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Hungary: Protection of ethnic minorities and institutional balance

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13 Hungary

United in support, divided by borders

Anna Gwiazda and Kenneth Benoit

United in support for the EU constitution, the Hungarians none the less remember the past dismemberment of their country, as a result of which a significant number of Hungarian minorities live in neighboring countries. Hence, it was not surprising that the Hungarian government's position at the IGC 2003–4 focused on the protection of minority rights, although institutional balance was also important. The only “exclusive” Hungarian proposal of the “protection of ethnic and national minorities” was supported by both the socialists and the opposition Fidesz–Hungarian Civic Party.

Hungary joined the European Union on 1 May 2004. EU membership had been a top priority of Hungarian foreign policy since 1990 (Vida 2002: 47). After having signed the association agreement with the EC in 1991, Hungary applied for EU membership in 1994 and began the EU accession negotiations in 1998. Hence, EU constitution building was overshadowed by the last stage of accession negotiations in 2002 and the EU accession referendum in 2003. The priority for the Hungarian government was to secure favorable terms of entry into the European Union followed by the positive outcome of its accession referendum. In fact, the information campaign for the referendum made almost no connection between Hungary's future membership and EU constitution building.

In Hungary support for European integration has always been high. Both the 2003 accession referendum and the 2004 parliamentary vote ratifying the EU constitution confirmed that both the public and major political parties support the European Union. The accession referendum, held on 12 April 2003, showed that 83.8 percent of voters favored Hungary's EU membership. In November 2004 the Hungarians' trust in the European Union was third highest (64 percent) among all the member and candidate states. Moreover, 62 percent of those surveyed supported the EU constitution, while only 9 percent opposed it (Eurobarometer 2004b). Similarly, all mainstream parties, although presenting different degrees of Euro-enthusiasm, favored both Hungary's EU membership as well as passage of the EU constitution. Unsurprisingly, in a parliamentary ratification, the EU constitution was overwhelmingly supported by the Hungarian legislature in December 2004.

Domestic structures in a comparative perspective

Hungary's political system is organized around its parliament, the *Országgyűlés*, Hungary's directly elected, single-chamber legislature. Comprising 386 elected representatives elected to fixed four-year terms, parliament selects the prime minister by a simple majority vote. The prime minister then selects his own ministers, which do not have to be chosen from the legislature. The constitution provides for a "constructive motion of no confidence" similar to the German provision, but such a motion has never been put forward. The Hungarian system also provides for a President of the Republic to act as a largely ceremonial head of state, elected by two-thirds of parliament but real executive power is vested in the prime minister and the government.

The Hungarian electoral system is one of the most complicated in use anywhere. The electoral system currently in use emerged from complex bargaining during the 1989 roundtable talks between the outgoing Communist Party and the opposition. The law establishes a mixed-member system of representation where 176 districts are elected using a two-round runoff format, and the rest of the seats are elected according to proportional representation with a minimum nationwide vote of 5 percent required to win seats in the proportional allocation.

At the beginning of EU constitution building Hungary was deep in the midst of an extremely divided electoral campaign for the elections of April 2002. Despite predictions that the coalition of the Fidesz–Civic Party and the Independent Smallholders' Party that had governed from 1998 to 2002 would win re-election, they were narrowly defeated by the electoral coalition of the Hungarian Socialist Party and the Alliance of Free Democrats which formed a coalition government headed by Prime Minister Péter Medgyessy.¹

While politics on most issues is sharply divided between the left-of-center ruling coalition and the right-of-center Fidesz–Hungarian Civic Party, there is a general consensus among all major parties favoring European accession and the strengthening of EU institutions. There are nuances, however; the Fidesz–Civic Party represents "Euro-realism" (*Magyar Hírlap*, 27 January 2003) characterized by a degree of "hidden Euro-skepticism" (Hegedűs 2003). However, the only parties openly against European integration were extreme parties with no seats from the 2002 election and only a few percentage points of the vote share. On the far right, the Hungarian Truth and Justice Party (MIÉP), with 4.4 percent of the list vote in 2002, was openly against Hungary's increased participation in a stronger EU. On the far left, Euro-skeptic views were expressed by the Hungarian Workers' Party, the *Munkáspárt*.

Constitutional policy coordination

In Hungary the minister of foreign affairs is responsible for leading and coordinating relations with the European Union. The analysis of the institutional elements of the ministry of foreign affairs illustrates the structural dimension of its centrality to the coordination and management of EU business in the Hungarian executive (Ágh and Rózsád 2004: 29).

The MFA hosts and facilitates the State Secretariat for Integration and External Economic Relations (SSIEER). Established in 1996, the SSIEER ensures a coherent approach to the EU and horizontal coordination of all aspect of EU–Hungarian relations. The EU coordination department in the SSIEER hosts an inter-ministerial Committee for EU Integration and an European Integration Council. While the inter-ministerial committee assures the coordination between the ministries, the European Integration Council is a consultative forum for the social partners focusing on European issues (Vida 2002: 65). Moreover, Prime Minister Medgyessy re-established an integration cabinet under his leadership which comprises the ministries of foreign affairs, of finance, of economy and of agriculture (Ágh and Rózsád 2004: 30).

Similarly, EU constitution building was coordinated by the MFA and, in particular, the State Secretariat for Integration and External Economic Relations. The SSIEER hosted an inter-ministerial task force composed of the representatives of the relevant ministries and different departments of the MFA. The Hungarian position at the IGC was approved by the integration cabinet, and soon after, the government approved the general mandate which was later discussed in the Grand Committee on European Integration² in the parliament in October 2003. During the IGC the reporting was constant and the foreign minister and the prime

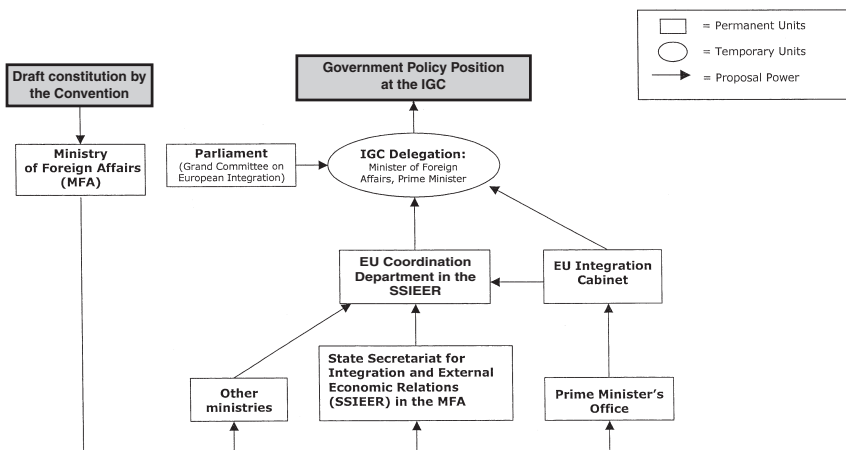


Figure 13.1 Hungary: domestic policy coordination for the IGC 2003–4.

minister, if needed, approved the adjustments to the Hungarian original position.

Data and empirical analysis of forming positions on the constitution for Europe

To investigate the positions of Hungarian actors on the EU constitution, we conducted two interviews with Hungarian experts in early 2004. One interviewee was an official from the State Secretariat for European Integration and External Economic Relations in the MFA while another interviewee was an outside government expert, an independent academic specializing in Hungary's EU relations. Both experts mentioned the MFA and the SSIEER as the most prominent in the formal coordination process.³

The vital issues for the Hungarian government at the IGC 2003–4, as presented by Foreign Minister László Kovács at the Grand Committee on European Integration in October 2003, included institutional balance and the protection of minority rights.

First, the institutional balance of the new European Union and the equality of all member states, regardless of their size and date of accession, should be preserved. The Hungarian representatives at the European Convention signed a joint initiative of 16 small and medium-size countries on institutional reform which emphasized the equality of member states and the preservation of the power equilibrium in the institutional triangle (European Parliament–Council–Commission). In general, the Hungarian government desired that the elements of the institutional reform should be considered in a package. The Hungarian position advocated keeping the rotating principle of the presidency. The Hungarian government favored a strong, independent Commission, extending its exclusive right of initiative and supported one commissioner per member state as envisaged in the Nice Treaty (Vida 2003). The Hungarian government accepted further strengthening of the European Parliament's power: the extension of majority voting in the Council, coupled with the co-decision procedure (Vida 2003). Moreover, it supported the European Parliament gaining extended rights in the adoption of the annual budget and the multi-annual financial framework.

Second, the rights of national and ethnic minorities should be protected and regarded as EU values. An SzDSz deputy justified the Hungarian position as follows: "the protection of the rights of minorities is an issue which is important for us, in the first instance, for domestic political reasons because there are significant Hungarian minorities which live in some neighboring countries" (Wekler 2003). Balázs, the Hungarian representative at the European Convention, added: "national minorities is a very special issue . . . after several divisions of former states, after the First World War, the Second World War, the collapse of the Soviet empire,

nation and state are very different things in this part of the world” (*JEF Europe* 2003). The Hungarian government supported the protection of ethnic minorities because a significant number of Hungarian minorities live in neighboring countries as a result of previous dismemberment of Hungary, in particular the 1920 Treaty of Trianon.⁴ This was an interesting postulate for the IGC, given the controversial Hungarian Status law⁵ introduced in 2001 which granted special rights to ethnic Hungarians in neighboring countries. The opposition party also strongly supported the government’s postulate. The Fidesz deputy put forward the idea of setting up a consultative committee for national and ethnic minorities representing the interests of the different minorities in the member states (Vida 2003: 53). For Mr Orbán, former Fidesz prime minister, the new essence of EU membership was “the spiritual association”⁶ of all Hungarians inside and beyond the country’s borders.

The two main postulates of the Hungarian position at the IGC had the support of all governmental actors mentioned by the experts as well as political parties. Our results confirm this view: the average governmental actor did not deviate from the national position (see Table 13.1). There were no deviating positions for policy related questions (0.0) as well as for institutional issues (0.0 percent). The domestic debate was thus characterized by no differences between the governmental actors.

However, the point of disagreement among the parliamentary parties was the Hungarian position on the inclusion of Christian values into the EU constitution. The official position of the Hungarian government was “not opposing, but not supporting.” In fact, the Hungarian Socialist Party was not enthusiastic about a religious reference. However, the opposition, in particular Deputy Szájer (Fidesz) wanted the religious reference to be included in the preamble. In fact, during the EU constitution-building debate, the opposition criticized the government mainly on two issues: inadequate involvement of the opposition parties in the preparation and the lack of support regarding Christian values.

According to one of the interviewees, the Hungarian government also supported the advancement of a social market economy at the European level, although there was no discussion of exactly what this entailed. In the area of migration, the visa requirements for Hungarian minorities living abroad were considered to be problematic. Moreover, for the Hungarian government a progressive framing of a common defense policy was an option. The Hungarian position had two basic points: first, to allow enhanced cooperation only if half of the member states participate in it; and second, that the members of enhanced cooperation should support those who are unable to join in their efforts for joining later.

The vital issues mentioned above were salient for the Hungarian government. However, they could not be regarded as credible threats to block a possible agreement. In fact, after the IGC had commenced and after the compromise proposals of the Italian presidency of the EU

Table 13.1 Cohesiveness of actors' positions in the Hungarian coordination process

National position comparison	Actor(s) (No. or type) (No.)	Observations (No.)	Deviations							
			from national position		on integration		related to			
			No.	%	toward less	%	toward more	%	institutional issues ^a	policy fields ^a
All actors	5	325	0	-	0	-	0	-	0	-
Subset										
Lead unit	MFA	65	0	-	0	-	0	-	0	-
<i>Deviations related to institutional issues</i>										
Nil										
<i>Deviations related to policy fields</i>										
Nil										
<i>Vital interests</i>										
Protection of ethnic and national minorities; Qualified majority threshold; Number of commissioners; Economic objectives; Enhanced cooperation; Regulation of jurisdiction with respect to external borders, immigration; Council voting rule for Common Security and Defense Policy										

Notes

a Percentage shares refer to subsets of institutional (43) and policy (22) issues. *Lead Unit* Leading unit in domestic coordination: Prime Minister's Office (PM) or Ministry of Foreign Affairs (MFA).

Council of Ministers had been put forward (and later confirmed by the Irish presidency), the Hungarian position slightly evolved.

While the original Hungarian proposal, put forward at the European Convention and subsequently reiterated in the Hungarian position at the IGC, was to include in the preamble or among the fundamental rights the “protection of ethnic and national minorities,” there was resistance from several countries, like Latvia, Belgium, Spain and France, to the proposal but the compromise formulation enabled them to reach agreement. The Hungarian government considered the compromise mentioning “rights of persons belonging to minorities” in Article I.2. to be acceptable. Consequently, the Hungarian government stressed that the final text of the EU constitution addressed the Hungarian concerns since the request of inclusion of the protection of minority rights as well as the “one country – one commissioner” principle until 2014 was accepted.

Moreover, with respect to enhanced cooperation in the area of foreign and security policy, although it was important for Hungary that the EU should develop its common defense policy, the government emphasized the danger of inefficient parallel structures and competition with NATO.

Furthermore, an important point of the Hungarian position was to maintain the equal rotation of member states for presidency of the Council. The proposal of the Italian presidency that three countries rotate during one year was acceptable for Hungary, and the government could support the permanent chairman of the Foreign Affairs Council.

On 20 December 2004 the Hungarian parliament voted overwhelmingly in favor of the EU constitution, with the 322–12 vote easily garnering the two-thirds majority of the 386 legislators required for passage. Of the 12 Hungarian deputies who voted against, seven were from the opposition Fidesz party and the rest were right-wing independent deputies. The Hungarian constitution permitted, but did not require, a binding and consultative referendum on the EU constitution. Such was the political support for the EU constitution that it was not deemed necessary. After the president had signed the EU constitution, Hungary’s ratification process was formally completed.

The public debate in Hungary on EU constitution building was limited. In 2003 the communication strategy mainly focused on the EU accession referendum, while the debate on the future of Europe was marginal. The European Convention was discussed by a small group of experts with the debate being far from the public, although the so-called Friends of the Convention, the initiative of Péter Balázs, the Hungarian government’s representative at the European Convention, represented an attempt to initiate debate. Nevertheless, the main debate focused on economic benefits of EU membership and favorable terms of EU accession, which was criticized mainly for a lack of vision of future Europe. As Csaba puts it:

the real question is not what Hungary or any other accession country is likely to gain in terms of the net balance of official transfers, but instead, what model of the future EU is likely to be in the best interest of Hungary and other newcomers?

(Csaba 2002: 5)

None the less, there was one issue in the future of Europe debate which gained the particular attention of the public: “the issue of protection of ethnic minorities dominated the news and policy analyses as if it had been the key issue regarding the historic European project” (Hegedűs 2004: 5). There were voices that the Hungarian priority had only relevance to domestic politics, so the Hungarian representatives at the IGC should have tried to talk “as little as possible” about this issue. “The Hungarian narrow-minded approach was not set in the context of the broader European debate on the future of the EU as in some other member states” (Hegedűs 2004: 5).

Conclusion

The parliamentary ratification of the EU constitution confirmed that there is a general consensus on the EU among all major political parties. Moreover, the Hungarians remain the third most pro-EU nation in the enlarged EU as the Eurobarometer survey showed in November 2004 (Eurobarometer 2004b). Although the degree of Euro-enthusiasm is varied, with the Fidesz–Hungarian Civic Party representing “Euro-realism” (*Magyar Hírlap*, 27 January 2003), two vital postulates for the IGC 2003–4 were supported.

The Hungarian vision of the EU focused on institutional balance and the protection of minority rights. The position of ministries coordinated by the State Secretariat for Integration and External Economic Relations in the MFA was united on the contested issues during the IGC. In addition, the only “exclusive” Hungarian proposal was also supported by the opposition Fidesz–Hungarian Civic Party. Certainly, for the Hungarians the past was important when designing the future EU institutional framework.

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Notes

- 1 Ferenc Gyurcsány replaced Péter Medgyessy as prime minister in August 2004, after Medgyessy had resigned due to a conflict with the coalition partner. The distribution of votes and seats in the most recent elections for parliament and the 2004 elections for the European Parliament, including the EP bloc affiliation of the parties, can be downloaded from the projects' website at dosei.dhv-speyer.de.
- 2 According to Agh and Rózsád (2004) the activities of the Hungarian parliament in European integration affairs are mainly carried out by parliamentary committees, especially by the Committee on European Integration Affairs and the Grand Committee on European Integration established in September 2002.
- 3 Modifying the coherence for the number of experts interviewed, we can compare the mean adapted coherence of the Hungarian case (0.98) with the overall coherence in the DOSEI data set, which is worse (0.85, see Appendix 2).
- 4 The Treaty of Trianon, signed in 1920, reduced the size and population of Hungary by about two-thirds, divesting it of virtually all areas that were not purely "Magyar." More than three million Hungarians were transferred to Romania, Yugoslavia and Czechoslovakia.
- 5 Under the 2001 Status Law ethnic Hungarians living in Romania, Slovakia, Ukraine, Serbia and Montenegro, Croatia and Slovenia were entitled to work in Hungary for a limited period, health treatment and education grants. Romania and Slovakia criticized the measure for being discriminatory and violating European standards. In June 2003 the Hungarian parliament amended the controversial law in an attempt to make it conform with EU guidelines, after the law had also been criticized by Brussels.
- 6 Cited in Hegedűs (2003).