

# Legal and Diplomatic Aspects of the Romanian-Hungarian Relations

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## Summary

**Keywords:** : Romania, Hungary, Trianon, bilateral affairs, legal framework, ethnic minority rights, European integration

Issues such as ethnicity, rights of minorities, legislation on minorities seem to be still of great interest irrespective of the studies published on this topic. Indeed, if such a subject is related to the long-lasting evolution of the relation between two states, then we are also given an insight, at least partially, into some current aspects though not always openly recognised. The challenges of living in a mixed society, daily interaction, the existence of a discourse differentiating individual behaviour from that of the community and the political approach of this topic within Transylvania are the major arguments which led us to embark on such research. Moreover, we can add the expectations based on the behaviour of the two state-actors, Romania and Hungary, as to both their own ethnicity and the minorities living on the national territory, as well as different views on what we call 'the rights of the minorities'.

Beginning with the dispute on the history of Transylvania, both sides rely on a number of arguments, each claiming to have rights of taking legitimate possession of this region. Theories are conceived to serve each side's interests, therefore any argument becomes a weapon in a 'fight' which appears to have never ended in spite of international treaties. For Romanians, Hungarians are the migrants who conquered a territory with a long history, which did not entirely belong to them. For Hungarians, the seduction of the theory of migration according to which Romanians set in Transylvania only later after the Hungarian conquest is as powerful as the theory of continuity for Romanians. For each side involved in the conflict, justification is enough and generates stereotypes, victimization or attitudes about the superiority of one nation over the other.

Two neighbouring countries, two nations, two majorities and minorities would have been expected to cooperate efficiently given their long, close history, promoting a model of mutual support and cooperation. In fact, the peaceful periods of time during which mutual understanding is put at practice alternate with those of tensions and conflict. What we wished to identify from the perspective of three historical periods, is the existence of a so-called 'red thread' in the relation between the two actors from. We did not ignore the national and international legislation on minorities, for all the three periods chosen, in order to see if the

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existent laws allowed not only the survival but also the development of an ethnical community.

After the First World War a genuine 'cat and mouse' game is played by both nations, a game whose aim is the survival of the two nations. Obviously, for the Hungarians, the position of the defeated gives rise to a series of hardships and huge dissatisfaction. Thus, they are considering a number of solutions, many of them impossible to apply, intended to recover the injustice they suffered. Their actions managed to place an unfavourable light on Romania on the international stage but also to influence the internal state of affairs regarding the situation of Hungarian minorities. The relat between the two states has been altered by such an attitude. However, the Romanian government has managed to protect its interest internally (imposing its own administration and its own official language) in spite of the pressure coming from the outside.

The end of the Second World War marks a significant change in the relation between the two countries. Preoccupied from the start with obtaining the Soviet benevolence and using its influence as an argument in the relation with the other part, the situation becomes very vulnerable between Romanian and Hungary. The periods of apparent calmness, given by their belonging to the same political-military structure (in which the minority issue is present but with the recognition of the official authority of that respective state), alternated with periods of tension regarding aspects such as the situation of minorities, the assumed vision on the history of Transylvania, the orientations of external politics. The evolution can be described as a negative one, of continuous degradation of the relation between the two states marked not only by the change in the orientation of Romanian politics, but by the influence Budapest plays in relation with the Hungarian minority in Romania. The lack of common economic projects, which may have co-interested both parts, also affects the relationship between the two state-actors.

The fall of the Communist regime in Romania may be expected to bring a change in their relation as both nations experience now freedom of choice and speech. But how do the two nations choose to follow their interest, two states governed by common interests but separated by a long-lasting historical rivalry? The common way on which they start together, their common wish to become members of European Union and NATO, as an alternative to the former political structure they belonged to (but far from Moscow's influence), imposes new rules. Will Hungary manage to impose its point of view, will it succeed in bonding more

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with the Hungarian community in Romania to offer its support or will it have to give up in front of the Romanian diplomacy? As far as the protection of ethnical minorities, Hungary's position is more firm and sound, the officials from Bucharest understanding rather late such an attitude and its implications.

Although there are a number of research papers on this topic of the Romanian-Hungarian diplomatic relations as well as on the legislation on the protection of minorities, most of them focus on limited aspects and on short periods of time. Considering this, we have designed an approach which aims to identify both the general lines and characteristics describing the behaviour of the two actors in an attempt to identify patterns and further on conceive alternative scenarios in dealing with such issues. What is more, the analysis of the legislative situation in the field of minorities is likely to reveal the view of the Romanian state regarding this issue and the persistence of certain models.

We consider our research essential in the context of the recent evolutions in the European space, the public discourse of Budapest, the orientation of Bucharest, the potential of the direction of regionalization and of the newly-created geo-political situation. At the beginning of the 20th century the concept of minority is defined as 'an abstract notion, which does not involve the existence of determined traits, but a judicial connection whose meanings vary according to the importance and prejudices attributed in a certain epoch and within a certain geographical space. (Jacques Fouques Duparc 1922)

Since the beginning of its existence as a state, Romania has been conditioned by the minority issues. After the Congress from Viena from 1815 a number of rights regarding the Christian minorities (especially the Jewish) have been allotted. For Romania, the years of 1856 and 1858 are important because the Conferences from Constantinopol and Paris aim to solve the Jewish problems.

Perhaps what affects most the minorities issue is its globalization. (Jacques Fouques Duparc 1922) Therefore, the states need to admit both the international quarantees comprised in international documents and the obligation to assure the protection of minorities through their own laws (such provisions regarding minorities from Treaties are under the quarantee of the League(Francesco Capotorti 1991). The mechanism of protection designed consists of three types of instruments, with compulsory judicial value (Ion Diaconu, 1996), provisions regarding minorities being part of the Peace Treaties with four defeated countries (Austria, Bulgaria, Hungary, Turkey, but not Germany), special treaties regarding the protection of minorities

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with the newly-formed states or which reunified their territory (Poland, Czech Republic, Romania, Greece) etc. Such provisions regarding minorities aimed at assuring equality in front of law, maintaining their own identity, participating at the public life and avoiding forced assimilation.

Obviously, the division of historical Hungary had a major impact on Hungarians from Transylvania, which brought about the loss of its dominant position but also the romanization of the state institutions and of public administration in Transylvania. The fact that in 1923, the Constitution adopted did not contain certain provisions anymore, which assured certain collective rights according to Hungarians, increased the anxiety of this ethnical minority (Gidó Attila, Horváath István, Pál Judit, 2010). However, this community succeeds in developing specific structures whose existence is facilitated by maintaining a great deal of previous positions in various fields, in spite of what is perceived as an assault of the Romanian population towards urban centres, which had been mainly populated by Hungarians till then (Gidó Attila 2010).

In this entire period, a number of distinct projects are brought into discussion, projects aimed to 'save' the Hungarians. We are considering here those related to an autonomous Transylvania, let us call it a compromise between 'the ideal of a Big Romania and the principle of territorial integrity of Hungary'. Other projects aimed at various degrees of autonomy within the Romanian state (Gidó Attila, 2010) (from cultural autonomy to a representation of the state only by the prefect, the rest of the administration being Hungarian). Such projects consider a Romanian-Hungarian compromise in order to deal in a correct manner (according to Hungarian leaders) with Transylvania issue, but their objectives are in contradiction with Romania as a national state, unitary and indivisible; paradoxically, Bucharest acts similarly to dualist Hungary within this space, with the difference of building now the Romanian state<sup>1</sup>(Gidó Attila, 2010).

In all this period, the Romanian state tried to adapt to the de facto situation so as not to be accused of disrespecting the rights of minorities but at the same time attempted to promote and impose its own interests and thus discourage centrifugal tendencies.

Regarding the diplomatic relations, Romania felt the immediate need of security. Unfortunately, rivalry in the region, divergent interests of the dominant powers, the weakness of NATO system but also the internal weakness of the state, led to a partial materialization and then to the fall of the system imagined by the politicians from Bucharest. The difficulty of

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the Romanian-Hungarian dialogue is also increased by the military action and occupancy of Budapest, as an answer to the actions initiated by Bela Kun. This political, economic or social confrontation between the two sides have consequences in the long run. The atmosphere which characterizes the mission of the British diplomat Sir George Clerk in Budapest in his attempt to solve the Romanian-Hungarian conflict is a tense one.

Memorandum that aimed the objectives of Hungary in foreign policy, for the one who inspired - Admiral Horty - Romania being the most important enemy of his country sale (Alexandru Ghişa,2003).

More generous on the establishment of the communist regime, their legislation will pursue the political vision of communist leaders, despite the assumed international obligations (in accordance with the practice of other states), to minimize this issue, with direct effects on the situation of the Hungarian minority. Even if the vision on minorities was a unified one, we cannot speak, at least at the beginning of the communist regime about a single standard.

The desire to minimize this issue was also reflected in the reduced number of documents regarding the minorities issue. Bucharest was visibly uncomfortable on the subject of minority rights, issue raised by the Hungarian state and the international community, starting from the perception of compliance with human rights in Romania. Seclusion, closing, turning inward failed to bring the expected results. Failure to directly approach this complex matter, distinctive positions of both Bucharest and Budapest, refusal of both parties to consider the other's arguments led to the increase of tension and the placing on almost irreconcilable positions.

Regarding bilateral relations, beyond ideological affiliation, they were defined by the interest for the situation of Hungarian minority in Transylvania. The opening of Romania to the west, establishing political and economic relations favorable to the Romanian state with Western states, asserting the Hungary proximity to Moscow made the dialogue between the two sides to be unsteady and inconsistent. At least in the 60s and 70s, the perception of Hungarians is that of abandonment from Budapest, before the increasingly harsh measures of centralization and homogenization, measures affecting all Romanian citizens. The fact that these measures are felt more acutely by the Hungarian community is due to its reporting to a language, tradition and culture, considered to be different from the majority.

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The 80s brings the instrumentation of nationalism as a factor of mobilization, loyalty around the communist party, but also as an alternative discourse to a reality that begins to be marked by the economic crisis. It is also the time when Hungary loses its shyness and begins to raise the issue of ethnic Hungarians and successor states, step by step managing to internationalize its dispute with Romania. Change of guard from the head of the Hungarian state, the occurrence of Károly Grósz instead of János Kádár brought the exploitation of nationalist current in Hungary, too. Basically, the regime in Budapest applies the script of political survival (and so does Bucharest), directing Hungarian nationalism to Romania, to overcome the difficult living conditions in Hungary.

During this period, it becomes a habit for the Hungarian side to take advantage of every meeting in order to address the issues of minorities (the head of the Romanian state had to meet this challenge through a speech rejecting the right of other parties or governments to deal with the national problem from another country). Constantin Dăscălescu, Romanian Prime Minister, who was in Budapest for negotiations asserted the Romanian position - Hungarians in Romania are Romanian citizens of Hungarian nationality, position that would remain unchanged until the fall of communism.

Unavoidably, high level meetings raise the Hungarian minority issue, this topic being approached almost every time by the Hungarian side. Bucharest has difficulty in tackling this subject, showing an uncompromising, immobile attitude. Concessions are hardly reached.

For Budapest, it is the moment when new behavior becomes present, and met after 1989. Public discourse is a tough one, but in the face-to-face meetings, discourse nuances, it becomes flexible, sometimes propitiatory, and then, reappearing in the public space to resume the previous theses. Politicians in Budapest successfully learn to use delay, digression to avoid expressing a clear point of view in direct relationships. International public opinion, sympathy of various chancellors begin to be used successfully in the dispute with the authorities from Bucharest. What was a friendly and helpful tool once, now turns against them, Romanian politicians facing with a change in the rules of the game in which who adapts, survives.

The fall of communist regimes in Central and Eastern Europe in the early '90s causes significant changes on the geo-political plan. The legislative framework for the protection of minorities is becoming more generous, but it seems not to satisfy the Hungarian community that insists on the idea of a politico-territorial self-determination.

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Concerning the bilateral relationship between the two countries, although the Treaty of Trianon is valid, we noticed the alternation of some periods of relaxation and tension. In this relationship, it seems sometimes that some areas can ensure cooperation (economic, military, etc.), like before 1989, and the political factor is an obstacle causing tense moments. Perhaps the factor that mostly distanced the two sides even more (till signing the Treaty) is the nationalist rhetoric. Hungary rediscovers ties with the Hungarian minority in Romania, Romanians relive the anguishes caused by the perception of a direct threat to the nation. Political parties from Romania fully exploit this situation. UDMR requires a true monopoly over the political representation of the Hungarian minority, the argument being that of the loss of parliamentary representation for dissidence, knowing how to reward the loyalty of voters through promoted measures, as an exchange of political support for governments.

The process of integration into NATO marks the beginnings of a new type of relation between the two sides. Hungary, aware of the advance that it holds, adjusts its tone, sometimes trying to impose its point of view, being conciliatory or hesitant at other times, but consistently supporting the Hungarian community in Romania and contributing decisively to shaping its future. Quite often we can see a restrained tone in the bilateral dialogue, but directly related to ethnic Hungarians to support and encourage them, in spite of some official positions carefully taken.

Hungary tries to exploit its position in relation with Romania. The State Law of 2002 created tension in the region, affecting all the states whose territories the Hungarian minority was living in. Reactions, including those of the European Commission, saved Hungary from a slippage which may have had disastrous consequences in relation to its neighbors, although the law itself was of no benefit to its recipients, the existence of a document – 'Hungarian certificate' mainly bothered the Romanian authorities. A Memorandum of implementing the State Law is signed after intense discussions between Romania and Hungary.

The intention of the Hungarian authorities to grant dual citizenship to Hungarians living outside Hungary's borders, generated new tensions. Although the measure regarded a 'symbolic reunification' of the Hungarian nation, it also had a political implication.

Joint meetings of government served as a solution to improving the relationship between the two sides. They allowed a direct dialogue on all hot issues debated not only by prime ministers but also by ministers whose activity was affected by aspects of divergent issues. The progression of the dialogue was also influenced by moderate orientation or



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national-populist attitude of the governments in Budapest. Budapest often aroused discontent with the Romanian part, either as a result of its statements or of the way it understood to act in Transylvania. Private visits turned into events in order to encourage what the power from Bucharest considered territorial autonomous tendencies, while the official meetings revealed the existence of a more restrained tone.

It is hard not to notice the enthusiasm and determination of Budapest, in contrast to the attitude of the Romanian party often undecided. Obviously, we can observe a lack of consistency in the creation of an integrated approach in the case of Romania, but also the complications of an internal political life with immediate effects on Romania's regional or bilateral approaches. For Budapest, the situation of Hungarians abroad is of constant interest. Different are maybe only the visions that integrate ethnic Hungarians beyond the borders of Hungary, from those who support a maximum frame of the rights that can be acquired and applied in the country where the minority lives up to those who claim a status of independence or even an achievable project of a new comprehensive Hungary. By contrast, Bucharest's position towards the Romanians living in Hungary is modest and unconvincing.

What has ensured the success of Hungarian foreign policy is of wide interest. The answer concerns not only the well-defined objectives of the Hungarian foreign policy, but also the converged objectives, the lobbying activity of western Hungarians, showing consistency and continuity. The restitution of properties belonging to minorities or religious cults and equal rights are just two examples of objectives for which Budapest campaigned in order to impose mandatory conditions to be met for the aspiring countries to join the European-Atlantic structures. Another requirement, ubiquitous after signing the Treaty of Trianon concerns the education in Hungarian, the mother tongue being considered a fundamental element of Hungarian identity, irrespective of the historical period, the arguments are the same: preservation of Hungarian identity, the existence of some internal or external rules (Vasile Ciobanu,2007) .

We can state that the initiatives meant to strengthen the European area have been a very good opportunity for Hungarian lobby, aimed at maintaining pressure to target countries in order to settle claims targeting ethnic Hungarian population. Furthermore, the proposal from 2003 for the insertion of some explicit provisions on minority rights in the draft of European Constitution, an initiative supported by EU Commissioner for Enlargement Günther Verheugen is another example of successful Hungarian foreign policy.

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As for Romania, it should be noted the inconsistency and incoherence of Romanian diplomacy, Bucharest's inability to set a 'national objective' even if there are some episodes in which success was clearly a result of a determined attitude, of invincible arguments but especially of domestic stability.

If until 1918 and afterwards there was a basic attitude of construction and consolidation of the national project supported by the communist regime, since 1990 we have been witnessing a genuine loss of this position. We find that integration into the European Union, into NATO is necessary but not sufficient.

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