population and live in compact community throughout the region;
- ◆ **local self-government** - for public administration in communities where Hungarians comprise the majority of the population; and
- ◆ **individual-based "personal autonomy" (cultural autonomy)** - for Hungarians living in communities where they comprise a minority.

To realize the principle of "we alone need to decide on matters that pertain only to us," it is necessary that these forms of autonomy be defined in legislation.

Where national communities live as minorities in various parts of Transylvania, to endure and prosper it is vital that the right of these minorities to decide on matters affecting their national identity be **governed by law**.

According to affirmative European precedent, in those local communities where national minorities comprise the numerical majority, the local community is entitled to **separate administrative status**. In cases where several such communities in which the minority comprises the majority are contiguous to one another and form an organic whole, the appropriate solution is to create **an administrative region bearing special status**.

The legislation mandating these forms of autonomy should define the following components of **the institutional structure for autonomy**:

- ◆ **character** (autonomous governing authority);
- ◆ **means of coming into being** (the structure is created on the basis of general, secret and direct vote by the community members);
- ◆ **decision-making powers** (especially with respect to education, arts and culture, and the media);
- ◆ **financial resources** necessary for an operating budget (state and local allocations, local collection of revenue); and
- ◆ **role in public administration**, that is, its relationship with the various levels and bodies of national government.

*Adoption by a parliamentary majority is necessary to finalize the legislation. To help promote consensus, we invite the support and active guidance of the European Parliament's Intergroup for Traditional National Minorities, Constitutional Regions and Regional Languages.*

#### VII. Publicly-Funded Hungarian University - Institutional Autonomy

The large size of the Hungarian community of Transylvania, its social composition, its tradition of academic excellence and the survival strategies it has articulated all demonstrate that the community possesses the right to initiate, operate and control **independent, publicly-funded institutions of higher education**, and to apply for and receive public funding for the private universities operating under the aegis of the historic Hungarian churches of Transylvania.

*We agree with the aims articulated by the Bolyai Initiating Committee and support the concrete steps to realize those objectives, especially the creation of separate Hungarian faculties at the Babes-Bolyai University, and the internal linking of these faculties into an independent institution - the Bolyai University - perhaps as part of a truly multicultural consortium of institutions of higher education. To break the deadlock surrounding this process and the breakdown of negotiations with the university administration, we invite international mediation with the involvement of representatives of UNESCO. Furthermore, we urge the introduction of public funding to support our private Hungarian language universities, and the expeditious formulation of the legal framework to provide such funding.*

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VIII. Actual Restitution of Church and Community Properties:  
Fair Compensation

The positive role of our traditional Hungarian churches in building and sustaining the community is not only a historical fact, but comprises one guarantee for the future of our community. The revival of denominational schools and the operation of church-run charitable and social institutions are telling examples of this social consciousness. This is the reason it is of utmost importance that the **actual buildings confiscated from the churches be returned to them**, or that a **system of fair compensation** be determined. Freedom of religion requires that the state terminate the practice of discrimination against minority churches.

*We demand personal intervention by the government and the Prime Minister of Romania to accelerate and make genuine the return of confiscated church properties. Legislation is necessary to govern the right to operate denominational schools, as mandated in the Romanian Constitution.*

IX. Satisfactory Resolution to the Situation of the Hungarian  
Csángó Community

The protection of the national identity of Hungarian Csángós, guarantees of their right to native language church services, their ability to build cultural institutions, and their educational rights, are all matters of importance not only to the world community of Hungarians, but since the Council of Europe report on the subject, have also become a European question.

*To achieve a satisfactory resolution to the situation of the Hungarian Csángó community, we recommend the initiation of dialogue between Roman Catholic Bishops of Transylvania and Moldavia, in the spirit and of the relevant report of the Council of Europe, and under its auspices.*

X. National Unification without Border Changes

Hungarians form a cohesive national community in the Carpathian Basin, even though the forces of history have made us citizens of various countries. It is the inalienable right of Hungarian communities living outside Hungary to maintain a network of contacts and form a special legal status in relation to Hungarians living in other countries and in Hungary proper. The highest form of such status is **Hungarian citizenship which is not conditioned on residence in Hungary** - an unequivocal and frequent community aspiration.

*We call upon the political leaders and public figures in Hungary to develop the consensus necessary to fulfil this aspiration through legislation, and to adopt such legislation.*

TRANSYLVANIAN HUNGARIAN DELEGATION  
IN BRUSSELS

To explain and to possibly get support for achieving the autonomy forms aspired by the native Hungarian national community of Transylvania - was the aim of a delegation uniting the political, ecclesiastical and civil representation of Transylvanian Hungarians when visiting to the Headquarters of the European Union, in March 2006.

The delegation included Prof Barna BODÓ, President of Alliance of Hungarian Civil Organizations in Transylvania; Deputy-Bishop Béla KATÓ, President of SAPIENTIA Foundation, Senator Csaba SÓGOR, Democratic Alliance of Hungarians in Romania; Zsolt SZILÁGYI, President of the National Council of the Hungarian Civic Alliance; and Bishop László TÖKÉS, President of Hungarian National Council of Transylvania.

Besides others, they met with Elmar BROK, Chairman of the European Parliament's Committee on Foreign Affairs; Wencelas DE LOBKOWITZ, Head of Unit Romania within DG Enlargement of the European Commission; and Hans-Gert POETTERING, Chairman of the EPP-ED Group in the European Parliament.

The dialogue about autonomy forms should be extended to the level of the European Union to avoid double standards: if ethnic minorities in **west Europe** may practice their basic human right for self-determination, ethnic groups in **East-Central Europe** should not be deprived of this.



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**HUNGARIAN NATIONAL COUNCIL OF  
TRANSYLVANIA**  
SZÉKELY NEMZETI TANÁCS

*The Hungarian National Council of Transylvania is a public organisation, which aims at representing the interests of the indigenous Hungarian community through parliamentary structures and means by preparing, sustaining and proposing for approval legal measures to ensure the forms of autonomy demanded by the community.*

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