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THE POLITICAL PARTICIPATION
AND REPRESENTATION OF NATIONAL
MINORITIES IN CENTRAL EUROPE:
THE MODEL OF INTERGOVERNMENTAL JOINT
COMMITTEES BETWEEN HUNGARY
AND ITS NEIGHBORS

Abstract: The paper examines a certain form or regional model securing the opportunity of political participation and representation of national minorities in Central Europe: namely, through the work of bilateral committees established between Hungary and its six neighboring countries (Ukraine, Slovenia, Croatia, Slovakia, Romania and Serbia). The set-up of intergovernmental committees on national minorities is not a Central European peculiarity, since many other states have established such bilateral bodies throughout Europe. Although, in Central Europe the issue of national minority protection has and is a very much debated topic, and the high number of national minority groups residing in CE states secures an excellent framework for analysis. The examined six committees have been established in the 1990s and in 2000s by the treaties on good neighborhood and cooperation or by bilateral treaties on the protection of national minorities. The importance of bilateral commissions lies, in large, in the introduced development that the bodies involve the representatives of national minorities into their decision-making processes, and into the general work of commissions, therefore, securing the opportunity of participation for the mentioned group of people. Necessarily, the effectiveness of minority representation and participation varies in the examined bodies depending on several factors determining the real efficiency of their operation. The article presents the general functioning of bilateral committees on national minorities, focusing on the selected Central European region and on the work of the above-mentioned six committees.

The issue of national minorities and respect for minority rights, in general, is a delicate topic on an international as well as European level. It has to be emphasized that states follow different approaches in their policies towards national minorities, and differing views can be observed at the level of individuals and minority experts as well. Regardless of the attitudes of actors towards national minorities, it can generally be stated that the protection of minority rights is of crucial importance. This is first due to the relatively large number of minorities: in the European Union, for instance, one in every seven Europeans belongs to an ethnic minority or speaks a regional or minority language; and in addition to the 28 official languages of the European Union, there are more than 60 regional and minority languages in Europe, spoken by 40 million individuals. Second, minorities of any kind are among the most vulnerable groups in society, often being in a disadvantaged situation due to circumstances that differ from those of the majority. Although individuals belonging to minority groups are entitled, as is any other person, to respect for their human rights, there is an ongoing debate about to what extent human rights principles can effectively be “translated” to cover the special needs of minorities.¹

In the 1990s, crucial changes occurred both politically and concerning the process of formulating significant documents for the protection of national minorities. Furthermore, in Central Europe (CE) in the 1990s, some states included provisions about the protection of national minorities into their treaties on good neighborliness and cooperation, as well as into other bilateral treaties. However, this was not a new phenomenon in the 1990s, since during the 1940–1950s there were other examples of inter-state attempts at reconciliation, including the recognition of specific minority protection arrangements in bilateral relations (e.g., the Gruber-De Gasperi Agreement in 1946 and the joint German–Danish Declarations in 1955). However, for Central and Eastern European states the conclusion of bilateral treaties in the 1990s was an immense development, not only because the conclusion of treaties promoted a cooperative attitude between the states and relevant actors, but also because bilateral treaties offered an opportunity to formulate minority rights more concretely, taking into consideration the actual situation and needs of the aforementioned group and initiating dialogue with them through a range of methods.

The present article deals with a certain form or method providing the opportunity of political participation and representation of national minorities, as one of the most important

1 See: Athanasia Siliopoulou Åkermark, *Justifications of Minority Protection in International Law* (The Hague: Kluwer Law International, 1997); Kristin Henrard, *Devising an Adequate System of Minority Protection. Individual Human Right, Minority Rights and the Right to Self-Determination* (The Hague: Kluwer Law International, 2000).

requirements for exercising their rights, and securing their “appearance” in the social structure of a given state. The political participation and representation of any group may occur through several methods, as well as on different levels, particularly in multilateral, bilateral (international) or domestic frameworks, focusing presently on the bilateral level of assuring minority participation/representation. It should be emphasized that democratic policy-making and democratic processes presuppose securing the opportunity for all members and groups of society to be represented in the political life of states and to participate in the issues directly affecting them. This aspect may be considered as the general opportunity of political participation and representation, through which persons belonging to minorities have the opportunity to participate as individuals in the policy-making of a given state, for instance through general elections. However, minority groups in most cases are not able to represent their interests as communities equally (compared to the majority), or are not able to participate in decision-making effectively, mainly because these groups are significantly smaller in size. For this reason, special means and procedures should be introduced to effectively involve minority groups in decision-making processes and in the political life of states. As a result, persons belonging to national minorities would be able to decide more effectively about the matters that concern them, as they have more insight and experience with crucial issues and problems related to their groups.

This paper focuses on a particular form of bilateral minority participation and representation in CE that is realized by the intergovernmental or bilateral joint committees on national minorities established between Hungary and its neighbors (Ukraine, Slovenia, Slovakia, Romania, Croatia, and Serbia). The practice of supporting bilateral joint committees on national minorities has not only been developed between the Central European states examined here, but in many countries across Europe, the examination of Central European states is highly rewarding because of the historical and political peculiarities of the region. Moreover, as far as Hungary is involved in these bilateral committees, it has been more plausible to analyze the mentioned committees in more depth. Bilateral committees between the examined countries, similarly to other relations, were established in the 1990s and in 2000s by the treaties on good neighborly relations and cooperation (or “basic treaties”) or by separate bilateral treaties on the protection of national minorities. As it will be highlighted in the following, the main result of bilateral committees on national minorities was not only the fact that these bodies have been established in order to deal with the actual aims, problems, and rights of national minorities, but also that they involved the representatives of national minorities in their decision-making processes. However, it has to be noted that this level of involvement and the efficiency of their

involvement differed in every relation depending on certain other factors, for instance on the policies of home states towards national minority groups, as well as on the nature of relations between the two given countries. In addition to that, the examination of efficiency of the operation of committees is not explained in detail by the present paper.

The Central European Context Concerning National Minorities

The Central and Eastern European region, as already highlighted, serves as an excellent location when dealing with national minority issues. As it is well known, nations and states rarely coincide exactly, and in all countries, many nationalities and minorities reside; even when such minorities constitute only a small proportion of the society of particular states, they are present. In this context, reversing the above statement, the nationals of many nations with a kin-state in Europe also live in different states (home or residing states)—a statement that is particularly true of the examined region, CE. The historical and political events of past decades and centuries have greatly influenced the present make up of CE societies and the majority–minority relations of the given countries. Several ethnic groups or kin minorities² live outside their kin-state, mostly in neighboring countries, yet belong to the same nation as that of the kin-state.³

The often-cited framework of Rogers Brubaker on the *triadic nexus* between kin-states, nationalizing states, and national minorities clearly explains the situation in the Central European region. The triadic nexus and linking between a certain national minority and the nationalizing state in which this minority resides and the “external national homeland” to which the minority by ethnocultural affinity belongs strongly determine the relations between Central European neighboring countries and involves three distinct and mutually

2 The term kin minority was first used in the Venice Commission Report on the Preferential Treatment of National Minorities by their Kin-State (CDL-INF(2001)019-e, Venice, 19–20 October 2001), Historical background, Part A: “The concern of the ‘kin-States’ for the fate of the persons belonging to their national communities (referred to as ‘kin-minorities’) who are citizens of other countries (‘the home-States’) and reside abroad is not a new phenomenon in international law.”

3 On several issues connected with kin-states and national minorities see e.g. Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1996); Kántor, Majtényi, Ieda, Vizi, Halász, eds., *The Hungarian Status Law: Nation Building and/or Minority Protection* (Sapporo: Slavic Research Center, 2004); Osamu Ieda, ed., *Beyond Sovereignty: From Status Law to Transnational Citizenship?* (Sapporo: Slavic Research Center, 2004); Rainer Bauböck, “Dual citizenship for transborder minorities? How to respond to the Hungarian-Slovak tit-for-tat,” *EUI Working Paper* (2010): 1–53.

antagonistic nationalisms. The nationalism of nationalizing states refers to “claims made in the name of a ‘core nation’ or nationality, as defined in ethnocultural terms. The core nation is understood as the legitimate ‘owner’ of the state, which is conceived as the state of and for the core nation.”⁴ External national homelands directly challenge these nationalisms and “assert states’ rights”—indeed their obligation—to monitor the condition, promote the welfare, support the activities and institutions, assert the rights, and protect the interests of “their” ethnonational kin in other states. If ethnonational kin is threatened in the nationalizing state, the nationalist strategies of homelands may be in direct opposition with nationalizing nationalisms. National minorities may be caught between these two nationalisms, also having their own nationalism (i.e., making claims on grounds of their nationality and having a political stance with regard to securing their rights based on their distinct ethnocultural nationality). Brubaker also holds that the classic example of the triadic nexus was interwar East CE, since after the First World War tens of millions of people were assigned to nation-states other than their own, and unprecedented attention was paid to the national belonging of persons, as well as territories.⁵

After the political changes of 1989 in Central and Eastern Europe, numerous minority issues were publicly named and defined. After the collapse of the Soviet Union, nations and national emotions that had been oppressed for a decades were re-evoked. In several states, this also meant that decision-makers with strong national feelings assumed they were entitled to create their own support systems and to provide for their nationals living abroad.⁶ The bilateral treaties that were concluded between European—including Central European—states also incorporated the issues and protection of their kin-minorities living abroad. The regime change initiated, in general, a process of state-building in CE in emerging states that not only defined themselves as non-communist and democratic, but also aimed to establish nation states grounded on national values, history, common views, and other features. The main aim of the political elites in the new states was to establish and legitimize state authority through organized and competitive elections, to obtain recognition as political units of international law, and to assert the sovereignty of the state, as well as ensure national security and stability.⁷ In these newly dependent nation states, it was characteristic and highly significant that the “systems” and society were built on the titular

4 Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996), 5.

5 *Ibid.*, (1996): 4.

6 Patrick Thornberry, *International Law and the Rights of Minorities* (Oxford: Clarendon Press, 1991), 257.

7 Irina Culic, “State Building and Constitution Writing in Central and Eastern Europe after 1989,” *Regio - Minorities, Politics, Society* 7 no. 1 (2003): 38.

nation, and that the majority and the language and culture of that titular nation were promoted and supported by the authorities to a large degree. Therefore, most of the states that declared their independence after the fall of communism and engaged in a democratic transition defined themselves as both democratic (nation) states vesting power in the people (citizens), as well as national states or nation states created of and for the protection of one specific nation. In this respect, state and nation-building in some states resulted in growing disagreement between the majority (the titular nation) of the newly dependent state and the minorities residing in the country, sometimes even leading to hostile attitudes towards minority groups.

These negative feelings of the majority—or rather, of the new non-communist leadership of the new states—were mainly rooted in a fear of minorities as actors with the potential to destroy the “unity” or national characteristics of the newly established states. Furthermore, the former assumed that some minorities with kin-states (mostly neighboring states) were aiming to cooperate with these states to cause harm to or foster separatist goals towards the other, newly created state. Therefore, minorities were often treated as a security threat.⁸ The situation also meant that any kind of support from the kin-states towards their ethnic kin minority residing abroad—even in the form of financial or economic help, expanded citizenship rights, etc.—was regarded with suspicion in the new state and, in most cases, considered to be a form of intervention in internal affairs.⁹ The above-described situation and attitude towards national minorities have not disappeared in the named countries; they still prevail, and to a certain degree define the relations between the countries of the region. It is more likely that the governments of CE states do not openly communicate their concerns connected to the securitization of national minority issues and that their priorities are focused on other political and economic areas.

As it has been mentioned above, in the 1990s CE countries started to conclude treaties on good neighborly relations and cooperation, as well as other bilateral treaties on the protection of national minorities. The documents, particularly between Hungary and its neighbors, which are the focus of the present article, took into account the then-present

8 On the issue see: Dunay, Kardos, Williams, eds., *New Forms of Security. Views from Central, Eastern and Western Europe* (Dartmouth: Aldershot, 1995); Ted Gurr, Barbara Harff, *Ethnic Conflict in World Politics* (London: Routledge, 2000); Kardos Gábor, *Kisebbségek, konfliktusok, garanciák* (Budapest: Gondolat, 2007).

9 Gábor Kardos, “Role for the Kin-states?,” in *Beyond Sovereignty: From Status Law to Transnational Citizenship?*, eds. Osamu, Majtényi, Kántor, Vizi, Halász, Deets, (Sapporo: Slavic Research Center, 2006), 127-137; Constantin Iordachi, “Dual Citizenship and Policies toward Kin-Minorities in East-Central Europe”, in eds. Kántor, Majtényi, Ieda, Vizi, Halász, *The Hungarian Status Law: Nation Building and/or Minority Protection* (Sapporo: Slavic Research Center, 2004), 239-269.

situation of national minorities. The treaties focused on the protection of rights of national minorities living in the neighboring states (or residing states); therefore states mutually provided certain rights for each other's minorities. It has to be noted that in spite of the conclusion of bilateral treaties and of the accepted provisions, the respect and protection of minorities *in practice* highly varied in the examined states, although the examination of this issue should be the topic of another paper.

The Practice and Short History of the Conclusion of Bilateral Treaties in Central Europe

As a precursory remark it has to be noted that the bilateral level of minority protection and the conclusion of bilateral treaties are not novelties due to the end of Cold War, nor are they in practice only followed by CE or Central and Eastern European states. In the 20th century two approaches prevailed in connection with the conclusion of bilateral treaties: on the one hand, this included the establishment of asymmetric agreements on minority protection—for instance, with the winners of the First World War—and on the other hand, these documents were created to manage minority issues.¹⁰ In fact, the minority protection system after the First World War was partially based on the idea of bilateralism; bilateral and multilateral treaties were incorporated into different peace treaties that referred to the establishment of new borders and incorporating the rights of minorities into the newly created states. Disappointment with this system and unsuccessful attempts to pursue it under the aegis of the League of Nations stopped states from dealing with the issue multilaterally, and after the Second World War anti-discrimination measures developed by the UN served as general principles of human rights, and were later used in reference to minorities as well. In the period after the Second World War, states also started to conclude bilateral agreements, as previously mentioned, in order to deal with minority issues. Bilateral agreements were usually named “treaties of good neighborliness and cooperation,” as mentioned above, but the documents are often referred to in brief as “basic treaties.” The notion of a “basic treaty” was first used at the time of the political settlement of relations between the two German states in the form of the Grundvertrag, an international agreement that was signed by the Federal Republic of Germany and by German Democratic Republic in December 1972. One of the crucial issues of the first bilateral treaties was reinforcing the

10 Kinga Gál, “Bilateral Agreements in Central and Eastern Europe: A New Inter-State Framework for Minority Protection?”, *ECMI Working Paper 4* (1999): 2-3.

inviolability of borders and stressing the necessity of international cooperation related to the enforcement of international legal commitments that were incorporated into the former documents (in the Peace Treaties of 1947 and in the Helsinki Final Act of 1975). The newly started process of concluding bilateral treaties in 1991 was initiated by the German–Polish friendship treaty. The background of the treaty is rooted in German reunification, the related need to guarantee the frontiers resulting from the Second World War, and also the need to protect German national minorities in Central and Eastern European countries.¹¹

The next and most significant period in concluding bilateral treaties came after the dramatic fall of the Berlin Wall, when minority issues were awarded far-reaching importance because of political changes. In the 1990s, the content of bilateral agreements exceeded the level of international norms on minority protection by, on the one hand, complementing them, and on the other hand, focusing on specific issues between particular countries. Kin-states of the region, feeling responsible for their nationals living in other states, tried to secure their protection and respect for their rights in residing states.¹²

The other significant reason for initiating bilateral talks at the beginning of the 1990s was that Central and Eastern European states regarded Euro-Atlantic integration as one of the main elements of their success at the domestic and international levels. After 1989, when crucial system-level changes took place, one of the main aims of Central and Eastern European states was to participate in the European integration process. A majority of countries also truly needed to take part in the process of Europeanization; otherwise, they would fall behind other European states and be forced to look for other alliances. One of the major drivers of the conclusion of bilateral treaties between CE states, at least during the first half of the 1990s, was the fact that the EU held it of crucial importance that candidate countries, prior to EU accession, would be reconciled with each other and newly recognize each other's sovereignty and territory.¹³ The conditions for EU accession aimed, *inter alia*, at solving the problematic matters of minorities and other political disagreements. Similarly to the impact of the EU, in the 1990s NATO also forced reconciliation between European countries to some degree through the conduction of bilateral agreements.

Regardless of the reasons, at the European level numerous bilateral treaties were concluded in the 1990s; in CEE, the number was 43 between 1991 and 1993. The most active

11 *Ibid.* (1999): 3–4.

12 See: Vizi Balázs, ed., *Magyarország és szomszédai* (Budapest: L'Harmattan, 2020, in print).

13 Pataki Gábor Zsolt, "Az alapszerződések stratégiai háttere: kényszer és kompromisszum, avagy az euroatlanti integráció lehetősége", *Magyar Kisebbség* 2, no. 4 (1996). <http://www.jakabffy.ro/magyarkisebbség/index.php?action=cimek&lapid=5&cikk=m960403.html>.

states conducting bilateral treaties in this period were Hungary, Romania, Germany, and Poland. However, between 1991 and 1993 treaties were typically signed between countries not having serious disputes concerning national minorities or border issues—when they did, treaties were not signed between them (for instance, Hungary did not sign a treaty at that time with Slovakia and Romania).¹⁴ The majority of bilateral treaties adopted by Hungary and its six neighbors (Ukraine, Croatia, Slovenia, Slovakia, Romania, and Serbia) were also concluded in this period (i.e., the 1990s). With certain states the country has established a basic treaty, as well as a separate bilateral treaty on the protection of national minorities (with Slovenia, Ukraine, and Croatia); therefore, two treaties have been signed between them. In connection with two other countries (Slovakia and Romania), Hungary has signed only a treaty on good neighborly relations and cooperation, and regarding one relation (with Serbia) only a bilateral treaty on the protection of national minorities was concluded.

One of the most crucial “achievements” of the examined treaties has been the establishment of intergovernmental joint committees on national minorities in order to facilitate consultations between the two particular states on the problematic issues concerning the mentioned groups, including the representatives of national minorities. Therefore, joint committees secured the opportunity for national minorities to participate in their work, as mentioned above, thereby making them more or less able to decide, together with other members of the particular committee, about certain matters concerning their community. Bilateral treaties between Hungary and the neighboring countries, as well as concerning other relations, aimed to reconcile interests between parties, and that has been realized not only through the adoption of a binding bilateral documents but also through the work of intergovernmental committees on national minorities. The initiation of bilateral talks was also crucial in the sense that in the same decade it became more and more obvious that multilateral solutions concerning reconciliation in CE were probably neither the only nor best way of settling problematic issues between countries—for instance, the situation of national minorities.

14 János Fiala-Butora, “Bilateral Treaties on Minority Protection in Europe”, (Budapest, Central European University, H.R. L.L.M. Thesis, 2017): 17.

The Operation of Intergovernmental Joint Committees on National Minorities in General

Initially, it may be observed that the operation of the bilateral committees on national minorities, as well as on other issues, including the six bilateral committees between Hungary and its neighbors, are based on the same working principle, involving nearly the same level of governmental bodies and committee members. The establishing treaties of the bilateral committees between Hungary and its neighbors define the purpose, members, and organization of committee meetings and their objectives, mostly in brief, regulating only the frequency of meetings and in certain cases, the approximate composition of the committees. The documents specify that committees should meet once or twice a year, depending on the relation. On the composition of committees, it is incorporated into the texts that minority representatives, who have been selected and appointed by the government of the residing country, should participate in their work on both sides. Treaties do not focus on other aspects of committees and meetings: neither the organization, nor the form of preparatory meetings, the exact composition of committee members, the persons or sending parties, the organizations of minority representatives, or other details. This means that the documents leave a wide scope for maneuvering for both the governments and co-chairmen of committees, and to some degree, for the members of particular committees in developing their own practice and processes. In certain cases, details about the innerworkings of a committee were defined and regulated during one of the first plenary meetings of the committee.

Joint committees, as their name suggests, are intergovernmental bodies; thus their work is very much dependent on the actual governments and the policies they follow, as well as on the governmental bodies responsible for their work. In Hungary, for instance, in the initial phase of operation of committees, the Office for Hungarians Abroad was responsible for the organization of meetings and the Hungarian co-chairmen were delegated by the same body. Subsequently, the Prime Minister's Office took over this responsibility, and presently, the operation of joint committees is the competency of the Ministry of Foreign Affairs and Trade and of the Prime Minister's Office. Therefore, a sort of contingency can be observed in connection with responsible bodies that is also characteristic of the situation in other countries due to ongoing changes in public administration. It should be noted, however, that the aforementioned institutional and personal changes make the committee work more difficult, and during the research, it has been observed, *inter alia*, that certain

protocols and preparatory documents of committee meetings have been difficult or impossible to reach because of governmental changes causing the vanishing of some documents.

Turning to the preparatory talks and processes preceding committee meetings¹⁵, these are not determined by the establishing treaties, as mentioned, but rather over the years a practice has evolved between countries that is very similar. Consecutive committee meetings are organized in turn between parties and take place in the country of the organizer. The processes that occur before meetings (i.e., prior talks) usually take place in the following way: in most cases, before committee meetings the two co-chairmen and two secretaries from both sides organize a meeting to discuss the most important and problematic issues connected to national minorities, as well as to agree on the timetable of preliminary arrangements and on the approximate date of the next meeting. Subsequently, the organizing state prepares the draft protocol, including the proposed new objectives, as well as reaffirms those past aims that have not been realized throughout the years, although their implementation may still be highly important. During the drafting procedure, all participants of the given committee are involved in the process on both sides; thus representatives of responsible ministries, other experts dealing with the issues of national minorities (participating on an occasional or permanent basis), as well as the representatives of the given national minority prepare the document. The draft protocol is always formulated by the organizing party, as mentioned above, and circulated among the members of the committee of that side, including minority representatives, who are able to recommend objectives for future action in writing. After the process has ended, the draft protocol is sent to the other party and the process is repeated, with a small difference being that besides recommending new objectives, the second party is already able to review the previously defined objectives of the first party and to decide whether these recommendations are acceptable. After the second party has circulated the draft protocol among its members, it is sent back to the first party. Further rounds of circulating the draft protocol do not usually occur before committee meetings, but parties agree on the exact date of the committee meeting.

15 This section of the subchapter on joint committee procedures that have evolved over the years is based mostly on the personal experience of the author obtained during work at the Cabinet of the Ministerial Commissioner Responsible for Developing Neighborhood Policy of Hungary at the Ministry of Foreign Affairs and Trade, Ferenc Kalmár. Mr. Kalmár has from 2015 also been the Hungarian co-chairman of the six examined bilateral committees appointed by PM Decision 63/2015 on the discharge of Hungarian co-chairmen of joint committees on national minorities operating on the basis of international treaties concluded with neighboring countries, and on the appointment of a new co-chairman (63/2015. (VII. 27)). (*ME határozat a szomszédos államokkal kötött nemzetközi szerződések alapján működő kisebbségi vegyes bizottságok magyar társelnökeinek felmentéséről, valamint új társelnök kinevezéséről*). On the general operation of joint committees, a separate document has not been established and accepted.

Subsequently, but prior to the plenary meeting, both sides separately organize a meeting at which committee members from that particular side agree on specific open and problematic issues, review the recommendations of both parties, and, as needed, draw up several new objectives. It should be noted, though, that not all parties organize personal talks before committee meetings for their committee members—in some cases, this practice is not, or only occasionally, followed. At the plenary meeting, all members of the committee are expected to participate, including the representatives of national minorities. The meeting is led by the two co-chairmen of both sides, but the members of the committee are entitled and welcome to express their opinions in connection with the issues of the draft protocol and help the meeting progress. It should be noted as well that even when parties more or less agree on the text and recommendations of the protocol during the written phase, numerous problematic or delicate issues often remain open, and talks drag on. It also frequently occurs that parties do not accept particular recommendations proposed by the other party, and on these occasions the negotiation of problematic issues defines the conduct of the meeting. If the parties reach an agreement about the text of the protocol, the document is accepted and signed by the two co-chairmen. In several countries (for instance, in Hungary), signed protocols become part of the domestic law adopted by a government decision (*kormányhatározat*), thus imposing binding commitments on the appointed bodies (ministries) responsible for implementation. In most countries, however, the documents only serve as guidelines or lists of recommendations to be followed that are not legally enforceable. In spite of the prior dialogue, problematic issues can come up even at committee meetings, as mentioned, making agreement impossible, and in such cases a protocol is not signed.

In connection with membership in bilateral committees, it can be generally stated that the circle of committee members mostly depends on political decisions and on the practice that has evolved, as well as on the consideration of the co-chairmen of the particular relation. Committees are composed of representatives of different ministries and experts appointed by the two governments that deal with the issues and recommendations included into the protocols. Based on the above, it is also observable that membership in committees is not permanent; the circle of committee members can be arbitrarily extended or reduced by the parties based on the decision of the two co-chairman, or following a proposal of committee members that is approved by the co-chairman of the given side. An interesting additional observation is that members delegated by a certain party do not have to be approved by all members of the committee, as a whole. The presence of minority representatives is also mainly based on the legacy of practice and the nature of political relations

between states, being strongly determined by the approach and evaluation of states in connection with a given national minority and with the other state, in general. The selection of minority representatives in neighboring countries follows the same process (i.e., in most cases, presidents or members of the same minority party and minority organization have represented the interests of the Hungarian community throughout the years). In most relations, these parties are involved in the work of the given committee irrespective of their position in the government or whether they belong to governmental or non-governmental parties.

In Hungary, the participation of minority representatives developed quite clearly during the initial years of cooperation in the framework of committees: in all relations, the president of the given national minority self-government and, since 2014 (when the position was established), the parliamentary spokesperson of the same national minority have taken part in the work. The two people and institutions usually maintain close relations with each other, frequently engaging in negotiations about the issues of the given minority and of the committee as well. Therefore, at preparatory and plenary meetings of the committee they typically represent similar views and perspectives, which helps them to introduce their goals and recommendations more effectively. In addition to the above, in two relations (Hungarian–Slovenian, Hungarian–Croatian) the presidents of the biggest non-governmental organizations of the given national minorities also participate in meetings, and in one further relation (Hungarian–Slovak), experts on minority issues are frequently invited to the talks on an ad hoc basis. On the side of neighboring countries, the practice of participating committee members representing the Hungarian national minority has also evolved in the first years of cooperation between the particular two states, but as far as it shows a more complex picture, their sending parties and institutions will be presented below when shortly dealing with the six committees separately.

The bilateral committees on national minorities between Hungary and its neighbors

In the early 1990s, Hungary signed the first round of bilateral treaties with Slovenia, Croatia, and Ukraine. Some believe that Slovakia and Romania opposed signing a treaty with Hungary because of a disagreement about the issues of autonomy and minority

rights.¹⁶ Others are of the opinion that Hungary did not sign a treaty with the aforementioned two countries because they had refused to incorporate respect for minority rights properly into the documents. Therefore, the Hungarian–Slovak bilateral treaty was signed in 1995 and the Hungarian–Romanian treaty in 1996, mainly due to international pressure, and the latest established treaty of the documents under examination was the one signed with Serbia in 2006—later, due to various forms of turbulence in the Balkans and the country in general.

It should be noted that during the first round of bilateral treaties with Slovenia, Croatia, and Ukraine, two treaties were concluded between the parties: one on good neighborly relations and cooperation and a separate one on the protection of national minorities. The latter documents, focusing only on the protection of national minorities, provided more details about the issue than basic treaties, since they also regulated other issues between the states. With Slovakia, Romania, and Serbia, only one treaty was established: with Slovakia and Romania a treaty on good neighborliness and cooperation, and with Serbia a bilateral treaty on national minorities, as mentioned above. In other words, during the initial phase of cooperation, separate agreements were established that defined the issues of national minorities more expansively, also presuming that the aim of the two countries was closer cooperation regarding minority issues. In relation to Slovenia and Croatia, this attitude can be observed to the present day. Concerning Ukraine, while it is true that cooperation in the framework of bilateral committees has now stopped, at the beginning of the 1990s, relations were forward looking between the two states. In the other three relations only one document was formulated. While this included certain national minority issues and established the joint committees, it lacked a more thorough description of their rights and problematics, as well as the tasks of committees. Throughout the years, it has also become obvious that in two relations between two countries that “solely” concluded a basic treaty—Slovakia and Romania—minority topics have generated many debates and conflicts. In the following section of the paper, the six bilateral committees will be shortly presented; however, the length of the article does not allow for the inclusion of all relevant issues concerning the examined relations, which are addressed in another work of the author.¹⁷

16 Géza Jeszenszky, “Hungary’s Bilateral Treaties with the Neighbors and the Issue of Minorities”, *Ethnos-Nation* 4, no. 1-2 (1996): 127.

17 The doctoral thesis of the author deals with the same issue of political participation and representation of national minorities, including the work of bilateral committees between Hungary and its six neighbors. The defense of the thesis is planned for 2021.

The Hungarian–Ukrainian Joint Committee on National Minorities

Ukraine, one of the constituent republics of the Union of Soviet Socialist Republics (USSR), regained its independence in 1991 after the collapse of the USSR. The Act of Declaration of Independence of Ukraine was adopted on August 24, 1991, by the Ukrainian Parliament, and Hungary was among the first countries to recognize the independence of the country, on December 3, 1991. The Declaration on the Principles of Cooperation between the Republic of Hungary and the Ukrainian Soviet Socialist Republic of Ukraine for the Protection of the Rights of National Minorities was signed on May 31, 1991, between the two parties in Budapest. The Declaration, in order to monitor the implementation of the document and fulfill the related commitments, set up the intergovernmental commission on national minorities that was composed of representatives from the two parties.

Unconventional to other examined relations, a separate inter-governmental protocol was annexed to the Declaration on the principles of cooperation for guaranteeing the rights of national minorities. This protocol defines most precisely and broadly, from the six examined treaties, the proposed composition of the joint committee. According to the document, the Hungarian party shall be represented by delegates from the Office for National and Ethnic Minorities, the Foreign Ministry of the Republic of Hungary, the Ministry of Culture and Education of the Republic of Hungary, the local government of Szabolcs-Szatmár-Bereg County, and the Ukrainian population of the Republic of Hungary. The Ukrainian party is represented in identical numbers by delegates from the (then) State Nationality Committee of the Ukrainian SSR, the Foreign Ministry of the Ukrainian SSR, the Ministry of Culture of the Ukrainian SSR, the Ministry of National Education of the Ukrainian SSR, as well as from the Soviet of People's Deputies of the Sub Carpathian Territory and the Hungarian population of the Ukrainian SSR. The heads of the delegation are specified as being Foreign Ministry officials of the rank of deputy foreign minister.¹⁸ Other examined bilateral treaties do not define the circle of appointed committee representatives in similar detail, although because of changes in public administration in both countries, the above specifications are evidently only partially valid. It can also be observed, as highlighted above, that the conclusion of a separate declaration secured broader opportunities for the parties to deal with the issues of the joint committee. It is also highlighted by the document that the committee shall meet twice a year, alternately in

18 Protocol to the Declaration on the principles of cooperation between the Republic of Hungary and the Ukrainian Soviet Socialist Republic in guaranteeing the rights of national minorities, 31 May 1991, Budapest, section 1.

the territories of the two parties. The committee shall also adopt recommendations for the parties concerning the implementation of principles laid out in the Declaration with the consent of the parties. For carrying out the recommendations of the committee, parties will resort to the relevant national institutions.¹⁹

Besides the Declaration, the two states concluded the Treaty on the Foundations of the Good-Neighborly Relations and Cooperation between the Republic of Hungary and the Republic of Ukraine in the same year as well. The document refers to the above-mentioned Declaration, thereby strengthening the aim that parties should ensure the implementation of its commitments in order to grant and defend the ethnic, cultural, linguistic, and religious identities of national minorities.²⁰

Regarding the present structure of the Hungarian–Ukrainian Joint Committee, and similarly to other bilateral committees, the Hungarian–Ukrainian body is led by the two co-chairmen from the Ukrainian and Hungarian sides. The Hungarian side is presently led, regarding all the six relations, by the ministerial commissioner responsible for developing the neighborhood policy of Hungary of the Ministry of Foreign Affairs and Trade. On the Ukrainian side the position of the present co-chairman is filled by the deputy minister delegated by the Ministry of Culture. Concerning the national minorities participating in the commission, the Hungarian national minority was and is represented, according to established practice, by a member of the Transcarpathian Hungarian Cultural Association (*Kárpátaljai Magyar Kulturális Szövetség*, KMKSZ), which was set up in 1989 as a national-social organization to represent and protect the cultural, political, and social interests of Hungarians living in Transcarpathia. The Ukrainian minority living in Hungary were represented by the president of the Ukrainian National Self-Government of Hungary, which was established in 1998. Since 2014, when the position of parliamentary spokespersons was created, the Ukrainian spokesperson has also been entitled to represent the Ukrainian minority. However, given the fact that the last meeting of the committee was organized in 2011, the spokesperson did not have the opportunity to take part in the work of the committee. The other members of the committee, similarly to other bilateral committees, are delegated from different ministries and other organizations dealing with national minority issues, and are appointed, on the Ukrainian side, by government decision, and in Hungary, since 2008, by decree of the Prime Minister.

19 *Ibid.*, sections 2-4.

20 Treaty on the Foundations of the Good-Neighborly Relations and Cooperation between the Republic of Hungary and the Republic of Ukraine, 6 December 1991, Kiev, Article 17.

The two countries held negotiations in the framework of the committee from 1992 until 2011; in the aforementioned period 16 meetings were organized. At the last meeting in 2011 in Budapest, the parties were unable to agree on several issues and thus did not sign the protocol. A crucial issue—a proposal triggering perhaps the most hostility from the Ukrainian side—was that Hungary had initiated the setting up of a Hungarian administrative or electoral unit in Transcarpathia. This was unacceptable to Ukraine and viewed as a separatist claim by Hungary and the Hungarian minority living in Ukraine. While this was not the aim of Hungary, the proposal induced significant negative criticism towards the country from Ukraine, while stigma related to the idea of a separatist state and group was propagated in Ukraine in connection with Hungary and the Hungarian minority in Transcarpathia, causing animosity between the nation states and among the majority and Hungarian minority in Ukraine. Although the two co-chairmen met in 2013 and 2017 and agreed on the continuation of talks, subsequent committee meetings have not been organized by the parties. In 2011, the previously mentioned conflictual relations started to worsen, not only because of the mentioned unsuccessful last meeting of the committee and the inability of the parties to reach an agreement, but also because of other problems between the parties. In the Ukrainian press, members of the Hungarian community were denoted as citizens infringing the Ukrainian legal system and Hungary as a revisionist country aiming to reestablish the past borders of Hungary, thus also as supporting the separatist movements of the Transcarpathian Hungarians who endanger the territorial unity of Ukraine. In the Hungarian press, unfriendly statements also appeared in connection with Ukraine, worsening the relations even further. Of course, relations have become continually worse not only because the Ukrainian party has treated the Ukrainian (Hungarian?) minority and Hungary as enemies, with this attitude being requited by Hungary, but the situation was preceded and accompanied by other serious problems, such as unresolved issues in the framework of the joint committee and the negative assessment of the Hungarian Status Law and the modification of the Hungarian electoral law by Ukraine. However, it is not the aim of present research to explain the background to these problems.

In summary, in the framework of the Hungarian–Ukrainian committee, certain problematic issues concerning national minorities were dealt with and minor solutions were arrived at, but mainly during the initial phase of cooperation in the 1990s. It should be noted that the vast majority of meetings were organized in the aforementioned period, but after 2000, only a few meetings took place because of the deterioration in relations. Therefore, it can be concluded in general that the committee is definitely one of the least successful bodies established between Hungary and its neighbors. It should also be highlighted that the Hungarian side formulated and sent a draft protocol to the Ukrainian party in 2013 in order to promote the continuation of negotiations and find shared solutions to debated

issues, but the Ukrainian side has not replied to the inquiry of the Hungarian government. The last development of this relation was that last year, 2020, the Hungarian and Ukrainian co-chairmen met in Budapest and agreed on the continuation of talks and on organizing the next committee meeting, which so far has not been realized. Between the parties many problematic issues must be settled; therefore, the continuation of cooperation faces many challenges.²¹

The Hungarian–Slovenian Intergovernmental Minority Commission

In the Hungarian-Slovenian relation, two agreements (similar to the previously described one) were also established in 1992: the Convention on providing special rights for the Slovenian minority living in the Republic of Hungary and for the Hungarian minority living in the Republic of Slovenia, signed in Ljubljana on November 6, 1992, and the Treaty on Friendship and Cooperation between Slovenia and Hungary, signed on December 1, 1992. It was not accidental that two documents were concluded with Slovenia at almost at the same time, since relations between the two countries could be characterized as friendly, and the approach of the two parties towards national minorities has been similarly protective.

The bilateral committee on the issues of national minorities was established by the Convention named above.²² According to Article 15, the parties shall set up a special intergovernmental minority commission for monitoring the implementation of the provisions

- 21 For instance, in connection with the discrimination against national minorities in Ukraine, restricting the linguistic rights of these communities, including the Hungarian national minority, by the accepted new education law of January 2020, the education law of 2017, the new language law of 2020, and the Ukrainian language law accepted in April 2019. Other anti-Hungarian acts have also occurred in recent years—for instance, in 2017 Ukrainian nationalists held an anti-Hungarian procession in Beregszász/Berehove, and in 2018 the building of the Cultural Alliance of Hungarians in Romania in Ungvár/Uzhorod was set on fire several times. At the Ukrainian–Hungarian border, the pestering of Hungarian government officials, politicians, journalists, and other representatives has become systemic (See: Fedinec Csilla, “Ukrán nyelvtörvény”, (Budapest, MTA TK Kisebbségkutató Intézet, 2019. április 29 - május 16.) <https://tk.mta.hu/ukran-nyelvtorveny> (Last accessed: 5 July 2020); Venice Commission (European Commission for Democracy through Law) Opinion on the Law on Supporting the Functioning of the Ukrainian Language as the State Language. 9 December 2019, Opinion No. 960 / 2019 CDL-AD(2019)032.).
- 22 For more information on the background and practice connected to the Convention see: Miran Komac, Vizi Balázs, eds., *Bilaterális kisebbségvédelem. A magyar-szlovén kisebbségvédelmi egyezmény háttere és gyakorlata* (Budapest: L'Harmattan, 2019). For the legal background of bilateral treaties see: Vizi Balázs, “Anyaaállami felelősség és kétoldalú kisebbségvédelmi szerződések a nemzetközi jogban”, in eds. Komac, Vizi, *Bilaterális kisebbségvédelem. A magyar-szlovén kisebbségvédelmi egyezmény háttere és gyakorlata* (Budapest: L'Harmattan, 2019), 49-69.

of the Convention. On the structure of the commission, Article 15 declares that governments shall delegate an appropriate number of representatives to the aforementioned body at every meeting, and the representatives of national minorities shall be appointed upon the proposal of their organizations. The intergovernmental commission shall meet at least twice a year alternately in the territories of the contracting parties. The tasks of the intergovernmental commission are also defined by the document; these include discussing the current issues of both minorities, evaluating the implementation of obligations under the Convention, preparing and adopting recommendations for their respective governments concerning the implementation, and, if necessary, amending the Convention. The presence of national minorities is crucial not only in the commission, but the Convention also highlights that the parties, in conformity with their national legislation, shall ensure the appropriate participation of national minorities in adopting decisions at a local, regional, and national level concerning their rights and situation.²³

In connection with the Convention, it was also a forward-looking measure that the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by the General Assembly on December 18, 1992, two weeks after the conclusion of the Convention. A comparison of the texts of the two documents shows that in the bilateral treaty between Hungary and Slovenia all objectives were incorporated that were highlighted by the nine articles of the UN Declaration.²⁴

As stressed above, the Convention establishing the commission defined neither the exact members, including minority representatives, nor the sending organizations that should take part in the work of the commission. Accordingly, similarly to most relations, the practice of commission membership was developed in the initial years of cooperation in both countries. The members of the commission, similarly to other bilateral committees, include representatives of different ministries dealing with the issues of national minorities, or with those areas that affect the aforementioned group and are included in actual protocols. Additionally, on the side of the Hungarian community living in Slovenia, the president of the Hungarian Self-governing National Community of Prekmurje/Muravidék (*Muravidéki Magyar Önkormányzati Nemzeti Közösség*, MMÖNK) participates in the talks. The MMÖNK is the central body representing the interests and political and

23 Convention on providing special rights for the Slovenian minority living in the Republic of Hungary and for the Hungarian minority living in the Republic of Slovenia, Ljubljana, 6 November 1992, Article 8.

24 Miran Komac, "A kisebbségi kérdés Szlovénia kétoldalú kapcsolataiban, különös tekintettel a magyar-szlovén kisebbségi szerződésre", in eds. Komac, Vizi, *Bilaterális kisebbségvédelem. A magyar-szlovén kisebbségvédelmi egyezmény háttere és gyakorlata* (Budapest: L'Harmattan, 2019), 79.

self-governing activities of the autochthonous Hungarian community living in Slovenia and was established in 1975, based on the Law on Self-Governing National Communities of 1994 adopted in conformity with the above-mentioned Article 64 of the Slovenian Constitution. The Slovenian community living in Hungary is represented by the president of the Slovenian National Self-Government, by the president of the Association of Slovenians in Hungary, and since 2014, by the parliamentary spokesperson of the Slovenian minority living in Hungary. Therefore, the Slovenian national minority is represented by three minority representatives.

In this relation, the parties organized 17 committee meetings by the end of 2020: the first meeting took place on April 4, 1995, and the last (thus far) on November 21, 2017. At the talks, all protocols were signed, which can be considered a significant success, indicating a cooperative attitude on the part of both countries. The Hungarian co-chairmen of the body is, similarly to other relations, the ministerial commissioner responsible for developing the neighborhood policy of Hungary of the Ministry of Foreign Affairs and Trade. The present Slovenian co-chairman is the Minister of the Government Office responsible for Slovenes living outside the border and diaspora.

Regarding the work of the committee, it shortly can be summarized that the Hungarian-Slovenian Commission is one of the best operating committees from the six bodies under examination concerning Hungary and its neighbors. Furthermore, both parties pursue protective policies towards national minorities living in their countries, taking into account their rights and promoting their interests and identity, as can clearly be seen, not only during the operation of the committee, but based on the introduction of other legal commitments, of which several were referred to above. While in the framework of the Commission, not all minority issues were solved, nor could all recommendations be implemented, the defining approach of both countries towards each other has mostly been cooperative and friendly, carrying forward the negotiation processes of the Commission.

The Hungarian–Croatian Intergovernmental Joint Committee for the Protection of Minorities

As is the case in some other relations, between Hungary and Croatia the joint committee was not established by the basic treaty, but through a separate bilateral document on the protection of national minorities—namely, by the Convention between the Republic of Hungary and the Republic of Croatia on the protection of the Hungarian minority in the

Republic of Croatia and the Croatian minority in the Republic of Hungary. The document was concluded in 1995 in Osijek, thereby establishing a joint intergovernmental committee for minorities in order to monitor the implementation of provisions of the Convention. The document declares that the governments of the contracting parties shall delegate an appropriate number of members to the committee, and members of the committee from the respective minorities shall be appointed upon the proposal of minority organizations. The article also states that the committee shall meet as required, but at least annually, alternately in the Republic of Hungary and the Republic of Croatia. The joint committee has the following tasks, according to the Convention: it shall discuss current issues relevant to the two minorities; evaluate the implementation of obligations resulting from the Convention; and prepare and adopt recommendations for the two governments concerning the implementation and, if necessary, the modification of the Convention. It is also emphasized that the committee shall adopt its decisions by consensus.²⁵ In the introductory part, the document highlights that the two parties are guided by the purpose, *inter alia*, of legally protecting the national identity of the two national minorities in Hungary and in Croatia, “being convinced that the integration of minorities is possible only through the preservation of their features as ethnic communities, and that an important element of it is their effective participation at various levels in the decisions concerning their identity.”²⁶

Already in 1992, the parties had concluded a basic treaty, the Treaty on Friendly Relations and Cooperation between the Republic of Croatia and the Republic of Hungary, declaring, *inter alia*, that national minorities are bridges between peoples and make a valuable contribution to their societies.²⁷ According to the basic treaty, the Croatian national minority living in Hungary and the Hungarian national minority living in Croatia have the right, individually or together with other members of their community, to freely express, preserve, or develop their ethnic, cultural, linguistic, and religious identity; to use their mother tongue privately or in public; and to disseminate and exchange information in that language.²⁸ (Article 17 (2)).

The structure of the committee is similar to that of the other bilateral bodies mentioned above. On the Hungarian side, the Croatian national minority living in Hungary

25 Convention between the Republic of Hungary and the Republic of Croatia on the protection of the Hungarian minority in the Republic of Croatia and the Croatian minority in the Republic of Hungary, 5 April 1995, Osijek, Article 16.

26 *Ibid.*, Introduction.

27 Treaty on Friendly Relations and Cooperation between the Republic of Croatia and the Republic of Hungary, 16 December 1992, Budapest, Article 2 (4).

28 *Ibid.*, Article 17 (2).

is represented by the president of the Croatian National Self-Government, established in 1995, and by the president of the Association for the Croatian Nationality in Hungary, a cultural, non-governmental organization of Croats established in 1990 that deals mainly with cultural issues concerning the Croatian national minority living in Hungary. In 2014, similarly to other committees, this circle was extended to include the Croatian parliamentary spokesperson. Therefore, in this relation, the number of minority representatives—as is the case in the Hungarian–Slovenian joint committee—is three. From the side of the Hungarian minority living in Croatia, the president or member of the Democratic Union of Hungarians in Croatia (*Horvátországi Magyarok Demokratikus Közössége*, HMDK) participates in the work of the committee. The latter is the non-governmental organization representing the interests of the Hungarian minority living in Croatia, established in 1993. The committee is presently chaired, on the Hungarian side, by the ministerial commissioner responsible for developing the neighborhood policy of Hungary of the Ministry of Foreign Affairs and Trade and on the Croatian side by the president of the Central State Office for Croats Abroad.

In connection with the organization of committee meetings, it should be noted that between 1995 and 2020, 15 meetings were held by the parties, all resulting in the signing of protocols that demonstrate the positive and cooperative relationship between the two states. The Hungarian–Croatian relation, similarly to the Hungarian–Slovenian one, is also one of the most effectively operating joint committees between the parties. Both states have considered cooperation in the framework of the committee to be important, which can be observed not only in the organization of committee meetings, but also through the regulations countries have introduced in order to protect national minorities in their territories and more importantly, on both sides practical means have been implemented to achieve the defined objectives.

The Hungarian–Slovak Intergovernmental Joint Commission for the Protection of National Minorities

Cooperation between Hungary and Slovakia accelerated in the middle of the 1990s, most likely at least in part because of the objective of both countries to become members of the European integration process. The Treaty on Friendship and Cooperation between the Republic of Hungary and the Republic of Slovakia was signed in 1995, and national minority issues were included in the basic treaty itself. In the preamble of the document, the

parties recognized that persons belonging to national minorities constitute an integral part of the society of the state in which they live and contribute to deepening the trust, friendship, and cooperation between the two countries.²⁹ However, it is important to highlight that the Slovak attitude (very similar to the Romanian view) towards the protection of national minorities was, *inter alia*, characterized by a fear of securing group (collective) rights and offering any form of autonomy to national minorities. This contrasted with the Hungarian view, for instance, that for Hungary, protecting the rights of national minorities beyond the borders has always been of crucial importance, as may be observed in its legislation and attitude towards national minorities living in the country and securing individual and collective rights for the aforementioned groups. Furthermore, according to the decision of the National Council of the Slovak Republic annexed to the basic treaty, Slovakia emphasized that the Slovak Republic has never accepted and would not enshrine any such formulation into the Treaty that would recognize the principle of the collective rights of minorities and that would enable the establishment of any kind of autonomous structure or specific statute on the basis of ethnicity.³⁰

Turning to the establishment of the commission, in order to meet the objectives set out in the Treaty according to Article 15, the parties, in a spirit of mutual understanding and confidence, and due to a desire to exchange information and experiences about questions relating to the application of the treaty, set up an intergovernmental joint commission that is entitled to make recommendations, consisting of a section whose composition may be determined as they deem necessary.³¹ The basic treaty is similar to the vast majority of other examined documents in the sense it does not define the composition of the commission on either side.

In order to implement the objectives of the basic treaty, the parties, as indicated in the protocol on evaluation of the implementation of the basic Treaty signed on November 24, 1998, established 11 joint committees covering the most important policy areas between the two states (including the minority issue as well; Kelemen, 1995). The work of the Joint Minority Committee started the following year, 1999, and by the end of 2019 the countries had organized 14 meetings at which 13 protocols were signed; only the protocol of the 12th meeting was not accepted by the parties.

29 Treaty on Friendship and Cooperation between the Republic of Hungary and the Republic of Slovakia, Paris, 19 March 1995, Preamble.

30 A Szlovák Köztársaság Nemzeti Tanácsának határozata a Szerződéssel a Magyar Köztársaság és a Szlovák Köztársaság között a jószomszédi kapcsolatokról és a baráti együttműködésről (272. számú irat) történő egyetértés kimondásának tervezetéről, Pozsony, 1996. március 26; Para. b.

31 Treaty on Friendship and Cooperation between the Republic of Hungary and the Republic of Slovakia, Paris, 19 March 1995, Article 15 (6)).

Concerning the minority representatives taking part in the Commission, the Slovak minority living in Hungary is represented by the president of the Slovak National Self-Government and, since 2014, by the parliamentary spokesperson of the Slovak national minority.

For several years, the Hungarian side has also included the representative of the Party of the Hungarian Community (*Magyar Közösség Pártja*, MKP), the biggest Hungarian minority party in Slovakia. This unusual practice—that a member that should participate on behalf of the other side of the committee (here, on the side of the Hungarian delegation as a legal expert)—is because the Slovak side, after a time, was not willing to include the members of the above party into the work of the Commission. From 2010, the party has not been present in the Slovak Parliament, and its representatives, based on the decision of the Slovak government, have not been able to participate in the work of the Commission either. For this reason, the Hungarian party decided that the legal expert and member of the party could take part in the work of the Commission on the side of Hungary. Consequently, the Hungarian community living in Slovakia is only represented on the Commission by certain experts or presidents who are members of Hungarian minority organizations; however, only on an occasional basis; the permanent presence of appointed minority representatives is lacking. On the other hand, for the Hungarian government, the MKP is accepted as a representative of the Hungarian community in Slovakia. It can also be observed in other relations that the Hungarian government cooperates only with selected “allied” minority parties, which include only one Hungarian minority party in each of the neighboring states. Therefore, in the case of Slovakia, Hungary did not and does not cooperate with the Most-Híd civic party; however, from 2010 onwards only the members of the aforementioned party have participated in the work of the Commission, as mentioned above.

The Hungarian side of the Commission is presently led by the ministerial commissioner responsible for developing the neighborhood policy of Hungary of the Ministry of Foreign Affairs and Trade, and the role of the Slovak co-chairman is filled by a Consul General of the Ministry of Foreign Affairs of Slovakia.

Concerning the Hungarian–Slovak relation, it has been observed that progress has not been achieved in many areas in the committee—at least not to the extent that both parties expected. Considering the results of the Hungarian side, it secured an appropriate framework for the protection of national minorities, including the Slovak national minority living in the country. The Slovak side, in a number of cases, as often incorporated into the protocols, accepted regulations contrary to the objectives of the Hungarian national

minority, as well as Hungary, in some way restricting the rights of national minorities. Furthermore, the nature of political relations between the two countries has also strongly affected the work of the Commission—albeit this statement may be formulated as a general conclusion in connection with the work of all committees. The Hungarian–Slovak relation was characterized by frequent conflicts and disagreements, in many cases exactly because of the disadvantageous situation of the Hungarian national minority living in Slovakia.³² In spite of this, commission meetings were organized relatively often, and work has not been cancelled until the present time, while greater or lesser successes have been achieved through the implementation of some specific objectives. Therefore the body could be said to represent the “middle ground” between the work of well-operating and non-operating committees.

The Hungarian–Romanian Intergovernmental Commission on National Minorities

The Treaty on Friendship, Cooperation and Good Neighborliness between the Republic of Hungary and Romania was signed in 1996, also mainly due to international pressure, as the countries were NATO candidate countries at the time, and without their reconciliation, an agreement on minority and other issues could not have been achieved. The document recognizes, *inter alia*, and similarly to other bilateral treaties, that national minorities constitute an integral part of society and that their protection is part of the international protection of human rights, thereby contributing to stability and understanding in Europe.³³ For the implementation of the provisions of the Treaty, the parties established an intergovernmental expert commission to examine, in the framework of regular consultations, the issue of their bilateral cooperation related to national minorities.³⁴ The Treaty only mentioned the establishment of the commission, and did not define any further details concerning its functioning, meetings, procedures, or representatives taking part in its work, since the Appendix of the Protocol on the Establishment of the Joint Romanian–Hungarian Commission on Active Participation and Partnership accepted in 1997 contains

32 The conflicts between two states mainly concern the Hungarian national minority living in Slovakia, for instance linguistic and educational problems; different interpretation of history; misinterpretation of historical events and consideration of Hungarians and Hungary as past oppressors of Slovaks with separatist claims towards Slovakia; the Slovak citizenship law of 2011 prohibiting dual citizenship; and certain other issues.

33 Treaty on Friendship, Cooperation and Good Neighborliness between the Republic of Hungary and Romania, Temesvár/Timisoara, 16 September 1996, Introduction.

34 *Ibid.*, Article 15 (10)).

a more detailed overview of the operation of the body. The Protocol also deals with a wide range of issues concerning the interests and relations between the two countries. In the frame of the bilateral Commission, special committees were set up in order to facilitate cooperation in relation to the fields of foreign policy, European security, economic issues, trans-frontier cooperation, including the special committee for cooperation on minority issues³⁵, which according to the basic treaty was specified as the intergovernmental expert commission. The Protocol, or more precisely, the Appendix of the Protocol, defines the conditions for operation of the Joint Commission, consisting of nine special committees and composed of its presidents and secretaries, the presidents of the special committees, and of the persons nominated by the parties. The document also highlights that the co-presidents of the Commission may invite to the sessions the representatives of the organizations of the Hungarian and Romanian national minorities from the two countries.³⁶ The Commission shall meet in biannual sessions, in Romania and the Republic of Hungary alternately, and the co-presidents may agree about convening extraordinary sessions as well. The document also defines that the special committees shall convene in working sessions whenever necessary, but at least once a year, in Romania and the Republic of Hungary alternately. The activity of the special committees shall be reviewed during the sessions of the Joint Commission. It is also important to mention that the protocols or decisions of the sessions of the Joint Commission and the special committees shall be submitted for approval to the governments of the two states.³⁷ In the text of the Protocol, it is included, as seen above, that the parties *may* invite the representatives of both national minorities to the Commission, which is different from other treaties that establish joint committees, as the Protocol only gives the opportunity for, but does not prescribe the obligation of, including minority representatives in the talks.

The Hungarian side of the Commission is presently, at least technically, led by the ministerial commissioner responsible for developing the neighborhood policy of Hungary of the Ministry of Foreign Affairs and Trade, although in the absence of committee meetings he has not been able to co-chair any meetings yet. The Hungarian minority living in Romania, one of the biggest national communities in Europe living outside their kin-state, was represented by the members of the Democratic Union of Hungarians in Romania (*Romániai Magyar Demokrata Szövetség*, RMDSZ), which was established in 1989 after the

35 Protocol concluded between the government of Romania and the Republic of Hungary on the establishment of a Joint Romanian-Hungarian Commission on Active Participation and Partnership, Temesvár/Timisoara, 12 March 1997, Article IV.

36 *Ibid.*, Appendix, Article 2, 4.

37 *Ibid.*, Article 3, 5, 6.

fall of the communist regime and represents the interests of the Hungarian community in Romania at the state, regional, and local levels. The Romanian minority living in Hungary was represented by the president of the Romanian National Self-Government of Hungary, set up in 1995 and since 2014, although only theoretically, by the national spokesperson of the Romanian minority living in Hungary, since no commission meetings have actually taken place since the assignment of the spokesperson.

The parties, from the establishment of the committee, have held eight meetings. However, at the last session in June 2011, the parties could not reach agreement on certain issues, so the protocol was not signed. Moreover, already conflicting relations started to worsen, and the organization of further commission meetings was not achieved. This last draft protocol was amended several times throughout the years by both parties, and the secretaries of the two sides met in July 2016 to try to find common solutions, but this meeting was not followed by further talks. The present Hungarian co-chairman of the commission also contacted the Romanian party in an official letter in 2019 in order to initiate the continuation of negotiations. However, the Romanian side did not reply to the request. The biggest obstacle to cooperation is that the parties handle and relate to national minority issues in significantly different ways. Reaching an agreement on the issues arising in the last protocol, as well as in other areas, seemed and seems quite unlikely, mainly because of certain violations of rights of the Hungarian national minority living in Romania—for instance, in connection with the use of the Hungarian language in public, the use of symbols, and opportunities in minority education, to name but a few.³⁸ It is also notable that generally, protocols in other relations, as well as the former Hungarian–Romanian protocols, are relatively modest documents in terms of their scope, reaching 10–15 pages at most. However, the most recent version of the Hungarian–Romanian draft protocol, after certain modifications by both parties, presently amounts to around 70 pages, which is unprecedented in relation to the other examined relations, but also shows the number of problematic issues, as well as differing approaches of the two states.

38 Other problematic issues include, for instance restitution cases of property nationalized during the communist period affecting the Hungarian national minority and Hungarian churches; violations of minority education; the designation of Hungarians and the Hungarian state as an oppressive power; merging the University of Medicine and Pharmacy of Târgu Mureș with the state-led Petru Maior University teaching in Romanian; the administrative obstruction of the smooth functioning of the Roman Catholic II Rákóczi Ferenc Lyceum in Târgu Mureș; restrictions in connection with the use of the mother tongue in judicial practice, in access to judicial proceedings, in the right to be informed of judgments, as well as in the use of symbols; activities of anti-Hungarian groups initiating legal proceedings against Hungarians; and hate speech and hate crimes against the Hungarian minority.

In summary, the work of the Hungarian–Romanian Commission can be evaluated only based on past events and talks, since its operation came to a standstill almost 10 years ago. Even when the body occasionally held its meetings, relations between the parties were mostly unfriendly, with crucial and numerous disagreements, meaning that in the framework of the Commission only minor issues could be solved. Furthermore, the latter accomplishments were beneficial mainly for the Romanian national minority living in Hungary. Most of the time, the Romanian side considered the Hungarian national minority, as well as Hungary, as its opponent, not as a group and a state that cooperation should be facilitated with. While this has been the case, it should be highlighted that past commission meetings have, to a certain degree, decreased the tension between the parties, although nowadays even this opportunity is lacking. The lengthy draft of the last protocol contains a wide range of topics the parties are not able to reach agreement about, and the adverse approach of Romania towards national minority issues does not raise much hope for positive results in the near future either.

The Hungarian–Serbian Intergovernmental Joint Commission on National Minorities

The Balkans, and more specifically the former Social Federal Republic of Yugoslavia, was wracked by many tensions and conflicts in the second half of the 20th century. This may be the reason the joint commission between Hungary and Serbia was established relatively late, in the 2000s, compared to those of the five other countries and committees under examination.

The two countries have not concluded a basic treaty as of yet, but at the beginning of the democratic transition in Serbia, the Treaty between the Republic of Hungary and Serbia and Montenegro on the protection of Rights of the Hungarian Minority living in Serbia and Montenegro, and the Serbian Minority living in the Republic of Hungary was established in October 2003. According to the document, a special Intergovernmental Joint Commission on National Minorities was set up in order to monitor the implementation of the agreement. The Treaty also pronounces that the parties should appoint an equal number of Commission members, with the mandatory participation of representatives of the national minorities. The document also defines that the members of the commission who are representatives of the Hungarian national minority in Serbia and Montenegro shall be appointed at the proposal of the Hungarian National Council of Serbia and Montenegro, and representatives of the Serbian minority in Hungary at the proposal of the Country

Self-Government of the Serbs in the Republic of Hungary. The aforementioned article also declares that the Commission shall hold its meetings as appropriate, but at least once a year, alternately in Serbia or Montenegro and the Republic of Hungary. The Commission is responsible for discussing current issues related to both national minorities, reviewing and evaluating the achievement of commitments arising from the agreement, and submitting recommendations for implementation to both governments, who may adopt its decisions following a consensus from the two sides.³⁹ The Treaty, compared to certain other examined bilateral documents, creates a more transparent situation in the sense that it specifies that the bodies' minority representatives should be appointed to the Commission. The document, in connection with the participation of minorities in public life, emphasizes that the parties, in conformity with national legislation, shall recognize the right of national minorities to participate in public life, and also to effect adequate measures for ensuring their participation in decision-making processes that affect them and ensure their appropriate representation in public services, including the police, at local, regional, and state levels.⁴⁰ It is also stressed in the document that the parties shall pay particular attention to supporting the activities of the Hungarian National Council in Serbia and Montenegro, and the Country Self-Government of the Serbs in the Republic of Hungary.⁴¹

Concerning the minority representatives taking part in the work of the Commission, the Serbian minority living in Hungary is represented by the president of the Serbian National Self-Government in Hungary established in the 1990s, and since 2014 by the parliamentary spokesperson of the Serbian national minority. The Hungarian minority living in Serbia is represented by the president or by the member of the Hungarian National Council (*Magyar Nemzeti Tanács*, MNT/HNC), the national self-governmental organization of the Hungarian minority living in Serbia. The constitutional meeting of the HNC took place in 2002, and its main objective is to represent the interests of the Hungarians in Serbia concerning their education, culture, language use, and other issues. The Hungarian side of the Commission is led by the ministerial commissioner responsible for developing the neighborhood policy of Hungary of the Ministry of Foreign Affairs and Trade. On the Serbian side, the position of the co-chairman is filled by the state secretary of the Ministry of Construction, Transport, and Infrastructure.

39 Treaty between the Republic of Hungary and Serbia and Montenegro on the protection of Rights of the Hungarian Minority living in Serbia and Montenegro, and the Serbian Minority living in the Republic of Hungary, Budapest, 21 October 2003, Article 16.

40 *Ibid.*, Article 8.

41 *Ibid.*, Article 9 (3)).

The parties thus far have organized five Commission meetings, with the first in November 2004 and the most recent in April 2016, and in the framework of negotiations all protocols were signed by the countries. Since 2016, the parties have not organized Commission meetings, although this was not because of the worsening of political relations, but mainly because other political events and negotiations have enabled the parties to reach an agreement on certain issues that caused the delay of subsequent meetings.

As the Hungarian–Serbian Commission is the “youngest” body of the examined six committees, the parties have had less time and fewer opportunities for cooperation in this framework, as only five commission meetings have been held thus far. However, it should also be emphasized that in spite of the shorter period of joint work, the operation of the commission has been able to contribute to the improvement of situation of national minorities in both countries. It can also be observed, however, that there are certain other channels through which crucial topics that are connected to national minority issues can be dealt with between the two states. The Hungarian system that provides for the protection of the rights of national minorities living in the country, as well as the Serbian approach towards national minority issues and securing the autonomous status of Vojvodina province, enables the broader enjoyment of the rights of national minorities and gives a proper and cooperative background for relations and for the progress. Furthermore, political relations between the two countries have improved throughout the years, making the joint activities and the relationship more forward looking, as can be observed in the work of the Commission as well.

Conclusions

This paper shortly examined a certain method of securing the opportunity of political participation and representation of national minorities on a bilateral level in CE: namely, the work of intergovernmental committees on national minorities between Hungary and its six neighboring countries. As has been highlighted, the conclusion of bilateral treaties and the establishment of committees has not only been characteristic of the Central European region; there were a few other instances in Europe during the post-WWII period. What makes the Central European region specific is that bilateral minority protection treaties have been adopted almost in parallel to new multilateral instruments and also make direct reference to them. Accordingly, these treaties seem to be better integrated into the complex regime of international minority rights. Bilateral committees enable and

secure a unique opportunity for the representatives of national minorities to be involved in decision-making processes that directly affect their lives. However, it should also be emphasized that the decisions of bilateral committees and the protocols signed in a few CE countries were and are non-binding, and are thus considered only as recommendations for the respective governments. Furthermore, the involvement of minority representatives in the work of committees in itself does not mean that they are able to effectively influence decisions in these bodies, which may be considered a peculiar drawback, since such committees were established to promote the interests and objectives of the mentioned groups.

Regarding the operation of bilateral treaties, it is observable that joint committees have been set up in various political and social environments, in different historical circumstances, as well based on the diverse motivations of countries. In certain cases, states have focused on the protection of the national minority rights of their kin-minorities living in neighboring countries, or of national minorities residing in their countries. Concerning other relations, the formulation of establishing treaties or of committees was achieved in response to external pressure or in order to reach further political aims. Second, the nature of political relations between countries, as well as the approaches of particular countries to national minority issues, has strongly determined not only the commitments undertaken when establishing treaties, but also the general work of committees. It is highlighted above that between the examined countries, separate agreements have been made to establish the joint committee and define its work in more detail, while in other relations basic treaties included the establishment of bilateral committees that deal with the operation of the latter, although typically only briefly. Third, it seems to be typical that countries maintaining friendly relations organize committee meetings more often, while in instances where the political relations between the parties are extremely unfriendly, the meetings of the given joint committee are very likely to be postponed, or the operation of such committees completely ceases. It is also a general observation that through the effective operation of committees, several of the problems of the aforementioned groups could be solved—a crucially important goal for the Central European region, where the problems and right of these groups cannot be ignored. Otherwise, the neglect of minority issues may lead to the fragmentation of societies and animosity between majorities and minorities as well as between the states themselves. In many cases, countries, through negotiations realized in the framework of committees, may even be able to handle the escalation of other problems that affect their relations and be able to develop or maintain stronger, well-functioning relations with each other; therefore, their operation should be maintained in the future as well.