

FEATURES OF ETHNO-NATIONAL POLITICS IN THE COUNTRIES OF CENTRAL AND EASTERN EUROPE

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INTRODUCTION

The prospect of EU membership has enabled Central and Eastern European countries to become countries with a strong democratic system and a fully functioning market economy in the short term. Membership in the European community imposes certain obligations on the policy of the state, including on national minorities. It is a binding European standard to respect and safeguard their rights, including the right to use and develop their language and cultural heritage. All Member States of the European Union must abide by these standards and establish bodies that ensure the implementation of obligations to respect the rights of national minorities. The European Union is very careful about this issue, as many Member States have to deal with interethnic conflicts.

The problem of protection of the rights of national minorities has become so important since the adoption of the Council of the European Union Directive on anti-discrimination policy (2000/43 / EC «Implementation of the principle of equal treatment of persons irrespective of racial or ethnic origin»¹).¹ By implementing this legal mechanism, all EU member states are obliged to implement an active policy that encourages the participation of national and ethnic minorities in public life, including in politics. Policies that equalize the chances of persons belonging to minorities in the labor market and in the public sphere. The requirements of the bodies of the European Union were of great importance for the EU candidate countries, since the adoption and implementation of legal and institutional mechanisms protecting the rights of minorities at national level was one of the elements of assessing a country's political readiness for membership (as part of the Copenhagen criteria).

¹ EU COUNCIL DIRECTIVE 2000/43 / EC, which implements the principle of equal treatment of persons, irrespective of racial or ethnic origin. URL: https://zakon.rada.gov.ua/laws/show/994_a65.

Although the European Union made specific demands on the candidate countries of the 2004 Pre-enlargement Coverage, among which the implementation of the European Standard on the Observance and Safeguarding of the Rights of National Minorities took the last place, each country chose its path of implementation. The models of ethno-national politics of the countries of Central and Eastern Europe have their peculiarities in view of the specifics of the historically predetermined and contemporary problems that each country faces.

The ethno-national issue for the European Union remains extremely tantalizing, in particular as regards legal redress. The researchers of these problems demonstrate two extreme points of view.² Proponents of the former believe that it is necessary to set rigid standards set out in international instruments for the protection of minority rights and to require every country to comply with them. The main argument for this position is that the rights of national and ethnic minorities are fundamental human rights and must be protected by international standards. Another point of view is that the regulation of minority rights is an internal matter of the state in which they reside and should be governed solely by domestic, national law. The main argument in favor of this position is that the situation of minorities in different countries is different, so it is not necessary, and it is impossible to work out a single system of rules at the international level. Therefore, while international documents concerning the protection of the rights of national minorities are of a recommendatory nature, national legislation and the practice of its application are directly decisive for ethnic and national minorities. And since the countries of Central and Eastern Europe, which have joined the European Union, have confirmed their compliance with democratic requirements, unlike other post-socialist states, their legislation and the practice of its application also comply with democratic principles.

1. Legal and social mechanisms for ensuring the rights of national minorities in Hungary

The Republic of Hungary pursues the most liberal ethno-national policy in the region. It is one of the exemplary countries for the protection of the rights of national minorities, both at the legislative and practical levels, with the establishment of separate institutions to address the most pressing problems in this area. For Hungary and Romania, it is a Roma minority issue that is at its worst. In the countries there are separate state bodies dealing

² Варфалови А. Осуществление прав национальных и этнических меньшинств
Официальный сайт Научно-исследовательского института социальных систем URL:
http://niiss.ru/mag13_natrights.shtml

with the protection of the rights of the exclusively Roma minority. In Romania, this is the National Office for Roma. This issue will be addressed in Hungary in the context of the study of legal and institutional mechanisms for ensuring the rights of minorities, including the Roma.

Researchers say Hungary's most liberal minority policy is linked to the large number of Hungarians living outside their homeland in neighboring countries. By granting the greatest rights to national minorities, Hungary expects to obtain the same benefits for the Hungarian minority in Romania, Slovakia, Serbia and Ukraine.

Hungary's liberal ethno-national policy, focused on EU standards, has been implemented since 1990. In the Hungarian Constitution, Article 68 sets out the status of national minorities. National minorities are members of the government, they are a state-forming factor. The Republic of Hungary protects national and ethnic minorities. It provides them with collective participation in public life, the preservation and development of culture, use, teaching, the right to use names in their native language.³ Hungary's fundamental law guarantees the right of national and ethnic minorities to create self-governing bodies – both local and national, and provides for the adoption of laws to ensure representation of national and ethnic minorities living in the territory of Hungary.

The relevant bill was drafted with the active participation of minorities and passed in 1993 under the name Law on the Rights of National and Ethnic Minorities⁴. This law and the Constitution empower national and ethnic minorities, and their number – 13 – is defined by law, with the right to form their own self-government bodies at their places of residence. The essence of this right lies in the fact that the minority of the masses have the right to create in their settlement and at the state level their self-government, which is designed to solve the issue of preserving the cultural and linguistic identity of this minority. A municipal government can declare itself a minority government if more than 50 percent of its elected members are of a particular national or ethnic minority. This is possible provided that in a particular settlement or district of Budapest a national or ethnic minority constitutes a majority of the population, a majority of minority representatives are elected in accordance with the local authority. In practice, it turns out that in this locality a minority self-government body carries out

³ Конституция Венгрии (Венгерской Республики) // Конституции государств Европы.– М.:НОРМА, 2001. 356 с.

⁴ Act LXXVII of 1993 on the Rights of National and Ethnic Minorities. URL: https://www.minelres.lv/NationalLegislation/Hungary/Hungary_Minorities_English.htm

administrative management. That is, the minority gains some territorial autonomy.

If more than 30 percent of representatives of a certain minority are elected to a local government body, they can indirectly create a minority self-government body consisting of at least three persons.

The legislation provides for the right of national minorities to establish self-government bodies at the national level as well. In addition to agreeing on issues related to cultural autonomy, the tasks of these bodies include expressing the position of this minority on all issues of urgency to it, as well as ensuring the proper protection of the interests and rights of the minority or its representatives at the Hungarian level.

The system of establishing local self-government bodies was first tested after the 1994 Law on the Rights of National and Ethnic Minorities in the municipal elections in 1994. Not all minorities have shown a desire to create local governments. The Roma were the most active, and the Ukrainians became the only one of the 13 minorities who did not want to have their own self-government. However, Ukrainians do not belong to the largest national minority in Hungary. The ethnic composition of this multi-ethnic 10-million country is dominated by the titular ethnic group, the Hungarians make up 89.9 percent of the population. The largest minorities are: Roma – 4 percent, Germans – 2.6, Serbs – 2 percent, the rest – Slovaks, Romanians, Croats and others – do not exceed one percent.⁵

In general, all legislative acts, targeted programs in Hungary are aimed at the widest possible protection of the rights of national minorities in accordance with European norms and standards. The main focus in ethno-national politics is on maximizing the involvement of ethnic and national minorities in government. This is done through close co-operation of minorities with public authorities through the interaction of minority self-government bodies or through the inclusion of these bodies in the public authority system.

The Hungarian Constitution and the Law on the Rights of National and Ethnic Minorities establish the concept of positive discrimination. Accordingly, national and ethnic minorities have the right not only at the level of the titular ethnic group of opportunity, but also to additional mechanisms for their implementation, which are provided to them by the government through appropriate government programs and legal mechanisms. Positive discrimination sometimes transfers into discrimination

⁵ Вітман К.М. Етнонаціональна політика постсоціалістичних країн: моделі, особливості, проблеми: монографія. К.: Лотос, 2007. С.68.

against the titular ethnic group, so protected are the rights of minorities in democratic countries.

Self-government bodies are a unique solution to an ethnic issue. Hungarian law empowers ethnic and national minorities with effective and powerful mechanisms to resolve their own problems and ensure their interests. As a result, granting minorities the right to formulate public policies at local and national levels in this way can be taken only after their agreement or consultation with minority bodies. For example, a local authority of a settlement requires the consent of a minority self-government body, even to appoint a school principal, if it concerns the teaching of a national or ethnic minority. No decision can be taken without proper consent.

Mandatory consultations are held with national self-government bodies in the preparation of bills related to the conservation and development of the historical heritage of minorities and the definition of educational programs for them. National minority bodies at the national level have the right to make suggestions or recommendations when discussing a government report on the situation of minorities in Hungary. Local governments also have the right to make inquiries with any government body about minority issues.

Thus, a powerful legislative mechanism to involve national minorities in the political process of the state was created at the local and national levels in Hungary.

In addition to legal mechanisms that allow minorities to form effective bodies for the protection of their rights and interests, Hungary has created effective institutional mechanisms within the system of public authorities designed to ensure the proper development of all national and ethnic minorities in the country. The first is the Ombudsman for National and Ethnic Minorities. Establishment of an institution of a special parliamentary ombudsman – the Ombudsman for National and Ethnic Minorities is provided for in Article 32 / in the Constitution, which also defines the main function of the Ombudsman for Minorities – to investigate or commission an investigation into known violations of the rights of national and ethnic minorities and to act on behalf of others measures to remedy these violations. The Ombudsman is thus responsible for investigating any abuse and violation of the rights of national minorities. The Law on Parliamentary Guarantees of Citizens' Rights regulates in more detail the functions and powers of the Ombudsman for the Rights of National and Ethnic Minorities.

The Ombudsman's nomination is coordinated by the President with the national minority self-government bodies at the national level, in the absence of such bodies, with a registered body representing the interests of a particular national or ethnic minority. The proposed nomination is approved by Parliament by two thirds of the votes.

The second institute is the Office for National and Ethnic Minorities. It was created by the Hungarian government back in 1990 to coordinate governmental tasks and programs for the development of national and ethnic minorities living in the country. The Office for National and Ethnic Minorities is subordinate to the Ministry of Justice, which, among others, performs the functions of legal control over the regulation and legislation of national minorities. Although the operation of the Office is supervised by the Minister of Justice, the Office for National and Ethnic Minorities is an independent governmental organization with national jurisdiction. It is headed by its Director, who is appointed and dismissed by the Prime Minister upon the submission of the Minister of Justice.

The Office for National and Ethnic Minorities liaises with the Minority Ombudsman and cooperates with national minority self-government bodies and other minority interest organizations in Hungary. The Minority Office directly maintains close contact with all national and ethnic minorities residing in Hungary and has the following departments: the Roma Department; German minority Department; the Romanian Minority Department; Department for Croatian and Slovenian Minorities; Department for Bulgarian, Greek, Armenian and Serbian Minorities; Department for Polish, Russian, Slovak and Ukrainian minorities; Department for Legal Affairs and Local Authorities; Department of International Relations; Minority Research, Information, Documentation and Analysis Department; Financial Department.

According to the Law on the Rights of National and Ethnic Minorities, the government must submit to Parliament twice a year a comprehensive report on the current status of minorities in Hungary. The Office for National and Ethnic Minorities prepares this report and is responsible for it.

Director of the Office of Minorities assumes the duties of chairman of the Board of Trustees of the Public Foundation for Minorities – another institute established to implement programs that ensure the preservation of national and ethnic identity of minorities, the development of their cultures and the protection of interests. Its operation is provided for by Article 55 of the Law on the Rights of National and Ethnic Minorities, according to which the Public Fund is established by the Government with its headquarters in Budapest. This fund provides the bulk of the financial resources for cultural events, programs, bookkeeping support and national minority periodicals.

In particular, the Roma Community Fund operates as the most numerous and problematic minority in Hungary. It supports the development of small businesses, employment programs and Roma health care. The Hungarian Budget Law provides for the annual allocation of funds to the Public Minority Fund and the Public Roma Fund. The trustee boards of these funds are responsible for determining the mechanism of use of these funds.

The main decision-making body of the Public Foundation for Minorities is its Board of Trustees, which includes:

- one representative from each national minority self-government body elected at a general meeting, and in the absence of a national body, a representative elected by minority organizations;
- one representative from each party represented in parliament;
- one representative from the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Cultural Heritage, the Coordination Council for Children and Youth and the President of the Hungarian Academy of Sciences.

This is not limited to the institutional body of authorities whose task is to exercise the rights of Hungarian national and ethnic minorities. In 1995, the government created an inter-ministerial committee, comprising representatives of all ministries and bodies responsible for ethnic politics. The Committee's mandate included drafting bills, action plans, monitoring program implementation and coordinating minority policy.

Thus, in Hungary, there is more than one ministry dealing with issues of national and ethnic minorities at the national level. Minority issues also lie within the functional responsibilities of the Department of Public Education and Minority Relations in the Ministry of Education, the Department of National and Ethnic Minorities in the Ministry of Cultural Heritage, the Department of Labor Market Programs and the Department of Social Welfare in the Ministry of Social Policy and Affairs. That is, in any area of government, minorities are given particular attention. The Office of the Prime Minister has a Public Relations Division responsible for engaging with civil society organizations, including establishing and maintaining contacts with non-governmental minority organizations. Thus, the entire state apparatus of Hungary is in one way or another imbued with the function of protecting the rights of national and ethnic minorities.

In addition to legal and institutional protection, effective social mechanisms are in place in Hungary to enable national and ethnic minorities to exercise fully their right to their national or ethnic identity. These mechanisms create a favorable social atmosphere in which members of national minorities can freely declare, defend and develop their national or ethnic identity.

In Hungary, one cannot freely express a negative opinion about a particular minority. There are legal restrictions governing minority opinion. State-owned media should also provide time and space for coverage of minority issues. The Law on Radio and Television provides for the legal responsibility of the state media for providing continuous information on the lives of national and ethnic minorities. The Ombudsman's reports on national and ethnic minorities on the basis of requests, complaints, as well as

the Government's biennial report on the status of respect for national and ethnic minorities, prepared by the Office for National and Ethnic Minorities, are not only the outcome of the work of state bodies in the field of security minority rights, but also the starting point for new programs, activities, and more.

Minority Day in Hungary is a social mechanism. The Hungarian government declared December 18, the day the General Assembly adopted the OOP Declaration on Human Rights, National, Ethnic, and Religious Minorities in 1995 – Minority Day, to draw public attention to ethnic issues and to support and develop the most favorable social climate for development minorities. Minority Prize is awarded by the Prime Minister of Hungary during the celebration. It is received annually by foreigners or Hungarians, organizations, self-governing bodies of minorities who demonstrate outstanding achievements in the public sphere, education, culture, religion, science, media, business, and minority interests.

2. Romania: problems of interethnic interaction

Despite the territorial neighborhood, the situation of minorities in Romania and Hungary is fundamentally different. Throughout history, Romania has had to deal with many complex issues in the area of interethnic relations. After the First World War and in the interwar period, ethnic tensions increased in the country. As a result of the war, accession and annexation, the territory and population of Romania has doubled. In addition, ethnic composition has changed significantly: the number of national minorities was more than a quarter of the population.

Without a brief excursion into the history of interethnic relations in Romania in the twentieth century, it is impossible to understand the contemporary problems of an interethnic nature. The constitution of 1923 resolved the problem of interethnic relations on the principle of equal rights, civil and political freedoms to all minorities of Romania. Immediately after the liberation of Romania, a new legal document regulating the status of national minorities – the Decree Law on the Status of National Minorities – appears. After the Second World War, the Hungarians remained the largest minority, increasing to 10 percent due to Romania's accession to Northern Transylvania. The decree-law proclaimed the equality of all citizens before the law, granting them the same civil, political and legal rights regardless of race, nationality, language and religion (Articles 1, 4). A separate section enshrined the right to use one's own language, that is, the language of the national minority, in all administrative and judicial bodies in areas where national minorities made up at least 30 percent of the population. Legislative acts which were adopted after August 23, 1944 were translated into national languages. National minorities were guaranteed the right to receive

education in their mother tongue at all levels of the education system, including higher education. Judicial and administrative officials in areas where minorities made up at least 30 percent of the population «were obliged to speak the languages of their respective nationalities» (Art. 12).⁶

The next constitution established a new administrative-territorial division, which was developed taking into account the national peculiarities of the regions and envisaged the creation of a separate Hungarian Autonomous Region with extremely wide internal powers. The Hungarian Autonomous Region was created to use the Transylvanian problem to maintain the required Hungarian-Romanian balance in the region.

The Transylvanian problem is that this historic territory with a mixed Hungarian and Romanian population, which is now almost a quarter of Romania's territory, has repeatedly moved from Hungary to Romania, and vice versa. Mutual claims have not disappeared as Romania has gradually begun to revise its policy towards the Hungarian minority. Following the withdrawal of Soviet troops in 1958, the rights of the Hungarian Autonomous Region were restricted, and higher education opportunities reduced in Hungarian (Hungarian University of Cluj was merged with Romanian). Trends in moving away from democratic principles of resolving the national issue are being traced. For example, in the postwar years, against the background of giving preferences to the Hungarian national minority, another minority, the second largest in the country, remained discriminated against. It's the Germans. The German minority was directly responsible for co-operation with Nazi Germany. Most Romanian Germans were subject to unjustified restrictions on civil rights and freedoms, confiscation of property, expropriation of land ownership and real estate.

Subsequently, national communism Ceausescu led to the assimilation of national minorities. As early as the 1960's and 1970's, the term «national minorities» was replaced by «cohabiting nationalities». The assimilation course was based on the concept of a «single Romanian nation». These and other social experiments culminated in the revolution of 1989, which gave rise to many expeditions in the environment of national minorities, but did not satisfy all. The national composition of Romania has not changed much since then. The titular ethnic group is about 89.5 percent of the population; the largest minority are Hungarians – 7.1 percent; the second largest – Gypsies, 1, 8 percent; the third – the Germans, 0, 5 percent; other minorities (Ukrainians, Russians, Turks, Crimean Tatars, Serbs and Slovaks) make up

⁶ Декрет-закон о статусе национальных меньшинств // *Конституция и основные законодательные акты Румынской Народной Республики* М. Изд-во иностранной литературы, 1950. С. 109-114.

0.8 percent of the population.⁷ The main legal instrument for the protection of the rights of national minorities remains the Basic Law. The Constitution of Romania of 1991 guarantees to persons belonging to national minorities the right to preserve, develop and display their ethnic, linguistic, cultural and religious identity (Article 6, Paragraph 1). At the same time, the protection measures applied by the state to preserve, develop and manifest the identity of persons belonging to national minorities must comply with the principles of equality and non-discrimination against other Romanian citizens (Article 6, paragraph 2). With this provision, the constitution seeks to prevent the positive discrimination that Romania has had in its history.

The political rights of minorities, including the right to have representation in the legislature, should be mentioned separately. Representatives of national minorities are elected both to the lower house – the Chamber of Deputies and to the Senate. If the national minority did not secure the passage of their representative to parliament, the Constitution provides it the right of representation by a separate provision⁸. Para. 2 of Article 59 establishes that organizations of citizens belonging to national minorities who do not vote in the elections for a sufficient number of votes for representation in the parliament are entitled to one deputy seat each, subject to the conditions established by the election law.

The Romanian Constitution also regulates minority language rights. Despite the fact that the Romanian language is called native for 89.5 percent of the population and Art. 13 of the Constitution proclaimed that «Romanian is the official language in Romania», it guarantees the right of persons belonging to national minorities to study their mother tongue and receive education in their mother tongue (Para. 3 of Article 32).

However, in the 1990s, the situation for Romanian national minorities was far from democratic, despite the fact that according to the Romanian Constitution, in international instruments for the protection of national minorities ratified by Romania, priority was given to those that provide not only the rights of national minorities but also state relations in preserving their identity, creating favorable conditions for the development of culture, language and religion, taking into account the interests of national minorities by the state in domestic and foreign policy. Romania was in no hurry to fulfill these responsibilities. Even now, according to an analysis of the legislation by the Center for Human Rights and the Association for Human

⁷ Вітман К.М. Культурна автономія як потенційний механізм забезпечення прав національних меншин Румунії // *Актуальні проблеми політики. Збірник наукових праць / Голов. Ред. С.В. Ківалов; відп. за вип. Л.І.Кормич.* – Одеса:ПП «Фенікс», 2007. Вип. 30. С. 399.

⁸ Конституція Румунії. URL: // <http://www.ilpp.ru/8508757867>

Rights Protection in Romania, national legislation does not fully meet the democratic requirements of securing minority rights. Meetings of local authorities, even in regions where national minorities make up a large proportion of the population, are held in an official language. Representatives of national minorities may file complaints, applications to local governments in their native language, but with translation into Romanian, which is required along with the application.

The situation of national minorities in the political sphere was not the best, despite the guarantees given to them by the Constitution. In Romania, all minority organizations have the status of parties. Other Romanian parties do not like this very much. They are still unanimous in the fact that there are too many national minorities in Romania and they either need to be reduced or their rights restricted. In particular, some political forces have sought to pass through the legislature a law that impeded the passage of national minorities to parliament. Even in local elections, it is difficult for national minority organizations and parties to compete with other Romanian political forces.

In elections to local authorities in 1992, 1994, when there was no electoral threshold (the number of votes required to obtain one mandate was required), 10 minorities won deputies in local councils. Hungarians – in all counties of Transylvania, Banat and Krishna⁹. The Germans – in the three counties of Banat and in Sibiu. Even Roma, known for their political inactivity, even though they make up 5 per cent of the country's population, have gone to local authorities. Three Roma parties received mandates. In addition to the aforementioned minorities, Russians, Ukrainians, Slovaks, Poles, Greeks, Serbs, Turks and Tatars also sat in the seats. But in 2000, a 3 percent barrier was introduced in local elections, up to 5 percent in 2004. This substantially restricted the activity of national minorities in local government elections.

Such measures are contrary to the declared principles of the protection of national minorities, especially for a Member State of the European Union. For all national minorities, except Hungarian and German, such a barrier is insurmountable. To tell the true, other political problems were solved in this way, but doing so at the expense of the rights of national minorities is unacceptable in a democratic state. Raising the barrier, the legislator sought to stabilize Romania's rather entropy, chaotic political system.

A serious restriction on the rights of national minorities in Romania was the adoption of the Education Act of 1995, which restricted the possibility of representatives of national minorities to receive education in their mother

⁹ Sandru V. Aspects of Romanian Experience in Building Democratic Inter-Ethnic Relationships. *Romanian Journal of International Affairs*. 1996. Vol. 2. P. 219.

tongue far more than previous education laws. It enforced the norms that aroused national minorities. Entrance and graduation exams in the mother tongue can only be taken in schools or high schools where teaching is done in the minority language or there are departments in higher education. However, the limited number of such institutions at the lyceums, high schools, and even more so in higher education institutions, forced parents to send their children to Romanian-language schools. University education in the mother tongue of national minorities was provided for only two specializations – pedagogy and culture. A whole barrage of protests prompted a textbook and the title of the course – «Romanian History» instead of «Romanian History», which minimized the study of the contribution to Romanian national minority history. In addition, the provisions of the Act excluded the possibility of returning nationally owned private and denominational schools of nationality in 1948. While national minorities have criticized this law on education, nationalist Romanian circles have called it too liberal. The National Unity Party saw in the Law the danger of a privileged position of national minorities and discrimination against the Romanian language. An open letter from the party to the President of Romania stressed that the adoption of the law would lead to segregation of education through the organization of ethnic-based schools, the dismissal of Romanian teachers and the exclusion of Romanian students from mixed schools, and would continue the process of «madiranization of Romanian in the districts»¹⁰. But the law was passed despite the discontent of both parties. The European Parliament immediately responded to this by a resolution condemning Romania for passing a law that violates the rights of national minorities. Protest rallies of national minorities took place in the country.

Due to the lack of consensus on ethnic politics in Romania in the 1990s, the law on national minorities was not passed and the need for it was over. Several draft laws were actively discussed. The main drawback of the draft law from national minorities, which relied on international experience, was the recognition that the rights of national minorities were considered in it as a component of human rights and accordingly provided for the right to internal self-determination, personal, local and territorial autonomy. In addition, this draft, which provided for the right of national minorities to autonomy, was put forward by the Romanian Democratic Union of Hungarians. And since the time of Ceausescu, the concept of internal self-determination and territorial autonomy has been regarded as a direct threat to maintaining the unity of the Romanian state. As the draft law was crushed by

¹⁰ Кравченко Т. Проблема прав национальных меньшинств в Румынии (вторая половина 40-х – 90-е годы). URL: <http://liber.rsuh.ru/Conf/FreedomII/kravchenko.htm>

criticism, Romania's Democratic Union of Hungarians abandoned territorial autonomy, leaving only cultural. However, no compromise has been reached.

Even the slightest hint of the issue of autonomy in Romania is seen as an assignment to Hungarian separatism. And it is not grounded, as Hungary supports these trends in Romania. A conference on Hungarian diaspora issues took place in Budapest in 1995, during which the principle of combating the autonomy of the Hungarians in Romania was publicly announced. In 1996, a corresponding Declaration was adopted stating that the Hungarian Republic was «responsible, as stated in the Constitution, for Hungarian communities abroad». Hungary's activity in Romania was seen as an attempt to interfere in the country's internal affairs and threaten the integrity of its territory. Thereafter, a co-operation and support agreement was signed between Romania and Hungary to join the European Union, based on the rejection of territorial claims, which Romania sought.

However, this treaty did not change Romania's conceptually different approach to ethno-national policy. The state component in it continues to dominate. Romania's ethno-national policy envisages the integration of national minorities into the Romanian community while preserving their national and cultural identity, but which is particularly emphasized in the light of the fundamental rights of the state of which they are nationals.

This approach is not endorsed by a united Europe. Therefore, the scientific and political circles of Romania are returning to the idea of cultural autonomy every time. After all, cultural autonomy in no way threatens the territorial integrity of the country, as it is granted to representatives of the minority and not to the territorial community. Cultural and territorial autonomy are radically different. Cultural autonomy implies that all citizens – both the titular ethnic group and the minorities – are interested in increasing the welfare and development of the state in which they live. As noted by leading Baltic German interwar period theorist Paul Schillman, «Minority policies must work for the state in which they reside; any other approach to politics is detrimental». Therefore, it is only possible to allow a national minority to carry out their cultural life autonomously when it demonstrates complete loyalty to the country of residence¹¹.

From this it follows that the mechanism of recognition in the form of cultural autonomy does not at all mean the automatic creation of a «state in a state» (which equates a national minority to a state), something that Romanians fear when discussing the issue of granting cultural autonomy to the Hungarians. On the contrary, the theory of cultural autonomy

¹¹ The Cultural Autonomy of Ethnic Minorities in Estonia . URL: http://www.linst.ee/faet-sects_uus_knjii/the_cultural_autonomy_of_etnie_minorities_in_esto

presupposes the existence of a state as a civic community and a territory populated equally by a minority and a majority. In other words, cultural autonomy creates a common territorial space. The law on cultural autonomy applies only to citizens and only citizens are entitled to form it.

National minorities in Romania enjoy universal rights as citizens of the state and additional specific rights that ensure the development of their ethnic identity as a minority. However, the prerogative of securing these rights is reserved only to the State of residence, provided that other States do not interfere. In Romania, however, special emphasis is placed on the fact that in international instruments regulating the rights of national minorities, their responsibilities as citizens of the state in which they reside are not sufficiently reflected, and therefore, the rights of national minority representatives are not protected, the case of the Romanian nation living in compact settlements of national minorities. In Romania, the issue of developing a mechanism for accountability of states for rhetoric and actions against their minorities and the titular ethnic group is rather rigid¹².

CONCLUSIONS

Thus, the Republic of Hungary has created one of the best post-socialist countries in the region to secure rights, interests and create favorable conditions for the development of identity, culture, language of all national and ethnic minorities living in its territory. This system contains powerful legal mechanisms for the protection of minorities by involving them in the government system on a voluntary basis in the form of forming local self-government bodies of minorities. Hungary's effective legislation has made it possible to build a state apparatus in such a way that, at all levels, it participates in the internal policies of national and ethnic minorities, their representatives or bodies representing their interests. No decision, even indirectly concerning a minority, can be made without its consent, even initiated without consultation with a minority. To this end, a considerable number of institutional mechanisms are functioning directly within the system of public authorities, such as the Ombudsman of Minorities. The parallelism and complementarity of legal, institutional and social mechanisms for the protection of minorities creates an interpenetrating network of opportunities and ways of securing and realizing rights and interests by Hungary's national and ethnic minorities.

Thus, securing the rights of national minorities in Romania is not yet recognized as a public value, a priority for Romania as a multi-ethnic, multicultural state, and they are still considered a threat to national

¹² Сака В. Национально – возрожденческие отношения как фактор транзита к демократии (Молдова, Румыния, Украина). URL:<http://www.e-journal.ru/bzarub-st3-17.html>

sovereignty. But a democratically resolved national issue can lead, even in the opinion of some Romanian scholars, to separatist tendencies and interethnic conflicts. Considering at least that the most problematic minority – the Hungarians – are able to support these trends from their ethnic homeland. Moreover, Hungary is considered to be a model country among the countries of Central and Eastern Europe in terms of protection of the rights of national minorities. Therefore, even in view of her image, she cannot leave the Romanian Hungarians for granted.

In view of all the above issues, Romania has become one of the most problematic candidates for EU membership because of the poor state of protection of national minority rights. And, as you know, the problem of exercising their rights is one of the most delicate, difficult to solve, especially in a transitional period in Romania. On the one hand, the state is trying to demonstrate Romania's movement at all levels to meet EU standards in this field, and on the other, the position of national minorities remains unsatisfactory due to internal resistance in the Romanian society itself and lack of consensus on this issue.

SUMMARY

The features of ethno-national politics in the countries of Central and Eastern Europe are studied, in particular the legal and social mechanisms in Hungary and the problems of interethnic interaction in Romania. The peculiarities of the implementation of ethno-national politics, determined by the priorities and rates of social transformation in these countries, are determined. The political and legal bases for the protection of the rights of national and ethnic minorities are analyzed.

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