

# THE SZEKLER AUTONOMY INITIATIVES

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## **ABSTRACT**

The aim of the present paper is to answer the question how the claims of the Szekler and implicitly the Hungarian political elite for the territorial autonomy of Szeklerland fit the current Romanian state structure and arrangements, in other words, where does the Hungarian claims and the Romanian reactions meet? The conflict arose between the Romanian majority and a Hungarian minority group, the Szeklers, who claim back their right to territorial autonomy in order to preserve their national and cultural identity in a region where they constitute the majority of the inhabitants. On the other side, the Romanian state from fear of secession, tries to avoid the issue and would rather grant broader personal than collective rights. By analyzing the autonomy documents from 2000 and the regionalization and decentralization processes the country undergoes, in the conclusion I point out the common elements in the Hungarian claims and the Romanian regionalization/decentralization process in order to find out what is the common ground for both.

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## INTRODUCTION

One can argue that with the birth of the European Union, member states have put more emphasis on defending human and minority rights within their borders such as the right to self-determination. Many charters and treaties were signed such as the Copenhagen document on Human Rights, the Recommendation No.1201/1993 of the Council of Europe, the EU Charter for Local and Minority Languages, the Framework Convention for the Protection of National Minorities, which all signal the high attention the issue gets. However, one must acknowledge that the political, economic and social circumstances in Western and Eastern European countries differ in many aspects, consequently, the minority demands should be seen embedded in the adequate context.

Subsequently, the question I am posing in the present paper is: how the claims of the Szekler and implicitly the Hungarian political elite for the territorial autonomy of Szeklerland fit the current Romanian state structure and arrangements, in other words, where does the Hungarian claims and the Romanian reactions meet?

Although I acknowledge the fact that the dispute about autonomy is political since there is the minority party, the Democratic Alliance of Hungarians in Romania (DAHR) involved, moreover the kin-state Hungary also plays a very important role in the unfolding of the events, although my aim is not to discuss the legitimacy of these claims, but their viability from a policy point of view, because we deal in this case with an elaborated policy project (actually projects as the reader will see in the third chapter) that the Hungarian elite thinks is feasible, but on the other side contested by the Romanian state.

In the case of Szekler Hungarians from Romania the actual reason to achieve the territorial autonomy of Szeklerland, is the preservation of the national identity and culture, even more than this, to develop the bare economy of the region, referring to the arguments that the Romanian state during communism purposefully pushed the minority towards

assimilation (Marle and Paul 1997-2000), moreover neither the rights guaranteed to the Hungarian minority are fully respected and the laws are sometimes incorrectly or not applied at all (Chiriac 2005, 104). As a consequence, the solution they envisage to put an end to their grievance is the territorial autonomy of Szeklerland, a land on which they are numerically concentrated (three counties), adding up 75% of the population. By this territorial arrangement they expect to establish their own institutions and according to the principle of subsidiarity propagated by the EU as well, this would enhance the well-being of the people inhabiting this particular portion of the country.

The issue, however, is not so simple, since the Romanian elite has its own fears and discredit regarding such a territorial arrangement and besides other arguments that I will develop in the body of the paper, it would rather according to George Schöpflin (2000, 422) bear the costs of a conflict, which it feels it is lower rather than “the costs of accommodation which threatens their interests”. The reason of such reaction can be found in the history of the state, when the Romanian elite “relied heavily on bonds of nationhood to legitimate power rather than social justice, political participation or economic development ” (Schöpflin 2000, 422).

The issue of territorial autonomy for Szeklerland was brought up shortly after the fall of communism; it was especially hotly debated between 2003-2004, moreover, it has not yet been taken down from the political agenda of the DAHR.

In the present paper I analyze the autonomy projects dating after 2000. There are several reasons for this decision. Firstly, because after the 2000 elections the post-communist left won that opened new perspectives for Romania concerning regionalization and the EU integration that began in 1999 due to a decision taken at the Helsinki summit (Bakk 2004, 51). Secondly, a bilingual Romanian-Hungarian white-collar group was formed, *Provincia*, that gave impetus for the proliferation of similar ideas present in the *Memorandum* they published.

The *Memorandum* (2001, Bakk 2004, 51) proposed the regional reorganization of Romania taking as a starting-point the already existing 8 development regions, and assigning them administrative competences for a better functioning and own Parliament. Thirdly, because this was the period, when the question of autonomy was brought in discussion again by the DAHR, after almost 7 years of silence, due to its internal opposition that pushed for more action in this issue.

As for the structure of the paper, in the first chapter I present the methodology as well as the conceptual framework encompassing the minority rights, the concept of autonomy, regionalization and decentralization. The second chapter makes the reader familiar with the historical background on which the Szeklers base their claims, while in the third chapter the concrete autonomy documents are analyzed, by the presentation of their main characteristics from a policy point of view, their authors as well as the principles on which the claims are based together with the international references they use. Finally, the fourth chapter contains the Romanian stance to the autonomy project as well as the regionalization and decentralization process the country undergoes. The conclusion of the thesis puts in balance both the demands and the existing state structure and tries to answer the research question where these meet.

I propose this paper for all those scholars interested in the topic, who would find this case study useful for their future research on this theme and I also recommend it to the Romanian elite as well as the Hungarian DAHR, Szekler National Council (SZNC) and Transylvanian Hungarian National Council (THNC) since the paper highlights the focal points where the majority and minority policies meet, from where they could proceed in order to accommodate the conflicting ideas.

# CHAPTER 1. METHODOLOGY AND CONCEPTUAL FRAMEWORK

## *1.1. Methodology*

The methodology I use in the thesis is a qualitative documentary analysis and a critical policy evaluation. The documentary analysis involves the study of existing primary sources such as the Romanian Constitution, Law 315/2004 on Regional Development in Romania, the Framework Law on Decentralization 339/2004, and draft laws such as the Autonomy Statute of Szeklerland or Bill on the Legal Status of National Minorities, as well as secondary sources like media reports, scholarly essays, articles, working papers, minutes of meetings in order to retrieve from them the necessary data. By using the policy analysis method I will present the context of the autonomy policy as well as the alternatives to it, while assessing their impact reflected in the reaction of the Romanian state.

In my research I go even further and by interpreting the data contained in the documents I have studied, I put together the pieces of the puzzle and point to the joint where the reaction of the Romanian elite and the demands of the Hungarian community meet, and assess by this if the Hungarian claims are indeed very far reaching and impossible to be plied to the present Romanian regional structure or on the contrary, they contain strong ideas that actually could not be refused by the state. In this sense I use the generative function of the research.

## *1.2 Conceptual framework*

In order to present my point of view and ideological position in the autonomy debate, it is elemental to have a review of what the literature says about the concepts I am going to refer to in the continuation of my paper. Subsequently, the focus will be on the issues of

autonomy, regionalization and decentralization seen from an EU perspective all these embedded in the even broader topic of minority rights.

### **1.2.1 Minority rights**

At least a short reference to the minority rights is essential in the sense that first of all it sheds light on the reasons why a minority population would claim territorial or any kind of autonomy, while on the other hand it reflects upon the arguments of the majority population for rejecting to grant collective minority rights and through this autonomy.

I will begin by presenting the line of argumentation of Will Kymlicka, a very popular, acknowledged and often cited author in the literature concerning minority issues. In his essay, “Western Political Theory and Ethnic Relations in Eastern Europe”, he departs from the western experience with minority issues and draws the attention of the Eastern and Central European (ECE) countries to the fact that democratization is not a panacea to the minority conflicts, on the contrary, the more neutral stance a state takes, the more acute the problem will become (2001, 82,84). Consequently, he suggests that drawing on the western model, the ECE states should also grant a certain amount of autonomy to their minorities for different reasons. He has more arguments but in nutshells the essence is that on the basis of equality principle (1995, 108) if the majority has the right to nation-building<sup>1</sup> than it cannot be denied from the minority either, of course within the same liberal limitations (2001, 25, 27). He also draws the attention to the fact that the more the nation state emphasizes its nation-building over the minority, it just aggravates the situation and fuels the reaction of the minority demands (2001, 61). He adds, that in contrast with the Western European countries, the reason why the ECE countries strongly resist territorial autonomy is besides the fear of disloyalty and secession “the legacy of the pseudo-federalism of the communist regime” and

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<sup>1</sup> The process of nation-building: “promoting a common language and a sense of common membership in, and equal access to the social institutions operating in that language.” (Kymlicka 2001, 19)



the existence of the kin-states nearby that they might join (2001, 64). (However, in my opinion, this last fear would not be motivated for Szeklerland because the 3 counties are not even close to Hungary, practically they are in the middle of Romania forming rather a conclave within the state). Moreover, minorities are seen as having been allies of external powers that have historically oppressed them and with which they still collaborate. Consequently, the treatment of national minorities is a question of national security (2001, 66).

Kymlicka does not stand alone with his arguments, he is actually backed by other authors such as Panayote Dimitras (2001) and Nafsita Papanikolatos (2001), Pal Kosto (2001), George Schopflin (2000) who even though agree with Kymlicka that there is some truth in fearing secession, but in spite of this they stress the fact that it would not be just to ask minorities to sacrifice their culture on the catafalque of integration into the majority society.

On the other side of the coin, there is the voice of Stephen Deets (2002, 2005) and Martin Brusis (2003) who reject Kymlicka's arguments and see the solution in granting only individual rather than collective rights. Moreover, instead of territorial autonomy Brusis envisages a consociational<sup>2</sup> agreement to deal with minority problems and on the EU level he encourages the use of the Open Method of Coordination<sup>3</sup> (OMC) to develop cultural diversity. As for Deets, he states that minority rights are "privately held values", consequently not necessary for the democratic process (2002, 33; 2005, 285). He argues that "Since minority language and education have shifted from a question of rights to a matter of providing public goods, giving states the responsibility to provide these goods it makes sense [...] while formulating state-sponsored minority language education would not." (2002, 36). He backs

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<sup>2</sup> Consociationalism has been identified by Arend Lijphart as a model of democracy and government in societies with ethnic, religious or cultural cleavages. For more information see (Brusis 2003, 6)

<sup>3</sup> OMC aims at encouraging cooperation, the exchange of best practice and agreeing common targets and guidelines for member states. For more information see (Brusis 2003, 17).

his arguments by adding that even international organizations such as the EU or OSCE stress the administrative form of territorial or non-territorial arrangements rather than autonomy (2002, 45).

Allowing for the fact that self-government rights do pose a threat to social unity (Kymlicka, 1995, 192), and that secession might also be a peril when granting autonomy, the denial of these rights is destabilizing either. Consequently, I do agree with those authors who support collective minority rights and autonomy, although acknowledging that sometimes the fears of the majority state can be justified.

For the reason that the concept of autonomy will be central to the present analysis, I continue the next subchapter by moving on to the concept of autonomy and its types as described in the literature.

### **1.2.2 Autonomy**

Etymologically the term “autonomy” derives from the Greek “auto”, meaning self and “nomos”, meaning rule or law. Thus, the original meaning of the term referred to the right to make one’s own laws (Lapidoth 1997, 29; Benedikter 2009). Besides this etymological explanation, there are several others, formulated by different scholars having as common subject area human rights such as Henry J. Steiner, Louis Sohn, James Crawford, Heinrich Oberreuter or Ruth Lapidoth. Out of all of them, I chose the one given by Ruth Lapidoth, expert in human rights and international law. The main reason relies in the comprehensiveness of the definition, in the sense that it encompasses most of the meanings the other authors gave to the term. According to her (1997, 175)

Territorial autonomy is an arrangement aiming to grant a certain degree of self-identification to a group that differs from the majority of the population in the state, and yet constitutes the majority in a specific region. Autonomy involves a division of powers between the central authorities and the autonomous entity. The powers of the entity usually relate to matters of culture, economics and social affairs. The extent of

assigned powers varies widely, ranging from a minimum to almost the totality of powers.

Besides the simple definition of the concept, Lapidoth (1997, 37) makes a distinction between cultural/personal, territorial and administrative autonomy, terms that I will refer to very often in the following chapters of the thesis.

Thus the most evident difference between cultural and territorial autonomy is that while the first one refers to all the members of the minority, irrespective of their territorial location, in the case of territorial autonomy only the members resident on a specific territory can enjoy the rights granted. The third type of autonomy she talks about, administrative autonomy is similar to decentralization. While decentralization denotes a certain kind of delegation of powers that may include limited participation of the locally elected persons in the regional authorities, administrative autonomy is more than this, it refers to the transfer of powers, implying that “all transferred functions are exercised by the locally elected representatives”. In the case of decentralization the state is fully empowered to exercise control and supervise the decentralized authorities, whereas they can only interfere in extreme cases in the autonomous regions (Lapidoth 1997, 51-52; Ghai 2000, 9). I will not devote much space to this term here since I dedicate the next subchapter to it.

She (1997, 35) and other authors such as Bakk and Benedikter acknowledge the fact that autonomy arrangements are not rigid but flexible, so even if once established throughout time they change. This aspect is important from the point of view of the Szekler autonomy initiatives because as the reader will see, there are several plans how to organize the territory in an autonomous entity.

According to Benedikter (2009, 128), autonomy has to be brought in line with democracy in the sense that subsidiarity is a cornerstone of it, which is basically “democratization through devolution of powers to government level closer to the citizens and local and regional communities”. The challenge of this approach lies in the establishment of

the third tier of governance besides the national and local ones (Benedikter 2009, 128). As the reader will see in the phases of the Szekler autonomy initiative and its documents, they all refer to the principle of subsidiarity, it constitutes basically one integral pillar on which the claims are based and underpinned, this is why it is necessary to understand from the beginning the conceptual framework in which the case fits.

Because in reality, autonomy projects take on very different forms, in the sense that they are very often intertwined, do not appear in their 'pure' form completely fulfilling the workbook definition, this is why regionalism or asymmetric territorial organization are often applied to solve interstate conflicts. The latter implies granting the territories in question broad powers or special status. This type of organization involves a certain degree of regionalization and federalism that confers different degrees of autonomy to local authorities, referring to particular areas of activity (Parliamentary Assembly of the EU Council 2003b.). Consequently, regionalization and implicitly decentralization, are very important from the point of view of the autonomy project because in the Szekler autonomy debate they will appear as alternatives to territorial autonomy, trying to ward off the contra-arguments of the Romanian opposition and making it more acceptable for them.

### **1.2.3 Regionalization and decentralization**

The book edited by Gerald Marcou (2002, 13) and published by the Local Government Initiative defines regionalization as

the process, which creates a capacity for independent action aimed at developing a specific area (sub-national but supra-local) through the mobilization of its economic fabric and where appropriate, of features of local and regional identity, and through the development of its potential.

Consequently its purpose is the promotion of regional development. Besides this very general definition it can be looked at in two ways: as a part of government reform or as part of the EU accession strategy (Marcou 2002, 14; Coman et. al. 2001, 356).

a) As EU accession strategy

To begin with the latter, in 2004 started the big wave of the accession of the Central and Eastern European (CEE) countries to the EU. However, the process of negotiations and compliance with the *acquis communautaire* began well before this date. As the economy of the CEE countries lagged very much behind their western neighbors, the EU decided to provide pre-accession funds to the candidate states such as PHARE, SAPARD or ISPA, to help them close the gap sooner. As these initiatives turned to be successful, even after their accession, the states where the GDP was below 75% of the EU average, were provided with further support although from some other sources such as the EU Regional Development Fund<sup>4</sup>.

By the same token, it is important to mention that in order to absorb these funds the candidate states had to establish the so called territorial statistical units (NUTS) in order to obtain financial support. They needed the funds because of the lack of foreign investment to upgrade their infrastructure and also to find a solution to deal with the increasing regional disparities that arose as a consequence of the transition period (Marcou 2002, 18; Hajdu 2007, 17). Although there is no direct requirement for decentralization in EU regulations, without it the structural funds cannot be allocated because subordinate authorities can not be partners. (Marcou 2002, 23).

The Romanian regional policy was proposed by the Green Paper for Regional Policy in 1997. Through the ratification of the 151/1998 Law on Regional Development in Romania

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<sup>4</sup> For the period 2007-2013, the European Union's regional policy is the EU's second largest budget item, with an allocation of €348 billion.

there were established 8 NUTS II<sup>5</sup> regions, where regionalization is based on the 42 existing local intermediate and upper level governments (Marcou 2002, 21-22; Coman et. al. 2001, 358)<sup>6</sup>.

b) As government reform

As part of the government reform, to some extent regionalization is part of the decentralization programme undertaken by the CEE countries after the fall of communism, which was necessary “both for democracy and for improving the system of public management” (Marcou 2002, 14). As a guidance on the path of decentralization, especially fiscal and administrative, there were several books edited by the Local Government Initiative of the Open Society Institute (Ebel and Peteri 2007; Kandeva 2001), while among other important institutions, the World Bank deals with the issue. According to the latter (Litvack and Seddon 1999, 2) decentralization is “the transfer of authority and responsibility for public functions from the central government to subordinate or quasi-independent government organizations or the private sector”. This very definition raises the essential question around which the debate revolves: how much power to grant to local authorities or the other organizations?

The Romanian government acknowledged the importance of granting more autonomy to local governments on the principle of subsidiarity, in order to enhance transparency and increase efficiency by letting them decide on the local level, that implies the assignment of funds, (Government of Romania website 2010) but yet the question is how far reaching the scopes of the state are, how much power it is willing to devolve.

Although, I realize the importance of expenditure and revenue assignment in the discussion of decentralization, however the aim of the paper is not to enter into details

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<sup>5</sup> There are five NUTS levels: three regional levels and two local. NUTS II is the equivalent of the larger regional level (Marcou, 2002, 20).

<sup>6</sup> It is important to note that NUTS have no legal personality, they were designed exclusively for data collection.

concerning the process itself but to use it as a concept in the body of the paper. What is important to add is the types of decentralization that exist: political, administrative and fiscal (Litvack and Seddon 1999, 2-3). Out of these we are interested in the last two that are embraced by the Romanian state either. The basics of administrative and fiscal decentralization reforms in Romania are based on several laws such as the 189/1998 Law on Local Public Finances, which was replaced by the 195/2006 Law on the same theme.

## CHAPTER 2. HISTORICAL BACKGROUND

This section of the paper was designed to serve the purpose of making the reader familiar with the roots and motives of the Szekler people for demanding territorial autonomy. It contains data not only on the historical background of the claims but also the reasons why the Szeklers consider it of utmost importance the achievement of territorial autonomy. As the reader will see the main reason is the preservation of identity and culture but there are also economic and social motives as well.

The Szeklers are a specific group of Hungarians, who live in one ethnic block in Szeklerland, a 10.000 square kilometers territory in Transylvania. Out of the total of 808.739 people, 75% are Szeklers and 21% Romanians (Csapó 2005). Szeklerland was organized in territorial self-governing units from the 13th century until the 1960s, and today they claim back their right to self-determination through the transfer of authority to their representatives, in a lawful and democratic process (Csapó 2005).

Although Transylvania has a very long history, dating back to centuries, from the point of view of the research the turning point is when it was ceded to Romania (Andreescu 2007, 61-62). After the unification with Romania as well as during the first years of communism, Hungarians from Romania were given quite extensive cultural and political rights. Moreover, in 1952 the 'Autonomous Hungarian Province' was established, comprising a large majority of Szekler Hungarians (Marle and Paul 1997-2000). However, the tranquility did not last for long, because during and after the Hungarian revolution of 1956, Romanians restricted the minority rights in the region from fear of protests. In 1959, the Hungarian Bolyai University in Kolozsvár was merged with the Romanian Babes University, moreover, in 1960, the density of ethnic Hungarians was reduced on purpose in the Autonomous Region, from 77.3% to 62.2%, while the Romanian population density increased from 20.1% to 35.1% (Marle and Paul 1997-2000). When communism took a nationalist turn, within 3 years after



Ceausescu came to power in 1965 the autonomous region was abolished (Bakk 2009, 30) and the era of the “romanianization” of the population began (Marle and Paul 1997-2000). Hungarians were forbidden to use their mother-tongue at work and “they were forced to accept employment in predominantly Romanian districts” being excluded from executive positions; while at the same time “Romanians from outside Transylvania were forced to settle in this Hungarian territory” (Kovrig 1986, 481). These were the most important measures that the Hungarian minority had to suffer during the communist era and this gave the impetus after the regime change to claim back their former rights, which they were entitled to.

Not even the regime change after 1989 brought a true relief, since the shift in power only meant at the beginning that “the former second echelon of the Communist Party was now in charge” (Marle and Paul 1997-2000), which capitalized on the nationalist discourses targeting the Hungarian population (Andreescu 2007, 63). According to Alina Mungiu-Pippidi (2007, 198)

the Romanian nationalism combines an ethnic essentialist philosophy with a suffused and a traditionalism that attempts to preserve the Romanian nation from external and internal menaces.

In spite of these facts that definitely played an important role in modeling the relationship between the two communities, when both parties felt that their nationhood is imperiled, an important step in the life of the Hungarian minority was the establishment of the Democratic Alliance of Hungarians in Romania in 1990, representing them ever since (Andreescu 2007, 67). Until 1996 the autonomy project was high on the DAHR’s agenda, although as they became members of the ruling coalition the political relations between Hungarians and Romanians began to normalize, however, the majority of Romanians still opposed the idea of the Hungarian Autonomous Region, consequently the DAHR took a more cautious stance and did not force the idea of autonomy, right after becoming coalition partner

in the Government. Consequently, the issue of autonomy ceased to be a priority of the DAHR until 2003, when the opposition within the DAHR criticized its behavior, which led to the secession of a bigger group from the DAHR during its 7<sup>th</sup> Congress, the Transylvanian Hungarian National Council (THNC), presided by bishop László Tőkés, and in the same year within this organization the Szekler National Council (SZNC) was formed, while later the Hungarian Civic Party (HCP) was created. All these organizations had as a core of their ideology the achievement of territorial autonomy for Szeklerland (Bakk 2004, 37; Filep 2007, 21).

In sum this is the historical background on which the Hungarian demands were formulated, that represent the warm-bed of the Szekler autonomy claims. The roots of the grievances date back to the middle of the 20<sup>th</sup> century, the period of communism, and after the fall of the dictatorial regime, as the minorities had the opportunity again to claim back their rights they were entitled to, they took the initiative and put their demands on paper and advanced them in front of the Romanian Parliament. As I will present the autonomy project in the next session, I only anticipate that the claims were preponderantly historical and ethnic, while the main purpose was the preservation of the national identity in a multicultural society, for which the only viable way in their consideration would be the territorial autonomy of Szeklerland.

## CHAPTER 3. THE AUTONOMY INITIATIVES

In order to assess how the claims of the Szeklers and implicitly the Hungarian political elite for territorial autonomy of Szeklerland fit the current Romanian state structure and arrangements, in this chapter I will present the Hungarian autonomy policy plan, the political players behind it, touching as well on the possible alternative designs that were formulated throughout the years, from 2003, when according to Miklos Bakk (2004), the second phase of the autonomy project began.

Practically, one can talk about two phases of the autonomy project comprised of several documents such as statutes, memorandums and draft laws: according to Miklos Bakk (2004), the first one lasted from 1989 until 1996, and the second from 2003 until the present. In this paper I will focus on the second phase, by analyzing the draft laws from a policy rather than legal point of view, presenting to the reader the Hungarian policy package from this period regarding the issue of autonomy. The documents I analyze are the following: **Autonomy Statute of Szeklerland** (2003), **Autonomy Package Plan** (2003), **Framework Law on the Personal Autonomy of National Minorities** (2004), **Bill on the Legal Status of National Minorities** (2005), **Autonomy Statute of Szeklerland** (2006), and the **Memorandum for Szeklerland's Special legal Administrative and Developmental Status** (2009).

### *3.1 The autonomy project*

The autonomy papers from 1989 show an increasing curve in their evolution. According to Zoltán Bognár (2005, 89,92) if at the beginning the accent was on the formulation of a minority law, in time the weight was gradually shifted towards a framework

for autonomy and later in the form of statutes real functioning elements were built in the documents.

The period from 2003 onwards is important exactly because these more substantive bills came into being. After almost 7 years of neglect, from 1996 when the DAHR became coalition partner and was more focused on winning the electorate, and fortifying its position rather than pushing the autonomy initiative forward (Kántor and Majtényi 2004; Andriescu 2007, 16), from 2003 the issue of territorial autonomy came in the spotlights again. According to Miklós Bakk (2004, 50), this happened for 2 reasons: first because since 1997 the issue of regionalization appeared in the Romanian public policy area and it raised heated disputes. Secondly, because within the DAHR, which represented until then the Hungarian minority as a whole, some tensions began to appear. These led to the secession of a bigger group from the party during its 7<sup>th</sup> Congress, the THNC, presided by László Tőkés, and in the same year within this organization the SZNC was formed. Later the Hungarian Civic Party was created. These groups began to build their own political ideology around the question of autonomy, which they wanted to bring into discussion again (Bakk 2004, 52; Filep 21; Bognár 2005, 89). On the same token, the THNC criticized the DAHR for losing many precious years without pursuing the idea of autonomy and argued that the momentum of the integration in the EU had to be seized if they wanted to achieve autonomy. Furthermore, they pointed to the lack of internal plurality within the party and the appropriation of the supervision over the resources allocated to the Hungarian minority (Márton and Orbán 2005).

### ***3.2 The Autonomy Documents***

During 2003, concerning the Szeklerland autonomy initiative, 2 conceptions were formulated: the **Autonomy Statute of Szeklerland** by the SZNC and the **Autonomy Package Plan** by an expert group coordinated by Miklós Bakk. The first one was drafted on

the basis of József Csapó's **Autonomy Statute** from 1995. In the Preamble it makes reference to the principle of subsidiarity, democratic values, EU integration and to several international minority regulations such as the Document of the Copenhagen meeting, Geneva Document, Resolution 1201/1993 and 1334/2003 of the EU Parliament, and the Charter of Regional Self-Government. In the following articles the issue of language is tackled stating that both Hungarian and Romanian become official on the territory of Szeklerland and at the same time the document defines the national (Szekler) symbols as well. In addition, the organizational structure in the Autonomous region would be constituted from the Self-governing Council as decision-making authority, the Self-governing Committee as the executive body and a president representing the region. All these institutions are to be found on all three levels of administration: region, sedes (chairs), and local (villages, towns, municipalities). Art. 69 specifies that local governments will function according to the Local Administration Law 215/2001 enacted by the Romanian Parliament. As for the budget and financial resources, Art. 74 states that 90% of the income tax and 80% of all taxes and duties generated in the territory of the settlement will be retained. Art. 103 adds to this the transfers and non-earmarked state grants and access to capital market for borrowing.

The second draft was the work of an expert group of the THNC. This was a long term **Autonomy package-plan** made of three constitutive parts: Framework Plan on Regions, Draft Law on the Establishment of Szeklerland as Region with Specific Legal Status, Autonomy Statute of Szeklerland. According to this last scenario, even before the integration, an asymmetrical regionalization should be initiated in Romania. (Bakk 2004, 52-53). Actually the Framework Plan on Regions defines the cadre according to which the authors want to model Szeklerland's autonomy, but this frame can be plied on any territory choosing regionalization. Consequently, the Preamble refers among others to the EU Regional Policy and decentralization, the principle of subsidiarity and the EU Charter of Local Self-Government, aiming to underline the European trend. It defines the term *region*, which in the

projection of the authors would be granted legal personality with own laws and self-administration. Further, the Framework Plan specifies that the granting of *specific legal status* to a territory means that besides the rights specified in the framework additional ones will be granted, referring to the scope of duties of the state and the region itself. What is interesting though is the establishment of the Solidarity Council, which would be responsible in broad lines for the regional development. In comparison with the Autonomy Statute by the SZNC, out of the taxes from the region 60% are retained, 20% would go to the central budget and another 20% on the Solidarity Base, which would have to balance the unequal regional development.

The Draft Law in fact motivated the pretense of the Szeklers to establish the autonomous region, by referring to the preservation of their identity and culture as most important arguments but also presents the process as part of Romania's integration in the EU. Furthermore, it delineates the territory of Szeklerland and adds to the rights specified in the framework the right to own language law, which would make the Hungarian equal in status to the Romanian on that territory.

The Statute is basically the application of the Framework Plan to Szeklerland, in which the language issues are highly emphasized. The organization structure is similar to the Statute, there is a regional Council, Committee and a President.

All in all, the package plan tries to link the concept of regionalization to autonomy through the EU integration in order to represent Szeklerland's autonomy aspirations as part of a general process through which the whole country has to go (Bakk 2004, 53).

As a conclusion, the conceptual differences between the first two drafts are that, while the first one based its proposal on the concept of self-determination and suggested Szeklerland's territorial autonomy without the territorial-administrative reform of Romania, the second draft brought up the idea of a general reorganization of the regions (Bakk 2004, 53). This showed that while the SZNC based its claims on the international pressure, the

general regional concept of the THNC took into account those internal political fractions that might become interested in time in the regionalization of Romania (Bakk 2004, 54).

The **Framework Law on the Personal Autonomy of National Minorities** by the THNC refers to the whole Hungarian minority without territorial restrictions, its aim being the preservation of minority languages, cultures etc. It defines the establishment of such personal self-governments that by cooperating with the central government would manage and coordinate the educational institutions taken over from the state (Art. 5(2)). Their competencies would cover the following topics: culture, traditions, media, economic and territorial development.

The main difference between this document and the previous two is that while the others focused on establishing self-governing units for the minority inhabiting on a specific geographical space, the Framework Law on the Personal Autonomy of National Minorities does refer to all minorities in Romania, irrespective of their territorial localization.

The **Bill on the Legal Status of National Minorities** from 2005 of the DAHR is concerned with minority rights in general especially the ones directed against assimilation (Art. 13). Separate provisions are dedicated for culture, media, freedom of religion and the use of mother tongue. Moreover, it talks about the competencies of the presently already existing Authority of Interethnic Relations and the establishment of a new institution: the Council of National Minorities. Besides these novelties, a separate section is dedicated to the advocacy for the cultural autonomy of minorities. According to Márton and Orbán (2005), the document was not substantial enough, the members of the DAHR did not dare to ask for too much from fear of the disputes with the Romanian parties because the latter secured the DAHR political and financial monopoly within the Hungarian community. Similarly to the Framework Law of the THNC, this document encompasses as well the whole Hungarian minority but no territorial or regional autonomy or division is mentioned.

**The Autonomy Statute of Szeklerland** from 2006 does not bring anything new to the 2003 version, it is the same phrasing with the only difference that its Preamble was shortened and in addition it contains an Appendix with the ethnic composition of the population from Szeklerland.

Last but not least, in 2009, when a Local Government Great Assembly took place in Csíkszereda, the **Memorandum on the Special Administrative and Developmental Legal Status of Szeklerland** was presented. The representatives of the Szekler local governments expressed that the aim of it was to draw the attention of Romania and the EU to the problems Szeklerland faces on cultural, economic, social, financial etc. levels and suggested that the only solution for these issues was the territorial autonomy of Szeklerland, in other words, the establishment of a special status, independent administrative development region (Sípos 2009).

In the Preamble of the Memorandum (Nyugatijelen 2009) the authors summed up the previous documents already formulated by them with the scope to achieve territorial autonomy for Szeklerland, while dedicating one paragraph for each problem Szeklerland faced in their opinion and that endangered the people's national identity such as "official barriers against using their mother tongue" or "the disproportionate ethnic representation in the regional offices of the central administration". The solution they envisaged for these problems was: the territorial autonomy of Szeklerland - special status, independent administrative and development region. Reference to EU documents was not missing either. In the end there were some remarks (although very broad) to the modes the representatives want to tackle the question of the Romanian minority living in this region, who would be granted equal rights with Hungarians.

Unlike the previously presented documents, this memorandum is more a shtick rather than an elaborate policy paper, which aims to motivate the Szekler claims for territorial



autonomy, however cleverly embedding them in the process of EU integration and regionalization.

### ***3.3 Summary***

Going through the above described documents I tried to highlight those aspects that are important to identify the policy package of the Hungarian minority concerning autonomy and also the arguments they bring in order to justify their demands. Consequently, there are three forms of autonomy that were pursued in this period, inheriting the triadic autonomy conception on which József Csapó built his previous documents, which are the following: the personal autonomy of the Hungarian national community from Romania, local self-administrative autonomy and the regional territorial autonomy of the Hungarian national community (Bakk 2004, 41-42, Ríz 2000).

In comparison with the documents elaborated before 2003, in this second phase the draft laws concentrated not only on the political content but they put more emphasis on the legal aspects either and also on the practical feasibility and sustainability of the territorial autonomy, by defining the governing bodies, their competencies as well as their funding and the region formation process. Grasping the opportunity of EU integration, the minority argumentation tends to move towards a less direct method to persuade the Romanian Government to accept the initiative by not singling out Szeklerland but making it a part of a broader process that could be the forerunner of further such regional arrangements on the whole territory of Romania.

Furthermore, as one could observe, there were three important players in the elaboration of these draft proposals: the DAHR, THNC and SZNC. Since the last two were created as an expression of their revulsion of the members of the internal DAHR opposition towards the tacit DAHR approach concerning the question of autonomy, they prioritized

differently concerning the three autonomy conceptions. Thus, the DAHR argued for cultural autonomy encompassing the whole Hungarian minority on the territory of Romania representing their electorate and considers as Árpád Márton, DAHR representative expressed on a press conference that the only way in which the territorial autonomy of Szeklerland can be achieved, is after a well established administrative decentralization respectively the reorganization of the development regions (Apostolescu 2005).

However, I must add, that in spite of their political rhetoric, the DAHR was much more careful in designing the bills in order to avoid big frictions with their Romanian counterparts. On the other hand, the THNC and SZNC were not this cautious, since they are not political players but represent the civil society. Thus, the THNC propagated the cultural autonomy and Szeklerland's territorial autonomy based on the administrative decentralization of the country and asymmetric regionalization, while the SZNC was the most radical, militating openly for territorial autonomy (Petre 2007, 18) basing its arguments on the right to internal self-determination, concept that served as the all encompassing umbrella doctrine for the autonomy aspirations (Bakk 2004, 43-44), however, in the Preamble of the Autonomy Statute (2003, 2006) it was trying to open towards the international community and dig the way for the validation of the international minority rights in the Romanian state.

## CHAPTER 4: REGIONALIZATION AND THE MAJORITY REACTION

After having seen the Hungarian grievances, arguments and alternative solutions to the cultural, social and economic problems the community argues to experience, on the other side of the coin, the Romanian government has a different stance towards the problem and an even more hostile reaction to the autonomy endeavors.

In this chapter I will first present the development of the Romanian regional policy, why Romania needs it, what it entails, what its priorities are and its connection with the Hungarian autonomy project, by also referring in the end of the chapter to the arguments of the Romanian Legislative Council, Government and Parliament in turning down the bills initiated by the representatives of the Hungarian population.

### *4.1 Regional Policy*

The rationale for the development of the regional policy of Romania was multiple: it was not only the coming by to the EU Structural and Cohesion Funds, but also to equilibrate the regional disparities existent in the country and at the same time to stir the Romanian economy that lagged much behind the other EU member states (Romanian Ministry of Regional Development and Tourism website 2010). As a consequence, regional development for Romania was not a choice but a must if it wanted to close the economic and social gap with other EU countries and become a prospective candidate for the membership in the Union.

In order to achieve this aim, the basis of the regional development policy was a study formulated in the “Green Charter of Regional Development in Romania” in 1997 (Hajdu 2007, 16). One year later, through the enactment of the Law nr. 151/1998 of Regional Development, 8 development regions for statistical purposes were constituted corresponding

to the NUTS II level, which are not administrative-territorial units and have no legal personality. This law was replaced by the Law 315/2004, which was elaborated in order to integrate the financing through the EU Structural Funds in the regional development of Romania. Consequently, according to this law the regional development programmes are financed besides the national development fund, from the own budget of the counties as well as the EU and other privately attracted funds (Art. 10 (1)). The national entity managing the award of projects and the administration of the funds, is the Agency for Regional Development from each region (Law 151/1998, Art. 9(1)).

#### **4.1.1. The National Development Plan 2007-2013 (NDP)**

At the same time, in order to integrate the pre-accession funds (PHARE, ISPA, SAPARD) and later the Structural and Cohesion Funds, the National Development Plan was elaborated, which is a document of strategic planning and multi-annual financing approved by the Government to support the socio-economic development of Romania conforming with the Cohesion Policy of the EU. In fact the 2007-2013 NDP is a tool that aims to prioritize among the public investments for development and in essence it serves two purposes: on the one hand, it comes to demonstrate that in Romania exist serious structural problems hampering development, which justify the support from the EU, while on the other hand, it underlines Romania's capacity to efficiently manage the Structural Funds (PND 2005, 4).

Accordingly, the global objective of the NDP 2007-2013 is the reduction of socio-economic disparities of Romania vis-à-vis the EU. Subsequently, this global objective leans on 3 specific objectives, namely (NDP 2005, 242):

- the improvement of the Romanian economic competitiveness on the long run
- the development of the basic infrastructure to European standards
- the improvement and more efficient utilization of the autochthonous capital

Consequently, following a socio-economic SWOT analysis of 12 sectors in Romania the document, in order to guide towards the achievement of the global as well as specific objectives, sets out 6 national priorities of development that must be treated primarily (242):

1. the enhancement of economic competitiveness and the development of knowledge-based economy
2. the development and modernization of the transport infrastructure
3. the protection and improvement of the quality of the environment
4. the development of human resources, the promotion of social inclusion and the consolidation of administrative capacity
5. the development of rural economy and the increase of productivity in the agricultural sector
6. diminishing of development disparities among the regions of the country

As the reader can see, in the 6<sup>th</sup> national priority the document reflects on the Romanian regional development policy, that should be in accordance with the Law 315/2004 on Regional Development and the decentralization process detailed in the Framework Law on Decentralization 339/2004. Moreover, the financial allocation is also telling inasmuch as the diminishing of development disparities among the regions of the country gets the 3<sup>rd</sup> biggest share of the total sum (NDP 2005, 350), however it must be clearly seen that all the other priorities contribute either directly or indirectly to the development of regions.

Thus, this plan practically covers all the regions and it gives the same amount of attention to each, while the Hungarian aspirations have particular interest in the Central region. On the same token, the document does not refer to the territorial organization, which is understandable since it takes as given the present administrative structure of the country with its 42 counties. Also, the economic and social development is the main priority, without

touching upon the issue of minorities in any of the specific objectives. This might be due to the nature of the document and its aims, thus it does not even arise the grouping of the regions including the ethnic criteria, on the contrary, pure statistical and economic points of view prevail.

All these aims however, does not contradict the Hungarian viewpoint, moreover, they correspond with them, although beyond economic and social purposes, the Hungarian representatives put great emphasis on the form of administration and the division of the administrative-territorial units in a way to assert the central region and Hungarian national identity and culture, what they deem feasible within an autonomous region, without excluding to give the same status to other predominantly Romanian regions either. As a sign of this endeavor, the Framework Plan on Regions puts down the foundations of the organization of smaller regions. The ethnic factor is undeniably present in the Hungarian discourse and the injustices the community has undergone throughout history, that definitely hurts the Romanian feelings, moreover it evokes mistrust, not to mention the fact that unequivocally exists the determination among the Romanian representatives not to give more extensive rights to minorities, as they view them as fundamentally destabilizing and dangerous.

#### **4.1.2. National Strategic Reference Framework 2007-2013 (NSRF)**

The NSRF is a further example of how the Romanian government tries to fulfill its duties as EU member state and works on integrating the EU funds for Romania's advancement. The NSRF has its genesis in the NDP, and its key aim is to make the correct linkages between Romania's Economic and Social Cohesion Policies on the one hand and the EU policies on the other, notably the Lisbon Strategy, by focusing on economic growth and job creation. Moreover, the operational programmes (OP) for the implementation of EU funds derive from this document (NSRF 2007, 3). To be more specific, the connection among

the NDP, NSRF and OPs is the following: the NSRF takes over and develops the strategic vision from NDP 2007-2013, aiming to accelerate the convergence process with the EU member states. This document is of strategic nature, meaning that it does not focus on technical details, which are worked out circumstantially in the OPs. In fact the proper implementation of the funds is done through the OPs, however based strategically on the NSRF.

#### **4.1.3. Regional Operational Programme (ROP)**

As the general development objective of Romania is the diminishing of socio-economic development disparities between Romania and the other EU member states, the ROP contributes to the achievement of this aim, together with the NDP, NSRF 2007-2013 and the other 5 OPs.

The main characteristics that make ROP different from the other OPs are the following (ROP 2007, 8):

- it has an accentuated local approach in treating the problems, such as capitalizing on local resources and opportunities
- it gives priority to the regions relatively lagging behind and less developed in comparison with the others
- this programme is complemented by the other 5 and it is expected to operate in synergy with them
- it promotes a bottom-up approach of economic development

Consequently, “The ROP strategic objective consists in supporting the economic, social, territorially balanced and sustainable development of the Romanian Regions, according to their specific needs and resources” (NSRF 2007, 141) focusing on the ones lagging behind, however not through the redistribution of public resources but through

capitalizing on the local resources, assuring that all regions develop a minimum of business, social and human resources infrastructure that enhances economic growth and makes the regions more attractive places to live, visit, invest in and work (ROP 2007, 7). Thus ROP differs from the other programmes in applying a bottom up approach rather than a top down one used in the majority of the OPs, since the means of development for different regions can be based on their proper history, resources and strong points. It represents a counter-weight to the rest of the OPs and equilibrating factor, since they all focus on the economic efficiency rather than a balanced territorial development, characteristic that coincides with the Hungarian aims, resembling to the principle of subsidiarity.

Although this programme tries to take into account the local specificities, the process of regionalization itself was made from top-down, without considering the cultural, ethnic and historic parameters, the Hungarian community is very interested in. However, as an integral part of the development project and an indispensable piece of a bigger framework, as I mentioned before, the Romanian regional development policy should be in accordance with the **decentralization process** detailed in the Framework Law on Decentralization 339/2004. According to this law decentralization represents the transfer of authority and administrative and financial responsibility from central to local level (Art.2). The budgets of the territorial-administrative regions are made up from own revenues as well as sums from the central budget and other sources (Art. 26). In this case the transfer of authority refers to the domains of pacification, decision-making process, legal responsibilities and the management of the public services for which the transfer is made (Tudorel et. al 2006, 59).

According to the Constitution the public administration from the administrative-territorial units are based on two principles: decentralization and local autonomy. Local autonomy refers to the right and capacity of the local public administrations to solve and administer the public issues in the name and interest of the collectivity they represents by



respecting the rule of law. This right is exercised through the local councils and mayors as well as county councils. Local autonomy is manifested only in the administration and finances (EU Information Center, .n.d., 6-7).

Actually the Hungarian representatives would like to exploit this aspect, extending the scope of decentralization on the social, cultural, legal, economic etc. spheres as well, thus warranting the path towards autonomy.

However, it seems that Romania could not yet render full success even in the decentralization of administration or finances as the following deficiencies can be detected (Tudorel et. al 2006, 61):

- discretionary decision-making still persists in some areas
- there are few domains with accurately and transparently regulated
- the preponderance of targeted funds that limits the efficient expenditure of money
- insufficient regulation concerning the legal and constitutional guarantees related to local autonomy
- discrepancy between the responsibilities and decision-making powers transferred to local authorities and the resources allocated in order to fulfill them

Thus, supposing that within reasonable time, through the regionalization process Szeklerland could become one separate region, then through decentralization, the broadening of the autonomy of local councils could be targeted, that in itself is far from being called territorial autonomy, but it marks off the path towards it, representing a step closer to the original conceptions, although in a much moderated manner and lower pace, at the same time better fitting in the Romanian regionalization and decentralization plans. Moreover, by

enforcing the deficiencies of the decentralization process, local self-governments would be empowered and the Hungarian representatives could better govern their assigned territories.

#### ***4.2. Majority reaction/opinion***

So far I have presented, how the processes of regionalization and decentralization altered the administration of the country, what their aim is, the changes they brought and most importantly, that they are not in contradiction with the Hungarian claims, although not broad enough for the final aim of autonomy. However, the changes the country undergone and undergoes in the present, are far from being complete, this is why I would say that there is much room for maneuver for the Hungarian minority, first of all through pushing towards the completion of the processes begun, secondly through paying attention to the arguments of their Romanian counterparts when refusing their bills. Subsequently, in this subchapter I will present the motives of the Romanian Legislative Council, Government and Parliament for refusing the **Autonomy Statute Plan** (2003) and the **Framework Law on the Personal Autonomy of National Minorities** and the half success of the **Bill on the Legal Status of National Minorities**. Moreover, after having presented the official opinions of the state bodies, I will also reflect upon the personal opinions of some Romanian politicians and public personalities concerning the autonomy demands of the Hungarian community and the division of regions.

One year after having drafted the **Autonomy Statute Plan** on Szeklerland's territorial autonomy, the Legislative Council expressed its negative opinion on it, the main argument being its unconstitutionality but other reasons were brought up as well, which I briefly sum up as follows (Csapo 2004; Legislative Council 2004):

- The violation of the provisions of the Constitution, especially Art. 1 that states: *Romania is a sovereign, independent, unitary and indivisible National State*, consequently, it

does not allow the parallel existence of another, separate state entity, namely an autonomous Szeklerland.

- The Council argues that the EU intuitions neither support the establishment of asymmetric, autonomous regions based on ethnic claims, nor they warrant collective rights.

- Another argument is that the Hungarian community misinterprets autonomy and makes claims for tearing out a territory, by the establishment of independent institutions, with own commercial companies, police, social security and inner public policy structure.

- The equalization of the Hungarian language with Romanian by formalizing it

- Other reasons: the establishment of the Self-Governing Council, the denomination of localities, the determination and use of national symbols, the return of public money

- The financial management regulations that violate the Art. 138 of the Constitution, which does not include regional budgeting

The Lower House of the Parliament (Csapó 2004) also refused the recommendation as well as the Government (2004; Csapó 2004), referring almost to the same justifications:

- Unconstitutionality

- The unacceptability of the prevalence of regional policy priorities over the national policies

- The financial management cannot be granted to a political-administrative entity inexistent according to the constitution

- The assignment of local fees and taxes is in the scope of local and county councils

- There are already legal and constitutional guarantees for the protection of the Hungarian national identity and equal opportunities

- the granting of specific rights to an administrative-territorial entity organized on ethnic criteria within the same state would infringe on the principle of equality, thus being unconstitutional and breaching the international law as well

Likewise the Autonomy Statute Plan, the **Framework Law on the Personal Autonomy of National Minorities** (2004) drafted by the THNC and handed in by the DAHR was refused as well.

However, in 2005 the DAHR worked out the **Bill on the Legal Status of National Minorities**, which was positively evaluated by the Venetian Committee; moreover, it was accepted by the Romanian Government with some changes (Legislative Council 2005) as well and it advanced in front of the Parliament (2005) but it was stalled there since no report was given on it by now (Nyugatijelen 2009).

Having considered all these arguments, one conclusion can certainly be drawn that others such as Gabriel Andreescu (2007, 69), Marius Turda (2001, 197) or James Hughes (2004) already enunciated, that is: the Romanian representatives clearly fear the secession of Szeklerland, and it seems from the arguments that this is a very important reason why they deny further minority rights and especially autonomy from an overwhelmingly Hungarian region. According to Kantor (2004), the Romanian parties took the rejection of the Hungarian aspirations their duty, not to be considered patricide or accused of promoting the Hungarian interest.

However, it is also evident that without making changes in the present constitution, some of the counter-arguments will stand the ground. This is why, a group of Hungarian scholars and politicians have already put in written form the proposed changes in the Constitution; however it is to be seen how much they can achieve. It is self-understandable that in the case of an establishment of a new regional structure the old one must be changed, since this is exactly the aim. The fact that the most important counter-argument is grounded in the first article of the Constitution shows how strong the national factor is for the Romanian people, consequently how difficult will be for the Hungarians to change this mood, who

themselves basically fight for autonomy motivated by the same principles, namely the national or ethnic factor.

Moreover, as a sign that Romanians view autonomy as a threat to their country and culture was remarkable on a meeting between the Hungarian and Romanian presidents in February 2009. While László Sólyom, the Hungarian president, expressed his support concerning the cause of the Hungarian minority from Romania, Băsescu, Romania's president, stated very firmly that "there will never be territorial autonomy in Romania", he did not recognize collective minority rights, but he supported personal rights and cultural and political autonomy (Origo.hu 2009). On the same token, another Romanian politician, Dan Oprescu (n.d.) expressed his personal opinion on the issue, explaining that a project that claims collective rights without taking into consideration the choice of the individual is unacceptable. Consequently, it became once again clear for this debate that while Hungarians demanded group rights and "see the quest for autonomy as a contribution to democracy" (Verdery 1996, 118-124), their Romanian counterparts try to avoid the question and rather face the cost of a clash than lose from their sovereignty.

### ***4.3. Summary***

When the 8 NUTS regions were established under the Law of Regional Development in 1998, "it was seen as empowering the Hungarians and constituting a threat to the territorial integrity of the state." (Hughes 2004). In spite of this fact however, the regions were formed and national plans were worked out in order to get financial support from the EU for Romania's economic development. Among the voices that supported this project were Sabin Gherman, president of the Liga Transilvania Banat (a Romanian regionalist party), Smaranda Enache, the leader of the Liga Pro Europa, an NGO established in 1989 and the Provincia, a group of Hungarian and Romanian intellectuals that elaborated a Memorandum on the

regional division of the country. All these groups advocate for a division that shows respect for the borders of the historical regions as well (Filep 2007, 34-35; Enache 2001).

On the other side of the coin, there is the large majority of the Romanian representatives who exclude from the set of criteria the ethnic or historical considerations such as Victor Ponta (Ziare.com 2010a), member of the Social-democrat Party, who deems that the socio-economic criteria should be the driving forces when grouping the counties into development regions.

Last but not least there are those persons such as Elene Udrea (ziare.com 2010b), the minister of Regional Development and Tourism, who do not exclude the redefinition of the regions, but she would postpone it, after 2013, in parallel with the reformation of the whole national administrative-territorial system.

Consequently, it turns out that the Romanian majority is very determined not to grant specific rights to only one region but develop all of them according to their needs and resources. However, as one could see from the opinions, they do not exclude the redefinition of regions. Subsequently, in my opinion, there are three basic problems that must be solved: the first one is the redefinition of regions and the set of criteria to be applied, secondly the definition of those competencies and powers that will be granted to these regions and thirdly the timing of these structural reorganizations.

## CHAPTER 5. CONCLUSION

National minorities, not only in Romania but Austria (South Tyrol) for example or Moldova (Gagauzia), depending on their specific circumstances embark on nation-building in order to preserve their cultural identity and promote a sense of common membership, that is generally perceived by the majority nation state as a threat to the sovereignty or unity of the country. The Hungarian minority from Romania, embarked in nation-building, for multiple reasons, among which the most accentuated ones were the preservation of the Hungarian language, culture and identity, since as they argue, historical injustices were made to them during communism that entitles them to claim back their former rights. Moreover, the Romanian state, does not always respect the letter of the law, which restricts the scope of minority rights. As Szeklerland is a predominantly Hungarian region, motivated by the above mentioned reasons, and learning from the example of other European countries where the minority was granted autonomy, the Hungarian representatives ask the Romanian state to let them develop a territorially autonomous region in Transylvania, in which “the Hungarian minority would be in a relative majority in order to influence the decision-making process” and also “to create separate ethnically-based institutions, in which the minority decides over salient issues” (Kántor 2001, 258).

However, while the Hungarian elite is in the quest “to find a formula which can accommodate their very distinct cultural identity”, the Romanian parties fear the irredentism of Hungarians, the secession of the region and eventually the chip of their own national identity (Munigiu-Pippidi n.d., 5). In order to stand the pressure, they would rather extend personal minority rights than grant collective ones.

Since the prospect of joining the EU opened new horizons for Romania on condition that the country will comply with the EU rules, the Hungarian minority tried to embed its claims within the regionalization and decentralization project the country has to undergo.

Consequently, my research question was: how the claims of the Hungarian political elite for territorial autonomy of Szeklerland fit the current Romanian state structure and arrangements?

In order to answer this question, in the table below the documents of the Hungarian autonomy initiative are summarized, which I analyzed in the thesis.

Table 1

Draft	Conception	The subject of the autonomy	Form	Subtype	Structure of the regional authority	Ethnic ingredient
<b>The Autonomy Statute of Szeklerland</b>		Historic region	territorial	Not fit in the administrative system	Partial legislative body system	National minority regime
<b>Autonomy package plan</b>	region	Historic region	territorial	Fit in the administrative system	Legislative body system	Majority regime
	Region with specific legal status	Historic region	territorial	Fit in the administrative system	Legislative body system	Multinational regime
<b>Framework Law on the Personal Autonomy of National Minorities</b>		minority	Personal			
<b>Bill on the Legal Status of National Minorities</b>		minority	personal			
<b>Memorandum on the Special Administrative and Developmental Legal Stand of Szeklerland</b>	Region with specific legal status	Historic region	territorial	Fit in the administrative system		Multinational regime

Source: (Bognár 2006, 116-117 )



As the table shows, there were 5 such documents, out of which 2 refer to the personal/cultural autonomy encompassing the whole Hungarian minority, while the other 3 to the territorial autonomy of Szeklerland based on a historic region. More importantly, one can see that if the Autonomy Statute of Szeklerland, was an initiative that did not fit in the Romanian administrative system, the Autonomy package plan represents a step forward, since it is more plied to the Romanian realities. By embedding the plan in the regionalization and decentralization process the country undergoes, it presents a model on the basis of which not only Szeklerland can be developed as separate region, but other Romanian historical regions as well, that coincides with the Romanian equalization goal on the level of all regions. Moreover, both parties agree on the socio-economic development criteria, however the SZNC would include cultural and historical factors as well. The DAHR is more moderate in its approach and does not stick to the latter criteria and it is inclined towards compromises, whereas in my opinion the Romanian state shows to be not only stubborn but a bad bargaining partner since it refused both the Framework Law on the Personal Autonomy of National Minorities and the Bill on the Legal Status of National Minorities which promoted personal/cultural autonomy they declared to be supportive in. If the Government had accepted any of the two bills (with their own comments on it), it would have had a bargaining chip to smoothen further Hungarian claims regarding territorial autonomy, because yet it seems that all Hungarian endeavors are outvoted from political but not policy reasons, lacking strategic considerations.

On the other hand, I think that regarding territorial autonomy the Hungarian claims are a bit excessive as well, considering the present stage of regionalization/decentralization in Romanian. According to the book edited by Gerald Marcou (2002, 14) the authors propose 5 types of regionalization:

- administrative regionalization

- regionalization through the existing local governments
- regional decentralization
- regional autonomy
- regionalization through federal entities.

Presently, Romania can be included in the second type. In essence, according to the policy analysis I did in the paper, it appears that both Romanian and Hungarian representatives agree with decentralization and regionalization, the difference is in the pace: while the Romanian parties would cautiously approach regional decentralization, the Hungarians would quickly skip to regional autonomy, at least in the case of Szeklerland. While the Romanian state has a stake in the equalization and closing up of all regions, Hungarians have a smaller range of vision, concentrating on the minority itself. In this sense, it is understandable why the Romanian government wants to focus on the well-being of the whole country, that is a right policy to follow in my opinion, on the other hand the fact that the Hungarian representatives follow the minority perspective is also comprehensible because this is their role, however, considering the present Romanian *status-quo*, pushing first for regional decentralization and only afterwards for territorial autonomy might give better results.

Eventually, it appears that sooner or later the redefinition of regions will be necessary, since they do not absorb the EU funds with the utmost efficiency. I did not analyze what the causes of this might be. It can constitute the topic of further research, to analyze if the redefinition of the borders of regions, granting them legal personality, giving them decision-making powers or defining them as administrative-territorial units could improve the absorption of funds and implicitly influence the socio-economic development of them.

In my opinion, until 2013 no significant changes will take place, because all the plans are built around the present administrative-territorial system based on counties. However, it is

of utmost importance that by the end of this cycle, to have a well defined set of criteria according to which the reorganization can take place and the future regionalization and decentralization plans can be formulated.

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