

There is nothing new under the sun: minority rights, dual citizenship, and autonomy

Prime Minister Viktor Orbán' statement made in his inauguration speech can be considered as the foundation of the current government's policy for Hungarian communities abroad: "Hungarians living in the Carpathian Basin have the right to dual citizenship, community rights and autonomy. This is our standpoint and we will stand up for it in the arena of international politics." The Fundamental Law of Hungary, the closing declarations of the Hungarian Standing Conference (MÁÉRT) and the document entitled *Policy for Hungarian Communities Abroad – Strategic Framework for Hungarian communities abroad* adopted by the MÁÉRT in 2011 include all the principles stated in the speech.

The Prime Minister specifically mentioned only one Hungarian community out of the ones living in the neighboring countries, the Hungarian community in Ukraine, since it is affected by the current international situation and crisis in Ukraine: "The topicality of this issue is reinforced by the current situation of the Hungarian community of almost 200,000 living in Ukraine, the members of which should receive dual citizenship, minority rights and the opportunity to establish self-governments. This is our clear expectation of the new Ukraine which is now being formed and which, otherwise, enjoys Hungary's sympathy and support in its efforts to build a democratic country." In relation to Ukraine the Prime Minister used the term self-governance and not autonomy. Since the beginning of the Ukrainian crisis Hungary has supported the territorial integrity of Ukraine and the government has not changed its standpoint.

Autonomy as well as self-government includes those rights of minorities on the basis of which people living in a given area or belonging to a minority can decide questions in a democratic manner, in accordance with legal requirements. In Europe different solutions of minority self-governance are known: territorial autonomy, personal autonomy or minority self-government. Neither autonomy nor self-governance can be equated with separatism. The concept of autonomy and self-governance refers to arrangements within a given state, without challenging state borders; autonomy means the internal self-determination of a minority. Both of these are arrangements established through democratic elections within a state which affect the political and public law system (such as that in South Tyrol in Italy, Catalonia or the Basque Country in Spain and the situation of the Danes in Germany or the Swedes and the Sami in Finland).

It is a prevailing expectation of national minorities that the majority in a state ensures the survival and growth of the minority community. Autonomy and minority rights (including collective rights) are necessary conditions for the survival of a community, since they form the basis of the legal and administrative framework which ensures the community's survival. Over the past two and a half decade these expectations have been expressed several times and in several forms by Hungarian communities living in Romania, Slovakia, Serbia and Ukraine. Considerable success in this field has been achieved only in Serbia where we can find a

functioning cultural autonomy model. Minority rights (like education or language use) have also always been in the focus of the political aspirations of minorities.

The second part of the Prime Minister's sentence that "Ukraine enjoys Hungary's sympathy and support in its efforts to build a democratic country" was ignored by many analysts. The process of democratization in Ukraine – as well as in other countries where minorities live – cannot be realized without settling the question of minorities in an appropriate way. It was not accidental that during the EU accession negotiations every member state was required to respect minority rights. Also important is the fact that during the crisis in Ukraine the Council of Europe and the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe (OSCE) repeatedly drew attention to the necessity of respecting minority rights.

Regarding the question of autonomy, there is full consensus among Hungarian political parties since there is no significant political party in Hungary which does not support the autonomy of Hungarian communities abroad. The documents of the Council of Europe, the Gross Report¹ (2003) and the Kalmár Report² (2014) also suggest autonomy as the most suitable and legitimate way of settling conflicts. The latter resolution highlights that state indivisibility must not be confused with the concept of the unitary state, and that the indivisibility of the state is thus compatible with autonomy, regionalism and federalism. This means that the incidental failure of autonomy should not be blamed on autonomy as such, but on the conditions in which it is applied. In Europe different forms of autonomy exist such as that of the Aland Islands, the Basque Country, Belgium or South Tyrol. In Hungary minority rights are treated as the given condition guaranteed for minorities living in the territory of the country. There is also almost full consensus among Hungarian political parties concerning the simplified naturalization procedure of Hungarians abroad, the popularity of which is proven by the high number of citizenship applications among Hungary's former citizens or their descendants. As it is known, the great majority of European countries acknowledge the institution of multiple citizenship. The main principles and practice of Europe prove that the aforementioned facts are legitimate objectives and aspirations.

Before the formation of every new government in Hungary, the prime minister of the day sends a message to Hungarian communities living abroad. In this case the message confirms the continuation of the policy of concern for Hungarian communities abroad. The inauguration speech of a prime minister always attracts great attention both in neighboring countries and in other states of Europe, since these speeches contain the main objectives of the new government. The Prime Minister's statement would be surprising only for those who have not paid attention to Hungary's policy for Hungarian communities abroad so far. These objectives are included in several well-known documents which are also available in English.

¹ Doc. 9824. Positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe (3 June 2003)

² Resolution 1985 (2014) "The situation and rights of national minorities in Europe" adopted by the Council of Europe (CoE) Parliamentary Assembly on 8 April. See our former analysis: Resolution of the Council of Europe on the situation and rights of national minorities: http://bgazrt.hu/files/NPKI/ET_en.pdf

Neither the Hungarian community in Transcarpathia, nor Hungary has made reference to the initiation of a referendum for separating Transcarpathia or a certain part of it. Therefore, no parallel can be drawn between the question of autonomy or self-governance and the “referendum” which took place in the Crimea or in Eastern Ukraine last week.

The unified Ukraine can be democratic only if it guarantees the rights of minorities living in its territory, while Hungary and the Hungarian community in Transcarpathia hope that these rights will be extended to the greatest extent possible, including some form of autonomy.