

STATEMENT

The 50th congress of the Federal Union of European Nationalities (FUEN), which was held last week in Bucharest, is to be considered a prestigious event of Romanian minority display-policy.

News related that speakers praised Romania on solving the situation of minorities in an “exemplarily” way in the last couple of years.

Johnathan Scheele, high commissioner of the European Commission in Bucharest “emphasized the positive aspect that the ethnic problem had not at all been an issue at the accession negotiations” (sic!).

Béla Markó, DAHR-president held a propaganda of success for his party, and – among others – he told, that “1,057 Hungarian place names can also be read countrywide”. He also asked for the support of FUEN to the adoption of the DAHR’s draft on minorities.

At the closing day, FUEN-delegates adopted a decision supporting the aforementioned draft.

Keeping in mind all this, there is a deep anxiety that willingly or unwillingly FUEV – being otherwise known as protector of minority community rights and autonomy of minority nationalities – became an **accomplice** to the basically discriminative Romanian minority policy, furthermore it assumed an unprincipled international authentication of such a policy.

I need to disapprove with this regrettable, basically anti-minority manifestation on behalf of FUEN, but first of all the **leadership of DAHR**, which collaborating and serving the majority power obtained that the minority issue was not on the agenda of the accession negotiations, is to be condemned.

The recent Bucharest congress evokes the minority policy practice of the **Ceausescu-era**. The infamous “Conducator” also declared that the minority question had “exemplarily been settled”, then the ethnic minority marionette-organizations taken as hostages witnessed about the “excellent” situation of minorities followed by the loud applauses of western countries.

This inglorious role of FUEN is in sharp contradiction with my experiences gained about the organization at the 1996 FUEN Congress in Temesvár/Timisoara. It is almost ridiculous that, while monitoring the minority policy of European countries, France, Austria, Great Britain, Germany and others are reprovved – **Romania** is rated to a first grade.

This, of course, could not have happened if the DAHR-nomenclature had not extradited Transylvania’s Hungarians to the Romanian national interests. The “fair and festival” of Romanian minorities, which happened to be held just during the FUEN-congress, however clearly shows that instead of real community self-determination DAHR contents itself with some **folkloristic rights**. Just as the Hungarian-parentage president of the Department of Interethnic Relation stated: “we must show to everyone inside and outside the country that national minorities are intensively present in Romania”.

It is of vital importance, that our Transylvanian Hungarian community rejects the **pact** concluded by the collaborator DAHR leadership with the Romanian power elite.

There is nothing to commute **Hungarian autonomy** with. The draft on minorities cannot replace the autonomy-statutes submitted to the Romanian Parliament in 2004.

Nagyvárad/Oradea, 9 May 2005

László Tőkés
Bishop

President of the Hungarian National Council of Transylvania

The Electoral Law in Romania

Analyzing the prescriptions and implementations of Romanian Electoral Law of 2004, country reports on Romania concluded that the prescriptions of the paragraph regarding the participation of minority organizations at the elections are **discriminatory, anxious and restrictive to pluralism**. In response to the Hungarian Civic Alliance’ April statements regarding the Romanian Electoral Law, MEP Kinga Gál submitted a written question to the European Commission regarding the equal chances of minority Hungarian parties at the local and national elections:

In Romania general elections will take place on 28 November 2004. The Law on General Elections was published on 29 September 2004, including the same discriminatory provisions regarding the conditions of run for elections of minority organizations as the ones in the Law on Local Elections.

The recent Regular Report on Romania criticized the provisions of the Law on Local Elections, and the procedures of the authorities having placed “considerable administrative obstacles on the registration of alternative political organizations of the national minorities for the elections”, which resulted in the exclusion of a minority organization from running for local elections.

Recently I have been acknowledged about the discriminatory decision of the Romanian Central Electoral Committee and the regrettable measures by the authorities preceding it. As a consequence the Hungarian Civic Alliance was excluded on 25. October 2004 from running for general elections. The decision of the Romanian Central Electoral Committee was preceded by an unusual procedure of the Prosecutor’s Office, as well as interrogation by the police and intimidation of those who signed the required list of this organization. According to some members of this committee it should have been verified whether the possessors of the Romanian names indeed exist and whether they have declared themselves Hungarian in the census of 2002 (Romanian Daily Adevarul, 21. October 2004).

I kindly ask you to pay special attention to this recent case of discrimination, since it is a showcase of an anti-democratic and anti-pluralistic measure. No matter whether it is a Hungarian, Romanian or other minority organization, such kind of discrimination and intimidation shall simply not be tolerated in Europe under any circumstances.

Please, do inform me about the possibility of various measures to be taken in order to dismiss the present situation and to prevent the occurrence of similar actions in the future.



**DOMESTIC AND INTERNATIONAL EXPERTS
DISCUSS AUTONOMY
AT CONFERENCE IN NAGYVÁRAD/ORADEA**

Autonomy, collective self-government is the only chance for survival, stated Bishop **László Tőkés**, President of the Transylvanian Hungarian National Council at an international conference held in Nagyvarad/Oradea on May 20, 2005.

European governmental, non-governmental and academic experts participated in the conference organized by the Council and the Hungarian Pro Minoritate Foundation.

Tőkés drew a parallel between self-government for the community and religious autonomy, recalling that it was the latter which offered an alternative to the state ideology under Communism.



Bishop Tőkés is opening the conference

Zsolt Németh, chairman of the Hungarian Parliament's Foreign Relations Committee, commented that according to one view, Europe belongs to its citizens and it is the task of states to make citizens feel at home on the continent. In contrast to this is another view which holds that Europe consists of its member states and citizens can only feel allegiance to their given state and some fictive European ideal. "Those who choose the first view cannot reject dialogue on the subject of autonomy, including territorial self-determination either.

Smaranda Enache, human rights activist and co-chairman of the Transylvanian Pro Europa League, said that the key players in Romanian politics do not have their own position on the question of regionalism thereby giving the false impression that this is only an issue for the ethnic Hungarian community in the country. Enache emphasized the need to decentralize public administration along with the importance of debating concepts and needs within the Hungarian community itself. For example, does the Hungarian community want cultural or territorial autonomy, and dual citizenship with Hungary? It should be made clear that in the case of the first two, the Romanian government is the negotiating partner, while in the case of the latter, it is the Hungarian. "The leaders of the Hungarian community need to realize that their prime partner to achieving their aspirations are Transylvanian Regionalists. So long as they consider Budapest their sole partner, it is difficult to make the subject of autonomy part of Romanian public debate." Several experts commented on the Minority Protection Bill submitted to the Romanian Parliament by the Democratic Alliance of Hungarians in Romania (DAHR).

Gabriel Andreescu of the Helsinki Committee enumerated that the bill is neither the sole domain of DAHR nor the government, but belongs to all of Romanian society. In his opinion, the bill's provisions are at odds with the fundamental principles of democracy as they espouse "ethno business." The bill bears the imprint of a rushed job and discriminates against those minority communities which do not currently have parliamentary representation.

Tibor T. Toró, DAHR parliamentary representative expressed a similar opinion stating that the bill does not validate

the principle of subsidiarity as it entrusts the election of minority candidates to one of the contenders.

Political Scientists, **Miklós Bakk** objected to the fact that the bill does not initiate structural changes in the areas of culture, education nor mass media. Rather, it entrenches the monopoly of leading minority organizations as public law. In addition, it seeks to establish cultural autonomy by means of centralization. The reasons for this is that DAHR does not want to destroy the consensus which has become a pillar of Romanian political life and by which the current parliamentary forces prevent other formations from gaining access to the legislature. According to Bakk, it's not the strengths of the bill but rather its deficiencies which give it a chance for adoption by the Parliament.

Marian Mandache, lawyer, representing the Romani C. R. I. S. S. Roma organization, called the draft discriminatory.



Domestic keynote speakers

Jenő Szász, president of the Hungarian Civic Alliance concurred, adding that action by the Hungarian state is indispensable to achieving Hungarian aspirations in Transylvania. Szász emphasized the importance of creating a unified autonomy codex which incorporates the needs of the Székely region (east Transylvania) as well as other aspirations for self-government. All participants agreed that the bill, in its current form, should not be adopted by Parliament.

Kinga Gál, Hungarian member of the European Parliament announced that it will shortly adopt a document that mandates closer attention to the situation of traditional national minorities.



International keynote speakers

Franz Matscher, member of the Venice Commission, was not optimistic that membership in the EU will result in an immediate positive change of opinion regarding autonomy and minority rights.

József Komlóssy, European Parliament expert, called attention to the fact that by now members of the EU do not face inter-state conflicts rather inner-state ones.

UPDATE ON PROPERTY RESTITUTION:

Incorrect Title Deeds, Cut Down Forests, Appropriated Properties

May 26-27, the Western District of the Hungarian Reformed Church (Királyhágómellék) organized a two-day conference in Nagyvárad/Oradea on the status of the return of properties confiscated from churches under Communism. In addition to the participation of the historic Hungarian churches, representatives from the Jewish, Greek Catholic and Romanian Orthodox religions also reviewed developments since the last reckoning in 2001.

Participants agreed that by acting together they may accelerate the pace of full restitution in Romania. Expectations of the Tariceanu government are particularly high since amendments to the relevant law have been promised. Some believe that in the 15 years since the change of regime, the country's leadership has never really dared nor wanted to resolve this pernicious communist legacy: the law governing religious property restitution was made for foreign consumption, but its circuitous application has to be dealt with domestically. The churches have in reality regained actual use of only a few properties from the state and even those are in dismal condition. Obstacles abound in the bureaucratic maze, which makes difficult regaining ownership of these former church buildings and lands.

In their joint concluding declaration, the religious denominations again call upon the European Union to condition Romania's 2007 accession contingent upon "restitutio in integrum," that is, full religious property restitution.

In his introductory remarks, host Bishop László Tókécs affirmed that the churches do not want to obstruct European unification but are merely struggling for their rights. That which could be taken away in the 40s with the stroke of a pen, in the 15 years since the downfall of communism, has had to be sued and fought for.

Each represented institution gave a detailed accounting of its denomination's current restitution status.

Ottó Lőrincz, deacon, presented the balance sheet on behalf of the Nagyvárad/Oradea diocese of the Roman Catholic Church. Vatican II establishes that the role of the church is to embrace and encourage public good, justice and the humanity's most downtrodden; to preserve order. The Church and other churches utilized their assets for the promotion of this holy goal as autonomous, self-governing units. That is why it is important that religious denominations in Romania be able to once again have possession of their assets. In accordance with Law 501/2002, the Oradea diocese submitted claims for 141 properties of which it has gotten back 27 – on paper only. Most of the properties are being used as homes, schools and medical institutions today as well. The fate of the following important properties is still uncertain: the Partenie Cosma School and the Bihar/Bihor County School Superintendent headquarters, which currently house the State Philharmonic and a clinic. The diocese has had several run-ins with the city Property Management Company which demands reimbursement of expenses for certain school buildings. According to Ottó Lőrincz, equality does still not prevail today.

Károly Veres spoke on behalf of the Hungarian Reformed Church's Transylvanian District, which has requested the return of 628 properties. Of these, they have received 86 properties on paper; actually occupy 16 and, in 14 cases, the affected local councils have sued the Special Restitution Committee for returning the buildings to their rightful owners. So far, the Church has spent 265 million Lei in legal costs. In the case of the Protestant Seminary in Kolozsvár/Cluj, the battle is for one room. Veres focused on the plight of the Bolyai College in Marosvásárhely/Targu Mures in which case legal action has reached the Supreme Court. Demonstrations, joint efforts have been organized on behalf of this significant institution and the Church is hoping that the powers-that-be will heed the message of U.S. House of Representative's May 23 resolution urging full, fair and prompt religious restitution in Romania.

Lőrinc Mikó spoke about the Unitarian church's properties. They have received 28 of 84 building on paper. Although the Unitarian church had never lost title to the Brassai High School in Kolozsvár/Cluj, they could only *de facto* regain it by means of a government decree. The church has several ongoing lawsuits, especially with the Cluj local government. Although, according to Mikó, Mayor Emil Boc assured the Unitarians that these suits were mere formalities, the city council did in fact appeal court decisions made in favor of the church. Another issue of concern is the fate of 70,000 books which were confiscated from their church and of which they have not received one. Of the five ecclesiastical objects that were confiscated in 1971, four have been returned to the rightful owner.

The Szatmár/Satu Mare diocese of the Roman Catholic Church stands poorly with merely 12 properties approved by the Special Restitution Committee out of 189. In addition, one property in Nagyvárad/Carei and one in Szatmárnémeti/Satu Mare were returned to them by government decree. Legal Counsel for the diocese, István Balogh, added that they have lost title to one of these building because of an erroneous entry in the registry and have now requested it again. The following building were returned to them: a school in Szinérváralja/Seini, four buildings in Nagyvárad/Carei, their two schools in Szatmárnémeti/Satu Mare, an orphanage, a hospital and their old Piarist high school. According to Balogh, it is in the interest of the local governments to retain confiscated buildings on behalf of the institutions housed in them. The diocese has not gotten back any of the 300 hectares of land for which they submitted a claim. They are still compiling data in the diocese, which was without an archbishop for a while, and would like to take advantage of the law once it is amended. Since the restitution process is slow, finished Balogh, they count on Members of Parliament for assistance.

Rev. Attila Mátyás painted a very bleak picture of the Evangelical Lutheran Church's situation. Without income from their properties, they've had to rely on foreign support for 75 percent of their budget. They've been deprived of their right to self-determination and instead the state tries to influence their activities through grants, subsidies and wages for ministers. Thirteen of 19 requested properties have been returned on paper in extremely poor condition. They have no access to 278 hectares of forest in Brassó/Brasov County, yet half of the trees have already been cut down. "What can we do," asked the minister. And was the registry error in the case of their Nagyvárad kindergarten, which Church officials caught in time, truly accidental, posed open-endedly Mátyás.

Aurel Popescu of the Temesvár/Timisoara Romanian Orthodox Archbishopric said that his presence is first and foremost a show of solidarity towards the other denominations. A well-known, progressive spirit dominates in Temesvár where Orthodox, Unitarians and Protestants have always honored each others' traditions. Solidarity is called for now, as well, in God's name, said Popescu. His diocese has received half of 28 buildings requested from the state; the fate of their lands and forests is uncertain.

Florin Jula of the Greek Catholic Church in Nagyvárad/Oradea was impassioned in recounting the 10-year struggle his Church has faced in regaining the Bishop's Palace. The ongoing battle with the resident county library has reached preposterous proportions, with Greek Catholic youth physically removing the contents of the library. One of the failings of the church restitution law, pointed out Jula, is that it only addresses properties in the possession of the state. Therefore, the Greek Catholics cannot regain the churches used by the Romanian Orthodox Church. Sentiments run high in many localities because of the inter-denominational dispute. In Balázsfalva/Blaj and Nagyvárad/Oradea, the Greek Catholics have gotten back one property of 1,200 and 400, respectively.

Péter Stern spoke on behalf of the Jewish community in Nagyvárad which has been decimated and which, before the Holocaust, was the driving force of development in the city. The community has gotten back two schools in the city.

Abbot Rudolf Anzelm Fejes from Nagyvárad/Oradea spoke about the difficult legal situation of Roman Catholic orders in struggling for their once property.

Secretary General Friedrich Gunnesch, representing the Saxon Evangelical Church, said that local governments do everything in their power to hinder restitution. Since 70 percent of the Saxon minority emigrated from Romania after the change of regime, the community is no longer self-sufficient. Therefore, the remaining 140,000-strong German minority needs the use of their former properties in the well-known Saxon localities of Transylvania. The community has requested the return of 680 buildings nation-wide, and received back 20 on paper. They have 140 ongoing lawsuits. Gunnesch demands that the Romanian government finalize full restitution by the end of the year.

The participants welcomed House Resolution 191, which the U.S. House of Representatives unanimously adopted on May 23. Congressmen Tom Lantos and Tom Tancredo were the original sponsors of the measure which calls on the Romanian government to accelerate religious property restitution and specifically draws attention to the 2,140 properties confiscated from the four historic Hungarian churches.

On the second day of the conference, attention shifted to the international aspect of religious property restitution with the participation of Tamás Papp and Péter Józsa representing the New York-based Hungarian Human Rights Foundation, Tibor Fedor of Hungary's state Church-Property Department.

The government did not send a representative in the discussion.

STATEMENT OF THE HISTORIC CHURCHES IN ROMANIA

Oradea, Romania, May 27, 2005

In view of the fact that:

- the Romanian authorities to this day have not resolved the return of confiscated church properties,
- the European Commission in its assessment of Romania emphasizes the importance of the restitution of the confiscated church properties (COM(2004)0657-C6-0150/2004),
- the official reports of the European Parliament place special emphasis upon the unresolved situation with respect to the confiscated properties, requesting resolution of the issue as soon as possible (A6-007/2005),
- the Joint Committee of the European Union and the Romanian Parliament in their statement issued in Bucharest urges the resolution of the situation with respect to the confiscated properties,
- since without assuring property rights, basic elements of the rule of law are not being fulfilled, Romania at the present moment is not meeting political conditions for joining the Union, even though the "Copenhagen criteria" require compliance with the principles of the rule of law,
- without resolving the property rights issues, Romania cannot become a full-fledged European country,
- the Romanian government has committed numerous times to the European Council, the European Union and other international forums to return confiscated church properties,
- the religious communities have been denied their basic legal rights and their right to exercise their religious freedom has been limited for many decades.

We, representing the religious communities signatory to this statement:

1. Reaffirm our position expressed in 2001 and request the European Union that it require as a precondition to accession that the church properties be fully restituted.
2. Welcome passage of the United States Legislative Resolution on May 23, 191/2005, which calls upon Romania to return the confiscated church properties.
3. Request the Romanian government that:
 - based upon the concept of "restitution in integrum" it modify the laws in such a manner as is prescribed by Resolution 1123/1997 of the European Parliament's General Assembly;
 - it modify the present laws in such a manner that the properties returned to the churches be only used by government institutions, not for the current five-year period, but a one-year period;
 - provide for reasonable compensation or establish the rental rates for church properties being used by government institutions at fair market value;
 - terminate the practice, according to which, properties confiscated after 1940 the churches are required to pay for the value of work performed on those buildings;
 - require the local authorities that they cooperate and provide to the churches all those documents which are required to execute the decisions of the National Restitution Committee, not raise legal obstacles against the implementation of the decisions, and raise the prospect that those who oppose restitution will be held accountable for their actions;
 - streamline the process based upon which the National Restitution Committee operates.
4. Request the government's central institutions, the government, and the local authorities, terminate the

current negative discrimination against the minority churches.

5. Request the European Commission, the European Parliament as well as the United States Government and Congress, that they follow closely the process of returning church properties, the free exercise of religion as well as the equitable treatment of religious communities.
6. Express our solidarity for the suffering endured by all religious communities during the Fascist and Communist regimes, and express our conviction that in the process of restitution and gaining possession of the property there is no place for discrimination between the various religious communities.
7. Request the Romanian state that they accept responsibility for all injustices and criminal activity committed during the Twentieth Century.
8. Ask the Romanian Parliament, the parliamentary parties, and the government that it conclude this year the restitution of all such properties confiscated by the Communist regime, and that the law pertaining to religions not prevent the full restitution of church properties.
9. Express our intent that we will regularly inform the European Union and the international Euro-Atlantic organizations regarding the status of freedom of religion, especially regarding the process of restitution.
10. Call attention to the danger that, in the event of the delay of the restitution, the European Union may postpone for at least one year Romania's accession to the European Union.
11. Ask the Romanian Parliament, that it provide for the necessary budget to assure annually the funding needed for the process of restitution (maintenance costs, the costs of leasing or building facilities that will be substituted for the buildings subject to restitution, etc.)

On behalf of the Julia Alba Roman Catholic Archdiocese
Dr. György Jakubinyi, Archbishop

On behalf of the Satu Mare Roman Catholic Diocese
Jenő Schönberger, Bishop

On behalf of the Lutheran Church
Dezső Adorjáni, Bishop

On behalf of the Augustan Confession Lutheran Church
Dr. Christoph Klein, Bishop

On behalf of the Greek Catholic Church
Florin Jula, Administrative Executive

On behalf of the Banat Orthodox Archdiocese
Aurel Popescu, Archbishop's Administrative Executive

On behalf of the Unitarian Church
Dr. Arpad Szabó, Bishop

On behalf of the Királyhágómelléki Presbyterian Church
László Tökés, Bishop

On behalf of the Oradea Roman Catholic Diocese
József Templfi, Bishop

On behalf of the Transylvanian Presbyterian Church District
Géza Pap, Bishop

On behalf of the Várad-hegyfők's Premonstrant Canon Order
Anzelm Rudolf Fejes, Abbott, Provost-prelate

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