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## **Constitutional Regulation in Europe on the Status of Minorities Living Abroad**

It is an old practice in Europe that the various national legal systems give preference to their co-nationals outside the borders as compared to other foreigners. After the political transformations, the constitutional regulation of the assistance of these ethnic groups has become a feature of constitutional activity in Central and East Europe. After the Russian Federation, Hungary has the most numerous communities living outside its borders (about 3,5 million persons). It is understandable that looking after the Hungarians outside the borders not only constitutes one of the pillars of Hungarian foreign policy in the 90s but the concern about their fate appeared already in the Constitution of 1989. According to Article 6 § 3 of the Constitution *'The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its borders and shall promote and foster their relations with Hungary'*.

However, Hungary is not the only State in the region, which formulated a 'national responsibility clause' of this type. Article 7 of the Romanian Constitution adopted in 1991, which is entitled 'Romanians Abroad' provides that *'The State shall support the strengthening of links with the Romanians living abroad and shall act accordingly for the preservation, development, and expression of their ethnic, cultural, linguistic, and religious identity under observance of the legislation of the State of which they are citizens'*. This provision is longer and more specific than the Hungarian 'responsibility clause' but, at the same time, more of a restraining nature for the 'fate of the Hungarians living outside the borders' is a wider concept than the 'preservation, of ethnic, cultural, linguistic, and religious identity'.

We can cite also the Slovenian Constitution which possesses a similar clause as well. Its Article 5 declares: *'Within its own territory, Slovenia shall protect human rights and fundamental freedoms. It shall uphold and guarantee the right of the autochthonous Italian and Hungarian ethnic communities. It shall attend to the welfare of the Slovenian minorities in neighbouring countries and of Slovenian emigrants and migrant workers abroad and shall promote their contacts with their homeland. It shall assist the preservation of the natural and cultural heritage of Slovenia in harmony with the creation of opportunities for the development of civilized society and cultural life in Slovenia. Slovenians not holding Slovenian citizenship shall enjoy special rights and privileges in Slovenia. The nature and extent of those rights and privileges shall be determined by statute'*. Thus, the Slovenian members of parliament framing the Constitution raised the idea of the future status law already in the Constitution. The Slovenian fundamental law went further than the above-mentioned Constitutions in one more respect by declaring: 'promoting the contacts with the homeland' to be the constitutional right of

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the autochthonous Italian and Hungarian ethnic communities.<sup>1</sup> The only defect of the provision is that the Constitution believes this right to be applicable exclusively with regard to the mentioned two 'autochthonous' minorities even though also Romas, Serbs, Croatians, and other minorities live on the territory of the country.

Article 7 (a) of the Slovak Constitution states that '*The Slovak Republic shall support national awareness and cultural identity of Slovaks living abroad and their institutions for achieving these goals as well as their relationships with their homeland*'.

Also Article 10 of the 1990 Croatian Constitution contains a provision on Croatians living outside the border. First, it declares that the Republic of Croatia protects the rights and interests of its citizens living or staying abroad, and promotes their links with the homeland. (This is connected presumably to the fact that until recently Croatia applied the legal institution of dual citizenship extensively in case of the Croatians living outside the borders.) After this, the article does not continue the provision by talking about citizens but says that 'parts of the Croatian nation in other States are guaranteed special concern and protection by the Republic of Croatia'. (Maybe this provision resembles the most the 'responsibility clause' of the Hungarian Constitution.)

Beyond the cited countries, also the Constitutions of Poland and Ukraine contain provisions with regard to those living outside the borders.<sup>2</sup> However, this emphasized attention to the persons of the same mother tongue and culture is not a peculiar feature of Central and East Europe. It was well before these Constitutions that a few Western European Constitutions and other laws formulated such provisions, which gave preference to their co-nationals living abroad. The most well-known of these examples is maybe the German regulation, which traditionally supports Germans outside the borders and greatly facilitates for them the obtainment of German citizenship. In conformity with the Preamble of the 1949 German Basic Law, the constituent power provided also in the interest of those Germans, whose participation in the reorganization of the German State was 'denied'. The Preamble applied only to those Germans living outside the borders of the Federal Republic of Germany, who lived in the Soviet occupation area. Subsequent to the German reunification, this provision was left out from the Preamble. Currently, Article 116 § 1 of the Basic Law applies to the ethnic Germans and their spouses living outside the borders and it undertakes no less than defining who can be considered German.<sup>3</sup> Germans arriving from the Volga region, from Transylvania, and from other territories could lodge a claim for the acquisition of German citizenship.

However, for example the regulation introduced by Portugal, a former colonial empire, can be interesting too. Article 15 § 3 of the 1976 Portugal Constitution declares that '*Citizens*

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<sup>1</sup> Article 64 of the Slovenian Constitution provides for this, which deals with the separate rights of the autochthonous Italian and Hungarian ethnic communities.

<sup>2</sup> According to Article 6 § 2 of the 1997 Polish Constitution, 'the Republic of Poland shall provide assistance to Poles living abroad to maintain their links with the national cultural heritage'. According to Article 12 of the 1996 Ukrainian Constitution, 'Ukraine provides for the satisfaction of national and cultural, and linguistic needs of Ukrainians residing beyond the borders of the State'.

<sup>3</sup> See Article 116 of the German Basic Law (In Hungarian In: *Nyugat-Európa alkotmányai* [Constitutions of Western Europe] Közgazdasági- és Jogi Könyvkiadó, Budapest, 1988.)

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*of Portuguese speaking countries may, by international convention and subject to reciprocity, be granted rights not otherwise conferred to aliens, except the right of access to membership of the organs of supreme authority and the organs of self-government of the autonomous regions, service in the armed forces, and access to the diplomatic service*<sup>4</sup>. The spirituality and origin is doubtlessly different from the regulation conception of Central and East European countries. Nonetheless, positive discrimination of foreigners of the same mother tongue and culture as opposed to the other foreigners can be traced here as well.

On the basis of the presented constitutional regulations, several countries adopted the so-called status laws, which filled the provisions of the Constitutions with content. From among the neighbour countries of Hungary, Slovenia, Slovakia, and Romania have already passed their 'status laws'.<sup>4</sup> So far, however, none of these laws have aroused such a fervent debate as the Hungarian regulation, adopted in the recent past. The tension about the adoption of the Hungarian law is supposedly in connection to the relatively great Hungarian minority population living outside the borders and the peculiarities of the history of Central European nations.

In the course of the controversies around the adoption of the Hungarian law, the accusation emerged on several occasions—especially on the part of the Romanian and Slovak parties—according to which the Hungarian law was discriminative against the non-Hungarian inhabitants of the surrounding countries. With respect to this, we can allude to the fact that the law generally does not treat those persons as a homogeneous entity, who are regarded as strangers. The law automatically distinguishes those foreigners, who stay in the territory of the State as immigrants, homeless, or refugees. Thus the legal status of foreigners itself is differentiated. At the same time, it is open to question whether or not international law permits differentiation merely on the basis of belonging to a minority. However, even if we pass over the detailed discussion of this question, it can be remarked that the already mentioned (German, Slovenian, Romanian, Slovak, etc.) regulations are also positively discriminating their co-nationals living abroad. Making a distinction among foreigners can be demonstrated also in reference to Article 6 § 3 of the Hungarian constitution, which declares that the Hungarian State bears a sense of responsibility for the fate of Hungarians living outside its borders. In any case, the legislator have recorded it in the preamble of the status law that they had regard to the obligations Hungary assumed under international law and the principles of Community Law. (For that matter, the Romanian and Slovak laws do not contain this clause.)

### **Comparison of the Hungarian status law and the regulation of the neighbouring countries**

It was Duray Miklós who wrote about the draft of the status law that 'we would have a law we have never had before'. This statement refers to the fact that there has never been a

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<sup>4</sup> The 1997 Slovak law appeared in no. 30 of *Zbierka zákonov*, the no. 2280 Resolution of the Slovenian Parliament passed on June 27, 1996, was published in the *Uradni list* of July 5, 1996. (Although the Slovenian law is referred to as 'status law', it was passed by the Parliament only as a resolution.) The Romanian law was published in the *Monitorul Oficial* of July 16, 1998.

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similar law in Hungarian legal history.<sup>5</sup> It can be explained maybe partly with this that the adoption of the act was preceded by marked political debates and exaggerated anticipations. Even the title of the bill was uncertain for long: status law was softened to benefit law and at last, the representatives voted on the 'Act on Hungarians living in neighbouring countries'.<sup>6</sup> The Parliament adopted the act on June 19, 2001. The wide social consensus of the time when the new law was framed is indicated by the fact that the legislature passed it with a majority of 92,4%. Notwithstanding the official title, the act passed into general consciousness as status law.

At the adoption of the act, the legislator relied heavily on the 'status laws' adopted previously in the neighbouring States. Besides, it provided a uniform legal framework and amended the provisions relative to the Hungarians living outside the borders. Several, generally lower level laws were adopted on the status of those outside the borders even previous to this one. In the following pages, we will make a comparison between the principles and certain specific provisions contained by the Hungarian status law and the similar laws of neighbouring countries. However, we have to point out that in case the provisions of the Hungarian act do not differ from the ones of the surrounding States, this in itself means neither that these provisions are just nor that they conform to the rules of international law.

When we examine the laws remembered usually as 'status laws' enacted in the area, we can perceive that the Romanian and the Slovenian acts can be regarded much more as support and benefit laws than 'status laws'. Yet, the Hungarian act is more of a benefit law as well, since its essence is constituted by those benefits and assistance, which it provides to the persons to whom it applies. As opposed to this, the Slovak act regulates basically the legal status of those living outside its borders, that is, it has the character of a status law indeed: it regards to be its primary task to regulate the status, rights, and obligations of Slovaks who are foreign citizens. (For that matter, only one obligation of the Slovaks abroad is named in the Slovak law, namely, the observance of the Slovak laws.)

As we analyse the status laws of the neighbouring countries, it is a conspicuous feature of the Slovenian regulation that it declaredly deals with the regulation of the status of persons living outside the borders as part of the international protection of minorities. This attitude is revealed by the already quoted Article of the Slovenian Constitution which appears also in the 'status law' and declares that 'Slovenia, as a member of the international community shall attend to protection of the autochthonous ethnic communities'.<sup>7</sup> Thus, the provision of the Preamble of the Hungarian status law which establishes that the Parliament had regard to the basic principles espoused by international organisations regarding the protection of minority rights, cannot be considered unprecedented.

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<sup>5</sup> See Duray, Miklós, *Sosemvolt törvényünk lesz!* [We will have a law we have never had before!] In: *Beszélgő*, May 2001.

<sup>6</sup> See Law LXII/2001 on Hungarians living in neighbouring countries.

<sup>7</sup> See Chapter III of The Resolution no. 2280 of the Slovenian Parliament on *the status and situation of the Slovenian minorities living in neighbouring countries and the duties of the Slovenian State and other bodies in this respect*.

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Another special feature of the Slovenian law is that it refers to the unity of the nation understood in a cultural sense: 'Those regions of the neighbouring countries where autochthonous Slovenian minorities live, form a common cultural area with the Republic of Slovenia'.<sup>8</sup> Presumably, also the Hungarian regulation had its origin in the concept of the cultural nation. The closing document of the Second Meeting of MÁÉRT (Hungarian Standing Conference) held in 1999 concluded that although 'the historical cataclysms of the Twentieth Century tore the Hungarian nation into several pieces, the nation remained united throughout in the spiritual realm'.<sup>9</sup> The Preamble of the adopted law declares that an aim of the document is to ensure that Hungarians living in neighbouring countries form part of the Hungarian nation as a whole. In connection to the law, a Romanian opinion was expressed in the terms of which the Hungarian draft united French nationalism with German federalism and thus, imagined Europe as an alliance of united nations endowed with spiritual borders. According to this view, the law makes Hungary the centre of the Magyars and, at the same time, regulates the conditions of the communication with the centre.<sup>10</sup> However, it is more likely that the original will of the legislator was to reconcile somewhat—if it was necessary—the chances of identification with the majority and the minority ethnic identity. That is, to even up the opportunities provided by one nation state and offset it with the opportunities provided by the other State.<sup>11</sup>

*The question of personal application*

One of the cardinal points of the Hungarian Status law is the question of personal application. The problem of the Hungarian Certificate, which serves as a basis for the benefits and assistance enumerated in the law, is closely connected to this question. The Act shall apply to persons declaring themselves to be of Hungarian nationality who are not Hungarian citizens and who have their residence in the Republic of Croatia, the Federal Republic of Yugoslavia, Romania, the Republic of Slovenia, the Slovak Republic or the Ukraine, and who have lost their Hungarian citizenship for reasons other than voluntary renunciation, and are not in possession of a permit for permanent stay in Hungary, and who are in possession of the Certificate specified in the Act.<sup>12</sup> At the same time, it is missing from the text that according to the will of the legislator, this Act would apply to the descendants of the persons who fall within the scope of the Act.

<sup>8</sup> See Article 1 § 1 of the Slovenian law.

<sup>9</sup> The closing document of the Second Meeting of MÁÉRT (Hungarian Standing Conference), Budapest, November 12, 1999. See on the Internet: [http://www.htmh.hu/konferencia/991112\\_standingconference.htm](http://www.htmh.hu/konferencia/991112_standingconference.htm)

<sup>10</sup> See in connection to this Stef, Traian, Magyar igazolvány [Hungarian Certificate]. *Provincia* no. 5, 2001.

<sup>11</sup> See in connection to this Molnár, Gusztáv, A státustörvény és az erdélyi kontextus [The status law and the Transylvanian context]. *Provincia* no. 5, 2001.

<sup>12</sup> In the last moment, the Hungarians living in Austria were excluded from falling within the scope of the law—also the rejecting opinion of the European Union had a role in this. Prime Minister Viktor Orbán declared in a TV interview: according to the EU, it is not possible to make a distinction among the citizens of the Union, that is, the Hungarians living in Austria cannot be treated more favourably than the citizens of the other States of the Union. See in connection to this Riba, István, A végek dicsérete [In laudem confinium]. *HVG*. June 23, 2001. p. 7.

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The original intention of the legislator was to make the Act applicable only to those persons and their descendants, whom were deprived of their Hungarian citizenship subsequent to the Peace Treaty of Paris. (However, because of this it can be considered worrisome that the provisions of the adopted Act do not apply to the Hungarians and their descendants living in Bohemia even though the Peace Treaty affected them too).

The Hungarian regulation is similar to the Slovenian 'status law', which is applicable in those regions of neighbouring countries where autochthonous Slovenian minorities live. The Slovenian Act specifically enumerates these territories: Carinthia and Styria in Austria, Friuli-Venezia Giulia Province in Italy, the Rába region in Hungary, territories of Croatia along the common border but especially Istria, Muraszombat (Gorski Kotar), and the area of Muraköz (Međimurje).

As opposed to this, every Slovak falls within the scope of the Slovak Act. The Romanian Act greatly resembles the Slovak one in this respect when it grants support to the 'Romanian communities from all over the world'. In general, the Romanian law talks about Romanians living abroad and their communities. Thus, it follows from the text of the Romanian law that it treats the Romanian communities outside the borders as subjects of the collective rights provided to them by the Act. (The Acts adopted by the other countries concentrate on individuals rather than communities.)

#### *The question of the Hungarian Certificate*

The issuing of documents similar to the Hungarian Certificate created by the Hungarian status law is not without antecedents in the various national regulations. It is worth examining from this respect the Slovak regulation—adopted in the Mečiar era—which preceded the Hungarian status law by almost four years. The Act on Slovaks abroad adopted in 1997 makes the use of benefits provided for in the law dependent upon taking out an 'Expatriate Card'. The difference in the regulations of the two countries lies in the fact that while in conformity with the Slovak law taking out the card is necessary if the applicant wants to make use of benefits regarding travel, education, employment, residence, and purchasing of property in the territory of Slovakia, according to the Hungarian law, it is a requirement to be in possession of the certificate to be able to profit from the (primarily individual) benefits either in the homeland or in the native country. (Thus, for example, a Hungarian student living outside the borders benefits indirectly from the assistance provided by the Hungarian State to the school in which that student is studying.) Moreover, it is an undisclosed aim of both of the Acts to prepare a register of those in possession of the document, which could be foreshadowing some kind of a national survey. It has to be emphasized, though, that one can be recorded in this register only by application and of one's own free will.

The documents can be issued in both countries by the central public administration bodies of the given country. The Act did not specify this but it is most probable that this authority will be the Ministry of the Interior in Hungary, while the documents are issued by the Ministry of Foreign Affairs in Slovakia. The two laws declare completely different principles on who is entitled to this document. The Slovak Act entrusts the Ministry of For-

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eign Affairs with deciding whether or not to issue the card if one meets the conditions set out in the Act. The basis of the issuing of the Hungarian certificate is the recommendation issued by the recommending organisation, which certifies that the applicant is of Hungarian nationality. In theory, if the conditions specified in the Act are met, the Hungarian authority has to issue the certificate for the applicant in possession of a recommendation.<sup>13</sup>

A further difference is that the Slovak Act provides for clear criteria for assessing one's Slovak origin. According to this, the applicant has to be of Slovak ethnicity or has to prove his/her Slovak language and cultural awareness.<sup>14</sup> In order to obtain the Expatriate Card, the applicant has to certify this with formal documents or a written testimony of a Slovak countryman organisation abroad or the testimony of at least two fellow Slovaks living abroad. The Slovak law considers one of Slovak ethnic origin if among his/her direct ancestors there was a Slovak (up to the third generation). However, these are, at the same time, rather subjective criteria, which increase the discretionary sphere of authority of Slovak authorities.

The Hungarian law does not specify the criteria for assessing the applicant's Hungarian origin. The Hungarian legislator entrusted the organisations representing the Hungarian national community in the neighbouring countries with this, and they can only examine one aspect, the applicant's national background.<sup>15</sup> The Hungarian law declares that the applicant has to submit a declaration on the identification with the Hungarian nationality, as it is a requirement for the issuing of the 'Hungarian Certificate'. Thus, the Hungarian law starts out from the freedom to choose one's identity. However, it also believes that this can be applied only with restrictions. The legislator was probably influenced by the negative experiences in connection to the Hungarian law on minorities and the infamous phenomenon known as 'ethnobusiness'. At the same time, also the principle of freedom to choose one's identity is infringed by the provision of the law, which e.g. denies the certificate from those who committed intentional criminal offence. For belonging to a nationality and committing a criminal act are completely different categories. For example, even a Slovenian mafioso can be of Hungarian nationality. Similarly, also the Slovak law refuses to issue the expatriate card to a person guilty of committing some intentional criminal offence. Besides, we could mention with regard to the Slovak law the openly discriminative regulation, which declares that the Slovak expatriate card cannot be issued to persons suffering from certain infectious diseases even if the applicant has

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<sup>13</sup> We can find among the conditions e.g. that the applicants lost their Hungarian citizenship for reasons other than voluntary renunciation, they are not in possession of a permit for permanent stay in Hungary, no criminal proceedings have been instituted against them, etc.

<sup>14</sup> The law requires at least a passive knowledge of the Slovak language and a basic knowledge of the Slovak culture. However, all this can be substituted by the active participation of the applicant in the life of the ethnic Slovak community.

<sup>15</sup> These public organisations, which have to operate in compliance with the regulations of the given country, have to be representative and also capable of providing for the organisational and personnel conditions for receiving and evaluating applications for recommendation. However, the Hungarian law cannot regulate their structure because they are foreign organisations.

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met the criteria specified in the law. These provisions of the Slovak and Hungarian laws result basically from the fact that the elements of *sui generis* law and the ordinances on immigration and naturalization are mixed in the status laws.

The next difference between the Hungarian certificate and the Slovak card is that the Slovak authority issues the card for an indefinite time frame (and with this it indicates the Slovak identity of the bearer forever), while the Hungarian authority generally establishes a specific time frame (5 years). However, both the Hungarian and Slovak laws mention the possibility of withdrawing the document, e.g. if the bearer committed intentional criminal offence in the territory of the kin-State and because of this has been expelled from there. Under the Hungarian law, the certificate is withdrawn also if criminal proceedings have been instituted against the bearer in Hungary for intentional criminal offence notwithstanding the fact that this provision violates the protection of innocence.

It is an important difference between the regulation of the two countries that Hungary, taking the principle of the unity of the family as its starting point, issues the Hungarian certificate not only to persons of Hungarian nationality but also to their spouses and children of minor age even if these persons are not of Hungarian nationality. This latter ('Certificate for Dependents of Persons of Hungarian Nationality') provides essentially the same rights, benefits and assistance as the 'Certificate on Hungarian Nationality'. In connection to this, such opinions have appeared in the neighbouring countries that the law might start a 'Hungarian re-assimilation' process. According to this point of view, the consequence of the law will be the increase of the 'birth ratio' of Hungarians with 'Hungarians born by the law', which is going to constitute a danger of Magyarisation.<sup>16</sup> However, there are other opinions too, which call the Act 'the law on the minority, which obtained the most favoured status'.<sup>17</sup>

#### *Benefits and assistance*

The essence of the Hungarian status law is constituted by the benefits and assistance provided to persons of Hungarian nationality—and the members of their family—living outside the borders and possessing the Hungarian certificate. The basis of the distinction between benefits and assistance is that while the persons are entitled to use the benefits, the assistance has to be applied for. (The financial background of the assistance is to be provided by the public benefit organisations founded for this purpose and financed by the central state budget.) The status law pronounces that the provisions regarding the benefits and assistance should be applied without prejudice to the obligations of Hungary undertaken in international agreements. (The legislator perhaps sought to calm the worrying politicians of the surrounding countries with this provision.)

<sup>16</sup> See in connection to this Cistelan, Al, Magyar törvény román bonyodalmakkal [Hungarian law with Romanian complications]. *Provincia* no. 5, 2001.

<sup>17</sup> See in connection to this Stef, Traian, Magyar igazolvány [Hungarian Certificate]. *Provincia* no. 5, 2001. p. 4.



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Part of the assistance provided for by the Hungarian law can be claimed not only in Hungary but also in the persons home-State; today, this is frequently criticized for being a violation of these States' national sovereignty. However, this criticism is unfounded given that the assistance of the mother country provided to the educational and cultural system of the persons living outside the borders has become a custom in the past decade and not only in this area but also in Western Europe. (Germany and Denmark, for example, assist many German and Danish institutions outside their borders.)

From among the laws of the neighbouring countries, the Slovak law provides only for the benefits claimable on the territory of Slovakia.<sup>18</sup> However, it is a common trait of the Romanian and Slovenian laws that they provide assistance also outside their borders in the assisted person's home-State. Although this is less apparent in the succinct Romanian law, Article 1 § 1 makes the situation unambiguous when it declares that 'In order to ensure the financing of actions aiming at the assistance of Romanian communities living on the territory of other States, a fund is established to be at the disposal of the Prime Minister.'<sup>19</sup> Thus, in compliance with the law, it is possible to assist, from a fund financed from the appropriated resources of the central budget, e.g. Romanian schools outside the borders and various actions related to culture and art. Another point in which the Romanian law is similar to the Hungarian is that it wishes to provide for health services in the kin-State for the persons living outside the borders. (Besides, the Romanian law pays close attention at the higher education of young people arriving from outside its borders.) The Romanian law, on the other hand, gives a relatively detailed description on the institutional background of the assistance. In this respect it is different from the Hungarian law, which is more concerned with the description and introduction of the various benefits and assistance given that it is a law of framework character. The law differs from the previous Hungarian practice—according to which the assistance provided by funds and public funds concentrated mostly on schools and institutions—only in so far as in the future not only institutions can claim assistance by way of application but also parents bringing up children attending an education institution according to their age and receiving training or education in Hungarian. However, a person is not entitled to the educational-schooling assistance set forth in the status law—one has to submit an application for it at the public benefit organisation established for this purpose.

Also the provisions introduced with regard to employment constitute a novelty as compared to the practice in Hungary previous to the law. The status law makes it possible for the bearers of the Hungarian certificate to work on the territory of Hungary with a permit, which can be issued for a maximum of three months per calendar year. However, a separate legal rule may allow for the issuing of work permits for longer periods of time under the same conditions. The provisions of the status law in connection to employment do not break with the concept of work permits for Hungarians living outside the borders, for

<sup>18</sup> This does not mean that Slovakia does not assist in their home-State the Slovaks living outside its borders.

<sup>19</sup> See Section 1 of *The Law regarding the support granted to the Romanian communities from all over the world*. In: *Románia Hivatalos Közlönye*. August 3, 1998.

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the bearers of the Hungarian certificate can be employed on the territory of Hungary only if they are in possession of a work permit. Similarly to the Hungarian law, also the Slovak and Slovenian laws contain provisions on the employment of persons living outside the borders. The Slovenian law provides for separate assistance for the employment of members of an autochthonous Slovenian minority in Slovenian economic enterprises. Moreover, it declares that this applies to those cases when minority enterprises perform services in the Republic of Slovenia until Slovenia will have joined the European Union. Originally, the Hungarian bill contained that the Republic of Hungary would assist the establishment and operation of profit oriented enterprises—in the surrounding countries—which would promote the aims of ethnic Hungarian communities living in the neighbouring countries. However, according to the EU, this provision would have violated the principle of fair competition and thus, the adopted law does not include the provision on economic strengthening of the Hungarian communities living outside the border. At the same time, Chapter II of the Slovenian law which provides for enhancing the economic strength of autochthonous minorities declares that it is a lasting and strategic interest of the Republic of Slovenia to strengthen the economic status of the autochthonous minorities and especially so in their autochthonous living area. Beyond this, the chapter includes also that Slovenia would create a separate fund for the promotion of economic co-operation with the Slovenian autochthonous minorities.

The various laws have different attitudes with respect to the question of immigration. The Slovak law seeks to make the residence of the bearers of the expatriate card easier in every respect, even if it is a long-term residence. Thus, the possession of the Slovak expatriate card constitutes an advantage in the process of evaluation of the citizenship application. As opposed to this, the Hungarian law wants to promote one's prosperity in the home-State. Given this, most of its referring provisions do not encourage the persons favoured by the law to stay in Hungary for longer periods. Also the Slovenian law wants to promote the stay in one's home-State, while the Romanian law does not discuss this issue. Nonetheless, it can be mentioned that Romania facilitates the obtainment of citizenship for those arriving from Moldova.

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In conclusion, we can state that the often-criticized Hungarian law differs much neither from the regulations adopted in the region previously nor from the practice developed in Hungary in the past. The relatively late adoption of the Hungarian status law might be explained by the complexity and sensitivity of the issues involved. The Hungarian law is no more than a framework document. For this reason, the principles set forth in it will have to be filled with legal content and put into practice by the executive ordinances, which are to be issued in the future.