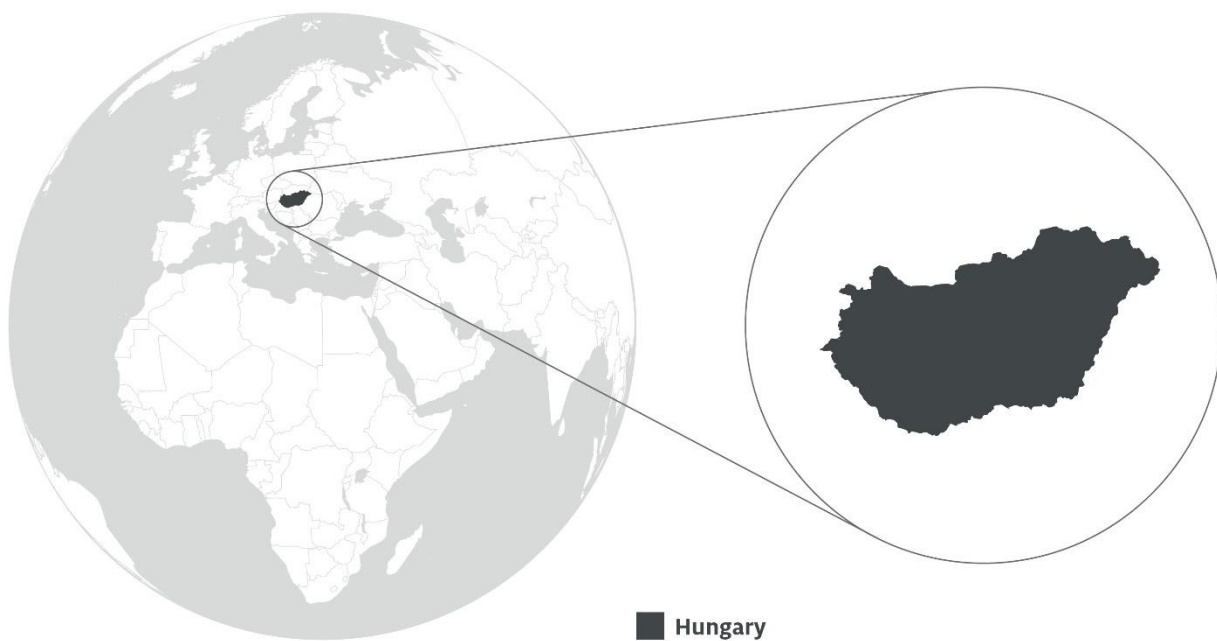




The Minority Self-Governments in Hungary

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1. Essential Facts and Figures

Despite the fact that contemporary Hungary is a relatively homogenous country in terms of its ethnic and linguistic composition, as the country has lost most of its national minorities with the Treaty of Trianon, several key aspects of its minority policy, including the system of minority self-governments (MSGs), the national variant of non-territorial autonomy adopted by the 1993 Act on the Rights of National and Ethnic Minorities (hereinafter the 1993 Minority Rights Act)¹ have been regularly the subject of debates. These are especially centered around the consistency between the country's kin-state policies targeting the overall much more numerous, often territorially concentrated, more conscious, and politically mobilized Hungarian minorities in the neighboring countries and the domestic minority policies that typically cover smaller, dispersed and highly assimilated communities. Closely related to this is the question of how to approach the existing diverse and multiple identifications as well as fluid community boundaries among the internal minorities, and further, the extent to which the adopted minority rights regime with its focus on cultural autonomy corresponds with the needs of the predominantly Hungarian-speaking, yet socially and economically marginalized Roma, the country's by far largest ethnic community (Vizi 2009, 128).

Not least, the discussions around the nature of minority policies have been revived since the 2010 parliamentary elections, as various steps and measures of the right-wing Orbán government sparked often critical reactions both in the European Union and from domestic actors and led many to conclude that recent tendencies could be characterized as a serious setback in the level of democracy and rule of law in Hungary (see, e.g., Greskovits 2015; Pap 2018; Sedelmeier 2014). As to internal and external minorities, compared to the previous, rather civic-neutral approach, there has been a definite shift towards the ethnocultural conception of the nation since the adoption of the country's new Fundamental Law (Constitution) in 2011.² This is indicated, among others, by the recognition of Hungarian as an official language, the introduction of dual citizenship and the right to vote in parliamentary elections for Hungarian co-ethnics abroad (Pogonyi 2017, 73–123). At the same time, domestic minorities are invariably recognized as an integral part of the political community and as one of the major institutional changes, they have been granted some form of a preferential parliamentary representation and presence. Given also the major messages of the incumbent ruling coalition—e.g., emphasizing national sovereignty, national values, anti-migratory agenda—as well as the high level of

¹ Act 77 of 1993 on the Rights of National and Ethnic Minorities. The Act (as in force on November 25, 2005) is available online at <http://www.kisebbsegombudsman.hu/data/files/128317683.pdf> (accessed March 10, 2022).

² The Fundamental Law of Hungary was adopted by parliament in April 2011 and entered into force on January 1, 2012. The Fundamental Law (as in force on December 23, 2020) is available online at https://hunconcourt.hu/uploads/sites/3/2021/01/thefundamentallawofhungary_20201223_fin.pdf (accessed March 10, 2022).

bureaucratized centralization, these, in turn, lead further to the questions of how minorities are accommodated in present-day Hungary, whether and how the increasing role of ethnicity affects their political and institutional possibilities. Further, under the above circumstances, whether the system of MSGs could be considered as an autonomous and effective structure with the potential to address key minority demands, manage their own affairs, and preserve identities. Or, conversely, they are merely symbolic, tokenistic, sometimes even labelled as window-dressing institutions whose creation was driven rather by the desire to both comply with international standards and set an example abroad having regard the situation of Hungarian minorities, and eventually the outsourced and limited competencies and resources could hardly empower minorities but enable the state to still influence and exert control over minority issues.

A new chapter began in the country's minority policy in the aftermath of the First World War, when, in 1920, 11% of around 8 million inhabitants still belonged to minorities, but over the 20th century, as a consequence of a complex set of historical, social and political factors, major shifts happened in the group of officially recognized minorities, their relative proportions, identity structures and internal compositions, bringing Hungary's minorities counting for around 6.5% of the population by 2011. With the exception of Roma, whose majority face multiple challenges in education, healthcare, employment, housing and discrimination (Bernát 2009), the minorities have been well-integrated into Hungarian society in socioeconomic terms. Most of the 13 minority groups officially recognized in the present (Armenian, Bulgarian, Croat, German, Greek, Polish, Roma, Romanian, Ruthenian, Serb, Slovak, Slovene, and Ukrainian) settled in the present territory of Hungary (the central area of the former Kingdom of Hungary), even before the formation of modern nation-states and the standardization of modern languages. Once these nation-states were formed, for a great part of the 20th century these co-ethnics were not really able to attract the attention of their kin-states, especially in view of their relatively small size, territorial dispersion and their close affiliation with Hungary and the titular nation. On account of this close association with both the state and the overwhelming Hungarian majority, as reflected in census data, scholars often view their identities as multiple or dual, being composed of both ethnic minority and Hungarian elements. This aspect has been often underlined by various Hungarian politicians over the past century to illustrate their loyalty and the generous policies towards them, but also served to conceptually distinguish them from the more numerous and nationally conscious Hungarian minority communities in the neighboring states, products of the 20th century border changes. At the same time, the pronounced differences in history could in certain periods contribute to the neglect of domestic minority issues and even to complacency in official policies.

Living in dispersed settlements and mostly rural communities, the minorities lacked intellectuals and were much more exposed to assimilation and homogenizing efforts of the emerging modern Hungarian state. Furthermore, the spoken pre-modern dialects, an underdeveloped vocabulary, limited opportunities for language use, a folkloristic culture, and a locally or regionally based ethnic consciousness or identity, meant that minority status was accompanied by lower social prestige. Forms of vertical mobility, such as migration to larger cities, attendance of college or university, marriage, or employment outside the community, led ultimately to assimilation. As a result, for the older generations the dialect became “the language of remembering” (Erb and Knipf 2000; see also Bartha and Borbély 2006). For those who could complete some form of minority education and training, learning the previously unknown modern standardized language proved to be another challenge.

Historical traumas, official state ideologies and policies, and the 20th century transformation of the society and economy were further factors contributing to the fall in numbers. Claims concerning the collective guilt of Germans were used to justify the relocation of approximately half of Hungary's ethnic German community to Germany after the Second World War (Tóth 2005b, 297–98; Swanson 2017, 312–331). Meanwhile, the Hungarian-Slovak population exchange led many nationally conscious Slovaks to leave the country (ibid., 298), and a similar process ensued when Croats, Serbs and Slovenes under the common label of *Southern Slavs* became subject to discrimination at the turn of 1950s after the expulsion of Yugoslavia from Cominform (Ilić 2014, 76). Except for a transitional period in the early 1960s, while gradually becoming the country's largest ethnic community, Roma lacked recognized status, and were also subject to several forms of discrimination even when their distinct ethnic features were acknowledged by the 1980s (Majtényi and Majtényi 2016). As a result, minority members were likely to assume that declaring their ethnic identity might become a source of conflict and disadvantage. In the economy, the system of central economic planning focused on the rapid development of heavy industry; jobs thus shifted from traditional agriculture to industries. This development required the labor force to move from villages to the urban industrial centers. Those who managed to stay in their villages faced forced collectivization, whereby their former private properties and the division of family labor were replaced by collective work (Dobos 2011, 65). Until the end of the 1960s the ruling communist ideology held that the construction of socialism would eradicate national-ethnic cleavages automatically within a few decades. The communist state, moreover, enabled only certain direct cultural-folkloristic and educational demands to be met; the foundation of independent organizations with grassroots presence was prohibited until the end of the 1980s (Tóth 2005a, 185).

The decades since the fall of communism have brought further significant changes in minority identifications and compositions, and the trend that seems to emerge is rather a shift to prioritizing ethnic and cultural belongings over minority language use. The overall assessment of the complex, multiple and dynamically changing identities, often fluid and porous group boundaries, and the predominantly Hungarian-speaking minority groups (especially among Armenians and Roma)³ and the so-called *ethno-business* have been also the subject of discussions, especially in that particular Central and Eastern European context where the tradition of defining communities in ethnocultural and linguistic terms has been prevalent ever since the rise of nationalism and modern nation-states. Complicating matters is the fact that although Hungary is not among the target countries of large-scale migration within the EU, among certain communities, the proportions of those persons who belong to the specific minority but were born abroad and are non-Hungarian citizens (or possessing dual citizenship) have become significant (Tóth and Vékás 2009). This illustrates well how difficult it is in many cases to draw a sharp distinction between *old* and *new* communities, especially when *new* groups, mostly without citizenship and thus access to minority rights and institutions, emerge gradually among the *old* ones, the traditional holders of minority rights that meet the citizenship criteria specified in both minority laws from 1993 and 2011.

The comparison of the data from the two latest official censuses of 2001 and 2011 indicates, at first glance, some increase in the level of minority consciousness, as the percentage of persons belonging to the 13 minorities grew from 5% to 6.5% of the population, a figure amounting to approximately 650,000 people (see Table 1). There are, however, reasons to be skeptical about the data. First, the data differ from the estimates of the minority organizations, indicating that it is likely that significant parts of their communities did not declare their minority affiliations. Such organizations, however, may have an interest in exaggerating the size and political weight of the various minorities and they may also be ignoring the assimilation that occurred in the 20th century. Nevertheless, the fact alone that the estimated number is in some cases twice as high as the official figure reveals the relatively high level of uncertainty surrounding minority identities. Second, it has been much discussed whether the two data can be fully compared and whether and to what extent the potential increase could be due to dissimilation and inward migration (Tóth and Vékás 2014), or, as others argue, this relatively high proportion of the minorities recorded by the census is also a consequence of methodology, and it is difficult to make comparisons due to differing census methodologies (Morauzski and Papp 2014). Namely, in the last two censuses dual and multiple affiliations could be recorded, although the applied

³ The Roma community in Hungary consists of at least three major ethnocultural and linguistic subgroups. The overwhelming majority is Hungarian-speaking, while smaller groups speak either a variant of Romani or Beash, an ancient Romanian dialect. According to the latest census results from 2011, approximately 315,000 people—around 3% of the total population—declared themselves as Roma, but their estimated number is at least twice as high.

methodologies were not completely identical. In 2001 respondents could choose three options on each of the four questions related to ethnicity, while in 2011 a single response option could be chosen on the first two questions (asking the ranking of nationalities to which the respondent belongs to), and two options could be picked on the other two questions (about mother tongue and the language usually spoken with the family and friends).⁴ Those who responded to at least one of the relevant questions were automatically recorded as persons belonging to minorities.

Table 1. National and ethnic minorities in Hungary (censuses of 1990, 2001 and 2011)

Minority	Nationality (ethnicity)			Mother tongue			Language used among friends and/or in the family		Affinity w/ cultural values and traditions	Minority persons according to at least one response	
	1990	2001	2011	1990	2001	2011	2001	2011	2001	2001	2011
Armenian	n.a.	620	3,293	37	294	444	300	496	836	1,165	3,571
Bulgarian	n.a.	1,358	3,556	1,370	1,299	2,899	1,118	2,756	1,693	2,316	6,272
Croat	13,570	15,620	23,561	17,577	14,345	13,716	14,788	16,053	19,715	25,730	26,774
German	30,824	62,233	131,951	37,511	33,792	38,248	53,040	95,661	88,416	120,344	185,696
Greek	n.a.	2,509	3,916	1,640	1,921	1,872	1,974	2,346	6,140	6,619	4,642
Polish	n.a.	2,962	5,730	3,788	2,580	3,049	2,659	3,815	3,983	5,144	7,001
Roma	142,683	190,046	308,957	48,072	48,685	54,339	53,323	61,143	129,259	205,720	315,583
Romanian	10,740	7,995	26,345	8,730	8,482	13,886	8,215	17,983	9,162	14,781	35,641
Ruthene	n.a.	1,098	3,323	674	1,113	999	1,068	1,131	1,292	2,079	3,882
Ukrainian	n.a.	5,070	5,633		4,885	3,384	4,519	3,245	4,779	7,393	7,396
Serb	2,905	3,816	7,210	2,953	3,388	3,078	4,186	5,713	5,279	7,350	10,038
Slovak	10,459	17,693	29,647	12,745	11,816	9,888	18,056	16,266	26,631	39,266	35,208
Slovene	1,930	3,040	2,385	2,627	3,187	1,723	3,119	1,745	3,442	4,832	2,820

Source: Csordás (2014, 16–18)

More importantly, the vast majority of those expressing a minority identity also declared themselves to be Hungarian. The question inevitably arises: if only one option could have been chosen by the

⁴ In 1990 only one response could be given to both questions. In 2001 the four questions related to ethnicity were: nationality (ethnicity), native language, language used among friends and/or in family, and affinity with minority cultures and traditions. In 2011 the last question was dropped, being replaced with another question about the respondents' nationality (this question appeared after the first question referring to the respondents' nationality or ethnicity and asked whether they belonged to any other nationality besides the one indicated at the first question). Although the Central Statistical Office claimed that the data from 2001 and 2011 were perfectly comparable, in fact, the changes in methodology render the possibilities of comparison less than perfect.

respondents to each census question, which affiliation would they have preferred? Furthermore, for the 2011 data the Statistical Office did not publish separately the primary and secondary affiliations, it only reported that approximately 60% of the nationality affiliations were derived from the secondary question (Bojer et al. 2013, 21). In this respect, when comparing the 1990 data and the estimated results of the 2011 primary affiliations, Morauszki and Papp (2014, 98) concluded that there is hardly any proof of ethnic revival or dissimilation in those two decades. Others argue that the case of minorities in Hungary cannot be explained on a simple continuum ranging from assimilation to dissimilation (Tátrai 2014, 517), their identities are better understood as dual or hybrid, with symbolic ethnicity—a term coined by Herbert J. Gans (1979, 9), referring to “a nostalgic allegiance (...), a love for and a pride in a tradition that can be felt without having to be incorporated in everyday behavior”—playing an important role. Further, some expressed doubt as to whether the question on the language used in the family and among friends is appropriate for assessing ethnic belongings (Morauszki and Papp 2014, 81). Last but not least, it is worth emphasizing that about 15% of the total population did not respond to these ethnicity-related questions in 2011. On the whole, with the exception of the Roma and Germans, it is questionable whether any real dissimilation occurred between the two censuses.

As an alternative source for assessing the size of the minorities, experts may turn to the number of registered minority voters at the elections of MSGs and at the parliamentary elections as an additional primary source, but such estimations also remain problematic (for a more detailed discussion see the section on membership).

The socio-demographic characteristics of the minorities also reveal a rather low potential for ethnocultural reproduction with one important exception. Concerning age composition, we find that, with the exception of the Roma, who have a higher mortality rate, the younger generations are underrepresented within most of the minorities. In terms of the highest level of education and training, the indicators are also more favorable in the case of those minorities that are more affected by recent migration, while Roma show the poorest results. As a consequence of the distorted age structure, the share of those who were employed was below the national average, meaning less than 40% in 2011. Indeed, among the Roma, the total ratio of the employed population reached only 16.4% (Tóth and Vékás 2014, 105). Within most minorities, the employed segments worked either in the tertiary and service sector or in professional occupations, while Roma, Croat, Romanian and Slovene workers tended to be employed mostly in manufacturing and agriculture. With the exception of the Roma, mixed marriages with members of the majority population are widespread in Hungary, and this fact illustrates parents' *ethnic optimism* that their children's affiliation is more likely to be Hungarian.

2. Autonomy in the Context of the State Structure

Hungary is a unitary state. Administratively it consists of 19 counties and the capital Budapest, which is divided into 23 districts. Since 2013 the counties have been divided into 174 districts. There are almost 3,200 municipalities in Hungary, and persons belonging to minorities live in approximately 2,500 of them, given that most of the minority groups live dispersed and mostly even as local minorities throughout the country, which precludes any possibility of territorial autonomy. In contrast to earlier periods, the urban minority communities, especially the smaller ones, have become stronger. Yet, some traditional minorities, including the Roma, Croats, Germans, Romanians, Slovaks, and Slovenes, still overwhelmingly live in rural areas.

A very important feature of the autonomy arrangements from Hungary is the fact that the system of minority self-governments (MSGs) was closely attached to the system of local/municipal self-governments. A bottom-up approach was followed by the 1993 Minority Rights Act: the MSGs were elected at the municipality level (at the same time with the local self-governments), and the national MSGs were created by the latter through indirect elections. Though this has been changed by subsequent legislative amendments and the 2011 Minority Rights Act,⁵ the system of local MSGs remains in place, and the municipal self-governments that administer local affairs are the most important partners of MSGs. Integrating the MSGs with the municipal self-government system also partly resolved the problem of defining personal scope of both minority laws (though very serious issues remained unsolved, (see section 10 of this paper). However, over the past decade, several systematic constraints were placed on local municipal bodies, which need to tackle with extended centralization, competencies taken over by state administrative offices or higher organs, and not least reduced local funds (see also Jakli and Stenberg 2021), and these, in turn, inevitably affect the local possibilities and relations of MSGs, too, making them more dependent on state structures and funding.

3. Establishment and Implementation of Autonomy

In line with the *ethnic revival* of the 1960s, certain national and ethnic claims gained ground in many post-Stalinist East Central European countries. The main reasons for them had to do with the emerging tensions between communist countries, the generational replacement of the political elite, and, in Hungary, the internal pressure on party leaders to take steps towards improving the situation of the Hungarian communities in the neighboring countries, which tended to be targets of homogenizing

⁵ Act 179 of 2011 on the Rights of Nationalities. The Act (as in force on 21 December 2017) is available online at https://njt.hu/translation/J2011T0179P_20171221_FINrev.pdf (accessed March 10, 2022).

measures (Bárdi 2011). The growing significance of the Hungarian communities abroad also had implications for the domestic minorities. Meanwhile, the failure of the previous assimilatory policy also became evident, as the minorities still existed. The new policy line of the Hungarian Socialist Workers' Party thus laid emphasis on the positive role that the country's minorities could play with their dual affiliation to both Hungary and their kin-states. Their constructive role in bilateral relations (expressed in the Engelsian term of the minorities' *bridge-role*) was highlighted, and as another element the new policy stressed the need for mutual efforts to preserve and develop minority features (officially referred to as *Leninist nationality policy*). Failing to provide political possibilities to express minority needs, the paternalist and belated shift, which lasted until the end of the 1980s, was not able to significantly improve the situation in Hungary (Molnár Sansum and Dobos 2020, 254–55). This was demonstrated clearly by the census data, which showed a steady decrease in the minority population (Vékás 2005). Meanwhile, expectations of the mutual support of minorities were not realized either, as both Czechoslovakia and Romania, the two crucial countries, rejected such a policy (Vago 1989, 129–30). The reforms did not cover other smaller and more dispersed ethnic groups, and so the Bulgarians, Greeks and Poles were only allowed to establish and maintain associations in a controlled way. The regime did introduce serious measures aimed at improving the education, employment, and living conditions of the largest group, the Roma. However, it remained reluctant to recognize the distinct features of the various major ethnocultural and linguistic Roma subgroups until the late 1970s, and it was only after the political changes in the late 1980s that Roma received equal recognition in terms of their minority rights.

Since the fall of communism Hungary has made sustained efforts to establish and develop a model of non-territorial autonomy for its relatively small minorities (Smith and Hiden 2012, 113). Even so, despite the country's relatively homogeneous ethnic composition, a recurring topic of debate has been government policy towards the domestic minority groups, as well as the relationship and the degree of consistency between domestic minority policy and the kin-state activities targeting ethnic Hungarians abroad. On this issue a rather contradictory picture emerges from the literature. On one hand, the constitutional amendments of 1989-1990 and the introduction of the system of elected minority self-governments (MSGs) after 1993 clearly placed Hungary among the leading European countries in the field of minority protection (Pan and Pfeil 2002) and led Hungary's politicians and other domestic actors to emphasize not only in the 1990s but around the adoption of the new 2011 Minority Rights Act, too, in a rhetorical and symbolic fashion, the exemplary and inspirational nature of the Hungarian model. On the other hand, a growing number of scholars have contended that Hungary's domestic minority policy has been motivated principally by a desire to improve the situation

of the Hungarian minorities abroad by setting an example and putting pressure on the neighboring countries.

Preparations for the adoption of a law on the rights of minorities had begun already in 1988, during the decline of the communist regime. The party apparatus initially involved in the process was gradually replaced by governmental bodies even before the first democratic elections in 1990. Having been granted the right to freely associate, the minorities found they had an opportunity to (re)organize themselves in democratic ways: the Roma, in particular, established the highest number of associations, and even those communities that had been denied recognition in the previous era created their own organizations. In order to overcome the legitimacy deficit caused by the growing number of organizations, the most relevant ones formed the Minority Roundtable in 1991. This umbrella organization soon became an accepted partner of the government.

The various actors involved in the formulation had a number of goals, internal and external political values and motivations—a set of multiple objectives. As to the main motivations of the government and parliament, according to the popular view shared by many scholars, the issue of the domestic minorities has always been subordinated to Hungary's kin-state policy. It is often argued that the main if not only reason for creating autonomy in Hungary is the issue of Hungarians abroad (e.g., Deets 2002, 39–40; Kymlicka 2007, 392; Tesser 2003, 506), to justify the actions of the Hungarian governments as they gave support to minority claims abroad. Other authors either completely ignore the issue, argue that the accusation against Hungary is unfounded, or consider this to be only one goal among many others, thereby leaving scope for the analysis of other relevant issues (e.g., Butler 2007, 1131; Edwards 1998, 349; Krizsán 2000, 249; Vermeersch 2003, 13).

Indeed, representatives of the Hungarian minorities abroad contributed to the preparations for the 1993 Minority Rights Act. Inevitably, they urged the enactment of a law that would serve as a point of reference and a blueprint (Dobos 2011, 133). Viewed from another perspective, the reason behind the Hungarian model was not only to serve as a reference by quickly adopting and further developing Western standards (Galbreath and McEvoy 2012, 278) but also to provide the country credible and effective leverage in its external relations, thereby preventing international organizations and neighbors from criticizing Hungary in the field of minority protection.⁶ Similarly, the intention—made plain by the Hungarian parliament after the first democratic elections in 1990⁷—to join the Euro-Atlantic community, to further develop existing international standards of minority protection, and to attempt to conclude bilateral and regional agreements on minority rights needed to be supported by

⁶ As a result, EU conditionality played an important role in other areas such as in improving the antidiscrimination legislation in Hungary and had a correcting effect on the 2001 Status Law which granted rights to Hungarians living in the neighbouring countries (Sasse 2005; Vizi 2009).

⁷ Parliamentary Resolution 46 of 24 May 1990 on the situation of Hungarian national minorities in the neighbouring countries.

a progressive domestic system. In addition, certain international actors, among them several leaders of the reunified Germany, used the Hungarian model as a reference point in their efforts to improve international norms. They gave their support to Hungary's minority legislation, emphasizing its importance (Dobos 2011, 131).

However, in our view, foreign considerations were not the primary motivation. The choice is not between assuming the primacy of kin-state politics or completely ignoring this issue. Other, often neglected factors must also be considered, first and foremost the Communist legacy throughout the broader Central and Eastern Europe, which claims that public institutions are almost the exclusive property of the dominant nations to the extent that they exclude minorities (Agarin and Cordell, 2016; Cordell et al., 2015) primarily by entrenching the institutional positions of majority languages and cultures against them (Csergő and Regelmann, 2017). Additional crucial factors were the role of internal minorities and the desire to compensate the previously non-recognized and discriminated Roma population by making their legal status equal to that of the other recognized minorities. The great number of minority civil organizations, their rivalry, and the legitimacy deficit, also contributed to the decision to create a system of elected MSGs. Moreover, there is evidence indicating that governmental actors expected the elections to bring the replacement of minority elites, and in this respect the elections could have been a tool for minority representatives to gain legitimacy, too (Dobos 2011, 142–44). The number of minority organizations and ethnic parties may be viewed as indicative of their mobilization. However, despite the high number of registered ethnic parties since 1989,⁸ their electoral failures reflect accurately the fact that in Hungary the ethnic components of personal identities generally have little impact on political interests and voting preferences. In light of such other factors as the electoral system, weak identities and the number and geographical spread of minority members, it was obvious that their representation in the major decision-making bodies could be accomplished only in a preferential manner.

The drafting of both the 1993 Minority Rights Act and its 2005 amendment (see section 4 of the paper) were lengthy and complex processes, involving various different actors with diverse interests. This resulted in sensitive political and legal compromises, which moved beyond merely symbolic elements. While the claim to be setting standards was certainly present in the rhetoric, most of the provisions were actually formulated before the parliamentary deliberative stage in negotiations held by relevant ministries, governmental agencies and the minority organizations. Through the creation of new

⁸ The number of ethnopolitical parties that were registered by Hungarian courts after 1989 exceeds 50, although the legal framework does not recognize them as a separate type within the broader category of political parties. This is why, interestingly, the participation of these minority parties at the MSG elections is prohibited by law. With one exception—the Nationality Forum which was formed by the Croat, German and Slovak minority leaders in 1998—all of these parties were created by Roma. Some of them were able to run at least one candidate in at least one of the past parliamentary elections, but none of them succeeded in winning a seat.

institutions, rights, duties, procedures, and funding possibilities, the legislation left much room for debates and compromises. At the same time, the capacities, and competences of local municipalities, as well as the country's overall economic and financial situation could not be ignored, especially as Hungary was still in transition to a capitalist market economy. Consequently, the major concerns were a lack of willingness to delegate appropriate powers to the minority bodies and inadequate financial resources. We therefore consider the aim of setting standards as only one of several goals, many of which were suppressed at intervals or for a longer period of time in certain cases (Molnár Sansum and Dobos 2020, 252–53).

Regarding the elaboration process of the 1993 Minority Rights Act, the literature often emphasizes the differences that arose between the so-called *national liberal* and *autonomist* approaches to minority rights (Eiler 2005; Vizi 2015). The former would have been satisfied by granting individual rights and aimed to regulate only what was considered as absolutely necessary. The main advocate of this approach, the Ministry of Justice, argued that in a democracy the right of association provided the essential basis to articulate social interests and values. In the Ministry's view, the MSGs should not become more than voluntary associations with weak competences. By contrast, the latter concept, supported in particular by the Minority Roundtable, sought to extend the scope of regulation as far as possible, embracing collective rights, cultural autonomy and financial guarantees, and establishing elected bodies based on constitutional law. Although the autonomist discourse dominated the rhetoric and the elected form ultimately prevailed, the overall outcome bore the marks of both approaches.

4. Legal Basis of Autonomy

Hungary did not adopt a new Constitution during the transition process; instead, the Constitution of 1949 was subjected to very significant amendments, in order to make it appropriate for the context of liberal democracy and market economy.⁹ Like most other Constitutions in the region, both this amended Constitution and the most recent Fundamental Law illustrate how difficult it is to define the political community and reconcile the different concepts of the nation. The ethnocultural understanding (covering those who identify themselves in ethnic terms and speak the language as a native language) became very influential in public discourse in Hungary after the Treaty of Trianon, and this approach regained its influence after the fall of the communist regime. Still, in the period that lasted from the regime change until the adoption of the Fundamental Law in 2011, the civic-neutral

⁹ Act 20 of 1949 (Constitution of Hungary), as amended by Act 31 of 1989.

concept defined the common entity in terms of citizenship, and the civic-neutral term *people* was combined with the national-ethnic approach (Deets 2005).

Namely, the amended 1949 Constitution declared that the supreme power was vested in the people, that the national and ethnic minorities were constituent parts of the state, and that the state's paramount duty was to protect them.¹⁰ Interestingly, the Constitution referred only indirectly to the presence of the overwhelming Hungarian majority, especially in the *responsibility clause* for the fate of Hungarians living abroad.¹¹ It is also of paramount importance that a constitutional provision introduced in 1989 declared that national and ethnic minorities had the right to establish the system of minority self-governments (MSGs).¹²

The conditions of exercising this right (and minority rights in general) were set out in detail in the 1993 Minority Rights Act which was subsequently amended several times. The most important changes came with the adoption of Act 114 of 2005 on the election of the representatives of minority self-governments and the amendment of several regulations on national and ethnic minorities (hereinafter the 2005 Amendments Act).¹³ This Act implemented crucial institutional changes (discussed in greater detail in sections 5 and 10 of the paper).

After the 2010 parliamentary elections, the new right-wing government, with its unprecedented two-thirds parliamentary majority, and as part of its efforts to consolidate the state, redefined the basis of the political community and solidified and codified traditional values and norms by passing a new Fundamental Law (Constitution) on 18 April 2011 which replaced the amended 1949 Constitution.

Obviously, the situation of the minorities could not remain unaffected either, and these legislative developments reignited the debate around defining the political community as well as around the nature and objectives of minority policy in Hungary. The new constitutional provisions, coupled with the new law on minorities, have greatly changed the institutional arrangements of MSGs. Besides returning to the term *nationalities*, which was in use before 1990, the Fundamental Law also significantly alters the concept of nation, as it seems to prefer the ethnocultural conception. By contrast to the previous Constitution, the preamble of the new Fundamental Law, the so-called “National Avowal”, although still recognizing “the nationalities living with us” as state constituents, is written in the name of “[w]e, the members of the Hungarian nation”. It follows, therefore—and this is the opinion of the Venice Commission¹⁴—that ethnic Hungarians share the power with the

¹⁰ Articles 2(2) and 68(1)(2) of the 1949 Constitution, as amended in 1989.

¹¹ Article 6(3) of the 1949 Constitution, as amended in 1989.

¹² Article 68(4) of the 1949 Constitution, as amended in 1989.

¹³ Act 114 of 2005 on the Election of Minority Self-Governments Representatives and Amendment of certain Acts concerning National and Ethnic Minorities.

¹⁴ The Venice Commission also criticized the rapidity of the process of the elaboration and adoption of the new Fundamental Law. It also drew attention to the significant lack of transparency and public debate. See Venice Commission (2011) and Pap (2018, 102).

nationalities who are not considered to have been part of the people behind the Fundamental Law's adoption. In fact, several national MSGs expressed their opinions during the elaboration of the Fundamental Law. The more pronounced responsibility for the Hungarian minorities, as well as the much disputed provision that, contrary to the previous Constitution, the Fundamental Law declares Hungarian as the official language deserving protection,¹⁵ also indicate an intention to strengthen the ethnic elements. Another argument often invoked to demonstrate the shift from a predominantly civic definition of the nation to an ethnocultural conception is the fact that the new Fundamental Law grants the possibility of dual citizenship and voting rights to ethnic Hungarians abroad.

The Fundamental Law, however, also kept certain provisions from the previous Constitution, including the right of minorities to use their native languages and names, to promote their cultures, to be educated in their mother tongue, and to create local and national self-governments. Even so, it does not declare their general protection and collective participation in public life. Moreover, it terminated the independent position of the Minority Rights Ombudsperson.¹⁶ Instead it aims to fill a significant gap in the institutional framework when it states that minorities shall contribute to parliament's work.¹⁷ With respect to preventing electoral abuses, it declares that those Hungarian citizens who belong to any nationality shall have the right to freely express and preserve their identities.

In accordance with the new constitutional provisions, the parliament adopted the 2011 Minority Rights Act, which replaced the 1993 Minority Rights Act. In contrast to the previous legislation, the preparation of the 2011 Minority Rights Act took less than one and half years, providing thus less opportunity for consultations and for expressing opinions.¹⁸

Both the design and some specific parts of the new regulations affecting minorities in Hungary were criticized by international and domestic actors. The Venice Commission commenced investigations in 2011-2012, while Hungary's Commissioner for Fundamental Rights requested the Constitutional Court to examine some points of the new law that he deemed unconstitutional. The Court found that the 2011 Minority Rights Act did not raise constitutional concerns.¹⁹

Finally, it is worth noting the special status of the 1993 and 2011 Acts in the legal hierarchy. The 1993 Minority Rights Act was a so-called two-thirds law (*kétharmados törvény*), meaning that the

¹⁵ Article (H) and Article XXIX (1) of the 2011 Fundamental Law.

¹⁶ While between 1995 and 2011 there was a specialized ombudsperson in charge of national and ethnic minority protection, the Fundamental Law has established a unified ombudsperson system in which the minority commissioner serves as a deputy of the general commissioner for fundamental rights, but without the authority to take measures independently.

¹⁷ Article 2(2) of the 2011 Fundamental Law.

¹⁸ After the debates of the September draft law, it was submitted to the parliament on November 19 and adopted a month later, with the Fundamental Law entering into force on January 1, 2012.

¹⁹ Decision of the Constitutional Court 41/2012 of 6 December 2012. It is available online (in Hungarian) at <http://public.mkab.hu/dev/dontesek.nsf/0/2EA8A1E5D6372FAFC1257ADA00524C26?OpenDocument> (accessed March 10, 2022).

support of two-thirds of all the MPs was required for passing or amending the law. According to Hungary's Fundamental Law, the 2011 Minority Rights Act is an organic law (*sarkalatos törvény*), meaning that its adoption and amendment requires the support of two-thirds of MPs present.

5. Autonomous Institutions

Given the occurrence of major changes in the relevant legislation, the institutions of autonomy in Hungary are best analyzed as broken down to three major phases, in accordance with the timing of the legal reforms. However, for the sake of greater clarity, the main elements of the institutional framework are summarized in Table 2.

Table 2. Major elements of the Hungarian system of non-territorial autonomy.²⁰

	Minority self-government (MSG) elections		
	Period 1994-2002	Period 2006-2010	Since 2014
Personal scope	Freedom to choose identity	Freedom to choose identity, registration	Freedom to express identity, registration
	Minority definition and expandable lists of recognized minorities and their native languages	Minority definition and expandable lists of recognized minorities and their native languages.	Minority definition and expandable lists of recognized minorities and their native languages
	Elections: every Hungarian voter, and <i>de facto</i> non-citizens	Elections: minority Hungarian citizens, at least 30 registered voters. Additional requirements for candidates.	Elections: registered minority Hungarian citizens and non-citizens (the latter only until 2019), at least 25 persons (30 from 2024) according to census data. Additional requirements for candidates.
Local level	Three types of MSGs (one directly elected, two transformed) Directly elected: majority system, Block Vote	Only one type of MSG (directly elected) Directly elected: majority system, Block Vote	Two types of MSGs (one directly elected, one transformed) Directly elected: majority system, Block Vote
Territorial level	Only in Budapest Indirect election, majority system, Block Vote	Every county and Budapest Indirect election, list PR, D'Hondt method	Every county and Budapest Direct election, list PR, D'Hondt method
National level	Indirect election, majority system, Block Vote	Indirect election, list PR, D'Hondt method	Direct election, list PR, D'Hondt method

²⁰ An earlier version of the table was published in Dobos (2013, 171).

5.1. The period 1994-2006

The 1993 Minority Rights Act distinguished three types of minority self-governments (MSGs) at the local level, including the districts of the capital city. The most prevalent type was the directly elected one. Due to the minorities' rejection of registration, there were difficulties encountered in implementing their right to establish MSGs, and as a result, between 1994 and 2004 every Hungarian citizen had the right to vote for, and be elected to, MSGs. The voting took place in the same polling stations used in local municipality elections and on the same day. The two other, indirectly established forms were less frequent.

The first indirect method for the constitution of MSGs was to transform a municipal self-government. If the majority of the representatives in the local self-government of a municipality were elected as minority candidates, then they could simultaneously transform the municipality into an MSG, while also having to keep carrying out the full range of local tasks.²¹ This prioritized form of MSG was intended especially for those relatively few settlements that had mostly minority inhabitants. It was often portrayed as a form of territorial autonomy, but in practice it could often be turned against local minority interests. Such situations could arise especially when the persons elected to the municipal self-government as minority candidates who initiated the transformation of the local self-government into an MSG were probably non-members of the minority, while local minority activists wanted to establish a directly elected MSG instead of the transformed one. The other alternative way for the indirect constitution of local MSGs could be applied if more than 30% of the members of the local self-government were elected as candidates belonging to a particular minority: these members of the local self-government could indirectly establish a MSG with at least three members.²² The danger of turning both kinds of indirectly elected MSGs against the interests of the local minorities through non-members of the groups engaged in *ethno-business* was further augmented by the existence of a special measure in the 1990 law on the election of local self-governments and mayors,²³ which was intended to facilitate minority representation at the local level. This special rule allowed for the election of a minority candidate (or a minority ticket) with a number of votes equal to two thirds of the number of votes required in the case of non-minority competitors.²⁴

Turning now to the higher-level minority bodies (those in Budapest and at the national level), these were elected in an indirect manner, by a system of electors. Most of the electors were members of local MSGs or members of municipal self-governments elected as minority candidates; if in a municipality no candidate of a particular minority had been elected and no MSG of the respective

²¹ Article 22(1) of Act 77 of 1993.

²² Article 22(2) of Act 77 of 1993.

²³ Act 64 of 1990 on the Election of Local Government Representatives and Mayors.

²⁴ Articles 48-50 of Act 64 of 1990 on the Election of Local Government Representatives and Mayors.

minority had been established, the elector for the national MSG was designated by direct election.²⁵ In 1995 only 11 of the 13 recognized minorities were able to create their own national MSGs, the first Ruthenian and Ukrainian national bodies were established only after their 1999 elections. At each level a majoritarian electoral system was employed: candidates with the highest number of votes won seats (block vote). Consequently, however, certain sub-groups and influential organizations within divided communities—such as the Roma—remained underrepresented or excluded, especially at the national level.

5.2. The period 2006-2014

The 2005 Amendments Act simplified the system by reducing the number of types of local MSGs, leaving only the directly elected type. Furthermore, the mechanism of gaining preferential mandates in local governments was also cancelled. While this was motivated by the above-discussed danger of creating illegitimate transformed MSGs, the abolishment of the preferential seat-allocation rule also meant the elimination of a form of access to local decision-making that was especially important to Roma. Taking into account the needs of larger minorities, the 2005 Amendments Act created the county-territorial level of MSGs, which had previously existed only in Budapest (see Table 4 below). For the election of the county and the national level MSGs (through indirect elections held through electoral assemblies, where the elected members of the local MSGs could vote), a list proportional electoral system type has been introduced in order to ensure the representation of diverse interest groups and to ensure that national MSGs would serve as the *parliaments* of minorities by fostering discussions and mutual understanding.²⁶

5.3. Since 2014

In spite of the fact that this option was generally opposed by minorities, the 2011 Minority Rights Act reintroduced the system of transformed MSGs (except for the districts of Budapest), which was eliminated in 2006. However, the conditions for transforming a municipality were made more difficult: besides the requirement that a majority of the elected representatives should have won their seats as minority candidates, it is also required that simultaneously a majority of the voters from the respective municipality be registered on the special electoral roll of the respective minority. As a consequence, the results of the latest local elections indicate only a negligible number of localities fulfilling both criteria (in 2014 one German and one Romanian municipality), even though Roma

²⁵ Article 31(2) of Act 64 of 1990 on the Election of Local Government Representatives and Mayors.

²⁶ Earlier those Roma and Romanian organizations that were excluded from the national MSGs demanded the elimination of autonomy. When measuring the proportionality of the electoral outcome, the difference between the percentage of votes and the percentage of seats won by minority organizations (the Loosemore-Hanby index) revealed a high level of disproportionality. However, this disproportionality decreased after 2006.

organizations in particular ran candidates and in some municipalities registered voters of some minorities constituted local majorities. Similarly, the 2011 Minority Rights Act reintroduces the possibility of securing preferential minority mandates in municipalities, a measure that had previously been repealed due to abuses.

Furthermore, the electoral system has been amended to the extent that while previously only the local level had been elected directly by registered minority voters, from the 2014 elections territorial and national MSGs were established in the same way. One could vote for the territorial level if at least 10 local elections have been called in a certain county or Budapest. In contrast, there is no such precondition at the national level. Under the new rules, voters who live in localities where there were fewer than 25 minority persons according to the census, and thus local elections could not be held, could also participate in the election of the territorial and national MSGs. The law still does not lay down any threshold of voter turnout; for instance, at the local level, victory may be achieved even through a single vote. The electoral system at both the territorial and national levels is proportional. Until 2014 the number of MSGs increased from cycle to cycle (see Table 3), which could be due to a somewhat growing consciousness as reflected by census data, but also to a less favorable phenomenon: *ethno-business*. The decline in 2014 could be due to the restricted electoral conditions, while the 2019 MSG elections showed again a moderate increase in their numbers.

Table 3. The evolution of the number of local MSGs between 1994 and 2019

Minority	Number of local MSGs						
	1994-1995	1998	2002	2006	2010	2014	2019
Armenian	16	25	31	31	39	32	32
Bulgarian	4	15	31	38	41	33	34
Croat	57	75	108	115	127	112	116
German	162	272	341	378	424	406	406
Greek	6	19	31	34	37	35	35
Polish	7	33	51	47	49	41	44
Roma	477	768	999	1118	1248	1197	1 208
Romanian	11	33	44	46	71	61	69
Ruthene	1	10	32	52	75	43	42
Serb	19	35	44	40	48	45	46
Slovak	51	76	115	116	122	112	112
Slovene	6	10	13	11	11	10	10
Ukrainian	0	5	13	19	23	16	34

Source: National Election Office n.d.

Table 4. The evolution of the number of territorial MSGs between 2007 and 2019

Minority	Number of territorial MSGs			
	2007	2011	2014	2019
Armenian	1	1	1	1
Bulgarian	2	2	1	1
Croat	7	7	7	7
German	11	11	13	15
Greek	1	1	1	1
Polish	2	2	1	1
Roma	20	20	20	20
Romanian	3	3	5	5
Ruthene	2	3	2	2
Serb	2	2	2	2
Slovak	6	6	6	6
Slovene	0	0	0	0
Ukrainian	0	0	1	1

Source: National Election Office n.d.

6. Autonomous Powers

The system of minority self-governments (MSGs) was created with the aim of guaranteeing the cultural autonomy of minorities and allowing them to make decisions especially on the foundation, taking over and maintenance of cultural and educational institutions and media at both local and national level. MSGs obtained the right to determine their protected monuments and memorial sites, as well as the dates of their local and national holidays. They were entitled to adopt their own organizational and operational regulations. MSGs at local level could veto proposals if they concerned cultural, educational or language issues related to the specific minority. They also had veto power on the question of the appointment of the leaders of minority institutions. At national level, the national MSGs, as partners for both the parliament and government, could give their opinions on draft laws and regulations affecting minority communities. They had the right to monitor minority education, as well as to participate in the development of the core curricula used in minority education (except for higher education).

In practice, however, financial considerations and the fears of municipalities concerning the possibility of autonomy creating *dual administration* resulted in a separation of form and function. The basic structure of the MSGs followed the model of the non-territorial autonomies, to which their responsibilities and tasks did not correspond. MSGs soon questioned the lack of adequate powers and rights, the dependence on municipalities, and the uncertain regulations (Csefkó et al. 1999).

In this respect, the 2005 Amendments Act made progress in further regulating various issues concerning functions, tasks, competences, and the financial and infrastructural background. Generally, MSGs had weak powers, most of which would not have required an elected form of

autonomy. At the local level the most powerful right was a veto, which after 2005 covered any municipal decrees affecting the minorities in the fields of local media, the promotion of traditions and culture, and the collective use of language. The appointment of the heads of minority institutions and local decisions concerning the education of persons belonging to minorities also required the MSGs' approval. The national level MSGs similarly had the power of veto in decisions on the preservation and conservation of minority settlements, minority architectural monuments and governmental decrees on the implementation of the legislation on public education.

In further developing cultural autonomy, great emphasis was laid on the provision of minority institutions that enabled both local and national MSGs to found, administer, and take over certain educational and cultural institutions at various levels. While in the 1990s these remained mostly on paper, since the 2000s, due to the amendments, remarkable progress could be observed in the extension of different minority institutions (schools, kindergartens, theatres, research and cultural centers, media).

Even before the outbreak of the global financial crisis, which had a particularly detrimental effect on Hungary—one of the most vulnerable countries in the region—complex and controversial issues surrounding the socio-economic integration of the Roma were brought to the fore. The situation of the Roma raised the question, among others, whether and to what extent the major goals of the legal and institutional framework had met their basic needs and expectations, as Roma MSGs mostly have to deal with social problems, even though they are not supposed to do so according to the minority-related legislation (Kállai 2005a, 308; Kovats 1999, 150–51; Molnár and Schafft 2003; Schafft and Ferkovics 2018; Waters and Guglielmo 1996). Given the multiple and often conflicting narratives and criteria that have typically prevailed in the literature with regard to the Roma—whether they should be considered a national or ethnic minority, a social group, what is often called an *ethnaclass* or *underclass*, or a transnational nation—serious doubts have been raised as to whether and how Roma MSGs might be involved in policy-making aiming for a better socio-economic integration of the Roma population, especially taking into account their relatively weak competences and high dependence on central and local funding. Some argue that Roma MSGs are a rather *tokenist* form of representation, which not only maintain and reinforce divisions between Roma and non-Roma groups, but also reproduce the dependence of the Roma communities and repress civic activities (see, for instance, Balogh et al. 2013, 9).

Act 131 of 2010 on Preparing New Legislation and on Public Discussions on Drafts has limited the scope of minority veto power mentioned above. Indeed, there has been a shift from the previous right of consent (approval) to the right of consultation. Reflecting the new circumstances, the Minister for Public Administration and Justice and the national MSGs signed a strategic partnership agreement in

2011. Minority bodies can still run their own educational and cultural institutions, but all the other, formerly municipality schools have been taken over by the state and are now managed and maintained by regional governmental bodies.

Overall, the 2011 Minority Rights Act states that in addition to the obligatory public tasks, the MSGs may also perform other public tasks on a voluntary basis, taking into account the available resources. Mandatory tasks include, where appropriate, the maintenance of institutions, the performance of tasks and powers delegated by other local governments, tasks related to advocacy and equal opportunities, the exercise of decision-making and co-decision rights, contact with community actors and support for self-organization, initiating the necessary measures regarding the preservation of cultural property, contributing to the preparation of development plans and assessing the needs for education and training in minority languages. In addition, the municipality may voluntarily establish institutions, awards and scholarships, as well as launch calls for applications. In addition to official duties, MSGs may also undertake voluntary duties in the fields of education, culture, media, preservation of traditions, social inclusion, social, youth and cultural administration, public employment and urban management.

In addition to giving opinions, initiating and deciding on their own affairs, MSGs also have the right to consent if the municipal government establishes an organization related to minorities or adopts a resolution on collective language use, education, culture, media, equal opportunities, social inclusion and social welfare. In the case of local decrees, an extraordinary review can be initiated, or MSGs can also turn directly to courts. They have the right of consent on the preparation of local education and development plans, the assignment of the heads of state or local government-run institutions performing national education and other maintenance decisions (establishment, termination, reorganization, budget, definition of operation and admission area). In case of church-run institutions, MSGs can only deliver opinions. In the field of culture, the consent of the MSG is required for the adoption of a decision related to the establishment, termination and reorganization of a public collection and a public cultural institution performing minority-related tasks.

7. Financial Arrangements

Minority self-governments (MSGs) at all levels are entitled to normative state support, the precise amounts being determined by the annual acts on the central budget. The total amount of sums allocated to the MSGs from the central budget each year between 1995 and 2018 are reported in Table 5.

Domestic and foreign organizations, foundations, and private individuals may contribute to the financial support of the minorities in Hungary, too. Their financial management is supervised by the

State Audit Office, while administrative and legal supervision is the task of the metropolitan and county government offices. As far as external (kin-state) support of the MSGs is concerned, however, data is scarce; nevertheless, where data is available about the relative weight of the various financial sources, it indicates that MSGs receive the overwhelming part of their budget from the central government, while other states usually do not support MSGs directly but their institutions (schools, theatres etc.).

Table 5. Support from the central budget to local, territorial and national MSGs, and to the institutions of national MSGs, 1995-2018 (million USD)²⁷

Year	Support for...			Total
	national MSGs ²⁸	institutions of national MSGs (from 2006)	local and territorial MSGs	
1995	1.54		1.19	2.73
1996	1.69		1.23	2.92
1997	1.64		1.61	3.25
1998	1.86		1.63	3.49
1999	2.13		3.08	5.21
2000	1.93		2.84	4.78
2001	2.20		2.95	5.15
2002	2.71		3.49	6.20
2003	3.88		5.63	9.51
2004	4.29		6.45	10.74
2005	4.58		6.54	11.12
2006	4.33	1.80	5.53	11.67
2007	4.97	2.07	7.28	14.32
2008	5.32	2.40	9.07	16.79
2009	4.71	2.20	7.71	14.62
2010	4.58	2.14	7.30	14.02
2011	6.07	2.30	7.56	15.94
2012	5.49	2.22	6.74	14.46
2013	5.53	2.62	6.79	14.94
2014	5.32	2.63	6.54	14.48
2015	5.66	3.33	8.42	17.41
2016	5.68	3.31	11.14	20.13
2017	6.47	4.34	11.72	22.53
2018	6.57	4.51	13.43	24.51

Source: Data compiled by the author from the laws on the annual central budget and the biannual government reports on the situation of national and ethnic minorities living in Hungary (from 1997)

Initially, each MSG was entitled to the same amount of normative support, irrespective of the local size of the community or the needs arising, although in many cases there were greater needs in less developed rural regions (Eiler and Kovács 2002). In general, opportunities for minority-related activities largely depended on cooperation between municipalities and MSGs, and on local capacities.

²⁷ Source of yearly average USD/HUF exchange rates:

<https://www.ksh.hu/docs/hun/xftp/idoszaki/monsz/monsz9507.pdf> and https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_int046b.html (accessed March 10, 2022).

²⁸ Since 2011, support for national MSGs and minority media.

In 2008, as part of the ongoing struggle against *ethno-business* and the need to take more into account diverse local conditions, the amount was split into two portions: each MSG continued to receive the same annual amount, which consisted of 75% of the overall financial support, while the allocation of the remaining 25% was based on the performance of their key functions.²⁹ The decisions on the submitted applications were regularly made by a special state committee, in which delegates of the national MSGs also took part in an advisory capacity. The committee could keep under review the activities of MSGs, and it concluded that a significant part of them were not performing any public or local tasks.

The system of allocating central financial support to MSGs has also been modified recently. First, there has been a change in the ratios: one third of the total amount is granted for core functions—especially for representing the community and managing the autonomy at the local level, as set out in the 2011 Minority Rights Act—based on the latest 2011 census data (on territorial level it depends on the number of local MSGs in the given territorial unit); the remaining amount is granted on the basis of the activity history of each applicant, based on pre-determined objective criteria and evaluated each year by governmental agencies.³⁰ Practically, it meant that in 2021, each local MSG received ca. 2,390 EUR as a basic operating subsidy, while, on the average, they received additional ca. 2,900 EUR as task-based funding. Further, minority organizations are eligible to apply annually to a fund supporting their cultural and linguistic activities.

8. Intergovernmental Relations

As stated above, at the local level the most important partners of minority self-governments (MSGs) are the local municipalities. However, some aspects of their relations, and especially language rights, are conditional upon census results. Local municipalities are obliged to provide the personal and material conditions necessary for the operation of local MSGs, which should be set out in an agreement between the two bodies. In their statutes, local self-governments shall determine the relevant tasks in the field of minority protection and the relationship with the local MSGs; moreover, they shall lay down the detailed procedures concerning how the MSGs can exercise their rights of initiative, proposal, opinion-giving, and consent. On the initiative of the MSG, the municipality shall establish within its own structures a committee on minority issues, and MSG's members can attend its meetings. At different levels, with the competent state or municipality agencies, MSGs have the right to initiate proceedings, request information, or make proposals.

²⁹ Governmental decree 375/2007 of 23 December 2007.

³⁰ Governmental decree 428/2012 of 29 December 2012.

For legal compliance, to investigate whether the decisions of MSGs are in conformity with the rule of law, the metropolitan and county government offices shall supervise their functioning at various levels. The parliament shall dissolve an MSG if its operation is unconstitutional. The parliament annually adopts the law on the central budget that provides subsidies for MSGs and their institutions. The parliament decides whether a new minority other than those listed in the 2011 Minority Rights Act should benefit from the provisions of the law. The request for recognition as an ethnic group native to Hungary may be submitted by at least 1000 individuals who declare their belonging to the group concerned. In this procedure of recognition, the president of the Hungarian Academy of Sciences shall give an opinion. Every second year, the central government should review the situation of minorities living in Hungary and elaborate and submit a report to the parliament. Pursuant to the 2011 Minority Rights Act, the government shall also promote and assist the enforcement of minority rights and interests. At this level, elected or delegated minority members are parts of the various governmental advisory, consultative and supervisory mechanisms having either a broader or an exclusive focus on minorities.³¹

A particularly important institution for the enforcement of minority rights used to be the minority ombudsperson. This institution was originally created with the aim to remedy (to some extent) the lack of preferential parliamentary representation; however, the first ombudsperson was elected by the parliament only in mid-1995. The minority ombudsperson was basically responsible for investigating any kind of abuse of minority rights and for initiating general and individual measures in order to remedy these. The work of the minority ombudsperson covered at least three broad areas. First, by gathering experience, providing advice and expressing opinions the institution could contribute to the processes of political decision-making. Second, through continuous monitoring and remedy it could provide assistance to the better implementation of minority rights. Last but not least, its most effective instrument was to provide information to the public, thereby shaping attitudes among the general public and putting pressure on the local or national authorities concerned. However, since the adoption of the 2011 Fundamental Law, the ombudsperson for the rights of minorities has only been serving as a deputy for the commissioner for fundamental rights, with limited competences.

The realization of the right to parliamentary representation, which was a specific provision in the 1993 Minority Rights Act, was the main political and legal demand of the minorities in Hungary after 1990. Despite many drafts and various domestic and international critiques, the aim was not realized for

³¹ See especially the Working Group on Human Rights (since 2012), the Working Group on National Minority Affairs (since 2013), the National Minority Council (on educational affairs, since 2014), the Public Service Board (on media, since 2010), the Inter-ministerial Committee for Social Inclusion and Roma Affairs (since 2010), the Roma Coordinating Council (since 2011), the Consultative Council on Roma Affairs (since 2013) and the Anti-Segregation Roundtable (since 2013).

more than two decades. According to the 2011 law on parliamentary elections,³² in the Hungarian mixed electoral system, those voters who are registered in minority electoral rolls have the right to vote for the candidates in the single-member districts and for the minority lists drawn up by the national MSGs. Thereby, the preferential minority representation in parliament follows a corporatist logic, as only national MSGs are entitled to field lists (one list each), while other types of minority organizations, such as associations and ethnic parties are not. For the minority lists the 5% threshold is not applied, and they are entitled to one seat if they receive at least 25% of an electoral quota necessary for the election of one MP in the proportional component of the system. This means that voters who wish to vote for minority candidates have to renounce voting for the political parties in the proportional component of the system, and that the number of seats obtained by the minority candidates reduces the number of MPs to be elected on party lists. Therefore, this preferential system theoretically could only favor the largest minority communities: the Roma and Germans. But even the most successful ethnic parties had not received more than 10-12,000 of votes at the previous elections in Hungary, showing that even these minorities had to work hard to attract their potential voters. Under these circumstances it hardly came as a surprise that at the first parliamentary elections when the system was applied (in April 2014) no minority candidate was elected. In 2018, as a result of a successful electoral mobilization, German voters managed to elect their MP (for the number of registered minority voters at the parliamentary elections, see Table 6). Those minority lists that fail to win a preferential seat are still entitled to a parliamentary spokesperson, who, however, does not have voting rights. Minority MPs and spokespersons can set up permanent parliamentary committees, pursuant to the 2012 law on the parliament.³³

9. Inter-group Relations within the Autonomous Entity (not applicable)

10. Membership and Special Rights

Defining the personal scope of the law and thus creating legitimate bodies was one of the most difficult tasks in view of the uncertain nature of ethnic identities, the huge differences between census data and estimates, and the claims by various ethnic groups. The minorities initially refused any kind of registration of persons with minority backgrounds, due to the memory of negative historical experiences (such as the relocation and expulsion of the Germans and the Hungarian-Slovak population exchange after the Second World War, or the discrimination against the Southern Slav communities and the Roma). This, however, made it almost impossible to assess the approximate

³² Act 203 of 2011 on the Election of the Members of the Parliament of Hungary.

³³ Act 36 of 2012 on the Parliament of Hungary.

number of persons to whom the law was to apply, while the principle of a person's freedom to choose his or her identity had already been agreed upon during the preparatory phase of the 1993 Minority Rights Act. In the end, the compromise involved a legal definition of the term *national and ethnic minority*³⁴ and an enumeration of 13 recognized minorities and their native languages, with the possibility of subsequently expanding this list.

However, the group of the officially recognized 13 minorities has not changed since the early 1990s when the government made an agreement with the Minority Roundtable on the official list of minorities. Besides the groups involved in the Roundtable, even before the adoption of the 1993 Minority Rights Act, some other communities (e.g., Lithuanians and Szeklers) living in Hungary asked tentatively about the possibility of becoming a minority, while an Italian and a Vend association made more serious attempts to be included in the list. Upon the adoption, a Bunjevci organization protested against the personal scope of the law. After 1993, the first—yet unsuccessful—attempt to collect the required number of signatures was made by the Macedonians in 2001. The initiative by the those declaring themselves as Huns in 2005 had already to be decided, and eventually rejected by the parliament. Later, both the Jewish and Italian attempts were unable to collect the required number of signatures. The Russians and Bunjevci were more successful in this regard, but along with the Szeklers most recently in 2018, they were not supported by the parliament. In the procedure of becoming an officially recognized minority, in addition to the support of at least 1000 Hungarian citizens entitled to vote, a further element since the mid-2000s has been that the president of the Hungarian Academy of Sciences must be consulted on the existence of legal conditions, more precisely the criteria of the official minority definition as specified in the 1993 and later in the 2011 Minority Rights Act.

The contestation of group boundaries also played a significant role at the minority elections, since the different subgroups often accused each other of participating in *ethno-business*. Within certain communities a recent phenomenon has reignited the debate: the arrival to Hungary of a significant number of persons who belong to the specific minority but were born abroad and are non-Hungarian citizens or possess dual citizenship (Tóth and Vékás 2009). This explains why the minorities have long sought to extend the application of minority-related legislation to foreign citizens established in Hungary. Such persons usually have favorable socioeconomic positions, good educational qualifications, better native language skills, close ties to the kin-states, and stronger ethnic identities.

³⁴ Article 1 (2) of the 1993 Minority Rights Act: "For the purposes of the present Act, a national or ethnic minority (...) is an ethnic group which has been living on the territory of the Republic of Hungary for at least one century, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and at the expression and the protection of the interests of their historical communities."

Even so, their attempts to contribute to minority public life and to the work of minority self-governments (MSGs) have caused tensions in certain cases. Given the significant changes that occurred in the relevant legislation, the rules concerning membership in the institutions of autonomy are once again best analyzed as broken down to three phases.

10.1. The period 1994-2006

In the first period there were no special minority electoral rolls in Hungary, thus every Hungarian citizen had the right to vote for, and be elected to MSGs. This basically meant that minority rights applied to all Hungarian citizens.³⁵ As a result, the number of votes cast was significantly beyond even the estimated number of the persons belonging to the minorities. As the so-called *sympathy voters* were little familiar with the internal affairs of the minorities, these *sympathy votes* coming from the ethnic majority or other minorities usually advantaged those candidates whose last names started with the first letters of the alphabet, a phenomenon which introduced serious distortions in minority public life (Szabó 2005, 225). It was even more serious and posed a threat for the entire model that some of the persons elected were presumably or obviously non-members of the specific community. Since most local minority representatives, registered as electors, elected indirectly the MSGs in the capital city and at the national level, those could also be affected by abuses (as well as the preferential mandates for minority candidates in local governments). The *ethno-business* factor gained importance in intra-community conflicts³⁶ and debates between local governments and MSGs.

10.2. The period 2006-2014

In order to reduce the incidence of abuses, pursuant to the 2005 Amendments Act, the right to vote was limited to members of the recognized minorities. Minority voters now had to declare their affiliation by previously registering to minority electoral rolls administered by the head of the local electoral office, who, however, had no competence to assess affiliation with the minority. Given the still significant reservations of the minorities towards the registers, as a compromise these special electoral rolls had to be destroyed after each election.

Elections could be held if the number of registered voters of a given minority in a settlement reached 30 by the established deadline. The 2005 Amendments Act also imposed further requirements on minority candidates. First, only those minority associations had the right to field candidates that were registered as associations (not including organizations registered pursuant to the law on political

³⁵ Non-citizens established in Hungary had the right to vote in the local elections, therefore *de facto* they could also vote for the MSGs.

³⁶ For instance, for allegations of *ethno-business* Romanian institutions, local MSGs, associations, and parents objected to the plan of the National Self-Government of Romanians in Hungary to take over the most relevant minority educational center in early 2008.

parties³⁷), whose objective set forth in their statutes has been—for at least three years before the year of the elections—to represent the given national or ethnic minority.³⁸ Candidates were furthermore required to make statements on their knowledge of language, culture and traditions, and had to declare that they were not previously members of an MSG of any other minority.

Notwithstanding these amendments, the results of both the 2006 and 2010 elections and some local scandals raised further doubts about whether the changes had achieved their goal. As a consequence, the 2011 Minority Rights Act once again redesigned the system of MSGs, including the conditions of membership and voting rights.

10.3. Since 2014

The 2011 Minority Rights Act extended its personal scope to non-Hungarian citizens belonging to minorities, including EU citizens, refugees, and immigrants residing in Hungary. This was indeed an old minority demand. As a result of the changes, in 2014, these groups also had the right to vote for, and be elected to MSGs. However, this state of affairs only lasted for one term until 2019, as the law again covers only Hungarian citizens on the ground that a distinction in the long run shall be made between *traditional* and *migrant* communities.

During the formulation process, the minority ombudsperson criticized the draft on the grounds that it still lacks safeguards to prevent electoral abuses. Indeed, the affiliation of candidates to minority rolls is still not reviewed on the basis of certain criteria like their language skills or attachment to minority cultures and traditions, the only criterion remains self-identification. However, unlike under the previous regulations, minority registers have become permanently updated and are now used for the preferential parliamentary elections too. Minority rolls, therefore, are not destroyed after the elections and in addition, minority organizations have access to them.

Continuing the struggle against *ethno-business*, some additional changes have been introduced to prevent abuses, of which the most relevant is that from 2014, at the local level, an election may be called only when the number of minority individuals of a given community reaches 25 (30 from 2024),³⁹ according not to the former rolls but to the aggregated results of the latest census. Critical voices raised by minority organizations and the ombudsperson argue that, besides the different nature of the procedures, the census cannot offer an overall view of the minority situation and records children and others who do not have voting rights. On the one hand, there were definitely hundreds of settlements in which minority elections were held by the adequate number of registered voters even though the number of minority inhabitants had been under 25 at the census of 2001 (including

³⁷ Act 33 of 1989 on the Operation and Financial Functioning of Political Parties (with subsequent amendments).

³⁸ Article 26(2) of Act 114 of 2005 on the Election of Minority Self-Governments Representatives and Amendment of certain Acts concerning National and Ethnic Minorities.

³⁹ See Article 242 of the 2011 Minority Rights Act in this regard.

cases where nobody belonged to the minority according to the census).⁴⁰ On the other hand, the opposite is true for other cases where there were at least 25 minority persons according to the census, yet they did not organize themselves and nor they created MSGs. Overall, the amendment resulted in a temporary decrease in the number of registered voters and elected MSGs, while the latest 2019 elections showed again an increase in both numbers (see Table 6).

A 2020 amendment to the 2011 Minority Rights Act introduced further changes to the electoral rules. Accordingly, the election of local MSGs should be held if at least 25 people according to the aggregate data of the last census declared themselves to belong to the given community and—as a new element—the MSG of the respective minority already operates in the municipality. In other cases, so in those settlements that intend to elect an MSG, the choice may be made if “based on the examination of the degree of self-organization and presence of the given minority in the settlement, the national MSG considers the self-government of the local ethnic community necessary.”

According to its justification, as regards self-organization, it is necessary to examine whether a minority foundation or association legally operate in the settlement in question, and whether it receives state support. During the examination of historical presence, the national MSG is obliged to request the resolution of the president of the Hungarian Academy of Sciences.⁴¹

Table 6. The number of registered minority voters at the 2006-2019 MSG elections and at the 2014-2018 parliamentary elections.

Minority	MSG elections				Parliamentary elections	
	2006	2010	2014	2019	2014	2018
Armenian	2,361	2,357	615	3,270	184	264
Bulgarian	2,110	2,088	654	1,364	104	156
Croat	11,090	11,571	7,231	11,593	1,623	2,269
German	45,983	46,629	30,526	54,899	15,209	33,010
Greek	2,451	2,267	675	2,791	140	235
Polish	3,061	3,052	1,148	3,556	133	259
Roma	106,333	133,492	57,824	211,134	14,271	18,490
Romanian	4,404	5,277	2,350	7,268	647	794
Ruthene	2,729	4,228	1,213	4,294	611	893
Serb	2,143	2,432	840	2,444	349	424
Slovak	15,049	12,282	8,248	12,402	1,317	1,641
Slovene	991	1,025	519	859	199	252
Ukrainian	1,084	1,338	671	1,920	502	549

Source: National Election Office n.d.

⁴⁰ Comparing the results of 2001 census and the 2010 list of settlements where elections were held with at least 30 registered minority voters, one can see that in 34% of the cases there were not 30 persons belonging to the same community.

⁴¹ Act 68 of 2020 on the amendment of the 2011 Minority Rights.

11. General Assessment and Outlook

With regard to the Hungarian model, a considerable number of scholars, by focusing especially on implementation, the shortcomings of the minority self-governments (MSGs) system and the rhetoric of politicians, have accepted the argument that the granting of substantial minority rights and non-territorial autonomy was motivated principally by a desire to improve the situation of the Hungarian minorities abroad. Although it could be demonstrated that the issue of the 1993 Minority Rights Act was not put on the agenda due to the pressure of internal minorities, other research has shown that behind the rhetoric the desire to set standards was of limited significance, and in the past three decades such expectations were barely realized, as the neighboring countries—with the exception of the former Yugoslav states—have tended to reject the creation of any type of autonomy arrangements. Given the less inclusive nature of nation-building efforts in the post-communist states and their rejection of minority claims, it seems very doubtful whether Hungary's hopes of improving the situation of the Hungarian communities abroad by creating and maintaining a progressive domestic system of minority protection were ever realistic at all.

Consequently, we believe that other concerns, especially of instrumental and material nature, proved to be much more influential during both the formulation and further development of the Hungarian autonomy model. Although the arguments above may partially explain the top-down nature of policymaking, they ignore other factors, including such key issues as the legitimacy deficit of minority organizations, the political integration of the Roma and the considerable differences in the strength of ethnic identification across certain minority groups. Consequently, if one accepts that the 1993 Minority Rights Act was solely intended to set an example, this argument is less capable of explaining how and why policies failed to create more space for the minorities within the Hungarian-dominated nation-state. Furthermore, it offers few insights on the failure to accommodate additional minority demands, allocate more resources, and solve the major institutional deficiencies, including parliamentary representation, which has been constantly a subject of international criticism until 2011 and which has not been solved in a comforting manner with the new electoral legislation either. While the goal of standard-setting has obviously failed, the domestic minority objectives could not be fully achieved either. In certain instances, the participation of members of minorities was constrained in the decision-making processes affecting their lives. Furthermore, the MSG elections could not fully meet some of the general requirements of elections either (Katz 1997). First, as electoral success did not require a certain number of valid votes—and the choice was rather limited since the number of candidates was significantly greater than the number of representatives only in the case of the divided minorities—voter participation was not encouraged (Dobos 2013). In addition to *ethno-business*, all these issues contributed to a deficit in legitimacy. It has also been shown that MSGs were not created

to address the complex problems of the socio-economic integration of the Roma, but to help minorities preserve and develop their identities.

Following the legislative changes of 2010-2011, the domestic minorities are invariably recognized as an organic part of the political community in Hungary and a form of preferential parliamentary representation has finally been provided to them. Even so, the increasing role of ethnicity in politics and the shift to an ethnic approach inevitably affect the political opportunities of the minorities. For this reason, some minority experts and politicians regard the recent changes as a step backward in minority protection. Meanwhile, the government and other domestic actors still insist on the standard-setting nature of Hungary's minority policy framework. The return to the term *nationalities* in the new legislation was officially justified as an effort to go beyond the dichotomy of majority versus minorities and to highlight the contribution of the minority communities with their distinct ethnocultural features to the culture of both the Hungarian state and nation. Still, one may ask whether the shift towards a definition of the nation with more pronounced ethnocultural elements facilitates the strengthening of the Hungarian components of minority identities or of *symbolic ethnicity*? Or, alternatively, whether the ethnicization of public discourse and the further extension of cultural autonomy, and transnational migration processes will eventually lead to a preference for the ethnic elements, to more conscious, *dissimilated* communities and to increasing awareness for the necessity of changes and a better implementation of minority rights?

Since many assess the socio-demographic processes as a gradual and irreversible assimilation process of the minorities, a view supported by the relevant census data on the decline of minority language use, the key question, in other words, is whether the creation of the Hungarian model was too late to slow down and possibly reverse these tendencies. While one of the most important objectives of the 1993 Minority Rights Act was exactly to encourage people to declare and preserve their identities and distinct minority features by creating the separate institutional structures of MSGs and allocating resources to these, assessing the question of whether the legislation has achieved its original goal is quite challenging. When compared with census data, we can find that significant portions of minorities abstain from the elections, they do not register, vote or run as candidates. If we reduce the census data by 20% for non-eligible voters—predominantly minors—in order to be screened, it can be seen that on average, only 58% of minority members were registered on the electoral rolls. In addition, in 2019, at local level, MSGs were able to cover on average 66% of those belonging to the given minority according to the 2011 census. However, there are significant differences among them: while 91% of the Roma population lived in a settlement where an MSG was elected locally in 2019, in the case of Ukrainians this proportion was only 45%. However, further analysis is needed to explore the casual effect between census results and the

elections of MSGs, so the potential incentive effect of the autonomy regime to encourage people to declare their identities and create self-governments. Especially because, at the same time, there was an increase in the number of people registered in those municipalities—except for Bulgarians, Slovaks and Slovenes—where elections could be held. Moreover, the system of MSGs is only partially able to cover even registered group members due to their territorial dispersion and the electoral (census) thresholds: a significant share of registered minority voters (12% in 2019) could not elect their representatives and autonomous bodies in their municipalities where they live, therefore they have a limited access to minority rights and institutions. Nevertheless, voter turnout was traditionally relatively high among minorities in Hungary (almost 69% in 2019), especially since minority elections are held on the same days as local elections (and in 2019 in the same polling stations).

However, one might expect that various factors, including the struggle against electoral abuses and the increased bureaucratization and centralization in which MSGs often act rather like specialized governmental agencies that administer minority issues, have precisely the opposite effect by discouraging registration and participation in minority public life. In this regard, research has revealed some problematic and alarming issues related to the socio-demographic characteristics of MSGs members, even if there are considerable differences across the minorities in what concerns the social status and educational level of their members. While in the case of most minorities, MSG members were mostly well-educated, employed, or self-employed intellectuals, the proportion of unskilled and often unemployed representatives was high among the Roma (Csefkó et al. 1999, 76–77). Women tended to be considerably underrepresented among the members of Roma MSGs, even if a gradual progress could be observed in their education and employment indicators (Bindorffer 2011; Kállai 2005b). Also, the social prestige of minority activists, whose work was unpaid, was lower than that of people involved in other forms of public and local activities, and this could explain, for instance, the overrepresentation of women⁴² and pensioners from the educational and cultural sectors in the German MSGs. This posed the question of succession, and the future involvement of younger generations (Váradi 2002, 184).

Beyond all these issues, the aspect that is probably most visible to the public at large, and which is primarily responsible for shaping public opinion on the system of MSGs is the phenomenon of *ethno-business*, even if the occurrence of such practices is somewhat exaggerated in the discourses about minorities. The Hungarian case illustrates well that relying on the subjective criteria alone, the self-identification of any person could often result in the inflation of group membership, and may cover even those who do not have any relationships with the group concerned. By contrast, a too exclusive

⁴² In 2019, at local level, men were overrepresented only among Armenian, Roma and Serb MSGs.

mechanism, so providing only limited access by crucially referring to some objective criteria can prevent those numerous individuals who are at risk of assimilation to join, and overall, the entire group to represent itself effectively and influence decision-making. The support given by the parliamentary parties to the system of MSGs is favorable to the maintenance of the Hungarian model. However, fostering public participation and encouraging people to declare their identities, preserve their culture and use minority languages only represent one side of the task; in a more or less homogenous nation-state like Hungary, policies should also address public attitudes and behaviors, in order to raise the awareness of the population about social diversity and the importance of minorities.

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List of abbreviations

MSG – minority self-government

About the author

Balázs Dobos obtained MA degrees in history and political science at the Eötvös Loránd University (ELTE) and a PhD in political science at the Corvinus University of Budapest. Since 2007, he has been working as a research fellow and since 2019 as a senior research fellow, at the Institute for Minority Studies within the Centre for Social Sciences (formerly Hungarian Academy of Sciences) in Budapest. He teaches courses on ethnic conflict and minority policies in East Central Europe at Corvinus and ELTE. His research field mainly concerns the political and legal situation, the political participation and representation of national and ethnic minorities through various institutional channels in Hungary and in the broader Central and Eastern European region, in particular non-territorial cultural autonomies and Roma political mobilization.

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