TAMING THE ARCHANGEL:
An analysis of European involvement in the development of rights for the Hungarian minority in Romania.

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Todd Buell: Taming the Archangel: An examination of European level involvement in the case of the Hungarian Minority in Romania
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This thesis examines the role of European actors in the development of minority rights for the Hungarian minority in Romania. It focuses on the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (COE), and the European Union (EU). The paper studies the minority rights norms that each body has established and their means of enforcing these norms. The paper uses Milada Vachudova’s “active leverage” theory as a theoretical framework to argue that it was the prospect of European Union membership that motivated Romania to establish a liberal minority rights regime. As a concluding and comparative element, the paper examines the Republic of Georgia as an example of a country with a tense minority situation, but one where EU membership is unlikely in the near future. The comparison strengthens the argument that the prospect of EU membership helped manifest a liberal minority rights regime in Romania.
DEDICATION

To my parents: For supporting me in every endeavor and every challenge, even when it has taken me a long way from home.

To Una: Le gra agus buiochas
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Introduction:

This essay attempts to answer one main question: What effect have European institutions had on the development of rights for the Hungarian minority in Romania? In order to answer this question, I will look at the European institutions themselves, the Organization for Security and Cooperation in Europe (OSCE)\(^1\), the Council of Europe (COE), and lastly the European Union (EU) at how their understanding of minority rights has formed post-1989 and then examine how interactions between the Romanian government and these bodies have helped to harmonize Romanian minority rights legislation within the evolving framework of European norms. Milada Vachdova’s "Active leverage/passive leverage" thesis will serve as my main theoretical framework.

In this essay, I will only focus on European actors. My decision is not intended to imply that European actors were, and are, the only important actors in the development of rights for the Hungarian minority in Romania. Rather, as Mihaela Mihaiulescu (2005) points out in an incisive essay, domestic factors, specifically the strength and unity of the ethnic Hungarian party in the early days of Romanian democracy and this party’s usefulness as a coalition partner to the opposition, ensured that Hungarian issues would be taken seriously in Romanian politics.\(^2\)

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\(^1\) From 1975-1995 this organization was known as the Conference for Security and Cooperation in Europe. For the purposes of clarity, I will refer to it by its current name, OSCE, throughout the essay.

\(^2\) Due to space restrictions, I cannot give her argument due justice. However for an analysis of minority rights development from the perspective of domestic actors, Mihaiulescu (2005) and Johnson (2002) are both worth reading.
Nevertheless, it is the involvement of European bodies in minority rights questions that has allowed rights for the Hungarian minority to be secured in a manner that, despite earlier domestically centered attempts, had never previously taken place.

Lastly, I will concisely examine another case, that of the Republic of Georgia—one with similar circumstances to Romania regarding minority populations, but without the clear prospect of European Union membership. This comparison case helps me argue for the abilities of European institutions, and above all the European Union to be effective external actors in the development of minority rights and will therefore strengthen my argument that they played a role in the development of minority rights in Romania.
The techniques of involvement of European actors:

Before I delve into the specific case of rights for the Hungarian minority in Romania, I am going to introduce the European bodies who concern themselves with minority issues and the ways in which they evaluate and sanction the state of minority rights, not only in Romania, but also throughout Europe. This section will show that European institutions did not give top-down dictations to Romania regarding minority rights. Rather the bodies first had to reach a consensus themselves as to what minority rights consist of. An understanding of the evolution of minority rights within European bodies helps us see not only the interactions between Romania, Hungary, and European bodies but can help us to see the techniques that European bodies can and could use in future minority rights disputes, such as that in Georgia that I will address at the end of the essay.

OSCE:

One of the most active European organizations on the issue of minority rights is the OSCE. Its office of High Commissioner for National Minorities (HCNM) was established in 1992, “to identify and seek early resolution of ethnic tensions that might endanger peace, stability, or friendly relations between OSCE participating states” (www.osce.org/hcnm). The first HCNM was the former Dutch Minister of State Max van der Stoehl and the current HCNM is the Swedish diplomat Rolf Ekeus.
Nowhere in its documents does the HCNM actually define what a national minority is. Former Commissioner van der Stoehl addressed this arguable deficiency in OSCE minority rights guidelines in the following manner: “The existence of a minority is a question of fact and not of definition. (...) First of all, a minority is a group with linguistic, ethnic or cultural characteristics, which distinguish it from the majority. Secondly, a minority is a group which usually not only seeks to maintain its identity but also tries to give stronger expression to that identity” (Ibid.).

Van der Stohl is essentially saying that the definition of a national minority, though possessing characteristics that he outlines, is fluid and cannot be concretely expressed in law. We should remember this expression as we go through the story of European involvement in the question of minority rights for the Hungarian minority in Romania. It was not only the Romanians and Hungarians who were dealing with the chaos of transforming a country from Communism to Democracy, but also European institutions were helping these countries conform to standards that western Europe itself had not fully agreed upon.

The HCNM is independent of the Permanent Council of the HCNM; this independence means that the office does not need to obtain the specific support of the Permanent Council to get involved in a minority-based conflict between two states. However, what it does need is the support of the state (or states) involved in a particular conflict. In the specific case of the Hungarian minority in Romania, we will see in the example of Babes-Bolyai University this procedure of “consent to investigate” was a catalyst in policy changes that were largely motivated by an HCNM report. Therefore, when countries are willing to engage with the HCNM in a minority rights investigation, the results can be positive for all parties involved.
Impartiality is another important requirement to HCNM work that is particularly relevant in the case of the Hungarian minority in Romania. In the past, European actors had intervened in minority questions in Romania. However, often these particular organizations were, in fact, countries that had a significant ethnic-kin population in Romania (“Kin state”).

Obviously, intervention on behalf of one side is not particularly effective in bringing about a peaceful resolution of tensions. Therefore, the HCNM must always be seen as impartial.

The HCNM uses the principle of “early warning” and “early action” to try to tame intensifying minority situations. This mission involves not only alerting states and the OSCE Permanent Council of situations that could become violent, but also attempting to discourage extremism on all fronts. As the HCNM’s official documentation states, its general goal is to “find ways to accommodate minority interests in a way that neither encourages violent secession…or forceful assimilation” (Ibid.). As we will see with the Hungarian minority in Romania, the toning down of extremist rhetoric on both the Hungarian side, that was advocating Transylvanian’s secession, and nationalistic and extremist parties in Romania that would use rhetoric laced with ethnic stereotypes and scapegoating as a means to garner votes, was essential to improving the situation between the two ethnic groups.

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3 “Kin-state” intervention goes back to Austrian or Russian intervention in the 19th century to protect their ethnic kin (Verdery 1991) all the way to speeches by Hungarian politicians in the early 1990s that perpetuated the Romanian/Hungarian ethnic dispute that, as we will discuss later, had reached a nadir in the late 1980s. Another contemporary example is the Russian intervention on behalf of Russian citizens in the Georgian “autonomous republics” of Abkhazia and South Ossetia, which I will discuss at the end of the essay.
Council of Europe:

The Council of Europe (COE) has been one of Europe’s strongest advocates for human rights since the end of the Second World War. The end of the Cold War allowed the COE to advance human rights throughout the entire European continent. It sensed early in the post-Cold War era that ethnic conflict could hinder the consolidation of democracy in Eastern Europe and therefore implemented norms that its member states, and potential member states, had to agree to.

This section introduces three important themes in my broader analysis of European involvement. First, I mention the normative documents and principles on minority rights that the COE has advanced since the early 1990s. Second, I mention the difference in accession requirements between the COE and EU, which is important in assessing the “leverage” that each European body possesses in minority rights disputes. In brief, the COE tends to admit a country early on in its democratic development and then assesses its progress and makes recommendations for improvements. The EU, as I will discuss in more detail later, has a lengthy and comprehensive list of requirements that candidate states must fulfill before it grants membership. An examination of the COE’s post-accession supervisory techniques could help to answer a question that I will pose later: How will the EU be able to exercise leverage on states that it has already admitted? Third, I note the arbitrator role that the COE has played in minority rights disputes between Romania and Hungary.

One of the Council of Europe’s principal missions since its founding has been the promotion of human rights ([www.coe.int](http://www.coe.int)). In this spirit, the COE went to work quickly after Communism fell throughout much of Europe to ensure that the human rights standards that

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4 This specifically means promoting democracy, the rule of law, and on a practical note, abolishing the death penalty among its member states.
Western Europe had taken for granted could also be applied in post-Communist countries. Late 1989 and early 1990 also saw the initial indications that many countries emerging from Communism wanted to “return to Europe” and join the major European bodies such as COE, EU, and the North Atlantic Treaty Organization (NATO). However in many of the eastern European countries one of the biggest obstacles to joining the COE was the plight of national minorities (Andrescu 1995). Via Recommendation 1134 and Order 456 of 1990, the Parliamentary Assembly of the COE provided the Council “with the legal means to guarantee minority rights” (Ibid.). Through this decision, the COE charged itself with the responsibility for not only protecting human rights in Europe, but also equated the rights of national minorities with basic human rights and moving to enshrine minority rights protections into law. The COE interpreted its mandate to investigate minority rights to originate from its European Convention on Human Rights (ECHR).

This document preserves freedom “of thought, conscience, religion, expression, assembly, and association” ([www.coe.int/T/E/human_rights/minorities](http://www.coe.int/T/E/human_rights/minorities)). An additional legal framework that is more directly geared toward minority issues is Recommendation 1201 and the Framework Convention on National Minorities (Framework Convention) that was agreed to in 1993 and came into force in 1998. Romania ratified the Framework Convention in 1995. As we examine the case of the Hungarian minority in Romania more closely, we will look at the actual text of these documents and how they apply to this particular case. For now, however, we will just look at the procedures by which the COE ensures that member states carry out appropriate norms.

The COE uses a system of reporting and evaluation to judge a country’s compliance with its norms and to determine if further recommendations are in order. First, a country
being evaluated submits a report to the COE outlining the steps it is taking to comply with COE norms. These reports are then read by an Advisory Committee, which issues its own report on the minority situation in the country under consideration. The Advisory Committee report, plus responses from the state under consideration, then goes to the COE Committee of Ministers for a concluding report. It is in this concluding report where the COE makes recommendations for improvements to the minority situation in a particular country.

In addition, the Council of Europe uses the European Charter for Regional or Minority Languages as a normative document on minority issues. This document was opened for signatures in 1992 and came into force in 1998. Though signing the Charter in 1995, Romania has still not ratified the document (http://conventions.coe.int/treaty/Commun/ChercheSig.asp?NT=148&CM=1&DF=&CL=EN G).

As we will see, the COE’s techniques for advancing democracy in Europe are different from those of the EU because the COE admits a country after the country proves a rudimentary respect for human rights and democracy. After membership is obtained, the COE continues to work with countries to monitor, and when necessary, improve a country’s human and minority rights situation.

Though some have argued that the COE is weak (Gallagher 2001:389), it is not unthinkable that if a country significantly reneged on its commitments to human or minority rights, that the COE could curtail its privileges within the body.\(^5\) Regarding minority rights, the COE has specifically said that countries must adhere to Recommendation 1201 (Andreescu 1995:46-49), whereas it has made no such proclamation vis-à-vis the Charter on

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\(^5\) For example, though it had not yet achieved member status, the COE suspended Belarus’ “special guest” privileges in 1997 (www.coe.int).
Minority Languages. The COE will likely not sanction Romania for its failure to ratify the Charter.

Recently, the COE has become a de facto arbitrator between host-states and kin-states when disagreements arise surrounding laws agreed to in one country that affect the citizens or ethnic brethren of the other country. A good example of this mediating role is the case of the “Hungarian Status Law” of 2001—a law agreed to by a conservative Hungarian government that granted various social and economic privileges to Romanian citizens of Hungarian ethnicity. The Romanian government objected to the COE. After it was clear that European observers objected to the law, a newly elected Hungarian government rewrote the law so that it would conform to European norms.6

The EU:

As Melanie Ram points out (2001b: 3), the EU provides legal guarantees of minority rights in six distinct places within key EU legislation. The Maastricht Treaty, the Copenhagen Criteria, “Europe Agreements” with various countries, the EU Pact on Stability in Europe, the Common Foreign and Security Policy (CFSP), and lastly the EU guarantees the rights of minorities via the relevant laws that the COE has agreed to (Ram 3). Since all of the new EU member states, plus Bulgaria and Romania, were members of the COE prior to their joining the EU, a COE requirement integrated into national law is as important as an EU

6 Since the “Status Law” is a Hungarian law and the focus of my paper is Romania, I am not going to get into too much detail on the Status Law besides my outline of the COE’s role in mediating the dispute. For more information, see Deets (2002 and 2006), Chiva (2006), and the full text of the law, Act LXII of 2001 on Hungarians Living in Neighboring States, and the COE report on the law of 19 October 2001.
directive in the sense that it is evidence of a European organization having a tangible influence on a country’s domestic policies.

Since 1998, the European Union has also employed the European Monitoring Centre on Racism and Xenophobia (EUMC) to help monitor instances of racism, discrimination, xenophobia, and anti-Semitism. Therefore, it is also responsible for examining the minority rights situation in the countries under its remit when the situation involves discrimination against a particular minority. Additionally, the EU considers the reports of the COE and OSCE High Commissioner for National Minorities in assessing the progress of aspiring member states in the realm of minority rights.

The EU is different from the other two observatory bodies previously mentioned because while a particular country is in the process of becoming an EU member it must prove that it has complied, or is in moving toward compliance, with the *acquis communautaire* and all other EU rules. If a country is failing to meet requirements, then the European Council has the right not to admit the country into the Union.

This conditionality means now that the European Union has a stronger enforcement mechanism for enforcing its minority rights requirements than the OSCE or the COE do insofar as failure to abide by the norms that the EU holds as inviolable would clearly mean a delayed entry into the EU for Romania. With Romania already being a member of the OSCE and the COE, its expulsion from those bodies is, though theoretically possible, highly unlikely. On the other hand, Romania is not officially a member of the EU, though it will become one on January 1, 2007, and thus must be on its proverbial best behavior.

As I will explain in detail later in the essay, one theoretical framework for understanding EU impact on politics in Eastern Europe, and Romania, is Milada
Vachudova’s “passive” and “active leverage” theory. Through its series of steps leading to enlargement and the conditions that must be met before a country can become an EU member, the EU has established itself as having strong enforcement mechanisms regarding minority rights.
Historical overview:

Approximately 11% of the Romanian population identifies themselves as a member of a minority group. Of this minority population, the Hungarian minority is the largest at about 7% of the total population (2002 Census, cited in CIA World Fact Book 2006). Most of the Hungarian population in Romania lives in Transylvania, a section of Romania that encompasses the valley that separates the Western and Southern Carpathian mountains. The contemporary tension in the region is largely an outgrowth of the often-contested hegemony in the region. As Mihailescu notes, Transylvanian history shows that whichever ethnic group effectively controlled the region, whether it be Romanians or Hungarians, oppressed the opposite group (2005:29).

In 1920, following the signing of the post-World War I Treaty of Trianon, Transylvania officially became a part of Romania. This redrawing of the map effectively meant that many people who were ethnically Hungarian and who had previously lived in Hungary now lived under the tutelage of their putative enemy (Niermann Stiftung 2000).

Though in this period, it is clear that the ingredients for ethnic conflict existed, in the 1920s, Romania did in fact sign treaties guaranteeing protection to the Hungarian minority. However such treaties were not enforced and the central government in Bucharest pushed through legislation, such as a new constitution, land reform laws, and a reform of the central administration that effectively worked to homogenize the country ethnically (Fischer-Galati 1994:135).
As in other European countries, the 1930s bred about a nationalist/fascist movement in Romania. The nationalist/fascist groups in Romania had varying names such as the “Legion of the Archangel of Michael” or the “Iron Guard.” Such groups were often merciless in their persecution of different ethnicities, religions, and lifestyles in 1930s Romania. Jews, ethnic Hungarians, Roma, and homosexuals were all harshly victimized by the Iron Guard.

Although it had initially sided with the Nazis, in 1944, Romania changed sides and joined the Soviets in fighting against the Nazis in the final year of World War II. The result of the War returned Transylvania to the now socialist-inspired Romanian state (the infamous Molotov- Ribbentrop non-aggression pact in 1939 had transferred sovereignty over parts of Transylvania to Hungary). Once again, the Romanian government attempted, on paper at least, to secure rights of language use in courts and in public administration to the Hungarian population. However, its “Nationality Law” of 1945 was hardly enforced (Office for Hungarians Abroad 2005).

This brief historical overview helps us see the traditions and customs of the region in the area of ethnic tolerance. As we can see, heading right into and out of the Second World War, there was hardly any tradition of Hungarians and Romanians living together in any type of lasting peace. The reality of this constant tension through centuries of

7For a thorough description of the effect of the “Iron Guard” movement on Romania’s Jews see Simon 2000. For more detail on the beliefs of the “Iron Guard” or “Legion of the Archangel of Michael,” see (Rogger 1965 and Williamson 2000)

8For a further discussion of nationality and minority laws under a Soviet inspired legal system, see Deets (2002 and 2006), and Fischer-Galati (1994). The Office for Hungarians Abroad was a government agency that existed from 1992-2006, whose mission was to support and coordinate activities of Hungarians living abroad. Since 30 June 2006, the office has now become a part of the Prime Minister’s office and its staff has been cut by 75%. Former heads of the office commented that the PM’s office was probably a better place to deal with sensitive minority related issues than a separate government office. Whether this decision was taken under outside pressure is an interesting question but not within the scope of this essay (www.fuen-press.info).
Romanian/Hungarian history reveals the impressiveness of the two nations’ ability to live peacefully with each other now in recent years following the fall of Communism, and adds credence to the notion that a third party (i.e. European bodies) was necessary to bring about this peace.
Ceausescu Period:

Regarding minority policy, most of the Ceausescu years (1965-1989) were marked by what Stephen Deets describes as a trend throughout much of the eastern European world by the late 1960s. As Deets puts it, then „there was a growing need to bolster legitimacy in all the East European states as the economic system crumbled and disillusionment with the political system increased, and nationalism was a popular option“ (Deets 2006:426). This reversion to nationalism generally manifested itself in assimilation campaigns and in Romania, in the reduction in the possibilities for studying in Hungarian (Ibid. 427)—and in the elimination of the Hungarian Autonomous Region.9

The relationship between Romania and Hungary was positive in the final days of Ceausescu’s reign and in the first weeks following his execution. The movement that brought down Ceausescu began in the border town of Timisioara when a Hungarian pastor was sanctioned by the central government in Bucharest for giving sermons that criticized the Ceausescu regime (Gallagher 1995:73). Five thousand people took the personal and political risk to protest the decision in front of offices of the Romanian Communist Party (RCP) headquarters in Timisioara.

9 The HAR, or Magyar Autonomous Region, as it is sometimes known, was a region of limited Hungarian self-rule in Communist Romania that existed from 1952-1968 with its administrative capital in Targu Mures (Fischer-Galati 136). Ceausescu dissolved it early in his reign in order to assign his close associates, many of whom happened to be ethnic Romanians, to top positions within the Romanian Communist Party (Gilberg 1990:174).
By the end of that week, groups of all nationalities across Romania had taken to the streets demanding the end of authoritarian rule in Bucharest. Though over 1,000 people died in the course of the violence leading to Ceausescu’s execution the cooperation between ethnic groups to help bring about Ceausescu’s demise made it seem as if the Romania of the future would be one in which ethnicity would be less of an important marker than it had been in nearly all previous periods in Romanian history.

There was reason for hope in this period for multiple reasons: First, in the initial chaotic days following Ceausescu’s death, many Hungarians (whose country had only had a non-Communist government for a period of months) crossed the border into Romania to offer humanitarian supplies to their neighboring country. Second, Hungary was the first country to recognize Ion Iliescu’s National Salvation Front (NSF)\(^{10}\) government as the legitimate government in Romania. Third, Iliescu’s initial proclamations as head of state were of a liberal and inclusive tone. In direct relation to minority rights, in early January of 1990, Iliescu made a “solemn declaration,” “to guarantee individual and collective rights and liberties of all the national minorities [in Romania]” (Ibid. 73-77).

However, any hope that the multi-ethnic effort that led to Ceausescu’s demise would result in a tolerant and multi-ethnic Romania soon dissipated. By the end of January, Iliescu was condemning “separatist trends” in Transylvania and seemed to have lost his spirit for ethnic reconciliation that had marked his speech only one month earlier (Ibid. 83).

Why was there such a rapid change in the mood surrounding minority rights? One reason was the general state of chaos and confusion in the country in late 1989 and early

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\(^{10}\)The NSF, a party somewhat comprised of second-level officials in the Ceausescu regime, quickly became the dominant political party in Romania in the initial post-Ceausescu days.
1990. As Gallagher notes, many early decisions were made by a small group of people in a “hurried and confused atmosphere” (Ibid. 77). Second, given the rapidity of change in Romania then, the interim ruling NSF was becoming inhabited by nationalistic forces, who did not want a pluralistic and liberal Romania. Third, the Hungarian minority’s political representation, the Democratic Alliance of Hungarians in Romania of (UDMR)\textsuperscript{11} formed on Christmas Day in 1989, literally hours after Ceausescu’s death had according to Gallagher approached its new political rights too impatiently especially regarding the question of regional autonomy (Ibid. 86). Though such impatience may have been politically unwise, it was historically understandable and helps explain the intensity of the Romanian/Hungarian ethnic conflict in late 1989 and early 1990.

The Hungarian minority was aided in its quest for autonomy by the newly, and freely, elected Prime Minister of Hungary Josef Antall. Antall infamously proclaimed in 1990 that he wanted to be the “Prime Minister in spirit” to the 15 million ethnic Hungarians living throughout the world, not only the 10 million living within the bounds of Hungary (Vachudova 147).

This expression was especially threatening to countries that share a border with Hungary, and who have significant populations of ethnic Hungarian minorities.\textsuperscript{12} In the early days of independence, there was no agreement between the Hungarian leadership and European organizations regarding the correct course of action to resolve the Hungarian/Romanian ethnic dispute. While Antall was forcefully advocating for his ethnic

\textsuperscript{11} UDMR is the acronym in Romanian.

\textsuperscript{12} In addition to Romania, Hungary’s relations with Slovakia were particularly tense in the early 1990s. For more on this relationship, see Vachudova (2005) and Tesser (2003).
kin, European and Western actors feared that such fiery rhetoric would destabilize the region and result in a Balkan-like war (Ibid. 148).

There were however two signs of hope for a better relationship between the minority and majority population in the early years of post-Communist Romania. The first were the expressions from leading Romanian political figures that the country should become democratic. Second, by this time international organizations were beginning to realize that ethnic conflicts in post-Communist Eastern Europe had the potential to ignite the region into serious conflict (as was already happening in the Balkans). The neutral and pacific involvement of European actors was a factor that had never previously been a strong force in Romanian/Hungarian relations; therefore, one could hope that domestic and international actors could work together and achieve what domestic actors alone never could: a modicum of peace between the Romanian and Hungarian populations of Romania.

Therefore we see in the early 1990s a number of agreements coming from European bodies attempting to set a groundwork of European norms that eastern European countries could follow in order to bring about ethnic peace: The Council of Europe agreed to the „Framework Convention for the Protection of National Minorities“ in 1993. At nearly the same time, the COE agreed to Recommendation 1201.\textsuperscript{13} Also in 1993, the EU agreed to the “Copenhagen Criteria” that outlined the requirements for membership into the EU. “Protection of minorities” is a specific element of the political section of the Copenhagen Criteria. Romania became a member of the COE in 1993.

Romania’s decision to join or seek membership in European organizations obligated the country to follow these organizations’ rules. Among others, one duty of both

\textsuperscript{13} See pg. 13. I will also discuss Recommendation 1201 in more detail in my chapter “Vachudova’s Argument.”
organizations was making sure that political and legal structures were in place to ensure the safety of national minorities in Romania.

Gallagher argues (2001:389) that the Council of Europe, through its acceptance of both Russia and Croatia as members may have damaged its reputation as a protector of human rights, since at the time of their entry the human rights records of those countries were dubious. One might take Gallagher’s argument to suggest that the COE is a weak body when it comes to enforcing European norms on minority rights. However, the COE has the authority to sanction countries within its purview that flagrantly fail to abide by COE norms. Whether the COE would take such action against a country that is already a member, and not in the membership process, is a slightly different question, but the instruments exist for the COE to take action against recalcitrant states (www.coe.int).

Regardless of the COE’s enforcement mechanism, its criteria for membership are much less onerous than the EU’s. For example, it took Romania nearly four years to join the COE following the fall of Ceausescu. Romania’s imminent accession to the EU on January 1, 2007 means that it will be twelve years from its initial membership application to achieving full membership. This period of time between what is essentially the first step to membership and membership itself allows there to be ample time for the European Union to help shape the political and economic institutions of a country to ensure that it not only meets a bare minimum of democratic requirements, but also can reasonably hope to adopt the Euro as its currency, join the “Schengen” passport-free travel area and integrate the bulky acquis communautaire into its domestic law.

How the EU entices countries to converge various policies toward an EU norm is clearly a large and multi-faceted question. Here I will outline a theory of European
integration in Eastern Europe that I find compelling and then show how that theory applies to the case of the Hungarian minority in Romania. While I hope to show that Milada Vachudova’s theory provides a parsimonious explanation for the development of minority rights in Romania, I do not mean to suggest that it is the only plausible theory, nor does my emphasis on European actors preclude the importance of the role that domestic actors have played, and continue to play, in improving the condition of the Hungarian minority in Romania.
Vachudova’s Argument:

In her book, *Europe Undivided* (2005), Milada Vachudova presents the ways in which the European Union entices states to embark on liberal reform. Vachudova calls the first type of enticement “passive leverage.” She chooses this description because in this case the EU is not actively pushing a particular country to reform. Rather reformers within the country in question use the “benefits of membership” as a motivation to reform (Vachudova 2005:4). This was the only type of leverage that the EU could propagate from 1989-1994. “Passive leverage” also was not capable of transforming a country from having an illiberal and rent-seeking government to one that is liberal and espousing democratic principles. The argument lists three countries as having moved quickly, on their own, toward liberal principles, Hungary, Poland, and the Czech Republic, while three others, Romania, Bulgaria, and Slovakia lagged behind.

As Vachudova states, “The EU’s passive leverage merely reinforced liberal strategies of reform in Poland, Hungary, and the Czech Republic, while failing to avert, end, or significantly diminish rent-seeking strategies for winning and exercising power in Romania, Bulgaria, and Slovakia” (Ibid.).

“Active leverage” goes beyond “passive leverage” in that it combines the benefits of EU membership with a clear outlining of the conditions that countries must fulfill in order to achieve EU membership (i.e. “conditionality). Vachudova underscores the three elements to EU conditionality that strengthen the EU in the negotiating process and make it a credible
negotiating partner: “asymmetric interdependence,” “enforcement,” and “meritocracy.” 

Following this deeper theoretical explanation of “active leverage”, I will show how this type of leverage was important in the development of minority rights within Romania.

“Asymmetric interdependence” means that the applicant state and the European Union are not equal players in the negotiations. Rather, the applicant state needs membership into the Union more than the EU desires more members. This clearly tilted the balance of power in the negotiations and allowed the EU to pressure countries that had verbally expressed interest in joining the EU, but for sundry political reasons were not taking the necessary steps to become qualified for EU membership. “This imbalance allowed the EU to make believable threats of exclusion, turning up the heat on illiberal states by threatening to keep them out of the pre-accession process entirely” (Ibid. 109).

Vachudova’s concept of “asymmetric interdependence” is particularly intriguing regarding questions of minority rights because it shows how the EU could circumvent apparent inconsistencies within its minority policy when negotiating with applicant states. It could effectively insist that eastern European countries adapt “European standards” on minority rights, when in fact, there was no agreement among western European countries as to what constituted “European standards” (Ibid. 145-146). That the EU could push for something whose normative grounding was fluid reflects the influence that the EU had with candidate states in this area.

“Enforcement” means that the EU maintains the right to examine the internal affairs of a state preparing to join it. (Ibid. 110-111). It is within this area of „active leverage“ where we can clearly view the affect that the EU can have on the domestic politics of candidate states, and specifically, how it influenced the minority policies of Romania. Vachudova lists
seven steps in the process to accession. It is within the middle four stages where the scrutiny from the European level onto domestic actions is intensified and thus demonstrating the EU’s capacity for genuine enforcement.

The first step is the signing of trade agreements and the commensurate receipt of PHARE\textsuperscript{14} aid. Following the signing of the trade agreement comes the signing of the association agreement. Vachudova describes the Europe agreements as essentially trade agreements that “establish a political relationship as well” (Ibid. 127). The EU then scrutinizes that the candidate countries have met the requirements of the Europe agreements before it decides that the country is prepared to open further negotiations. For the negotiations to be completed, the EU and the candidate state must “close” each of the thirty-one chapters of the \textit{acquis communautaire}, a process that can take years. Once the candidate country closes the chapters, then it signs an accession treaty with the EU, which national parliaments and the European parliament then must ratify (Ibid.).

The outlining of this process is important because it gives groundwork to understanding the precautions that the EU took against Romania because of concerns about ethnic conflict between Hungarians and Romanians.

Vachudova notes that the “first tool of the EU’s active leverage” was public criticism of candidate states who were failing to meet their obligations under the Copenhagen Criteria (Ibid. 127). However even before the expression of criticism, the EU insisted on putting language into the Europe Agreement with Romania that made the agreement conditional on „respect for human and minority rights” (Ibid). This example strengthens the point that the

\textsuperscript{14} PHARE stands for “Poland and Hungary Assistance for the Reconstruction of the Economy,” but following its initial use with those two countries the EU has extended its availability to all of the ten new member states, plus many former Yugoslav countries and Albania (Grabbe 2001).
EU was paying close attention to the minority rights issue, even before it had developed the elaborate system of conditionality that is the underpinning for Vachudova’s “active leverage” theory. Lastly, Vachudova notes the concept of “Meritocracy.” Meritocracy is important because it offers credibility to the accession process. If a country has fulfilled all of the requirements for membership, then the EU is obligated to admit that country into the Union.

This section of the essay will examine whether or not the EU practiced „active leverage“ in the way Vachudova describes the concept, and if so, how it was practiced. The work of Melanie Ram (2001a) is particularly helpful in examining the interaction between Romania and the EU within the context of Vachudova’s theoretical framework. She shows that conformity to EU norms is both a top-down and bottom-up process and helps us avoid reading Vachudova to mean that “late arriving” EU candidate states, such as Romania, cannot react on their own toward the “benefits of membership.”

A main difference between Romania and a country like the Czech Republic or Poland, a country whose efforts toward reform were initially much stronger than Romania's is that while the Czech Republic and Poland reacted to the “benefits of membership” in the early 1990s, before the EU had even expressed a willingness to take on new members, Romania’s full effort toward EU accession did not take off until after the EU had issued the Copenhagen Criteria and had set up a clear process toward membership.

Nevertheless, as Ram shows, Romania’s dedication to the EU, and to European institutions, has, since the mid-1990s been unceasing. This connection to European institutions is so strong that former Romanian Prime Minister, Adrian Nastase once uttered that joining the EU is, “to such an extent crucial to Romania that we could consider it to be an internal factor of our development” (Ibid. 2). Although Ram goes into considerable detail
describing the impact of European Union norms and expectations on Romania’s role as a regional actor, I will focus instead on the role of the EU in facilitating the 1996 friendship treaty between Romania and Hungary.

Given the contested history between Romania and Hungary, and the low point that they had arrived at both before the fall of Ceausescu and in the tense period following Iliescu’s first election to the Presidency in 1990, it is impressive that the countries could come to an agreement on a treaty of friendship in just a few years. There is no doubt that a shared desire to join the EU helped motivate both countries toward finding a peaceful resolution to their long-standing border disputes.

Romania and Hungary initiated negotiations for a friendship treaty in 1991, but for the first few years of each country’s independence, the talks went nowhere. Ram notes that a European Commission magazine, *European Dialogue*, expressed serious doubt that the bilateral conflict could be resolved, “most analysts agree Hungary’s attempts at reconciliation are doomed to fail…nationalists have a strong influence in the [Romanian] government and are likely to stymie attempts to improve relations with Hungary …despite several gestures by Hungary, bilateral treaties seem to be as far away as ever” (Ibid. 5). Yet here the real effect of “active leverage” could not be clearer. Both countries understood that in order to move forward in the process to join the European Union, and NATO, they needed to prove a stable bilateral relation.15

15 Though it is beyond the scope of this essay, it is important to note that Romania also had to reach a friendship treaty with the Ukraine to move forward in the membership queue for both the EU and NATO. This treaty was perhaps more controversial than the friendship treaty with Hungary because it required that Romania accept the loss of its historical territory along the border with Ukraine that was given to the Soviet Union as a condition of the Molotov-Ribbentrop pact in 1939 (Ram a 7 ).
Examining the concerns of Romania and Hungary regarding the friendship treaty reveals a deeper element of Vachudova’s “asymmetric interdependence” discussion within active leverage theory. “Asymmetric interdependence” does not imply that all relations between the EU and its aspiring member states are purely bilateral. The EU does not necessarily make demands on a particular country that are detached from a broader regional context. To better understand this “triadic” situation let us imagine that the EU was not involved in the bilateral relation between Romania and Hungary, or that there was no, or minimal, conditionality required for both countries to join the EU.

Then, given the necessary sacrifices on both the Hungarian and Romanian sides to quell nationalism enough to satisfy the membership requirements of the EU and NATO, it is highly unlikely that they could have resolved their long-standing dispute. However, as the negotiations actually played out, both Hungary and Romania recognized that they needed a resolution in order to move forward in both the EU and NATO application process and therefore they did not stop negotiating until they had reached an agreement.

The main points of contention surrounded Romania’s demand that there be a clause in the treaty outlining border inviolability (Ibid. 5). This insistence was clearly an attempt to put legal shackles on separatist elements within the UDMR that had advocated territorial autonomy in parts of Transylvania. Hungary would not sign any treaty that did not contain the COE Recommendation 1201. According to Gabriel Andrescu of the Romania Helsinki Committee (1995), the points of contention within Recommendation 1201 were Arts. 7 and

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16 Chiva (2006) cites Rogers Brubaker as using the term “triadic” in the context of minority rights. His three actors are the “nationalizing state”, “national minority”, and the “external national homeland.” Here I mean simply Romania, Hungary, and the European Union.
Art. 7 called for the right to conduct activities of public administration in the native language (of particular importance to the Hungarian population). At the point of friendship treaty negotiations, Romanian law did not guarantee this right even though, in addition to the districts in Transylvania with significant Hungarian minorities, there are two counties in Romania (Harghita and Covasna) with majority Hungarian populations.\(^{18}\)

There was also concern in Romania surrounding Art. 11 that some Romanian political actors took to imply that Rec. 1201 guaranteed to Hungarians living in Romania “autonomy rights.”\(^{19}\) Andrescu notes that this was not the intention of Art. 11 (1995). The parties were able to resolve this misunderstanding through a “join interpretation” of Rec. 1201 that was included as part of the friendship treaty. Rec. 1201 was included into the treaty, but both parties agreed that 1201 did not grant “collective rights” to the Hungarian people and the treaty solidified that Romania and Hungary “have no territorial claims on each other and that they shall not raise any such claims in the future” (Ram a 5).

As we can see, the insistence of European organizations resulted in dialogue and a certain element of compromise on both sides in order to secure a commitment to ethnic peace

\(^{17}\) As a brief of example of Romania’s conformity with Rec. 1201 prior to treaty negotiations, Art. 6 requires that ethnic political parties be allowed. Given the UDMR was literally present at the creation of democratic Romania, we can see that Romania had at least been in conformity with this European norm from the beginning.

\(^{18}\) Though not directly related to my thesis, an interesting article by Donna Cajvaneanu (2004) notes that suicide rates among ethnic Hungarians in these counties are higher than average. Also, the Hungarians that live in Covasna and Harghita counties are called “Szeklers.” According to the European Center for Minority Issues, (www.ecmi.de), though there are differences between Szeklers and other Hungarians, they may still be referred to as “Hungarians.”

\(^{19}\) The text of Art. 11 is as follows: In the regions where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state (Recommendation 1201 (1993), on an additional protocol on the rights of national minorities to the European Convention on Human Rights).
and to allow the two countries to move forward in the membership process for the EU and NATO. As I will discuss in the next section, it was Romania’s initial entry into the COE that gave it the legal instruments to facilitate meeting the conditions of the EU and NATO.

Furthermore, Melanie Ram (2001b) describes other areas of Romanian domestic law within the sphere of minority rights that have been, and are still in the process of being significantly affected by European actors. Ram’s argument shows that Romanian political actors were reacting to the necessities of membership in a European body before Vachudova claims that the EU began implementing “active leverage” (in 1995).

However, we should not take this difference in time as a refutation of Vachudova’s theory nor its applicability in the case of Romania. Rather if we look at European integration as a lengthy process in which membership in the COE is a prerequisite to membership in the EU, then the COE becomes a part of the European integration process not only as an active organization, but also as a potential springboard into the EU.

Initially, the COE aided Romania in drafting a new constitution following the fall of Ceausescu. The COE declared this document to be both “modern” and “democratic” (Ibid. 6). A major element of Romania’s constitution that pleased European observers is Romania’s incorporating of European and international treaties into its own constitution (Ibid. 7). This change meant that since the mid-1990s Romania treats the Framework Convention, Resolution 1201, and all other international treaties that discuss minority rights with the same weight as the constitution.

Romania solidified its connection to European standards when it joined the COE in 1993. Joining the COE was not an easy process for Romania. When Romania applied to join the COE, the organization was concerned about Romania’s human and minority rights
record. This concern was so profound that Ram quotes a Romanian journal as saying that Romania was beginning “lower than the Soviet Union” in regards to minority rights (Ibid. 8).

Membership to the COE manifested tangible results in Romanian law. Within the period of 1994-1995, Romania signed the European Convention for the Protection of Human Rights, the Framework Convention for the Protection of National Minorities, and the European Charter for Regional or Minority Languages (Ibid. 9).

Romania made significant changes to its political system to show international organizations that it was fully able to break with the repressive past of the Ceausescu regime and establish fair and democratic institutions. In 1993, prior even to joining COE, Romania changed its electoral law to reserve fifteen seats in the Chamber of Deputies (the lower house of the Romanian parliament) for minority candidates. Also in 1993, the country inaugurated the Council for National Minorities (Ibid. 10-11).

More interestingly, Ram quotes political leaders who admit that the inclusion of the Hungarian Party, UDMR, in the coalition, and the naming of two Hungarian ministers to the cabinet, that unseated the post-Communist party in 1996 was taken as a way to make Romania look tolerant and open. As Michael Shafir (1997) writes, there were great expectations within the new government that following an election of a liberal and western-

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20 In her earlier essay (a 17), Ram notes that in 1989 Samuel Huntington rated Romania and Sudan as “the two countries with the worst chances for democratic consolidation” (emphasis in original).

21 It still has not ratified this document.

22 In the 1996 election, Romania unseated the post-Communist PDSR for the more liberal and western oriented coalition of CDR, USD, and, most surprisingly, the UDMR. The introduction of UDMR into government brought about one major development for minority rights immediately. As part of the coalition agreement, the Prime Minister Ciorbea agreed to name two Hungarian ministers to the cabinet and also established a Department for National Minorities and named an ethnic Hungarian, and member of UDMR, to head the department. Although the inclusion of UDMR into the coalition is clearly an act of domestic politics, and therefore one could assess any legislative change coming out of the coalition as being purely domestic in influence, the reality is that the change in coalition and law indirectly involved European actors.
oriented coalition that Romania could soon easily join NATO and the European Union. It is therefore probable that the appointment of two Hungarian ministers to the cabinet and the establishing of the Department for Minorities had some “cosmetic” motivations behind them.

Furthermore, it was a shared desire to see Romania eventually qualify for EU membership that helped keep the coalition between the Christian Democrats and UDMR together, despite occasional intense differences between the parties (Ram b 12).

PHARE assistance through the EU helped fund NGOs in Romania, such as the Helsinki Committee, that could monitor and report on the conditions for ethnic minorities in Romania. As Ram notes, NGOs generally are familiar with minority groups, the history of various conflicts between minorities, and also about international commitments that their host governments have signed, obligating them to protect their minorities. The PHARE program therefore has allowed the EU to fund de facto supervisory bodies (Ibid. 13).

Ram further emphasizes the role that the EU and other European bodies played in the development of minority rights in Romania in her focus on the Romanian “Education Law” of 1995. Actors on both sides of the question debated the law not only on its merits but also on the question of whether it conformed to European norms that Romania was committed to following (Ibid. 21).

The Romanian government passed the law one month after it applied to join the EU (in 1995). The government clearly knew that members of the Hungarian minority and its sympathizers would soon take issue to the law and then try to claim that prevailing European norms vindicated their position. In order to combat this potential conflict, the Romanian

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23 For an insightful analysis of the UDMR party within the Romanian political system, see Johnson (2002). He notes one additional reason that UDMR can remain in coalition with mainstream Romanian parties even when in principle the two parties do not agree on questions of regional autonomy: a shared desire to marginalize nationalist extremists out of the Romanian political scene (Ibid. 19).
government printed information on the law, in English, that claimed that the law was, “One of the most Democratic in Europe” (Ibid.) and that it clearly followed the European norm by allowing students to receive education in their native language (Ibid. 22). Furthermore, the Romanian government then went on to blame Hungarian forces at the European level for deliberately misrepresenting the law to make it seem more oppressive to Hungarian interests than it really was (Ibid. 21).

UDMR also used international fora to bolster its case that the law did not meet European norms and sent Hungarian students to Strasbourg to protest the law in the European capital (Ibid. 22).

The debate swirling around the Education Law continued after the 1996 election when the coalition of UDMR and the Christian Democrats came to power. This coalition was fully committed to break Romania away from its Communist legacy, improve the condition of the Hungarian minority, and make Romania a stronger candidate for EU accession.

Therefore the coalition took action on the Education Law and expanded it in ways that opposition parties (i.e. the previous government) found unimaginable. The newly drafted version of the law allowed students to receive education in Hungarian from kindergarten through university, and even suggested the possibility of establishing a Hungarian university.

The Romanian government made these changes just as the EU was about to publish an Opinion on Romania’s progress toward EU accession in 1997 (Ibid. 21). Since at the time of the vote, there were still enough votes in the parliament to block the bill from passing, the government decided to take the provisions of the law and turn it into an “Emergency
Ordinance”, thus not requiring the consent of the parliament. Romania then boasted about this law in a report to the EU in that same year (Ibid. 22).

24 For a discussion as to whether European integration in Central and Eastern European states (CEE) leads to a democratic deficit at the national level, see Grabbe (2001). The Education law was eventually modified then reestablished in 1999, with the same principles as the original law: students may study in their native language at all levels and the law opens the possibility for a Hungarian university in Romania (Ram b 24).
Framework Convention:

As noted earlier, European states have not yet fully agreed on a clear definition of a “national minority.” However, European bodies did agree to a normative framework regarding eastern applicant states, and one of the documents that has emerged over the last decade as being a fundamental document vis-à-vis minority rights is the Council of Europe Framework Convention on National Minorities. As Vachudova notes, “the [European] Commission devotes particular attention to the implementation of the various principles laid down in the Council of Europe Framework Convention for the Protection of National Minorities” (Vachudova 122), whose importance vis-à-vis the Hungarian minority in Romania we will examine now.

The Framework Convention is an important document for Romania in that its full implementation would not only mean a full convergence with European norms, but also, and perhaps more importantly for the nation itself, a full break with Ceausescu’s legacy. Romania ratified the Framework Convention in 1997. The important articles in the Framework Convention for Romania and its effort to break its legacy of conflict with the Hungarian minority are 3, 10, and 12-14 (www.coe.int).

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25 See Deets (2002 and 2006) for a further explication on debates within Europe on minority rights theory.

26 Though it is hopefully clear, all subsequent “Art.” references are from the Framework Convention, unless otherwise indicated.
Article 3 states the basic principle that every resident of a country has the right to decide whether or not he belongs to a minority and whether or not he identifies with the minority.\(^{27}\) The government may not penalize a resident because of his decision regarding minority identification. This clause represents a clear break from the Ceausescu period. Under Ceausescu’s rule, Romania engaged in a “Romanization” campaign that attempted to assert both the Romanian language and a Romanian identity as inflexible norms within the country. This effort manifested itself not only in an effort to make it harder to study in Hungarian at all educational levels, but also in an insistence that all administrative activities be carried out in Romanian, and in a movement to make all administrators and policemen be ethnic Romanians, even in parts of the country that had large Hungarian populations (Fischer-Galati 1994:135 and Niermann Stiftung 2000). This open prejudice against the Hungarian population was at such an intense point in the late 1980s that relations between the two countries, who were putative allies within the Eastern bloc, were at a nadir (Gilberg 1990:175-177).

Article 10 provides a positive right to the use of native languages in courtrooms and in other administrative bodies. This right extends to a requirement that government authorities issue written responses in the petitioner’s native language (www.coe.int). Articles 12-14 cover issues pertaining to education. Art. 12 secures the principle that all citizens have equal access to education, irrespective of their belonging to a national minority. This article

\(^{27}\) This is a basic European norm that is not only discussed regarding the Romania/Hungary situation, but also in discussions of minority populations in the Baltic states (Decker 2005), whose relations with their Russian minorities is also a source of controversy.
is significant in the case of Babes-Bolyai University, a historic trilingual university in the
Transylvanian town of Cluj that we will examine shortly.  

Article 13 outlines the right to build a school in which students can take instruction in
their native language. Article 14 goes further and cements the right for students to attend
lessons in their native language (Ibid.).

Now that we see the obligations that Romania has taken up as a condition of joining
European bodies, let us look at what the Romanian government has done to put these
requirements into action. This examination is especially important given Romania’s poor
history of implementing laws having to do with minority rights.

In 1999, the Romanian parliament passed a new education law that allows students
to study from kindergarten to university in Hungarian. This law brings Romanian education
law into full compliance with Article 14 of the Framework Convention. Furthermore,
Romanian changed its constitution in 2003 to strengthen the right to use the Hungarian
language in public administration cases and in courtrooms.

These laws further continue Romania’s efforts to harmonize its laws with European
norms. Perhaps it is a testament to this convergence that the Government Office for
Hungarian Minorities Abroad praised the aforementioned two Romanian laws as being a
“breakthrough in minority right protection” (Hungarian Govt. Office 2005).

A tangible example of this European involvement in developing language policy, in a
broader context of minority policy, is at the Babes-Bolyai University in Cluj, Romania. The
university’s history is remarkable in its own right. Having been founded by the Jesuits in

28 Though not the focus of this essay, Art. 12 is particularly important in the question of the Roma minority,
whose condition is far worse than the Hungarian minority’s both in Romania and in other parts of Europe
(primarily Eastern Europe).
1581, Protestants took over control of the school in 1603, then by the late 18th Century it was under the control of Catholics for a second time (Marga 1997:160). Though it is now without a religious affiliation, the language of instruction has shifted with the political forces controlling the area. Latin and German were the main languages in the university’s early years, however as the political desire for independence between Hungary and Romania intensified in the mid-19th Century the language of the university at Cluj became an explosive issue.

In 1872, despite efforts among some elites to make the university multilingual, university administrators decided to teach only in Hungarian. By the time after World War I, when Romania gained political control of the region, Romania took over the university as a state institution and naturally chose Romanian as the language of instruction. When Hungary controlled Transylvania, during the first four years of World War II, Hungarian became the language of instruction. Finally, following the 1945 reallocation of Transylvania to Romania, the Romanian government established a Hungarian university in Cluj called Bolyai and in 1956 it combined Bolyai with the older university in Cluj to form the current Babes-Bolyai University. The combined university offered instruction in both Romanian and Hungarian. However, Hungarian language instruction became increasingly limited under Ceausescu’s rule.29

As the current Rector of Babes-Bolyai, and philosophy professor under Ceausescu’s reign, Andrei Marga notes, especially after 1971, the RCP under Ceausescu controlled the university ideology, not only limiting Hungarian language instruction, but also attempting to

29 All information pertaining to Babes-Bolyai, unless otherwise indicated, comes from the university’s website, www.ubbcluj.ro.
impose Romanian/nationalist variant of Marxism/Leninism onto the general curriculum at Babes-Bolyai and other Romanian universities.

Marga’s essay shows that the European Union has been an active supporter of university reform in Romania since the first years following the overthrow of Ceausescu. The elements of reform all involve an orientation toward liberal thinking, contact with the West, decentralization of hiring and appointment processes, and, of particular interest to us, developing strong involvement from both ethnic-Hungarian and ethnic-German students and professors.\(^{30}\) Marga describes the involvement of the EU and the Romanian government with Babes-Bolyai as “strategic” (Marga 164). He further explains that a country cannot transform itself from a socialist, authoritarian, and ideologically rigid system to one that is liberal and open without ensuring that its future leaders receive a liberal and open education.

As BBU is now proud to point out, this reform effort, one that European institutions have largely helped to shape, has resulted in Babes Bolyai being a culturally dynamic and linguistically diverse center of higher learning. The institution, with 45,000 students (comprising both undergraduate and graduate students) offers three different language tracks, German, Hungarian, and Romanian. This does not necessarily mean that every course that is offered in one language is offered in the others, but the language track system does allow for a high level of linguistic diversity. Practically speaking, of the 21 faculties at the university, courses within fifteen of them are available in Romanian and Hungarian and in nine of the faculties courses are available in Romanian and German (www.ubbeluj.ro). In addition, at

\(^{30}\) For further detailed background information and an analysis of current attempts by nationalist Hungarians to establish a separate Hungarian university and opposition to this movement from both the Hungarian and Romanian community in Cluj, see Karl-Peter Schwarz, “In Klausenberg reissen alte Gräben auf,” (In Klausenberg (Cluj-Napoca), all the graves are ripping open), Frankfurter Allgemeine Zeitung, 13 August 2006.
each level of university administration there are a certain number of seats reserved for a representative(s) of each linguistic “line of study.”

In addition to the European Union, other international institutions have guided and evaluated Babes-Bolyai’s language curriculum policy. These groups consist of the OSCE HCNM, the European University Association, and the Salzburg Seminar. It is clear that their involvement, in addition to the EU—its funding and opening of exchange programs such as ERASMUS to Romanian students—is helping to foster and encourage openness, tolerance, and diversity at Babes-Bolyai.

Given the poor state of universities following the overthrow of Ceausescu and the general lukewarm attitude toward reform from the first presidential regime of Iliescu (Marga 164), it is evident that European involvement played a role in the liberalization process of Romanian universities. Expressed another way, had European institutions stayed out of Romania entirely following the fall of Ceausescu, it is highly unlikely that any efforts toward openness, the development of linguistic “lines of study”, or the explicit efforts to include minorities into the forming of the curriculum would have occurred. As Marga noted, if this failure had manifested itself at the university level, it clearly would not have boded well for the future development of minority rights for Hungarians, or any other minority, in regards to obtaining legally defined rights or the expansion of opportunities.
Comparison case Georgia:

At this point, it should be clear that European actors have played, and are continuing to play, a significant role in moving Romania forward in its relations with its Hungarian minority. Whether it was the negotiations for the friendship treaty, the Education law, or changes to education and administrative laws in the late 1990s or early 2000s, Romania’s laws regarding minority rights, are always being formed with an eye to European norms.

In order, however, to strengthen my case that European actors have played an important role in the development of minority rights in Romania, I am going to examine, albeit briefly, a second case that presents similar circumstances, but without the strong engagement of the European Union.

The case that I have chosen is the Republic of Georgia. Like Romania, Georgia has a significant minority population, though Georgia’s is slightly larger than Romania’s (16% versus 11%). Georgia also gained its independence from the Soviet Union at approximately the same time that Romania overthrew its Soviet-inspired dictator. One considerable difference is population; Romania has a population of approximately 21 million while Georgia’s is slightly under 5 million (2002 Census, CIA World Fact Book 2006).

Georgia earned its independence from the Soviet Union in 1991. However Georgia had to fight a two-year long civil war in order to secure peace with independence (Kandelaki 2006). This fact represents one of the major differences between Georgia’s post-Communist experience and Romania’s, besides the scope of the involvement of international third
parties. Although Romania’s initial experience following the fall of Ceausescu was violent at times (e.g. the Targu Mures riots and the intervention of “vigilante workers” in Bucharest in June of 1990 to break up an opposition protest\textsuperscript{31}), it was never a civil war.

According to a report of the Federal Union of European Nationalities (FUEN), the newly independent Georgian nation, under its first post-Soviet president attempted to “Georgianize” all citizens in the first years of its independence. FUEN regrets that this “Georgianization” largely destroyed the tradition of tolerance that had marked the country for years.

As the FUEN report (1998) indicates, this decision from the new administration to impose a homogenous identity onto the population was particularly unfortunate given the country’s history as a tolerant land—a place where many different ethnic groups had lived together in peace (Ibid.). Georgia’s history is therefore different from Romania’s in that ethnic violence has taken place in Transylvania for centuries.

Given this history, it is equally impressive what Romania and Hungary have been able to accomplish in softening minority conflicts between their respective ethnic groups, and it is equally depressing to see how tense minority relations in Georgia have remained since independence.

Currently in Georgia there are two autonomous republics: Abkhazia and Ajaria. An armed conflict erupted in Abkhazia and South Ossetia in the early days of Georgian independence but stopped in 1992 (World Fact Book 2006). Since then, however, Russian troops have been present in those regions and still occupy some military bases within

\textsuperscript{31} Citation is from Gallagher (2001:387). These two events along with evidence of violence and corruption during Romania’s first post-Ceausescu election in May of 1990 prompted the US Ambassador to be recalled and a freezing of agreements that Romania had already made with the US and EU (Ibid.).
Georgian territory. In an example of the political situation being far more unresolved than in the case of Romania and Hungary, there are still parts of the Georgian border, both with Russia and with Armenia to the east, that are not officially demarcated (Ibid.).

Although the ethnic Russian population is officially listed as only 1.5% of the population, many residents of South Ossetia and Abkhazia hold Russian passports. The presence of Russian citizens in the region gives the Russian government a pretext for its military occupation of parts of Georgia. Recently military tensions and public expressions of anger on both the Georgian and Russian side have resulted in concerns in international media that the two sides might be on the brink of war.  

While the Russian citizenry is perhaps the most vocal minority group in Georgia, a larger minority group is the Armenian minority, whose members consist of 5.7% of the population. Additionally the 2002 census reports that 7% of the population speaks Armenian (Ibid.). Recently this minority has aired grievances that are strikingly similar to those that the Hungarian minority expressed to the Romanian government in the first years following independence.

The Armenian community in the region of Samtskhe-Javakheti is asking the central government for expanded language rights (Maridirossian 2006). This is a particularly important point for the population because many members of the ethnically Armenian population in the region do not speak Georgian and the area is economically depressed. The

32 Economist, “Fighting Casts a Summer Shadow,” 3 August 2006 and “More Bad Feelings on Russia’s Georgian Border,” 23 February 2006. The New York Times also reported in a compilation of Russian news that So. Ossetia will be holding a referendum in November on independence from Georgia (James K. Phillips and Michael Schwirtz, “3 Students Suspected in Other Moscow Bombings,” New York Times 29 August 2006). On regional conflicts in Georgia and the Russian practice of issuing passports to residents of Abkhazia, see also C.J. Chivers “Sun and Surf, but also lines in the ‘Russian’ sand,” New York Times, 20 August 2006. This conflict has further intensified in late September and early October of 2006, following Georgia’s arrest of four Russians accused of spying on Georgian territory and Russia’s retaliatory deportations of Georgians in Russia “illegally” and blocking fiduciary and postal transfers between the two countries.
Armenian language is not only suppressed, but the history of the Armenian people is as well. According to Maridirossian, one of the Armenian population’s chief grievances is the Georgian government’s ban on teaching Armenian history in Georgian schools.

The language and cultural situation among the Armenian population in Georgia is certainly worse even than that between the Romanian and Hungarian population in Romania is today, and probably also was even in the peak of Ceausescu’s discriminatory activities in the 1980s. It is not surprising that when a population is being forced to speak a language it cannot speak that the political situation would become more intense than a situation where a population is being coerced into speaking a language it has the ability to speak, but would rather not speak.

Relations between Armenians and Georgians in Georgia take on a fraught historical element that surrounds the “Armenian genocide” of 1915. The Georgian Armenian community is insisting that the Georgian government acknowledge the genocide as an historical fact, and the current government is refusing to do so. Tensions between the Georgian and Armenian community reached a point last March that riots between the two communities took place, following the killing of an ethnic Armenian during a brawl (Ibid.).

The Georgian case is an appropriate comparison case for the effect of European bodies on the development of rights for the Hungarian minority in Romania because both Georgia and Romania share a Communist-inspired past and have many minority groups, whose total population consist of similar percentages of the population.

33 However during the Ceausescu period, his manipulation of history involved the praising of Romanian heroes, such as kings Stephen the Great, Michael the Brave, and Vlad Tepes (who was perhaps Braham Stoker’s inspiration for Dracula) “whose fame and fortunes were made in the struggle with outside forces” (Gilburg 1990:175).
Some obvious differences are, however, also noticeable and keep the comparison from being cetirus paribus. Georgia is much smaller than Romania, having about a fourth of Romania’s population. The size is significant when one examines Georgia geographically. It borders Russia and as evidenced by Russia’s continued involvement over some of Georgia’s regional conflicts Georgia is a small player with a large and imposing northern neighbor.

The proximity to Russia raises two points. First, it differentiates Georgia from Romania—Romania currently borders Moldova, Serbia, and Ukraine, in addition obviously to Hungary and Bulgaria, giving it some buffer from Russia. Second, the impact of Russia is limiting Georgia’s ability to consolidate democratic rule on its territory, as evidenced by the ongoing regional conflicts in Abkhazia and South Ossetia. The case of Romania reveals that democratization can lead to liberal minority rights through setting up institutions that enable minority groups to organize and represent themselves in legislative bodies (e.g. the Hungarian party in Romania). A movement toward democratization also often opens up a country to outside forces that encourage liberalization and whose efforts can advance the cause of minority rights.

The peaceful overthrowing of President Eduard Shevardnadze in the autumn of 2003 reveals that the process of democratic consolidation in Georgia is still largely in its developmental stages. Some recent reports (Berekashvili 2006) indicate that even Georgia’s

34 Romania also, even during the Communist period, always maintained a streak of independence in relation to the Soviet Union. Strangely enough, in the early years of Ceausescu’s reign, his policies were the sources of this independence. For example, in 1968 he expressed solidarity with protesters in Prague (Gilburg 1990:173-174) and in the early 1970s Romania was the first Warsaw Pact country to recognize the Federal Republic of Germany (Gallagher 2001:386). Gilburg, writing while Ceausescu was still in power, offers an insightful commentary as to how Ceausescu’s independence actually promulgated ethnic division. Ceausescu often accompanied his praise of the Romanian people with other implicit or explicit condemnations of other ethnic groups living within Romania.
new president is not as democratic as western media would like one to believe, with there being a disturbing number of reports coming out of Georgia of harassment of dissidents by Georgia’s security services agency (Ibid.).

If we can now see that Georgia’s democratic development and minority rights development have moved at a much slower pace than Romania’s, the next question must be why this is so. What forces allowed Romania to move its democracy forward that were not available for Georgia?

An analysis of European organizational involvement shows that though some European groups, notably the OSCE, have been involved in Georgia since the early 1990s, their main goal seems to be the building of infrastructure, maintaining border security, and supervising cease-fires. Minority rights do not seem to be an explicit concern of European actors.

The OSCE has had a mission in Georgia since December of 1992. Its primary mission is to encourage peace in the Georgian/Ossetian conflict and to support UN efforts to stabilize the conflict. Since 1994, the OSCE mandate has expanded to facilitate a political framework for the achievement of a political settlement, establish international conferences on the future of the region, monitor peacekeepers, facilitate further cooperation among the different parties involved in the conflict, and to establish contact with regional actors and maintain a strong presence in the area. The OSCE is also helping in the rebuilding and improving of Georgia’s infrastructure (e.g. roads, train lines, hydroelectric plants, gas pipelines, and schools). In a further example of cooperation between European bodies, the

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35 For more on the motivations for the “Rose Revolution” and the impact of international organizations in supporting it, see Kandelaki (2006).

36 All information on Georgia and the OSCE is, unless otherwise indicated, from www.osce.org/georgia.
OSCE is helping administer a 2 million Euro grant from the European Commission for the improvement of infrastructure.

The only area of the OSCE’s work in the region in which the HCNM has been actively involved is the OSCE’s cooperation with the Georgian government on the draft of a new constitution.

On the question of COE involvement in the region regarding minority rights, Georgia’s ratification and entry into force of the Framework Convention is relatively recent. Although it signed the document in 2000, Georgia did not ratify it until December of 2005 and the law did not enter into force until April of 2006. Therefore, there has not been adequate time for the COE to assess Georgia’s compliance with the requirements of the Framework Convention (www.coe.int).

Georgia receives funds from the EU as part of the EU’s neighborhood policy. The European Commission is the largest donor in the South Ossetia and Abkhazia regions (www.europa.eu) and its total contribution to the country as a whole from 1992-2004 equals 420 million Euros.

Prior to Georgia’s inclusion into the EU’s neighborhood policy in 2004, in 1996 the EU and Georgia agreed to a “Partnership and Cooperation Agreement” (PCA). This agreement was the first step in Georgia’s integration into European Union institutions and convergence to European norms. The PCA commits Georgia to respecting democracy, human rights, international law, and market economy principles.

The situations of Georgia and Romania are quite different. Romania was able to formalize its border with Hungary relatively early on in its effort to conform to western norms, and of course, as a condition to join European bodies. The formal resolution of
borders with Russia and with Armenia is something that Georgia still has not fully achieved. The presence of Russia as an imposing force in Georgian domestic politics is something that Romania did not have to deal with. In Romania’s dealings with its Hungarian minority the only major actors besides those that represented the Romanian or the Hungarian position were European organizations who offered mediating positions and whose credibility was enhanced by both Romania’s and Hungary’s desire to join the EU, and therefore meet the conditions that the EU had laid out for membership.

Though it is beyond the scope of this essay to examine how and why Georgia has not reached a level of development to make it a serious candidate for EU membership, it is worth noting that conditionality for entry into NATO is playing a role in Georgia’s efforts to avoid war with Russia over South Ossetia and Abkhazia (Economist, 3 August 2006). The Russian government has expressed displeasure at Georgia’s desire to join NATO and it would likely react in a similar fashion if Georgia seriously expressed interest in joining the EU.

What we can therefore learn about EU involvement in Romania from the case of Georgia is that EU funding, presence, and role as a setter of norms (in cooperation with the OSCE and COE) is a necessary but not sufficient guarantor of peace, stability, and minority rights. In the case of Romania, though there were disagreements with the Hungarian government over the future of Transylvania in the early days of post-Communism, there was at least an outward desire on both sides to integrate into western European organizations. Such a desire to integrate into western organizations was taken less seriously in the Georgian case until the election of President Mikheil Saakashvili in early 2004. Romania and Hungary also did not (and do not) have to confront the contrasting interests of the Russian government in dealing
with their respective minority situations and desired western orientation. This absence of a
force that is disruptive to regional stability allowed for the triadic relationship between
European organizations (principally the EU), Romania, and Hungary to move forward.

37 For more on the Georgian perspective in the Autumn 2006 Georgia/Russia dispute, including a mentioning of
Georgian cooperation with the OSCE to reduce conflict in Abkhazia and South Ossetia see Saakashvili,
Conclusion:

This examination of European involvement with the Hungarian minority in Romania, and the additional case of Georgia shows both the potential and limits of European organizations in their attempts to propagate the liberalization of rights throughout the continent.

The case of Romania demonstrates that when both sides in a long-standing and bitter bilateral conflict are willing to allow a larger goal to supersede the conflict, then they can exploit the mediating role of a third party. In this case both Romania, along with Hungary, desired EU membership and were willing to let the EU, COE, and OSCE meddle in its minority rights legislation to ensure that it complied with inchoate European norms. The “active leverage”, and the “asymmetric interdependence” inherent therein, was so strong that in the end Romania allowed European bodies, who could not even entirely agree among themselves what “European norms” consisted of, to play a major role in shaping its minority rights legislation.

Even if we conclude that the case of Romania is a success story for European level involvement in domestic affairs, this essay could leave the reader with two enduring questions: The first is simply, what about Georgia? European bodies have had a presence in Georgia for nearly as long as they have had one in Romania, and yet the conditions for Georgia’s population, and especially its minorities, are considerably worse than in Romania. This case shows the limits of European involvement in two ways.
First, until early 2004, Georgia was arguably a democracy only in name. The overthrow of President Shevardnadze proves that the Georgian administration was gravely lacking in its ability to comprehend and address the needs of its own people let alone the concerns of European officials. This case therefore is evidence for another element of Vachudova’s argument: that the strength of domestic opposition is an important independent variable in determining the strength of a country’s reforms following Communism. We can extrapolate from this example that a country with weak domestic opposition, as Georgia was for its first decade following independence, will be less open to the suggestions of European bodies, or the allure of membership into European bodies, than a country with a stronger opposition.

The case of Georgia also raises more troubling questions regarding the role of outside-state actors, in this particular case it is Russia that is cause for concern. Georgia cannot be a serious candidate for EU membership until it can reach a border agreement with Russia and can convince the Russian army to retreat out of Abkhazia and South Ossetia. This tense security situation essentially creates a stalemate situation where tension between the two states is bound to snowball into tension between ethnic peoples. Within this stalemate, international actors can play a role in keeping weapons down, but as long as serious tension exists, there can be no significant movement toward potential reconciliation and, in the case of the EU, a systematic cooperation between the EU and Georgia that would eventually result in accession for Georgia. Therefore we see that when a strong outside state exists that opposes a strong European presence, “active leverage” and many other forms of European level diplomacy are limited.
The second question that this essay could leave the reader with is the following: What happens to EU leverage once a country becomes a member of the EU, given that the tangible threat of exclusion no longer exists?

This concern then raises the concept of “Europeanization.” In other words, has Romania transformed itself over the last decade and a half to a European country, and espousing the values that this entails, that it can function without the threat of exclusion from the EU entry queue resting over it?

Since Romania has not yet acceded to the EU, it is too early to reach a definitive answer to this question. We can however still read trends and observe potential challenges.

One the one hand, the trend is unequivocally positive. Relations between Romanians and Hungarians in Romania are, to all accounts, far better than they were a decade ago. The legal changes and accession to European norms discussed earlier show that a framework exists to ensure that Romanians and Hungarians can live together peacefully. The story of Babes-Bolyai University, the discussion of an emerging regional identity in Transylvania, the reduction in popularity for extreme parties are all signs of a moderate and tolerant normative political discourse taking place in Romania. Therefore when we look only at Hungarians in Romania, it appears that “active leverage” and the conditionality connected to the EU-accession process has been a clear success.

However Romania still faces further challenges with ethnic minorities, primarily with the Roma minority. This long-oppressed minority has only recently received special attention from the Romanian government and the European Union. The partly EU-funded “Decade for

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38 The EU is addressing concern about post-enlargement compliance and “conditionality” by continuing to place conditions agricultural funds even once Romania joins the EU on January 1, 2007.

Roma Inclusion” began in 2005 and seeks to improve the economic and educational condition of the Roma people. Much of this work will likely be completed after Romanian has joined the EU. To add to the challenge, many Romanian citizens still harbor deeply discriminatory beliefs about Roma.

We can hope, however, that the positive opinion that an overwhelming majority of Romanian citizens hold for the EU (Eurobarometer 2003 cited in Vachudova 237) is not only shared by their political leaders, but also translated into a shared societal effort to improve the condition of the Roma minority. If Romania can successfully tackle this goal, then theirs will truly be a remarkable story of liberalization, tolerance, and inclusion that will inspire believers and convince skeptics that European bodies, and primarily the EU, through offering membership as the end goal, can create better lives for millions of Europeans through diplomatic means.
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