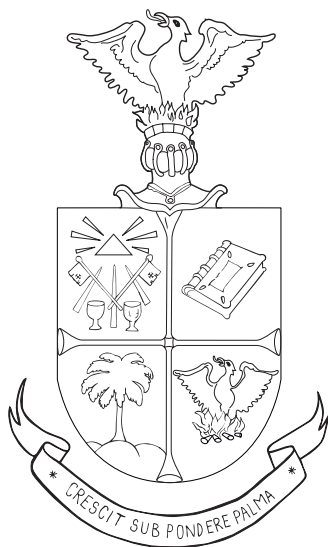


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NATION-STATENESS CARVED IN THE CONSTITUTION – THE QUESTION OF SZÉKELY LAND’S TERRITORIAL AUTONOMY IN ROMANIA

The pandemic COVID-19 hit Romania in March 2020 and caught the Romanian political elite in the middle of an ordinary political crisis. After weeks of chaotic events – culminating in the later annulled agreement between the Ministry of Internal Affairs and the Romanian Orthodox Church to celebrate Easter, as if there was no pandemic killing dozens of Romanians a day – the political elite at last found some solid ground on which to act on 29 April 2020. That day, the Romanian Senate rejected a draft on the territorial autonomy of Székely Land, a Hungarian-populated area in the geographic centre of Romania.² The voting on it and the connected political declarations showed the extreme way in which the Romanian political elite tend to react when the myth of the ethnic homogeneity and the administrative unity of the country, although not its territorial integrity, are challenged.

In this paper, we examine the deeper background to this political scandal, presenting the overall Romanian view on notions such as ‘unity’, ‘indivisibility’ and ‘autonomy’. First, we briefly discuss ethnic nation-building in general; later we focus on how nation-stateness has been presented in the Romanian Constitution in the past one hundred years. After that, we present the example of the Hungarian Autonomous Region, existing between 1952 and – with serious modification in the 60s – before being eliminated by the Ceauşescu regime. We will also pay attention to the questions of nation-stateness and territorial autonomy in the period after 1989, in this way showing the current framework in which a Romanian President might considered himself entitled to launch a verbal attack on both the ethnic Hungarian Romanian citizens living in Székely Land and Hungary in an almost unprecedented way since the fall of National-Communism. In this paper, however, we do not intend to describe in detail the current plans for the autonomy of the Hungarian minority, we focus solely on the Romanian position.

The rivalry between nation-stateness and aspirations for autonomy has always been a current issue in Romania, especially in the 2018-2020 period, marking the centenaries of such events as the Union of Transylvania and Romania, promising

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2 Local Hungarians are called Székelys, and they constitute a subgroup of the ethnic Hungarian nation.

autonomy for the Hungarian and other minorities; the signing of the Minority Treaty of 1919 by Romania, and the Treaty of Trianon that set the Hungarian-Romanian border where it still exists today.

1. Nation-state and autonomy

The idea of the modern nation-states emerged at the end of the 18th century and has been influencing interstate relations and the stability of states since then. When building a nation-state, legislators aim at the unification of economic and social life within the borders through administrative authority, the strengthening of political and economic control, and the standardization of the culture. According to the argumentation, co-citizens have to share a common national identity, national language and national public culture to create a solid nationhood as a basis for trust, solidarity, and territorial stability.³ Nation-states have been struggling to achieve this level of desired unity and ethnic homogeneity through various activities, ranging from the physical destruction or expulsion of minority communities to their assimilation.

Policies on language and identity are imposed in typical nation-states by the intelligentsia and the political and social elite according to their own culture and ideological beliefs. They usually intend to increase artificially disparities between the prestige of the official national language and the minority languages to push minority populations towards assimilation or at least to the state of bilingualism. History has often shown that minority languages have no real chance of survival when they represent backwardness and the national language represents modernity.⁴ The situation might be different, however, when a nation-state tries to impose the official language on a regionally concentrated linguistic minority having their own institutions, or at least the tradition of such institutions.⁵ Against such assimilatory attempts, those minority groups usually strive for self-governance or autonomy to protect their identity, language and collective existence.

Minority wishes for such institutions and majority nationalism have the same roots; the difference between them is that the latter can easily be labelled as a struggle for modernity. This is because majority nationalism and nation-state building are interconnected: they aim at the creation of an exclusive social, economic and cultural

3 KYMLICKA, Will – BASHIR, Bashir (eds.): *The Politics of Reconciliation in Multicultural Societies*. Oxford, Oxford University Press, 2012, 11.

4 RUBIO-MARÍN, Ruth: Language Rights: Exploring the Competing Rationales, In: Kymlicka, Will – Patten, Alan (eds.): *Language Rights and Political Theory*, Oxford, Oxford University Press, 2007, 65., DÍAZ LÓPEZ, César E.: The Politicization of Galician Cleavages, In: Stein, Rokkan – Urwin, Derek W. (eds.): *The Politics of Territorial Identity*. London-Beverly Hills-New Delhi, Sage Publications, 1982, 393.

5 KYMLICKA, Will – PATTEN, Alan (eds.): *Language Rights and Political Theory*. Oxford, Oxford University Press, 2007, 13.

space within the existing borders; while minority aspirations to have a 'safe space' could be labelled as hurdles in the process of building a modern nation-state. Therefore, falsely, the same aspiration could be called 'modern' with regard to a majority population and 'pre-modern' in the case of minorities.⁶

A state pursuing assimilatory nation-building often describes itself as a 'nation-state' in its constitution to highlight the primordial importance of this endeavour. Such a constitutional arrangement frames the functioning of the state and determines the policies orienting laws and other legal acts in the direction of the main goal of homogenisation. This might be seen as a very unfortunate development, since this way the majority-minority rivalry is written into the constitutional order and minorities are pushed into an unfavourable position.

2. Romania and 'nation-stateness'

Romania describes itself "*a sovereign and independent, unitary and indivisible nation-state*" in Art. 1 alin. 1. of its Constitution.⁷ According to the census of 2011, almost 90 percent of the population was of Romanian ethnicity, which might be a legitimate base for proclaiming itself a nation-state. The reason that Romania cannot be considered a nation-state is that some two-thirds of the remaining 10 percent of the population belong to one ethnic group, Hungarians, and again two-thirds of them, i.e. some 5 percent of the total population of the country, live in two geographic areas where they constitute a regional majority. One is Székely Land, covering two and a half counties in the geographic centre of Romania, and the other, a more mixed one called Partium, lies along the northern section of the Romanian-Hungarian border. The existence of these two regions is not reflected in the Romanian constitutional order; nevertheless, politics and the functioning of the state are preoccupied with their existence: they firmly oppose any attempt at self-governance.

Self-identification as a nation-state is elemental for several Central European nations, including Romanians.⁸ The historic fragmentation of the Romanian ethnic territory, the presence of "aliens" in great numbers and their colonisation to Romanian lands throughout the centuries have become key parts of the national consciousness.⁹

6 BAKK Miklós: Birodalmi kisebbség avagy a modernitás nyelve. *A hét*, 1998/44, <http://bakk.adatbank.transindex.ro/belso.php?k=2&p=1738> (9 June 2020)

7 "România este stat național, suveran și independent, unitar și indivizibil."

8 It is debated, however, whether Romania belongs to Central Europe. According to Huntington, she belongs to the Orthodox world headed by Russia. Nevertheless, he emphasises that Romania's western parts belong to the Western civilization and that 'Orthodox' Romania often cooperates with the 'Catholic' Hungary belonging to the Western civilization. HUNTINGTON, Samuel P.: *The Clash of Civilizations – And the Remaking of World Order*. London, The Three Free Press, 2002, 126., 158., 160-162.

9 MIHĂILESCU, Vintilă: *Blocul carpatic românesc*. București, Monitorul Oficial, 1942, especially 11–12. The idea requires the acceptance of the official theory of Daco-Romanian continuity,

According to the general approach, all foreign rulers, especially the Hungarians in Transylvania and the Russians in Bessarabia, deliberately neglected the Romanian ethnic presence and tried to turn the towns – the cultural, economic and social centres of the Romanian territory – into *alien fiefdoms*.¹⁰ In the past century and a half, to counter-balance such foreign impacts, Romania has tried to reinforce unity¹¹ and to increase the Romanian-ness of the state by supporting the Romanian element in various ways; these have characterised the history of Romanian statehood since its independence, and especially after the Great Union of 1918.

3. Greater Romania in the interwar period

The first Romanian Constitution, adopted in 1866, was based on the liberal constitution of Belgium of 1830. It did not contain the terms *unitary* and *national* as core elements of Romanian statehood until 1923. The reason for their inclusion after World War I was to counterbalance the intention of the Entente Powers to question the national nature of Greater Romania and to turn the country “into a new and disastrous Austria-Hungary”¹² by forcing it to sign the minority treaty in 1919. Therefore, the modified Art. 1 alin. 1 of the Constitution in 1923 intended, on the one hand, to ban the creation of regional self-governments¹³ and on the other, to project the myth of the state in unity, undisturbed by minority blocks.¹⁴

For obvious reasons, until the creation of Greater Romania, the Romanian political elite had no anti-autonomy feelings. Before World War I, the leaders of the three-million-strong Romanian minority in the Kingdom of Hungary first advocated reinstating Transylvania’s historical autonomy within Hungary. However, after 1905, they urged the implementation of the 1868 law on linguistic rights, the recognition

rejected by Hungarian historians as unfounded.

10 JALEA, Ion: *Ardealul, Banatul, Crișana, Maramureșeana și Bucovina*. București, Editura Steinberg, [1919?], 43., 15.

11 The ideological content of the continuous fight of the Romanians for unity was elaborated around 1968, the 50th anniversary of the Great Union Day. Notable publications were BERCIU, D. (ed.): *Unitate și continuitate în istoria poporului român*. București, Editura Academiei Republicii Socialiste România, 1968. PASCU, Ștefan: *Marea adunare națională de la Alba Iulia*. Cluj, Universitatea Babeș-Bolyai, 1968. The discourse has remained the same since then, for instance: DJUVARA, Neagu: *O scurtă istoria ilustrată a românilor*. București, Humanitas, 2013, 306-308. For a critical approach see BOIA, Lucian: *Istoria și mit în conștiința românească*. București, Humanitas, 2011, 214-250.

12 Finance minister Vintilă Bratianu’s words are quoted in NAGY Lajos: *A kisebbségek alkotmányjogi helyzetete Nagyromániában*, Kolozsvár, Minerva Irodalmi és Nyomdai Műintézet R.-T, Erdélyi Tudományos Intézet, 1944, 26.

13 TAKÁCS Imre: Gondolatok Románia alkotmányáról, *Magyar Kisebbség* 1995/1, KUKORELLI István: Románia alkotmányáról, *Magyar Kisebbség*, 1995/2.

14 NAGY op. cit. 70.

of nationalities as constituent parts of the Hungarian political community and the creation of ethnically homogenous counties to allow nationalities to govern themselves.¹⁵ Romanian politicians supported this approach in the belief that autonomous territories could more easily unite with Romania when the neighbouring Austro-Hungarian and Russian Empires broke up.¹⁶ The conviction, i.e. that autonomy leads to secessionism, is still prevalent in Romanian society and among the political elite.

In terms of autonomy, a significant caesura came with the Great Union Day in 1918. Although the Transylvanian Romanians promised national autonomy to the minorities in the Resolution adopted in Gyulafehérvár (Alba Iulia today),¹⁷ and the Romanian government itself undertook in the 1919 Minority Treaty to provide religious and educational autonomy to the Székelys and Saxons,¹⁸ after the union, the Romanian political elite was unwilling to discuss or even to hear about autonomy any more, since they considered it a hurdle to building a nation-state. After some hesitation,¹⁹ they were joined by the former political leaders of the Romanian minority in Hungary, who, after the union of 1918, became more interested in gaining political power at the national level than keeping it in a much smaller Transylvania.

The Romanian Constitution of 1923 denied minorities any recognition as collective entities. Senator Dissescu, in charge of drafting the modification, argued that this

15 See the resolution adopted at the Romanian National Party's congress in Nagyszeben (Sibiu) in 1905 at KEMÉNY G. Gábor: *Iratok a nemzetiségi kérdés történetéhez Magyarországon a dualizmus korában 1867-1918. IV. kötet*, Budapest, Tankönyvkiadó, 1966, 534–536. Famous emigrant Romanian political writers from Hungary, Eugen Brode and Aurel Popovici also advocated along these lines and for these goals in their works *Die rumänische Frage in Siebenbürgen und Ungarn* and *Die Vereinigten Staaten von Groß-Österreich* in 1895 and 1906, respectively.

16 JANCsó Benedek: *A roman irredentista mozgalmak története*. Budapest, Attraktor, 2004, 359.

17 Point III. 1. “Full national freedom for all the co-inhabiting peoples. Each people will study, manage and judge in its own language by individuals of its own stock and each people will get the right to be represented in the law institutions and to govern the country in accordance with the number of its people.” With the exception of the mere fact of unification, Romania did not recognise the Resolution of the Assembly as legally binding in order to not be bound to provide minority rights. See Decree-Law No. 3631 of the 11th December of 1918 regarding the Union of Transylvania, Banat, Crişana, the Satumare and Maramureş with the Old Kingdom of Romania.

18 Art. 11. “La Roumanie agree d'accorder, sous le contr le de l' tat roumain, aux communaut s des Szekler et des Saxons, en Transylvanie, l'autonomie locale, enc e qui concerne les questions religieuses et scolaires.” The autonomy promised to the Székelys and Saxons would have been less extensive than the territorial autonomy promised by Czechoslovakia in its minority treaty of 1919 to the Rusyns of Transcarpathia – the widest possible with regards to the unity of the state. BARANYAI Zolt n: *A kisebbségi jogok v delme*. Budapest, Oriens Nemzetk zi K nyvkiad s  s Terjeszt  R szv nyt rsas g, 1922, 25, 114.

19 The leaders of the (former Romanian) National Party did not attend Ferdinand II's coronation ceremony in Alba Iulia in 1922 in a protest against the incorporation of Transylvania into Romania without a special legal status. They voted against the Constitution of 1923 in the Romanian Parliament for the same reason.

way there might be no ‘confusion’ about the meaning of the words *Romanian* and *Romanian citizens*; since the legislator intended the two to be synonymous in order to show that “*minorities are part of the majority*”.²⁰ The false intention of the Senator was obvious; nevertheless, he was inclined to withhold support for notable differences. For instance, he explained that the constitutional declaration that the Romanian Orthodox Church was the dominant church in Romania was equal to stating that a painting is dominated by a colour, and he stressed that the equality of the churches before the law would be safeguarded²¹ – a promise never delivered.

Despite not being generous at all and being discriminatory, the Romanian minority policy intending to create a nation-state did not apply the tactic of ethnic cleansing before 1940.²² This was true although Romania had traditionally been a *de facto* multicultural state, not only in terms of extensive minority communities on its territory but also because of the heterogeneity of the population of the urban centres.²³ Before World War I, the main international pressure on Romania was exercised, mostly from the US, due to the legislative hurdles impeding Jews living in north-eastern Romanian towns to acquire Romanian citizenship.

Laws aiming to exclude of non-Christians from citizenship and, state-driven colonisation to increase the share of ethnic Romanians (a policy first applied in Dobrudja after 1878,²⁴) and assimilatory pressure exercised together with the Roman Catholic Church on Hungarian-speaking Csángós²⁵ were the first tools used by Romanian policymakers to homogenise the population. In the interwar period, they applied similar policies – ethnically discriminatory legislation, intentional colonisation of Romanians into Transylvanian urban centres to decrease the Hungarians’ and Germans’ share and to rural areas along the Hungarian border²⁶ and in Dobrudja²⁷ to break

20 PAÁL Árpád: *A kisebbségi lét tanulói Erdélyben II.* Csíkszereda, Pallas-Akadémia Könyvkiadó, 2008, 162.

21 DRAGOMIR, Silviu: *La Transylvanie roumaine et ses minorités ethniques.* Bucarest, M.O. Imprimerie Nationale, 1934, 99.

22 L. BALOGH Béni: *Küzdelem Erdélyért – A magyar-román viszony és a kisebbségi kérdés 1940-1944 között.* Budapest, Akadémiai Kiadó, 2012, 213.

23 In 1900, Romania had the second highest proportion of foreigners and stateless people, together making up 7.9 percent of the population and living mostly in multicultural urban centres. Only Switzerland had a greater proportion, 11.5 percent, in that year. BOIA, Lucian: *Cum s-a românizat România.* București, Humanitas, 2015, 23–24., 81–84. The majority of non-citizens living in towns were Jewish.

24 IORDACHI, Constantin: «La Californie des Roumains» L’intégration de la Dobroudja du Nord à la Roumanie, 1878-1913. *Balkanologie*, Vol. VI (1-2), décembre 2002, 167–197.

25 DIÓSZEGI László: „...nálunk most es a Templomban a nyelvünk tiltva vann.” *Regio*, 2010/4, 163–191.

26 SZILÁGYI Ferenc: A történelmi Bihar településföldrajzának alapjai. *Új Nézőpont*, 2017, 4 (2), 81.

27 EKREM, Mehmet Ali, *Din istoria turcilor dobrogeni.* București, Kriterion, 1994, 104-105.

the homogeneity of those minority-populated areas-to strengthen the Romanians' position in the newly acquired territories.

According to the Romanian evaluation, interwar Romania was a state “*basically national in existence*” since the proportion of ethnic Romanians was 73.4 percent while not a single minority exceeded 10 percent. Furthermore, “*the minorities did not live in continuous geographic blocs but constituted only sporadic islets in the sea of the majority Romanians*”.²⁸

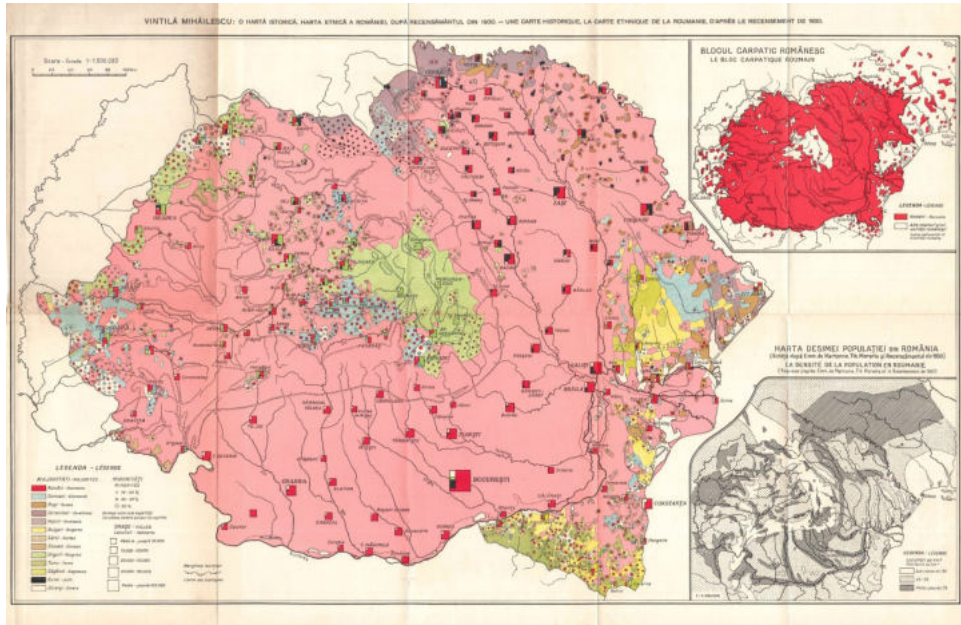


Figure 1. Romania's ethnic map according to the census of 1930. (Source: Vintilă Mihăilescu: Blocul carpatic românesc, M.O., București, Imprimeria Națională, 1942)

A glance at the ethnic map of Romania from 1930 clearly shows that the statement was false: there was a sizeable Hungarian ethnic bloc in the geographic centre of the country and a more blurred but still visible German-speaking one next to it. There were also considerable non-Romanian populated areas along the western, northern and eastern borders. The western had an ethnic Hungarian majority in the north and the centre and a weaker German-speaking majority in the south. The northern borderland predominantly had an ethnic Ukrainian majority while eastern Dobrudja and Budjak²⁹ had a more mixed population, where ethnic Romanians were only in small numbers. The Transylvanian-born politician Emil Hațieganu, who held cabinet-level posts several times in Romanian governments after 1918, named these minority-populated areas

28 DRAGOMIR op. cit. 52.

29 Today part of Ukraine, between the Danube and the Dniester rivers.

the “ideal protection” against any irredentist neighbour, since aggressors would first have to devastate those territories where their kinfolk reside.³⁰

Similarly to the pre-1918 Romanian minority in Transylvania, the post-1920 Hungarian minority of Transylvania viewed autonomy as a tool to protect the community from the assimilationist and discriminatory policies of the state. Nevertheless, the content of the longed-for autonomy was not clear; in the interwar period some 70 plans were created in Transylvania due to the parallel majority (Romanian) and minority (Hungarian and German-speaking) nation-building processes and the internal division of the 1.4 million strong Hungarian community.³¹ The first important proposal for an autonomy statute for Székely Land was drafted in 1931, becoming part of the programme of the National Magyar Party in 1933. It was the first time that the Transylvanian Hungarian political elite accepted the idea of regulating the political status of Székely Land in a way distinct from other Hungarian-populated parts of Romania.³²

Nevertheless, the Romanian side still rejected every call for autonomy; for instance, the Romanian diplomat and later foreign minister Nicolae Titulescu expressed at the International Diplomatic Academy in Paris in 1929 that it was Romania’s just interest “*to not have any alien institution within its national body to avoid the existence of a state within the state*”.³³ When creating the regions (*ținuts*) in 1938, the Romanian leadership even attached the Hungarian-majority county of Trei Scaune-Háromszék, and the ethnic Hungarian-German-majority county of Braşov-Brassó to a region lying mostly in Wallachia to avoid having a region in the centre of Romania where the share of ethnic Romanians is under 50 percent.³⁴

4. The territorial autonomy of Székely Land in the communist Romania

After World War II, in a completely changed context, the new Romanian constitutions defined Romania in various ways. The text of 1952 lacked the elements “*unitary and indivisible*” and “*nation-state*”, while those of 1948 and 1965 did not contain the word

30 He also called the Székelys hostages surrounded by a “sea of Romanians”. BALOGH Júlia: *Az erdélyi batalommáltás és a magyar közoktatás 1918-1928*. Budapest, Püski, 1996, 14–15.

31 BÁRDI Nándor: Javaslatok, modellek az erdélyi kérdés rendezésére (A magyar elképzelések 1918–1940). *Magyar Kisebbség* 2004/1–2, 329. BÁRDI Nándor: A romániai magyarság kisebbségpolitikai stratégiái a két világháború között. *Regio* 1997/2, 32–67.

32 ZAHORÁN Csaba: Egy kis Magyarország Nagy-Romániában. Alternatívák a Székelyföldre a két világháború közötti magyar tervezetekben. *Magyar Kisebbség* 2009/1-2, 144.

33 TITULESCU, Nicolae: *A béke dinamikája*. Bukarest, Kriterion Könyvkiadó, 1982, 37.

34 Mureş region had a Romanian majority of 52.3 percent with Hungarian and German ethnic minorities of 32 and 11.2 percent respectively. Had the two other counties been part of the region, the proportion of Romanians would have fallen to 49.5 percent according to the Romanian census of 1930. Only one out of the ten regions did not have an absolute Romanian majority; the northern Suceava region where Romanians nevertheless constituted the largest ethnic group.

“nation” when defining the “state”.³⁵ Contrary to the texts before, the constitutions adopted in the communist period contained provisions on minority issues. Furthermore, that of 1952 declared not only the full equality before the law of the “minorities living together” (*minorități conlocuitoare*) with the Romanian majority but, in Art. 19, it also created a Hungarian Autonomous Region (HAR) for the “*Hungarian population forming compact blocks in the Székely districts*”. That came in spite of a Communist Party resolution, adopted in 1948, that declared the minority question in Romania ‘resolved’. The creation of the HAR must be understood in the context of a Stalinist regime and a totalitarian state, i.e. it did not allow for real self-governance; even until today, this was the only constitutional arrangement that allowed the existence of an ethnically defined administrative region within Romania.

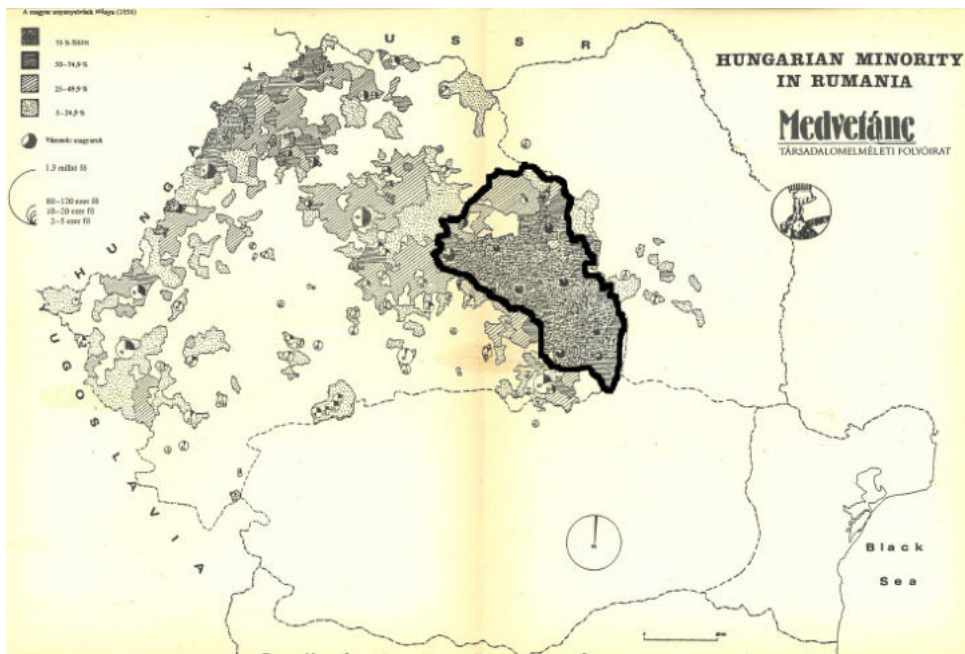


Figure 2. Romania’s ethnic map according to the census of 1956 and the HAR. Despite the HAR having an ethnic Hungarian majority of 77 percent, it comprised only a third of the Hungarian community of Romania. (The source of the original map, modified by the author, is *Jelentések a határokon túli magyar kisebbségek helyzetéről*. Budapest: Medvetánc könyvek 1988)

35 Contemporary academics argue that these do not mean the discontinuity of the nation-state-ness of Romania, since that was not called into question, neither within nor outside Romania. IONESCU, Cristian: Comentarii pe marginea art. 1 din Constituția României revizuită. *Pandectele Române*, 2014/10, 88. The texts of the constitutions in original Romanian can be accessed at <http://legislatie.resurse-pentru-democratie.org/constitutie/constitutia-romaniei.php> (9 June 2020)

The HAR was imposed on Romania by the Soviet Union. In the Soviet regime, territorial autonomy was designed to avoid “necessary” social transformations to turn into ethnic confrontations. The policy of *korenizatsiia*, introduced in the Soviet Union in the early 1920s, consisted of two major tasks: the creation of national elites and the promotion of local national languages.³⁶ Their unconditional Stalinist beliefs and the exemplary discipline of the new regional ethnic Hungarian elite of the Székely Land after 1945 were among the main reasons for setting up HAR.³⁷ The new elite’s role was to implement the social changes required by the Stalinist system in an ethnic Hungarian territory within Romania, i.e. to “modernise” education and culture and to communicate central directives to the local population – also in Hungarian.³⁸ Therefore, the Soviet intrusion not only created the HAR but also made Hungarian regionally official to grant “*the best possible way of inclusion of minority workers into the state life*”.³⁹

For Romania, this was not the first time of encountering Soviet minority autonomy in practice. In 1924, Moscow set up the Moldavian Autonomous Soviet Socialist Republic across the river Prut, the then eastern Romanian border. This was viewed by Bucharest as both an acknowledgement of the existence of further Romanian-populated territories beyond the borders and a threat to Romania’s territorial integrity.⁴⁰

The second such event took place in late 1944, with the introduction of the Soviet military administration in Northern Transylvania. Due to the atrocities committed by Romanian paramilitary forces in the territory reoccupied from Hungary – which had ruled it since the second Vienna award in 1940 – the Soviet leadership decided to transfer administrative powers to local Romanians and Hungarians under the protection of the Soviet Army.⁴¹ Between November 1944 and March 1945, local leftist Romanians and Hungarians created an administration based on local communities and the equality of the two peoples and languages.⁴² Nevertheless, the results were

36 The term *korenizatsiia* was not in use in the 1920s, when they used the term *natsionalizatsiia*, meaning nation-building, instead. MARTIN, Terry Dean: *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939*. Cornell University Press, 2001, 12., 25.

37 BOTTONI, Stefano: A sztálini „kis Magyarország” megalakítása, 1952. In: BÁRDI Nándor (ed.): *Autonóm magyarok? Székelyföld változása az „ötvenes” években*. Csíkszereda, Pro-Print, 2005, 314.

38 GAGYI József: Magyar Autonóm Tartomány: egy centralizációs kísérlet, Hatalom, értelmiségiek, társadalom. In: BÁRDI Nándor (szerk.): *Autonóm magyarok? Székelyföld változása az „ötvenes” években*. Csíkszereda, Pro-Print, 2005, 405.

39 BEÉR János: A Román Népköztársaság új alkotmánya (II.). *Jogtudományi Közöny*, 1953/5–6., 232.

40 GUZUN, Vadim: Transnistrian Autonomy: The Romanian Diplomatic and Security Perspective (1924). *Revista Istorică*, 2013/3–4., 277–278.

41 The Soviets were well aware of the situation in the region even in late 1944, just weeks after the occupation. ANDREEVNA POKIVALOVA, Tatiana – MUSLIMOVICI ISLAMOV, Tofik: *Problema Transilvană - Disputa teritorială româno-maghiară și URSS 1940-1946. Documente din arhivele rusești*. Cluj-Napoca, Eikon, 2014, 318 - 340.

42 On 13 March 1945, the day the Romanian administration entered Northern Transylvania, Transylvanian Hungarian publicist Edgár Balogh summarised the experiences of the North-

soon eliminated after the Romanian administration entered the region in March 1945, despite Prime Minister Petru Groza's Hungarian-language speech on 13 May promising "*the truest possible brotherhood between Romanians and Hungarians*".⁴³

According to the census of 1956, some 77 percent of the total population of 565,000 of the HAR were ethnic Hungarians; Romanians constituted a majority in the northern Toplița-Maroshévíz and Reghin-(Szász)Régen districts. In the beginning, not only the majority of the regional leadership and the personnel of the administration were ethnic Hungarian but also those of the secret police agency (Securitate) and the militia, 71 and 60 percent respectively.⁴⁴ These, added to the official bilingualism and nominal autonomy, represented a new model of integration, especially in comparison to interwar Romania, and helped ordinary Székelys to accept the fact they were living in a Communist Romania.⁴⁵ However, some one million ethnic Hungarians lived outside of the HAR, often forming regional or local majorities, who had increasingly few minority rights since the state reduced those outside of the HAR arguing that the Hungarian language and culture enjoy equal rights in the HAR. Soviet intrusion is to be stressed yet again, since the creation of the HAR was not a result of the development of Romanian minority policy but a tool for the Soviet Union to control Romania and to avoid interethnic tensions being ignited by socialist social reforms.⁴⁶

The visibility of the Hungarian-majority region in the centre of the state, provided by the HAR, was undesirable for Romania. During a party meeting between Hungarian and Romanian Communist Party leaders in autumn 1954 in Budapest, the Romanian side expressed its concerns about Hungary paying too much attention to ethnic Hungarians living in friendly Socialist states, and to Transylvania in particular, arguing that it might create the impression of calling into question the existing borders between Romania and Hungary.⁴⁷ During a meeting between the Hungarian and Romanian

ern Transylvanian autonomy that "(...) Northern Transylvania's Romanian and Hungarian peoples could give a hand to each other under the protection of the Red Army and were able to build up a joint democratic local administration in a peaceful and just way (...)." BALOGH Edgár: *Hídverők Erdélyben 1944-46*. Budapest, Kossuth Könyvkiadó, 1985, 54.

43 The text of the speech, under the title *Erdély a legpokolibb politikai üzemeknek esett áldozatul címmel*, was published by the Hungarian daily *Erdély* on 16 May 1945.

44 NOVÁK Csaba Zoltán: *Magyar Autonóm Tartomány*, [xhttp://lexikon.adatbank.transindex.ro/mobil/tarsadalomismeret/szocikk.php?id=12](http://lexikon.adatbank.transindex.ro/mobil/tarsadalomismeret/szocikk.php?id=12) (9 June 2020)

45 BOTTONI, Stefano: *Szjtálin a székegyeknél*, Csíkszereda, Pro-Print, 2008, 18.

46 Similar policies were applied in other multi-ethnic socialist states as well. KYMLICKA, Will: Western Political Theory and Ethnic Relations in Eastern Europe, In: Kymlicka, Will – Opalski Magda (eds.): *Can Liberal Pluralism be Exported? – Western Political Theory and Ethnic Relations in Eastern Europe*. Oxford, Oxford University Press, 2001, 64.

47 See the details of the conversation between Valter Roman and Mátyás Rákosi at ANDRESCU, Andreea – NASTASĂ, Lucian – VARGA, Andrea (eds.): *Minorități etnoculturale – Mărturiile documentare. Maghiarii din România (1945-1955)*. Cluj, Seria Diversitate Etnoculturale în România, 2002, 799–804.

party first secretaries in spring 1955, the Romanian side expressed its concerns for the Hungarian Embassy's demand in Bucharest for an "official map of the HAR" for use in Hungarian public education, for debating Transylvanian issues in Hungarian newspapers and for high-level Hungarian communist party circles protesting against the forced Romanian closure of the Hungarian consulate in Cluj (Kolozsvár). The Romanian side also rejected all intention to open a new Hungarian consulate in Târgu Mureş-Marosvásárhely, the administrative centre of the HAR.⁴⁸

The Romanian fears were further increased by Nikita Khrushchev's speech in East Germany in March 1959. The first secretary of the Communist Party of the Soviet Union spoke about the disappearance of the state borders after the world-wide victory of the Communism. He expressed his belief that "*after that, there will remain only ethnic boundaries, but of course there will be not border guards or customs officers on those borders*".⁴⁹ The Romanian party leadership considered having an HAR with a 77 percent Hungarian majority in the middle of the country as a threat, especially because they still believed that systematic Hungarian activity was going on in Transylvania to create an autonomous region and re-join the territory with Hungary,⁵⁰ as Romanians intended before World War I.

In the second half of the 1950s, the nationalist forces gained control within the Romanian Communist Party – then the Romanian Workers' Party – and the Central Committee of the party started to "address" the presumed Hungarian threat and its Soviet support.⁵¹ They managed to transform the HAR into the Mureş-Hungarian Autonomous Region (MHAR) by joining majority Romanian-populated districts and detaching majority Hungarian-populated ones. With this alteration, the proportion of ethnic Hungarians within the region decreased from 77 percent to 62 percent. The reference in Art. 19 of the Constitution to the region as one composed "*of a compact Magyar Székely population*" was also deleted.⁵² The regional leadership was also put in local Romanian hands and the use of the Hungarian language started to decline. The pressure was so great that "*people became afraid to use their mother tongue at party events and started to discuss even those issues connected to the Hungarian-language cultural magazine and Transylvanian Hungarian literature in Romanian*".⁵³

48 The notes of the conversation can be accessed in Romanian at ANDREESCU – NASTASĂ – VARGA OP. CIT. 804–809. Romania rejected the proposal to open a Hungarian Consulate in Târgu Mureş-Marosvásárhely.

49 FÖLDES György: *Magyarország, Románia és a nemzeti kérdés 1956-1989*. Budapest, Napvilág Kiadó, 2007, 42.

50 MIOARA, Anton: Un proiect controversat: Regiunea Autonomă Maghiară – De la modelul stalinist la recurența naționalistă. *Revista Istorică*, 2012/3–4., 385.

51 See further details in MIOARA op. cit. 384–389.

52 Ronald A. Helin (1967) The Volatile Administrative Map of Rumania, *Annals of the Association of American Geographers*, 57(3) Sep. 1967, 499.

53 NOVÁK Csaba Zoltán (ed.): *Aranykorszak? – A Ceaușescu-rendszer magyarságpolitikája, 1965-1974*. Csíkszereda, Pro-Print Könyvkiadó, 2011, 242.

From the 1970s, after the dissolution of the MHAR, public affairs were conducted solely in Romanian, even in solidly Hungarian areas.⁵⁴ The increasingly despotic and bureaucratic Romanian government intended to avoid creating areas that contain groups bound together by feelings of community and to use local governments solely to implement policies laid down by the central government.⁵⁵ At that time the rotation of local party leaders, used by the party leadership to prevent party officials from developing a local hinterland against the centre in Bucharest, hit ethnic Hungarians more severely than the Romanian majority, since new leaders were usually ethnic Romanians: “*ethnicity became the most important criteria for becoming a leader; an ethnic Romanian was a priori capable of leadership*”.⁵⁶ There was therefore no room for any debate about the possibility of any autonomy or self-governance until the revolution of 1989.

5. The question of autonomy after 1989

Although the new political system provided a certain degree of local autonomy to the communes and towns, exercised by elected leaders, the idea of regional autonomy has not become more accepted. Furthermore, most of Romanian society still rejects the idea of an autonomous Székely Land: in 2015 some 72 percent opposed such a possibility.⁵⁷

After the ethnic violence in 1990 in Târgu Mureş–Marosvásárhely,⁵⁸ which eliminated any hope of autonomy, the leading Romanian political party, the National Liberal Party (PNL) and the representatives of the Hungarian community, the Democratic Alliance of Hungarians in Romania (DAHR), agreed to improve minority education, set up cultural institutions and decentralise administration.⁵⁹ The half-hearted

54 NOVÁK Csaba Zoltán – TÓTH-BARTOS András – KELEMEN Kálmán Lóránt: Újjászületés, Háromszékből Kovászna – Kovászna megye megszervezése és intézményesülése 1968-1972. Háromszék Vármegye Kiadó – Pro Print Kiadó, 2013, 74–75.

55 HELIN op. cit. 501.

56 MARKÓ Béla: *Kié itt a tér*. Csíkszereda, Pallas-Akadémia Könyvkiadó, 2011, 186.

57 SONDAJ INSCOP Româniî cred că preşedintele şi premierul trebuie să colaboreze strâns pe subiecte de interes public (28 September 2015) http://adevarul.ro/news/politica/sondaj-inscop-romaniî-cred-presedintele-premierul-trebuie-colaboreze-strans-subiecte-interes-public-1_56081e12f5eaafab2c0ef7e0/index.html (9 June 2020)

58 The interethnic clashes in Târgu Mureş–Marosvásárhely in mid-March 1990 led to the re-creation of the secret services, abolished after the Revolution of 1989. In the town, five people lost their lives and several were wounded during the clashes and the Romanian army and police did not play a neutral role, to say the least: they did not protect the Hungarian community, and allowed the transportation of ethnic Romanians into the town, i.e. the “reinforcement” of the Romanian side. The Romanian armed forces only intervened after the Hungarian “side” “started to gain the upper hand.

59 BORBÉLY Zsolt Attila – SZENTIMREI Krisztina: *Erdélyi magyar politikatörténet 1989-2003*. Bu-

implementation of this compromise since then has highlighted the consequences of lack of institutionalisation – without proper legal and administrative protection, as hoped from granting autonomy, Hungarians have continuously felt threatened regarding their rights and existence as a community while the Romanians have seen Hungarian appeals for autonomy as attacks against the state, putting the whole issue into the sphere of politics and transforming every question into a zero-sum game.

The supremacy of nation-stateness became of central importance after 1989 in Romania due to the lack of consensus on the content of the term *political community* and the motive of hiding social discrepancies behind indoctrinating national unity.⁶⁰ The Constitution of 1991 reinstated all the elements introduced in 1923 and went even further, declaring the following characteristics of the state unchangeable: “Romanian”, “national”, “unitarian”, and “indivisible in Art. 152 alin 1”.⁶¹ Art. 4 alin. 1 proclaims that “*the state is founded upon the unity of the Romanian people and the solidarity of its citizens*”, while Art. 54 alin. 1 declared that “*loyalty to the country is a sacred duty*”.

The parliamentary *milieu*, adopting these changes, was extremely hostile: a report was compiled on the Romanians allegedly persecuted and expelled by the local Hungarians in the Székely Land after 22 December 1989,⁶² not mentioning, however, that those Romanians were settled there by the Communist regime to execute the orders of the Ceaușescu dictatorship and without any reference to the wave of lustration, the purge of communist-era officials, going on throughout most former socialist states. This parliamentary document deliberately created the false impression of ethnic clashes in the Hungarian-majority area instead of describing the events accurately. Later, in 1994, the Diocese of Covasna Harghita was created to rebuild the severely weakened Romanian Orthodox Church network, and to provide an umbrella for Romanian nation-building in the Székely Land.

Despite the agreement of 1990 and due to the assimilatory pressure exercised by the state on the Hungarian community, the first autonomy plans appeared very soon. First, the plans focused on the separation of the education system. In October 1992, the representatives of the Hungarian community adopted the Declaration of Kolozsvár/Cluj, demanding autonomy within Romania. After 1993, the comprehensive autonomy plans emerged, aiming simultaneously at the territorial autonomy of Székely Land, based on official bilingualism and effective self-governance, the local autonomy of

dapest, Reintegratio Könyvek, 2003, 12–14.

60 CAPELLE-POGACEAN, Antonela: Nemzet a poszkommunista Romániában: az egység utópiája és a különbözőség kihívása. *Pro Minoritate*, 1999/tél, 62–63.

61 Such a law is not unique; the French Constitution excludes the possibility of reinstating the monarchy, while the German Constitution declares the federal nature of Germany to be unchangeable. Of course, such constitutional arrangements can be changed but in two steps: first the legislator has to abolish the ban, and after that can be changed the text.

62 *Raportul Harghita Covasna* (1991) <http://agache-aurel.blogspot.be/2010/10/raportul-harghita-covasna-justificare.html> (9 June 2020)

smaller Hungarian-majority areas outside the Székely Land, and cultural autonomy providing linguistic rights, education and culture for the Hungarian diaspora elsewhere in Romania.

Despite the official discourse, that both *nation* and *nation-state* refer to the community of citizens, the text of the Romanian Constitution is still not clear: these words could have both civic and linguistic-ethnic meaning.⁶³ This became obvious with Decision no. 80 of the Constitutional Court (CC) in 2014, when the forum interpreted Art. 1 alin. 1 according to ethnic exclusivity.⁶⁴ The majority of the CC argued that (1) introducing special administrative units reflecting to historical particularities, and (2) the creation of minority self-governments, and (3) the legalisation of the use of minority symbols are all unconstitutional. According to the court, the first would harm the national and unitary nature of the state (points No. 29-36 of the decision), while the second, in addition to these, would also negatively affect citizens' equality before law. Furthermore, they argued that, although the possible consultation power of minority organisations is not unconstitutional it does need to be regulated in the Constitution (points No 37-44).⁶⁵ With regard to the use of minority symbols, they argued that, unless the state symbols are mentioned, the freedom to use minority symbols might lead to the false belief that minorities have an option to choose between their symbols and the symbols of Romania (points No. 48-51).

In his dissenting opinion, the ethnic Hungarian member of the CC argued that the example of Italy shows clearly that the unitary nature of a state does not exclude the possibility of regional autonomy (VI. 4.2.), and there are also examples for the parallel use of regional and state symbols. He urged the clarification of the term '*national*', since sometimes the Constitution uses the notion in an ethnic way, not in a civic one, which might result in minorities becoming *aliens* in their own motherland (III). He continued by stating that the recognition of special minority rights is not unfamiliar to the Romanian legal system: since 2003, the Constitution contains a provision at Art. 73 alin. 3 point r, on the obligation to adopt a law on the statute of minorities (IV. 3.).

Today, the fight for and against autonomy has several forms in Romania. Since Romanian nationalism has achieved most of its aims – for instance, the major Transylvanian towns, even Târgu Mureş – Marosvásárhely, the Székely capital –

63 IONESCU op. cit. 91–93., VARGA Attila: A román alkotmány módosításának főbb tételei. *Provincia*, 2002/8-9., 4–5.

64 *Decizia Nr.80 16 februarie 2014 asupra propunerii legislative privind revizuirea Constituției României* <https://lege5.ro/Gratuit/gm4tgojwg4/decizia-nr-80-2014-asupra-propunerii-legislative-privind-revizuirea-constitutiei-romaniei> (9 June 2020)

65 In Romania, when denying minority rights or implementing them in the narrowest way possible, the argumentation usually refers to the lack of Constitutional approval or legal inconsistency. Due to this position and the lack of a permissive social atmosphere, there is a constant effort from ethnic Hungarian politicians to regulate every minority right in detail in law.

have a Romanian majority, while the former German ethnic enclaves have vanished completely—today multiculturalism is presented as enriching Romanian culture⁶⁶ instead of a curse of alien intrusion as seen before.

However, using the Hungarian language and symbols – especially the Hungarian flag and the regional Székely flag – are still banned and sanctioned. For instance, Law 7/1994 bans the use of “alien” flags, including that of the Hungarian nation, identical to the flag of Hungary. Local self-governments are still fined for using the Hungarian flag, parallel to the Romanian, in 2019. Any official use of the regional Székely flag is also banned and sanctioned,⁶⁷ and it is over-politicised, since it represents an aspiration for autonomy towards both sides, the Hungarian community and the Romanian authorities, too. For instance, in January 2018, then acting Prime Minister Mihai Tudose said that “*those who fly the Székely flag on institutions should be hanged beside the flag. There should be no word about any kind of autonomy for the Székelys*” and that “*as a Romanian and prime minister, I reject any kind of dialogue in connection with creating autonomy on any part of Romania*”.⁶⁸ He withdrew his declaration in a couple of days; however, he soon had to resign from office, although not for this declaration.

Denominations can also be seen a threat to Romanian nation-statensness. In 2015, an NGO was not registered because its name would have been ‘Pro Turismo Terrae Sicolorum’ (*For the Tourism of the Székely Land* in Latin). In its verdict No. 2209/2015, dated on 14 December 2015, the Tribunal of Harghita argued that the denomination shows an impermissible ethnic focus of the future activity of the NGO, which is contrary to Art. 3 alin. 3 of the Constitution.⁶⁹ The applicants appealed against the first-instance judgment to the Courts of appeal in Târgu-Mureş. They argued that there were several registered NGOs bearing the name of Romanian-majority regions, for example Bucovina, Țara Oaşului, Țara Bârsei, etc. The Court of appeal, in its verdict No. 2/2016, dated 4 February 2016, declared the application inadmissible, arguing that the Constitution does not recognise regions. They also considered the case of the Romanian-majority regions mentioned by the applicants as different, since those are *ethnically neutral*, while the Székely Land is not. The problem with this argumentation,

66 DUMITRESCU, Doru – CĂPIȚĂ, Carol – MANEA, Mihai (eds.): *Istoria minorităților naționale din România – Material auxiliar pentru profesori de istorie*. București, Editura Didactică și Pedagogică, 2008, 17. The Parliament declared 25 May, 28 September, and 13 November the day of the Slovak, Czech, and Hungarian language in Romania, respectively.

67 Romanian courts consider the Székely flag a commercial flag, subjected to Law 185/2013 on commercial publications; see for example the decisions No. 1335/2015 of 27 November 2015 of the Court of appeal in Oradea, or the No. 95/320/2014 of 7 October 2014 of the Tribunal of Târgu Mureş.

68 Tudose: Dacă steagul secuiesc va flutura pe instituțiile de acolo, toți vor flutura lângă steag (11 January 2018) <https://stirileprotv.ro/stiri/politic/tudose-refuza-sa-discute-despre-autonomia-tinutului-secuiesc-udmr-mesaj-primitiv.html> (9 June 2020)

69 “Administratively, the territory of the state is organised into communes, cities, and counties. According to the law, some cities are proclaimed municipalities.”

besides giving a clear example of double-standards in Romania, is that there is no “ethnically neutral” denomination for the Székely Land in the Romanian language: it is called *Secuimea*, Ținutul Secuiesc or Țara Secuilor, i.e. all names are connected to the local majority Hungarian-speaking population.

Although the Romanian legal system and administration rejects any discussion on the fact that two and a half counties in the middle of Romania are different from the others, Romanian politics is aware of the difference. In this paper, we do not enter into detail about using the topic of autonomy for gaining political capital in general – but fighting demonised topics and myths is harmful: it might delay facing reality⁷⁰ – we will solely focus on events with special importance connected to our topic.

Between 2012 and 2014, a popular movement increased social awareness of using the then recently created regional Székely flag, giving in that way a symbol to striving for autonomy. In 2013 and 2014, several popular events were held, among them a 53-kilometre-long human chain in support of autonomy; and several local self-governments in Covasna, Mureș and Harghita counties adopted resolutions expressing their will to join the future autonomous Székely Land within Romania. This was a no-go for Romanian institutions and parties; for instance, the county leader of the then governing Social Democrat Party (PSD) threatened a member of the Miercurea Ciuc-Csíkszereda local council belonging to PSD with exclusion if he voted in favour of the resolution in which the seat of Harghita county expressed its will to join the autonomous Székely Land.⁷¹

Due to the intensification of population movements, Romanian state institutions started to step up against such events in the mid-2010s. The prefects (government representatives in the counties) sued the respective local governments due to their resolutions and central authorities and institutions also felt the necessity to raise their voices. In 2014, the Romanian Government presented its position on a proposal for the territorial autonomy of the Székely Land to the Szekler National Council.⁷² The government argued that there was no international obligation for Romania to grant collective rights to national minorities or ethnic autonomy. Furthermore, they expressed their concern that such an administrative reform might harm the functioning of the state and negatively affect the co-existence between the majority and the minorities.

The Romanian Intelligence Service (SRI) in its yearly report of 2014, the last one publicly available, mentioned “*ethnic extremism*”, “*pro-autonomist discourse*”, and “*the*

70 BOIA, Lucian: *Istorie și mit în conștiința românească*. București, Humanitas, 2011, 279.

71 Consiliul PSD amenințat cu demiterea: Ar fi votat pentru autonomia Ținutului Secuiesc (17 July 2014) <http://www.ziare.com/mircea-dusa/ministrul-apararii/consilier-psd-amenintat-cu-demiterea-ar-fi-votat-pentru-autonomia-tinutului-secuiesc-1311668> (9 June 2020)

72 Guvernul raspunde Consiliului National Secuiesc: Romania nu are nicio obligatie sa acorde autonomie teritoriala pe criterii etnice (11 June 2014) <https://www.hotnews.ro/stiri-esential-17465664-guvernul-raspunde-consiliului-national-secuiesc-romania-nu-are-nicio-obligatie-acorde-autonomie-teritoriala-criterii-etnice.htm> (9 June 2020)

aggressive manifestation of Székely specialties” as tasks they have to fight against.⁷³ The Superior Council of Magistracy (CSM) declared in 2014 that even a discussion on the autonomy of the Székely Land would be an attack on the rule of law, since that reaches beyond the limits of the Constitution.⁷⁴ Moreover, the first version of the strategy on public order and safety for the 2015-2020 period, drafted by the Ministry of Internal Affairs, specified struggles for ethnic autonomy as a threat to public order and safety;⁷⁵ however, this was omitted from the final version.⁷⁶

Romania has also done everything to step up against any action that could result in international pressure on it regarding the question of territorial autonomy. Without going into detail, it is to be noted that, internationally, Romania usually (falsely) describes striving for autonomy as a pro-Russian intrusion aiming at weakening NATO’s east flank. Romania has also been vocal in opposing the regulation of minority rights in the European Union: it attacked in Court the European Commission’s decision to register the Minority SafePack Initiative,⁷⁷ a European Citizens’ Initiative to adopt EU law on certain matters concerning national minorities,⁷⁸ and also attacked⁷⁹ the Commission’s decision that registered the proposed citizens’ initiative entitled ‘Cohesion policy for the equality of the regions and sustainability of the regional cultures’.⁸⁰ This latter was proposed by the Szekler National Council and rejected at first by the Commission in 2013; however, the initiators appealed the decision twice and eventually won before the General Court of the European Union. Romania also took part in that legal process on the losing side, that of the Commission.

73 *Raportul de activitate al Serviciului Român de Informații în anul 2014*, https://www.sri.ro/assets/files/rapoarte/2014/Raport_SRI_2014.pdf, 7

74 The text of the communication is available in Romanian at CSM: *Proiectul UDMR de autonomie, agresiune la statul de drept* (11 September 2014) <https://www.digi24.ro/stiri/actualitate/justitie/csm-proiectul-udmr-de-autonomie-agresiune-la-statul-de-drept-292557> (9 June 2020)

75 *Közbiztonsági veszélynek minősítenek az autonómia követelését* (24 March 2015) [https://www.maszol.ro/index.php/belfold/44935-kozbiztonsagi-veszelynek-minositenek-az-autonomia-kovet-leset](https://www.maszol.ro/index.php/belfold/44935-kozbiztonsagi-veszelynek-minositenek-az-autonomia-kovetel-leset) (9 June 2020)

76 *Strategia națională de ordine și siguranță publică 2015-2020*, Hotărâre 779/2015 <https://lege5.ro/Gratuit/haydeojtha/strategia-nationala-de-ordine-si-siguranța-publică-2015-2020-hotarare-779-2015?dp=haztombygqzde> (9 June 2020)

77 Romania lost the case in the first instance in 2019 (T-391/17, Romania v Commission); however, it appealed to the General Court of the European Union and the procedure is ongoing.

78 Minority SafePack Initiative, https://europa.eu/citizens-initiative/initiatives/details/2017/000004_en

79 Romania v Commission Case T-495/19.

80 Cohesion policy for the equality of the regions and sustainability of the regional cultures, <https://eci.ec.europa.eu/010/public/#/disabled> (9 June 2020)

6. The question of the Székely Land's autonomy in April 2020

There have been several occasions after 1989 when politicians used the topic of the Székely Land's autonomy for gaining political capital. There is an interesting example that happened in 2011, when Romanian President Traian Băsescu talked about a plan to re-organise the administrative system by creating greater regions with administrative powers comprising several counties, however excluding the Hungarian-majority counties of Covasna and Harghita. He intended to keep those two in direct subordination to Bucharest, as counties normally are in Romania, without allowing them to form a Hungarian-majority region, but also without merging them into one with a Romanian majority. The president denied rumours that he might have offered merging the two counties into a separate region.⁸¹

Since then, no central plan for reorganisation has been implemented, partly because the Romanian political elite have no answer to the challenge of the Székely Land. There have been, however, several drafts submitted to the Romanian Parliament on the autonomy of those Székely Land; those of 2004,⁸² 2005,⁸³ 2017,⁸⁴ and 2019,⁸⁵ all rejected by both Houses. Another draft was submitted to the Parliament in 2018, calling for the implementation of point III.1 of the Alba Iulia Resolution of 1918, i.e. providing self-governance to the Transylvanian minorities. The Chamber of Deputies rejected the draft in March 2019;⁸⁶ but it is currently on the agenda of the Senate.⁸⁷

These drafts were submitted by ethnic Hungarian MPs, yet with the intensification of the aspirations for autonomy, ethnic Romanian MPs felt the need to ban such activities. Two drafts were submitted in 2015, to ban territorial autonomy and any

81 *Basescu: Harghita si Covasna, "niciodata unite". Ce a propus presedintele, UDMR-ului* (22 June 2011) <http://stirileprotv.ro/stiri/politic/basescu-harghita-si-covasna-niciodata-unite-ce-a-propus-presedintele-udmr-ului.html> (9 June 2020)

82 Pl-x nr. 87/2004 Propunere legislativă privind Statutul de Autonomie al Ținutului Secuiesc http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=5343 (9 June 2020)

83 Pl-x nr. 295/2005 Propunere legislativă privind Statutul de autonomie al Ținutului Secuiesc http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=6470 (9 June 2020)

84 Pl-x nr. 5/2018 Propunere legislativă privind Statutul de autonomie al Ținutului Secuiesc http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=16801 (9 June 2020)

85 Pl-x nr. 670/2019 Propunere legislativă privind Statutul de autonomie al Ținutului Secuiesc http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=18286&cam=2 (9 June 2020)

86 Only the ethnic Hungarian MPs supported the draft and three Romanian MPs, two from Transylvania and one from the Republic of Moldova. <http://www.cdep.ro/pls/steno/evot2015.nominal?idv=22199&ord=3> (9 June 2020)

87 L148/2019 Propunere legislativă pentru implementarea subpunctului 1 al punctului III din Rezoluțiunea Adunării Naționale de la Alba Iulia din 1 decembrie 1918 https://senat.ro/legis/lista.aspx?nr_cls=L148&an_cls=2019 (9 June 2020)

form of secessionism⁸⁸ and ethnic flags,⁸⁹ respectively; however, both were rejected by the Parliament. Another symbolic question has been June 4, the day Hungary signed the Treaty of Trianon in 1920. In 2015, there were two drafts aiming to declare that date a national remembrance day; the first was withdrawn by the initiators,⁹⁰ while the second was rejected by the Houses.⁹¹ During the turbulences in the spring of 2020, detailed below, a third draft was however adopted by the Romanian Parliament, and sent to the CC for examination.⁹² The adoption of the law and thus declaring June 4 a national day was condemned by the leaders of the Hungarian community, arguing that Romania should acknowledge that, by signing the Treaty of Trianon, it received not only territory but also more than a million ethnic Hungarians to whom Romania has unfulfilled duties.⁹³

Drafts on the territorial autonomy of the Székely Land have always been sensitive issues; however, the case in the spring of 2020 was particularly so. The Romanian political class lost ground in the unprecedented situation created by the COVID-19 pandemic and they needed an issue to prove their ability to ‘defend’ the country. This came with the tacit approval⁹⁴ of a draft on the Székely Land’s autonomy by the Chamber of Deputies on 23 April 2020. The whole scandal arose in a very complicated situation when the Romanian elite was hopelessly struggling with the pandemic and receiving criticism on sensitive issues: circles from the Moldavian President attacked Romania for its ineffectual help in Moldova’s fight with the pandemic and pointing out that Hungary’s help was far more useful,⁹⁵ the Minority SafePack Initiative, with

88 *Pl-x nr. 152/2015 Propunere legislativă privind interzicerea autonomiei teritoriale și a oricărei forme de secesionism* http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=14202 (9 June 2020)
The Chamber of Deputies, as the decisive house, rejected the draft on 21 February 2017.

89 *Pl-x nr. 140/2015 Propunere legislativă privind interzicerea steagurilor cu caracter etnic* http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=14152 (9 June 2020)

90 *L253/2015 Propunere legislativă pentru declararea zilei de 4 iunie Ziua Tratatului de la Trianon*, https://senat.ro/legis/lista.aspx?nr_cls=L253&an_cls=2015 (9 June 2020)

91 *L480/2015 Propunere legislativă privind declararea Zilei de 4 Iunie Ziua Tratatului și a luptei împotriva asuprii maghiare*, https://senat.ro/legis/lista.aspx?nr_cls=L480&an_cls=2015 (9 June 2020)

92 *L459/2019 Propunere legislativă pentru declararea zilei de 4 iunie Ziua Tratatului de la Trianon*, https://senat.ro/legis/lista.aspx?nr_cls=L459&an_cls=2019 (9 June 2020)

93 *Magyarország sértegetése közepette szavazta meg a román parlament a Trianon-törvényt, ünnepnap lehet a diktátum évfordulója* (13 May 2020), https://kronikaonline.ro/belfold/kelemen-a-trianon-torvenyrol-buntudat-nelkuli-tobbseg-soha-nem-fitogtatja-a-hatalmat?fbclid=IwAR3jK6M-0JouUVtn7xkG5hb4Dw7Hl2ZFH_PoOLgByD2OOI1ZN93sdK2MPsdI (9 June 2020)

94 When the Chamber of Deputies is the first house to approve a draft, it has 45 days to do that—60 days for complex drafts and 30 days for drafts in an urgent procedure. If the Chamber fails to decide within the term, the drafts is considered adopted and transferred to the Senate for final approval. *Organizarea și funcționarea Camerei Deputaților – Procedura legislativă*, <http://www.cdep.ro/pls/dic/site.page?den=introcd1-i> (9 June 2020)

95 *Batjocura unui deputat din R. Moldova la adresa României, după ce Bucureștiul a oferit un ajutor uma-*

the aim of creating an EU framework for the protection of national minorities—seen as a threat by Romania⁹⁶ – was submitted to the European Council, and Hungary was preparing for the commemoration of the 100th anniversary of the Treaty of Trianon.

The leading role was played by the Saxon – ethnic German – Romanian president, Klaus Iohannis, who has started to build a political career for after his second, and last presidential term ends. He blamed his political opponent, the PSD, for helping UDMR to “*provide autonomy with wide competences for the Székely Land while the government and other authorities are fighting for Romanian lives*” and for “*giving Transylvania to Hungary*”.⁹⁷ Of course, the speaker of the Chamber, belonging to the PSD, also rejected the draft and blamed the government, supported by the President, for causing the tacit approval with its delayed answer to the draft.⁹⁸

This was not the first time for the incumbent Romanian President to attack PSD and injure the Hungarian community in Romania and Hungary at the same time: in 2014 he presented the aspirations for Székely Land autonomy as part of a secret PSD-plan for the feudalisation and ‘baronisation’ of Romania, i.e. subordinating the regions of the country to local strong-men, or ‘barons’.⁹⁹ In 2020, he again reiterated his firm stand for the unitary and national character of Romania, however, in such

nitar: Au trimis două lăzi cu măști când se termină carantina și după ce ne-a ajutat Ungaria (1 May 2020) https://adevarul.ro/moldova/politica/batjocura-unui-deputat-r-moldova-adresa-romaniei-bucurestiul-oferit-ajutor-umanitar-trimis-doua-lazi-masti-termina-carantina-ne-a-ajutat-ungaria-1_5eabf4d05163ec427151547e/index.html?utm_source=widget&utm_medium=website&utm_campaign=topdesktop (9 June 2020), and *Nou atac la adresa României din partea oamenilor lui Dodon: Nu aveți nici măcar potențialul Ungariei. Ajutoarele să le păstrați pentru spitalele din București* (1 May 2020) https://adevarul.ro/moldova/politica/nou-atac-adresa-romaniei-partea-oamenilor-dodon-nu-macar-potentialul-ungariei-ajutoarele-pastrati-spitale-ale-bucuresti-1_5eac37b15163ec42715380a7/index.html (9 June 2020)

96 The organisers of the Minority SafePack submitted a textual draft to the European Council in January 2020. In 2017, after the General Court ruled that the European Commission has to re-examine the European Citizens’ Initiative Minority SafePack, Romania attacked the decision; however, it lost the case in 2019. Case T-391/17 (ECLI:EU:T:2019:672) Romania appealed the decision and the case is ongoing.

97 *Declarația de presă susținută de Președintele României, domnul Klaus Iohannis* (29 April 2020) <https://www.presidency.ro/ro/media/declaratia-de-presa-sustinuta-de-presedintele-romaniei-donnul-klaus-iohannis1588152968> (9 June 2020)

98 *Senatul se reuneste de urgenta pentru autonomia Tinutului Secuiesc. Proiectul incaiera partidele: Ei sunt vinovatii!* (29 April 2020) <https://ziare.com/politica/lege/senatul-se-reuneste-de-urgenta-pentru-autonomia-tinutului-secuiesc-proiectul-incaiera-partidele-ei-sunt-vinovatii-1608959> (9 June 2020)

99 *Klaus Iohannis: In ultimii ani, ne indreptam spre feudalizarea, spre baronizarea Romaniei. Sunt adeptul statului national unitar. Nu cred in regionalizare pe criterii etnice* (11 August 2014) https://revistapresei.hotnews.ro/stiri-radio_tv-17873073-klaus-iohannis-ultimii-ani-indreptam-spre-feudalizarea-spre-baronizarea-romaniei-sunt-adeptul-statului-national-unitar-nu-cred-regionalizare-criterii-etnice.htm (9 June 2020)

a harsh way that it was described as a “strong nationalist message”,¹⁰⁰ and even the German press criticised him for using language not heard since the collapse of the national-communist regime of Ceaușescu in 1989.¹⁰¹

7. Conclusion

Autonomy has been seen as a remedy against nation-building nation-states in Central Europe but as a threat from the point of view of those states. Before World War I, the Romanian political elite considered political autonomy for geographic areas with an ethnic Romanian majority in the neighbouring countries a useful tool to impede concurrent nation-building and to lead to unification with Romania when the time is ripe. This conviction has been prevalent since then and resulted in firm anti-autonomy feelings after the Great Union of 1918, when Romania started to build its own nation-state covering a much bigger area than that the pre-war Romanian nation.

In the first decade after Transylvania’s incorporation into Romania in 1918-1919, the leaders of the Hungarian minority rejected any claim for an autonomous Székely Land since they were interested in a solution affecting every member of the community, not only those living in the Székely Land. This approach changed in the 1930s, but it did not lead to any change on the Romanian side.

A significant change came in 1952, when the Soviet leadership obliged Romania to create the Hungarian Autonomous Region in the Székely Land. The decision was motivated by the Soviet experiences and the strong will to avoid social changes turning into ethnic conflicts in the Hungarian-populated area of Romania. The institution, being very distinct from any Romanian minority policies, existed until 1968; however, the increasingly nationalist Romanian Workers’ Party changed its boundaries in 1960 to reduce the percentage of ethnic Hungarians. The region, autonomous in name only, could not have been self-governing in a totalitarian dictatorship; even so, that is the only example of Romania implementing at least nominal territorial autonomy for regions with a Hungarian ethnic majority to this day.

After 1989, the Romanian fears connected with autonomy did not cease; on the contrary, the political elite – on both the Romanian and ethnic Hungarian sides – started to use the topic to gain political power, pushing the issue into an over-politicised and extremely sensitive context where both sides apply the mentality of the zero-sum

100 *Romanian president causes diplomatic spat with Hungary* (4 May 2020) https://www.euractiv.com/section/all/short_news/romanian-president-causes-diplomatic-spat-with-hungary/?fbclid=IwAR1xWCf5FuoI5voi3B-ZYuLHNZYzU71E707avwc4joV7e_ZXDT60fgty4TE (9 June 2020)

101 *Rumäniens Präsident Klaus Johannis – Ein Hetzer als Karlspreisträger* (4 May 2020) https://www.spiegel.de/politik/ausland/rumaenien-praesident-klaus-johannis-ein-hetzer-als-karlspreistraeger-a-de417ba1-64aa-4c44-ba42-21a687f88154?fbclid=IwAR2Uy0BbxXpP_m3ZhZYRd-QMqsA5N91oaXhnUxqwcKF0-BErQnD-wtsHoc40 (9 June 2020)

game. This has resulted in declarations such as that of Romanian President Iohannis at the end of April 2020. The bitterness of the whole situation derives from lack of dialogue between the parties: one sustaining using every possible means the vision of a non-existent nation-stateness while the other striving for an autonomous Székely Land.

The losers are all of us: the Hungarian community, because they are always reminded that Romania is not their homeland; the Romanian majority because they are entertained by Romanian politicians using false fears of losing parts of the country instead of talking about enhancing social conditions and modernising Romania; Romania itself because it is stuck in a position where enormous funds are spent on an unnecessary fight, and Central Europe as well, since until the equal status of the Hungarian community is granted there can be no trust between Romania and Hungary, these two key countries connecting the Northern and Southern Slavic peoples, and lying between Germany and Russia.