

REGIO

Minorities, Politics, Society

Neighbourhood policy



Nationhood, Modernity, Democracy



Legitimacy of Kin-State Politics



Ethnic Activism



Geopolitics of Work Migrants



Images of the European Union in Hungary

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Introduction

CHALLENGE is a framework program (2004–2009) financed by the EU Commission. Our scientific consortium consists of about 20 academic institutes and seeks to facilitate more responsive and responsible judgments about new regimes and practices of security (with a particular focus on the emerging interface between internal and external security) in order to minimize the degree to which they undermine civil liberties, human rights and social cohesion. This new volume of *REGIO* covers neighborhood context and various aspects of security. Contemporary discussions on the merging between internal and external security and the relationship between liberty and security in Europe are seriously constrained by the degree to which the concepts, historical practices and institutions of liberty and security have been examined independently.

This analytical division of labor expresses the practical and institutional division of labor that has been encouraged by the structures of the modern international system and its distinction between foreign and domestic policies. Articles in this volume are informed by an appreciation of the historical circumstances under which this distinction became a crucial feature of political life in the modern world of sovereign states and of its consequences for the forms of liberal democratic politics that have emerged also in this part of Europe over the past few decades. More significantly, it is also informed by an analysis of a broad range of structural changes on a global scale that now pose many profound challenges to this defining feature of modern European politics. Conversely, and more crucially for this project, the familiar world of secured communities living within well-defined territories and sustaining all the celebrated liberties of civil society is now seriously in tension with a profound restructuring of political identities and practices of securitization.

This volume gives an overview of the changing faces of liberty and security in the CEE region. Beyond the political framework of neighborhood, majority society and nationalism of minorities as well as kin-states, the praxis of securitization or the „European culture of security” (The Hague Programme) is described through comprehensive regional statistics, economic analysis of migrant workers, or sociological survey on visa, border crossing and preparatory for introduction of the Schengen Regime. Due to the fact that our workshop is located in Hungary, the perspective of numerous papers is connected to Hungary, but the editors strongly hope the conclusions are generally applicable. The authors are recruited from academics from Hungary, Romania, Germany, USA and UK representing Diaspora, different generations and sciences, too. We confess it was a challenge for us to edit this volume of excellent and diverse scholars.

Judit Tóth and Zoltán Kántor,
editors

GEORGE SCHÖPFLIN

Nationhood, Modernity, Democracy*

The modern nation is the central and most effective guarantor of democracy. For many, this proposition is challenging, provocative and perhaps even offensive. The world is full of idealists who believe in the superiority of universal norms that all should accept. My position is that this is utopian, possibly the road to dystopia, because all ideas, all ideals, utopias, ways of seeing or improving the world are culturally coded and, therefore, represent a particular and particularist perspective. And to impose my particularist perspective on another is the high road to despotism.

One of my underlying assumptions is that all cultures are communities of moral value – they create moral values and demand recognition as communities of value creation and worth.¹ And if we accept this proposition, then it follows that we place a value on diversity, however much we may dislike certain practices that other communities of moral worth pursue. This position, however, is directly challenged by globalisation and human rights normativity, for instance, and the world that we live in can be interpreted along this polarity.

Centrally, there is constant tension between universalistic and particularistic discourses. It would be sad indeed if either were to triumph over the other. Both are needed. Universalism threatens to become oppressive unless challenged by ideas external to it and the same applies to

* Paper presented at the conference: “Manifestations of National Identity in Modern Europe” University of Minnesota, May 2001.

¹ Wuthnow, Robert: *Meaning and Moral Order: Explorations in Cultural Analysis*. Berkeley, CA: University of California Press, 1987.

particularism. But since the Enlightenment, we in the West have tended to privilege universalism and universalistic discourses and have tended unconsciously to assume that what we think is what all right-minded people think. Not so. The world is infinitely diverse and various.

Our views of the world, however much they may assume the guise of representing the most enlightened approach, is nevertheless bounded. None of us is culturally innocent. If this is so, then the role of culture and cultural diversity must be accepted as having a positive role in sustaining values that are meaningful. Indeed, if there is one thing is universal, it is diversity itself.

In the argument that follows, I want to take a very close look at the relationship between political power and cultural community. This is the pivot of my argument, that this relationship is real, that political power rests on bounded cultures and that the very real attainments of democracy are determined, in significant part, by the cultural foundations of political power.

My starting point is the coming of modernity. Modernity is a much contested concept and has dimensions in politics, the economy, society and culture in the widest sense, not to mention psychology and other areas. In the context of nationhood, however, the central determinant is the transformation of the nature of power. To cut a long story short, from the 17th century the early modern state underwent a significant shift in its contours and capacities. It radically enhanced its power over the inhabitants of the territories it controlled and began a process of territorial consolidation to secure this new-found power.² This shift took place for a number of interlocking reasons, mostly to do with the introduction of new technologies of information storage, military potential and methods of organisation. The information revolution of the 16th century was, of course, the invention of printing in the previous century, the application of this technology to the recording capacity of the state, the possibility of larger bureaucracies and the corresponding emergence of increased numbers of people who were literate. The outcome was what we have come to know as the absolutist state.

These practices were paralleled by the rapid growth of the scientific sphere – scientific in the widest sense of knowledge – which was to find

² Breuilly, John: *The State and Nationalism*. In Montserrat Guibernau and John Hutchinson (eds.): *Understanding Nationalism*. Cambridge: Polity, 2001. 32–52.

full form in the Enlightenment of the 18th century. By the mid-1700s, Europe was the home to a rising number of people with the literacy, the knowledge and the aspirations to constitute what today we would call an intellectual elite.³ This was the Republic of Letters. Simultaneously, new trading and production patterns, equally reliant on literacy, were resulting in a growing accumulation of wealth in private hands. This posed a problem for the state. Taxing the newly moneyed entrepreneurial classes would appear to offer new opportunities for extending the power of the state, but it was already understood that taxation without a corresponding quid pro quo was ineffective, because people did not like to be taxed without their control. In England, this issue had already come to the fore during the 1640s and was a key aspect of the civil war. Similarly, as the state intensified its coercive capacity, it discovered that people did not care to be coerced without their consent.

The question then arose – how, to what extent and in what way would the state redistribute power in order to attain the consent of the governed. It is in this moment that we can see the origins of citizenship and democracy. Without consent, there can be no democracy, of course. In the Thirteen Colonies, this proposition generated the slogan of “no taxation without representation”. Note that this was an extraordinarily radical idea, one that ran directly counter to the accepted order of access to political power as the exclusive privilege of birth, ie. the aristocracy.

The first beneficiaries of the new concept of governance found that the combination of these forces – rule by a degree of consent, economic power in the private sphere, intellectual exchange – allowed them access to disproportionate power. This was Britain and the Netherlands, to some extent France before the revolution and Switzerland. But the picture also had its dark side. Rule by consent immediately raised the problem of dissent. What would happen if a significant group of people chose not to consent, to demand access to power of their own? Should they be able to establish a new state? In pre-modernity, when state power was looser, this was not a serious issue. States could arise and disappear – this was the fate of Burgundy, for example. But once power, people and territory came together as the central resource, no holder of power would willingly countenance its disruption.

³ Bauman, Zygmunt: *Legislators and Interpreters*. Cambridge: Polity, 1987.

To cement these newly modernising states, therefore, something else was needed. Ideal-typically, to answer the problem of dissent, a shared culture had to be constructed which was sufficiently cohesive to preempt dissent and disruption. With modernity, no state would willingly countenance the loss of power and prestige that secession represented. The early modern state attained this by a combination of ethnic cleansing, oppression and assimilation of culturally deviant groups. France eliminated the Protestant Huguenots with the revocation of the Edict of Nantes. England marginalised English and Irish Catholics; in the Netherlands, again, Catholics were held down. And the United States began its international career by ethnically cleansing about a third of its population, the Loyalists who remained committed to the British crown. This also points towards something else – the growing role of secularisation by the 18th century.

Thus the modern state, in order to attain the degree of cultural homogeneity that would permit political heterogeneity, had to condense sufficient cultural power to make this act relatively risk-free. Sections of the population regarded as posing a potential risk had to be made to conform to a state-driven and elite-driven model of cultural and moral normativity. The state, therefore, took over some of the normative goal-setting that religion had performed until then and assumed the role of being the primary agent of coherence creation.⁴ In exchange, citizenship offered access to political power and the wider world of literacy, education and choice.

The question then arises, could this newly devised state-driven set of norms be purely or overwhelmingly civic, requiring no solidarity of the type that we would define today as ethnic? Initially, the situation was unclear and the early narratives were certainly civic. The French revolution invented the “citoyen” and all the inhabitants of the territory of France were potentially members of the civic French nation, though there was always a preference for the language of the Ile de France, just as in England the language of London was preferred over, say, Scots. Could one be a citizen of France while speaking Breton? No. Similarly

⁴ On the significance of coherence creation, see Eliade, Mircea: *The Myth of the Eternal Return: Cosmos and History*. London: Penguin, 1954. and Pléh, Csaba: A narrativumok mint a pszichológiai koherenciateremtés eszközei. [Narratives as instruments for creating psychological coherence] *Holmi*, Vol. 8, Nr. 2 (February 1996) 265–282.

in Britain, the idea that one could speak Welsh in the public sphere and assume full civic rights in that language would have been dismissed as laughable until the 1960s. From the outset, therefore, non-civic elements were brought into nationhood and citizenship was conjoined with language, thereby necessarily importing the non-philological qualities of language into citizenship.⁵ It is naive, dangerously naive, to suppose that a language can be neutral in this respect. However, this did not and does not mean that a state must be monolingual, but life is much easier if the civic world actually is monolingual.

From this perspective, the idea of the civic contract as being the determinant of the nature of the modern state was always a legend, a self-serving narrative. Citizenship is a cold concept. Legal regulation, administrative procedures, rights and entitlements do not build solidarity and trust. Citizenship needs a cultural foundation and cultures have qualities of their own that cut across the ostensible goals of full and equal citizenship for all the residents of a state territory.⁶

The problem with basing civic rights exclusively on residence, taxation and obeying the law, as universalists like to do, is that it ignores the tacit norms, the implicit bases of consent. As children of the Enlightenment, we like to believe that we are possessors of a seamless universal rationality. This is a fallacy. It assumes either that cultures are so alike that all differences can be ironed out without any damage or difficulty, or that those who disagree with us are motivated by ill-will, ignorance or stupidity. The possibility that such disagreement may derive from the collision of different cultural norms is regarded with suspicion, given that no culture is easy with the relativisation of its own moral norms.

In reality, everything that we do is culturally coded and our own universalist assumptions are never culturally innocent. There are, of course, structural similarities and parallels, and it is the task of the social sciences to identify them, but beyond a given threshold, difference prevails.⁷ If we ignore these differences, we end up imposing our norms on others; the name for this is imperialism. Hence in our understanding of

⁵ Lotman, Yuri M.: *Universe of the Mind: a Semiotic Theory of Culture*. London: I.B. Tauris, 2001.

⁶ Bryant, Christopher G.A.: Civic Nation, Civil Society, Civil Religion. In John Hall (ed.): *Civil Society: Theory, History, Comparison*. Cambridge: Polity, 1995. 136–157.

⁷ Elias, Norbert: *A szociológia lényege* [Hungarian translation of *Was ist Soziologie*] Budapest: Napvilág, 1998.

modernity and democracy, we must recognise the pre-eminent role of cultural norms and this brings us to the problematic of culture itself.

All cultures are collective; they include and exclude; they give us a particular set of identities; they allow us to make sense of the world; they offer us collective regulation and collective forms of knowledge; and they are bounded. These boundaries may shift but they will not vanish. They protect the culture in question and act as a filter through which new ideas are received and integrated. And all cultures rely on broadly similar mechanisms to keep themselves in being.⁸ They engage in cultural reproduction and construct memory, a myth-symbol complex, forms of mutual recognition and the quest for acceptance of their moral worth as communities of value.⁹ If threatened, they will redouble their efforts to protect cultural reproduction. Hence in our analysis of cultures, it is vital to recognise that cultural reproduction has a rationality of its own, one that certainly defies material rationality and utilitarian satisfaction. Indeed, whenever you hear a particular pattern of collective behaviour by another group being described as “irrational”, you can be certain that the speaker is making a statement about h/h own boundedness.

The problematic does not end there, however. If we can now recognise the relationship between citizenship and culture, and the central significance of cultural reproduction, it follows that the rise of the modern state, with some of its base in the realm of culture, simultaneously means a disproportion in power relations. Some states are evidently more powerful than others. This can be argued as a form of uneven development, though hardly in the Marxian sense. Put simply, the rise of several politically, economically and militarily powerful states in Europe in the latter part of the 18th century threatened the cultural reproduction of other, less powerful communities. Once the early starters had been successful in condensing power around the political-cultural base, they threatened the cultural norms of other, less developed collectivities. The Napoleonic wars were at least in part about this phenomenon. The weaker cultural communities had no option but respond or vanish, and few of them were

⁸ Barth, Fredrik (ed.): *Ethnic Groups and Boundaries: the Social Organisation of Culture Difference*. Bergen/Oslo: Universitetsforlaget, 1969; Donnan, Hastings and Thomas M. Wilson: *Borders: Frontiers of Identity, Nation and State*. Oxford: Berg, 1999.

⁹ Hankiss, Elemér: *Fears and Symbols*. Budapest: CEU Press, 2000.

prepared to face disappearance with equanimity. The patterns established then lasted and are still clearly recognisable.

The outcome was a frenzied race to construct modern – more accurately “modern” – cultures, cultural communities that could compete with the condensing power of the emergent modern states – France, Britain, the Netherlands, Denmark, Switzerland, Sweden. The difficulty for the latecomers was that they lacked the political, economic and cultural resources of the early entrants to modernity and were, therefore, constrained, obliged to construct a modernity from their own, inadequate resources. Without modernity and without autonomous access to political power, which did not necessarily have to mean state independence, they were doomed and they knew it. The literature of the latecomers in Central and South-Eastern Europe, for instance, is full references to the fear of extinction.¹⁰ This pattern then determines the history of Europe, as well as of nationhood, culture and democracy, until our time.

We are now in a position to see the quality of modern nationhood from a perspective that is different from the conventional view that privileges citizenship and universalism over culture and particularism, preferring to screen out the latter. Next, a few words on the relationship between culture and ethnicity. All cultures create identity, but not all identities are ethnic. Some identities are completely transient, others are restricted or contingent, yet others are partial. The particular qualities of ethnicity, however, demand further scrutiny. Ethnicity, and I am using the word in its European sense not in its North American meaning of hyphenated identity, is to be understood as a culturally dense set of shared meanings that create provision for making the world coherent and meaningful. A world of meanings is one of collective narratives which tell us what the world is about, what is positive and what is negative, why things happen and how we should behave. Without such meanings, the world is incoherent and terrifying. Individuals are left isolated and unable to cope. It follows that we all have both individual and collective identities. It is, again, naive to suppose otherwise.

Thus ethnicity is the web of meanings through which we understand and recognise one another and the world in which we live. It exists both in the explicit and the implicit dimension, in that ethnicity is part

¹⁰ Kohn, Hans: *Nationalism: its Meaning and History*. Princeton: van Nostrand, 1955. gives several examples.

of the code through which we can take certain ideas, certain forms of knowledge for granted. When we say that something is “sensible” or that it is “common sense”, we are tacitly referring to the ethnic forms of knowledge that we all have. There is nothing inherently reprehensible in this. The problems arise in the relationship between ethnicity and political power and that, as I have been arguing, is an inevitable and ineluctable aspect of modernity and thus of mass access to power through democracy. Nationhood, then, is constructed at the intersection of cultural reproduction and democratic political power.

The instruments of identity construction are complex, but may be unravelled by using some of the insights of sociology, anthropology and cultural studies. My approach is post-Durkheimian. As far as I am concerned, collective identities are constructed and real for those living in them. A brief summary of these processes of identity construction yields something like this: collective and individual identities impact on one another reciprocally. There is a continuous construction of both the individual and the collective self and some of this is implicit or occluded. Reflexive processes relativise our sense of identity, but do not eliminate them.¹¹

A collective identity constructs a thought-world and a corresponding thought-style; these organise modes of thinking and the style of articulating them. Identities are anchored around a set of moral ideas, signifying that identity raises issues of “right” and “wrong” and that this is collective. The absence of moral regulation produces anomie, loss of identity and self.¹² The collective self is a collective identity. It creates collective forms of knowledge, it provides answers to a whole range of problems which exceed the capacity of the individual, like that of individual responsibility and remoteness of cause and effect. Collectivities are engaged in cultural reproduction and protection of the collective boundary. These is undertaken by reliance on a myth-symbol complex, boundary markers and filters. Crucially, the collective identity creates and sustains a discursive field which holds meanings steady by establishing a plausibility structure.¹³

¹¹ Douglas, Mary: *How Institutions Think*. Syracuse NY: Syracuse University Press, 1986; Giddens, Anthony: *The Consequences of Modernity*. Cambridge: Polity, 1990.

¹² Durkheim, Emile: *The Elementary Forms of Religious Life*. New York: Free Press, 1995.

¹³ Berger, Peter: *The Sacred Canopy: Elements of a Sociological Theory of Religion*. New York: Doubleday, 1967.

Benedict Anderson's theory of imagining a collective existence functions implicitly by relying on the theory of discursive fields.¹⁴ These discursive fields offer the individual stability and security and are the foundation for communication, as well as for providing a sense of identity over time. Crucially, the continuous definition and redefinition of identity requires an ongoing normative debate.¹⁵ In the absence of such debate, norms are simply imposed on the weaker party.

And given the significance of discursive fields in sustaining collective existence, it is hardly surprising that all identity groups seeks to minimise ambiguity and to establish as far as possible a single, unchallengeable sense to utterances. Collectivities rely heavily on the production of monology – the elimination of ambiguity – whether of the thought-style or at the moment of receiving external ideas. It is equally clear that such monology is under perpetual challenge both from within and from outside. Monology cannot be sustained, but is a continuous endeavour of collective existence.¹⁶

Ultimately, collective identities give the individual's life a meaning beyond the individual lifetime, they are a way of constructing the past and the future. However, identities may be fractured by, for example, the impact of change (political, economic, technological) which bring the existing construct of meanings into doubt. The outcome can be a devastating crisis for the collective in question.

From this brief sketch, it should be clear that identities and identity construction are a complex and often sensitive area, one that is frequently misunderstood, and the insensitivity of external actors with greater power than the community in question can have far-reaching negative consequences. The coming of modernity was a crisis of this kind for latecomers; and this process is continuous, given the dynamic, rapidly changing nature of the world today. National communities which think that they have adapted successfully to the demands of modernity discover that the goalposts have been shifted without their participation.

¹⁴ Anderson, Benedict: *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1991.

¹⁵ Douglas, Mary: *Risk and Blame: Essays in Cultural Theory*. London: Routledge, 1992.

¹⁶ Dentith, Simon: *Bakhtinian Thought: an Introductory Reader*. London: Routledge, 1995; Holquist, Michael: *Dialogism: Bakhtin and his World*. London: Routledge, 1990.

This now brings us to the next set of problems. We have become accustomed to the sensationalist accounts of ethnicity of journalism, seen at this popular level as an unmitigated evil, and reinforced by our own inclination towards seeing our norms as universal which leads us to undervalue or devalue the norms of others. We marginalise the role of solidarity in the construction of democracy overwhelmingly because we in the West have been fortunate enough to live in solidly established democratic societies.

If we turn now to Central and South-Eastern Europe where new democracies are being constructed, it is far too easy to believe that these are unsuccessful or are solely operated for the benefit of ethnic majorities or sustain their thin democratic practices only because of the pressures of the West. A deeper analysis of nationhood produces a different conclusion. The central problem for the political communities emerging from communism a decade ago was the scarcity of materials from which to build democracy and, second, the problem – still a problem – of trying to build a democratic order that goes with the grain of cultural expectations.

The grain of cultural expectations is a metaphor, of course, and the central problem for the post-communist region was to establish a social base for a democratic order, one that goes beyond surface compliance. In Central Europe, this has been broadly successful. There is both elite and popular acceptance of and support for democracy and there has been some movement towards the acceptance of the diversity and complexity that modernity produces, and towards giving some of this diversity a political representation. Of course there are flaws and failures, and these are picked up and exaggerated by the Western press, but the overall trend is set to fair.

What the West – to be precise, the dominant states of the West – finds very difficult to understand and, therefore, to integrate into its perception of the region is the phenomenon of cultural insecurity. The mainstream history of Europe and the West has been written from the perspective of the successful actors and these have been the larger states. But there is another history, one written from the standpoint of the small state. This putative alternative viewpoint would give us a quite different picture. It would show, for example, that the dominant powers in Europe have consistently ignored the narratives of the smaller cultural communities and stigmatised them as provincial or irrational.

If one looks at the past through eyes of the Central or South-East Europeans, the past is often malign and under the control of other, external forces.¹⁷

This phenomenon, this sense of seeing oneself as marginal, on the periphery, has been an enduring aspect of the region.¹⁸ But the smaller states of Western Europe are not significantly different. Their central concern has been to match the capacity of the large states in condensing cultural and political power in order to develop their own domestic models of modernity. Scandinavia has been successful on the whole, as have the Low Countries and Portugal. But the experience of Central and South-Eastern Europe points in the other direction.

Now this factor is relevant to the present day, because it helps to explain the role of ethnicity in the politics of the region. Given the preeminence of the larger states, the Central and South-East Europeans have repeatedly had to live with the experience of having externally developed models of modernity foisted on them, often enough without a second thought as to their own norms and imperatives. Communism was the most extreme of these externally-driven modernisations, but there have been many others in history, including modern history. Indeed, the reception of democracy and integration into the European Union has certain structural similarities with earlier transformations. Not unexpectedly, the sense of being at the mercy of external forces impels these communities, or at any rate some members of these communities, to retreat into their cultural citadels, into a cultural isolation, for fear that otherwise their cultural reproduction will be at risk. It is this fear for the continued existence of the community that underlies resonance of ethnic and ethnicised discourses. It is not the whole story, of course; the acceptance of democratic norms has been genuine, but the lack of time to construct their own responses and the impatience of the West have had their consequences.

In any case, small states and small cultural communities suffer certain disadvantages that large states seem quite incapable of understanding, or so the history of the last two centuries would suggest. On the one hand, access to power is clearly more direct in a small state – any-

¹⁷ Glenny, Misha: *The Balkans 1804–1999: Nationalism, War and the Great Powers*. London: Granta, 1999. argues this forcefully in the case of South-Eastern Europe.

¹⁸ Milosz, Czeslaw: *The Witness of Poetry*. Cambridge MA: Harvard University Press, 1983.

thing below a population of 20 million is small – because the number of levels of representation is fewer. It is easier for individuals to make their mark. And the members of the elite come to know one another well. As against this, it is much more problematical to generate the kind of cultural density that large states can do, indeed do so without any conscious effort. As a result, small states are more exposed to external influences and need stronger barriers to protect their cultural norms. This necessarily leads them to adopt practices that are supportive of ethnicity and ethnic discourses, even when this flies in the face of the human rights normativity that large states have elaborated. It would help, if the larger states practised a measure of self-limitation, held back and tried understand the needs of smaller communities. But they do not do so. Nor do they engage them in normative debate, which is essential if the parties are to internalise values rather than merely react passively. Power implies responsibility, but political actors can find this responsibility difficult to discharge when it comes to other actors whom they do not recognise as fully equal.

An example from current events. It is clear to anyone who knows the dynamics of ethnic cultural reproduction that no amount of cajoling or bribery or threats will produce the kind of ethnic cooperation in the Kosovo or Macedonia that the West is seeking to attain in the name of multiculturalism. This is not because the Albanians, Serbs and Macedonians are obstinate, recalcitrant or ill-intentioned, but because Western projects pay scant attention to their cultural fears. The best that can be attained at this time, in order to secure the minimum, is the institutionalisation of parallel societies, but the West will not hear of this. The outcome is continued insecurity all round and no amount of Western money or pressure will change this. The local actors will pay lip-service to what they think the West wants to hear, but that is as far as they will go.

The proposition so far has been that the state acquired new power in the 17th and 18th centuries, that to exercise that power efficiently, it had to develop a reciprocal relationship between rulers and ruled and the redistribution of power was most effective within a relatively homogeneous culture. This indicates that from the outset, ethnicity – shared culture – was an integral part of democracy and that modern nationhood cannot be conceived of without the collective cultural norms condensed by the state. All this suggests that a high capacity state reliant on a web of shared cultural norms is a necessary condition for citizenship.

The problem at the start of the new millennium is that the established states of the West, which have constructed successful democracies, are coming under pressure from two disparate but conceptually related directions. From within, the explosion of civil society and the proliferation of civil social actors – lobbies, pressure groups, charities, semi-state agencies, identity movements, entitlement claimants etc – are transforming the nature of the relationship between rulers and ruled.¹⁹ Not only is party politics weaker, but the authority of the central state bodies is declining. The state is losing its capacity to condense cultural power in the way that it could even in the very recent past. If it continues to lose this capacity, it could endanger civil society itself, as civil society without state regulation and enforcement of the rule of law rapidly becomes uncivil, as has happened in Russia.

Simultaneously, the power of the state is being eroded by globalisation.²⁰ The consequences are likely to be an unexpected transformation of politics. Parallel to the growth of civil society, there could well be an increase in ethnic identification. States, finding that their capacity to condense civic power is under challenge, could come to rely more heavily on ethnic or ethnicised discourses. Large states are becoming smaller in the context of globalisation. This does not have to be a disaster for democracy, as some fear. There are well-tried instruments for regulating inter-ethnic relations. But what is beyond doubt is that the universalism of the cultural great powers, the belief that the French or British or American way of doing things is proper for everyone, will come under threat and the diversity of cultures, articulated as ethnic identity, will find ever stronger expression.

¹⁹ Bauman, Zygmunt: *In Search of Politics*. Cambridge: Polity, 1999.

²⁰ Urry, John: *Sociology beyond Societies: Mobilities for the Twenty-first Century*. London: Routledge, 2000; Bauman, Zygmunt: *Globalization: the Human Consequences*. Cambridge: Polity, 1998.

JUDIT TÓTH

Relations of Kin-state and Kin-minorities in the Shadow of the Schengen Regime

On the stakeholders

Since the early 1990's, eastward enlargement process has faced the Schengen Regime's shadow. Though a symbol of the better European integration in terms of both free movement and security, its possible effects on eastern EU member states have raised concerns. Discourses on the pros and cons of rigid border control, obtaining visas, and entry restrictions for non-EU nationals have greatly influenced *kin-state and kin-minority relations*, external and internal affairs of affected states or communities, as well as anti-European sentiments. This occurs without any reference to the minority situation.

EU enlargement creates a new external border in the eastern part of the continent. Beginning at the northern twin-town of Narva Ivangorod on the Estonian-Russian border, this new border stretches through the areas of Western Belarus that border Latvia, Lithuania and Poland to the Ukrainian borders with Poland, Slovakia, Hungary and continues towards the south along the Romanian borders with Moldova and Ukraine. There will also be the Russian enclave of Kaliningrad, surrounded by Poland and Lithuania. Other new external EU borders are being drawn between Hungary and Slovenia, on one hand, and Serbia-Macedonia and Croatia on the other.¹

¹ Judit Tóth: Connections of Kin-minorities to the Kin-state in the Extended Schengen Zone. *European Journal of Migration and Law*, Nr. 5, 2003. 201–227.

This borderline goes through areas inhabited by people of similar cultural and historical backgrounds, who are, in a way, socially and ethnically related. The EU border also divides communities that belonged to one country during the communist era and that have continued to preserve and foster social ties since that time. Areas on both sides of the new eastern border are characterized by their peripheral nature. Here, there are rural communities that in addition to lacking industrial centers and being under-subsidised also have high unemployment rates, poor infrastructure, and an aging population. While the set of tools for cross-border co-operation are able to influence “neighbourly” relations, the peripheral nature of these areas also greatly contributes to the mutual attraction for an *ad hoc development of cross-border contacts*, especially in regards to business. This means that the role of cross-border co-operation in the eastern regions has changed significantly from the time when its function was to strengthen EU member state integration and cohesion.

The *rate and absolute number of ethnic and national minorities* residing in the border zone of new and acceding EU member states is significant. Eastward enlargement means that 71 minority communities with a total population of at least 11.2 million – with 7.2 million in the ten new member states and at least 4 million persons in two acceding states – will be added to the 30 million people of 58 minority groups within the old member states. Because it is almost ten percent of the total population in the enlarging EU, minority issues have become an *organic part of internal policy and regional affairs*. The cessation of border control at internal borders and the possibility of free movement inside the Schengen zone is intended to inspire regional cooperation among kin-states and kin-minorities living in border areas. Almost all of the new member and acceding states have kin-minorities and diasporas in other member/candidate states or in several countries outside the enlargement perspective.

For both practical and symbolic reasons, the *management of these sensitive external borders* has a profound impact on the relations between EU and non-EU members. In order to prevent the arraignment from creating a new eastern wall in the post-cold war era, it is exceptionally important for the EU to take all possible measures to facilitate the crossing of these borders by third country nationals. The stability of those countries in Eastern and South-eastern Europe that remain outside of the EU is one of the crucial challenges of the enlargement process.

To summarize, the EU and its institutions, new and acceding states, kin-minorities and communities living in EU border zones are equally and directly invested in the management of border-crossing, and numerous European organisations – through their mediation, adopted legal opinions and documents, stability pacts and/or regional role – are *indirectly* involved into this still unequal fight. The EU has *three policies and instruments* that are most relevant to border-crossing management: European Area of Freedom, Security and Justice, European Neighbourhood Policy and the regional policy.

Freedom, Security and Justice

Although the Title IV of the Treaty of the European Community (Art. 61–69) intends to create a balanced European Area of liberty, legality and security, these aims are *not necessarily in harmony* with one another. Mr. Barroso confessed to this missing balance: “The Commission today adopted one of the most important components of its political priorities for 2006. Security is the number one issue of concern to our citizens. They want the European Union to be more effective, in particular in the fight against terrorism and organised crime, but also in management of migration flows and control of external borders. Freedom, security and justice are at the heart of the Commission reform agenda. In the first eighteen months of this Commission over 17% of all Commission proposals cover the area of justice, liberty and security. This is a key feature of our Europe of results agenda.”²

Reacting to this security agenda, public discourses in new member states and in neighbouring countries often refer to the Schengen Agreement (1985) and the Implementing Convention (1990) as a *syndrome that is afraid of new European divisions*. Because of the Amsterdam Treaty, the competencies of the EC law are stretching the intent of internal and external border management, free movement of persons, visa, asylum and additional security measures, which were originally outlined as being outside of EC law. Furthermore, the Title VI of the EU Treaty (Art. 29–42) regulates other components of police, customs and justice

² Joint Press Conference President Barroso / Vice-President Frattini (28 June 2006) on the “The Hague Programme” http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_2006/conference_en.htm

co-operation originally provided by the Schengen Implementing Convention. Thus we have to speak about the *Schengen acquis* that is no longer an option in any EU Accession Treaty but is rather a requirement.

The FSJ includes the following policies and instruments:³

1. In connection with fundamental components of the European Union that are based on free circulation of capital, products and services, the free movement of persons is provided for all lawfully-residing persons, EU nationals, and their family members inside the Union. This means that the *borderless “Schengen Area” is replaced by the FSJ* that covers the whole territory of the Union with certain temporary exceptions (7 year restriction until 2011 for workers of new member states moving to old member states for employment purposes).
2. Visa policy includes a joint list of visa waivers and obligations towards each country outside the EU. The nationals of candidate states enjoy visa-free travel up to 90 days. The EU external-border policy coupled with the visa and free movement of persons guarantees simplified formulas for EU nationals, harmonized entry conditions for non-EU nationals and improved document security. Member state sovereignty is greatly limited by these unified rules that screen for the poor, irregular, dangerous and improperly documented migrants *irrespective of their cultural or ethnic ties to a destination country*.⁴
3. Although officially in harmony with the Geneva Convention on refugee status (1951), security rational dominates the asylum policy. The external aspects of asylum immediately excluded applicants from candidate or acceding countries regardless of individual circumstances. Non-EU neighbouring states are deemed safe (i.e. transit or origin) countries; as a result, their nationals or illegal emigrants must be returned and received without scrutinizing the terms of the readmission agreements. *Protection seekers*

³ The consolidated list of all binding and non-binding instruments of *acquis communautaire* in the field of Justice and Home Affairs puts together 48 pages divided into 16 chapters. Due to this up-to-date, exhaustive but changing list the text refers on only the legal basis in the treaties on which secondary EC law can be issued. (European Commission, DG JLS 07.10.2005 www.europe.eu/scadplus/leg/en/)

⁴ Tóth, Judit: *The Application of Justice and Home Affairs and the Position of Minorities: The Case of Hungary. CEPS Policy Brief*, Nr. 18, 2002. Centre for European Political Studies, Brussels, 2002. 1–17.

from among the Roma or ethnic minorities have been rejected since the 1990s. The influx of victims from the *Balkan wars* improved the coherence of temporary protection rules for cases of mass influx and readmission agreements for all regions adjacent to the EU. The return policy (for migrants who are not-admitted) and cooperation with neighbouring states (Aeneas programme aiming at the capacity and expertise building) endorse reintegration of returnees into unstable democratic and constitutional societies. Humanitarian efforts coupled with strong instruments of exclusion (e.g. Dublin Convention, regulation on competent member state of asylum investigation, Eurodac system of migrants' fingerprints, etc.) have also been supported by pan-European organisations aimed at curbing illegal migration.

4. Other aspects of the immigration regime attempt to establish a common legal framework for addressing the conditions of admission and settlement of third country nationals (such as labourers, family members for unification, long-term residents and students). Although these rules contain important guarantees for third country nationals in member states, *the cultural proximity and ethnic ties of migrants are completely neglected in directives regardless of numerous member states' colonial pasts or multicultural policies*. The primary legal instrument is a directive that provides a minimal amount of manoeuvring room for national legislation, but this is only allowed after migrants are able to meet the EC law requirements. Thus, national regulation takes language, cultural and personal background of third country nationals into account only during the social and cultural integration process. Because of this, members of divided communities and minorities distort the intention behind family unification or tourism in order to lawfully enter and reside within the EU. In the future, open coordination procedure will endeavour to create a gradual convergence of integration policies that have not been previously addressed by European legislation on migration management, return policy, partnership with countries of origin and integration pilot projects.
5. *Judicial cooperation in civil and criminal matters*, drugs policy co-ordination, police and customs co-operation, crime prevention, the battles against organized crime and terrorism have become leading aims of the FSJ. In 2004, the Hague Programme shifted

the emphasis from liberty and the emancipation of migrants and their status – as defined by the 1999 Tampere Summit – to public order. Transnational organised crime, evolution of counter-terrorism, trafficking in human beings, combating sexual exploitation of migrants, money laundering, corruption are new headlines that encapsulate a set of legal instruments. European arrest warrants, Europol, the Task Force of Police Chiefs, Eurojust, retention of telecommunications traffic data, enhanced law enforcement, intelligence and customs collaboration can be considered as milestones of this new trajectory. This provides the *momentum necessary for the fight against Bask, Irish or Chechen separatism to find a common platform* between the EU and its neighbours. The information exchange among law enforcement agencies, cross-border surveillance and pursuit of suspects and liaison officers' network were originally compensatory measures in a borderless Schengen Area, but they have all become tools for counter-terrorism and external border control. This is because they combat illegal movements across frontiers and the black market by bringing together the visa, customs and identification databases.

6. *EU citizenship, citizens' rights* should be understood as an important achievement that includes the protection of fundamental rights and personal data. Although the Charter of Fundamental Rights inside the European Constitutional Treaty is pending ratification, the Treaty's Preamble's respect for the individual rights of minorities and its catalogue of fundamental rights may indicate how the EU's rule-of-law might function beyond the constitutional system of each member state. The extended competence of the European Court of Justice, the direct reference on ECHR, sanctions for violation of (TEU Art.6–7) and monitoring on fundamental rights make *external borders serve not only as physical check point but also as lines of demarcation between the different realms of rule-of-law in both a strict and tenuous sense*. Moreover, the term of *third country national* differs from persons under the EC law. As it evidenced by the old textbooks "*Graeci, qui alios barbaros nominabant, se tantum humanos et doctos putabant,*"⁵ the non-preferential and preferential treatment received by EU nationals, family members, lawfully resided long

⁵ The Greeks, who considered themselves educated and humane, thought of all other races as barbarians.

term migrants or students represents a historical cleavage between the “Civilized” and “Barbarian” worlds.

7. Anti-discrimination legislation that is intended to combat racism and xenophobia demonstrates the progressiveness of the EU’s minority protection programs. Directives for equal treatment, EUMC as monitoring agency, and other measures that are necessary at the European level (TEU Art.29) may *indirectly promote effective minority protection as they attempt to execute the EC law* regardless race, gender, ethnical origin, religious, conviction, age, disability and sexual orientation (TEC Art.13). Respect for national and regional diversity as well as cultural heritage (TEC Art.151) accompany economic and social cohesion as well as member states’ solidarity and commitment to common. Minorities that act as representative of cultural heritage, an ethnic community, a religion or regional peculiarity would be protected, but those communities based on common language or ethnic ties – in particular, those outside the EC law’s functional approach – would receive little to no protection. While minority groups are defined by their language, religion and regional position that cumulatively creates cultural heritage and internal cohesion, Roma communities or numerous minorities in new and acceding member states that are loosing their language, institutional ties to churches, and are located in scattered and ill-defined regions.
8. *Co-operation with third countries in the field of justice and home affairs has become a crucial element of external relations and of the enlargement process.* External relations’ security priorities have determined the institutional collaboration and support capacity for combating organised crime, terrorism, and illegal migration affecting the EU. For instance, the Ministerial Conference on the “Role of Internal Security in Relations between the EU and its Neighbours” (4–5 May 2006) adopted the Vienna Declaration. About 50 countries and international organisations declared their common desire to develop a Partnership for Security in the FSJ area that would work in conjunction with the USA, Russia and Arab states adjacent to the EU. Looking at this mixture of states and organisations, it is difficult to determine where their common values and interests would lie. Moreover, while internal and external security is invariable in the borderless EU, it

is not transparent outside the EU's borders. Despite this, the Declaration is based on the following principles and priorities:

- a. Strict distinctions between internal and external security are no longer useful;
- b. JHA co-ordination on the basis of the definition of common interests;
- c. Co-operation with UN, COE, OSCE;
- d. Action-oriented activities, flexibility and multi-disciplinary;
- e. "Promoting rule of law, democracy, fundamental rights, good governance" as a means of bolstering security;
- f. Mobilisation of political and financial resources in each party;
- g. Use of the European Neighbourhood Policy as a coherent framework for co-operation regarding security-related matters within the EU;
- h. Supports partners in combating terrorism, prevention, identification of potential criminals, implementation of international conventions, protection of critical infrastructure;
- i. Takes measures against organised crime and corruption through the law-enforcement training, capacity building, protection of victims and use of expertise (Europol, Eurojust);
- j. Co-operation in the field of migration and asylum through protection of human rights of (lawful) migrants; co-operation to improve security standards (biometrics in travel documents); functional border control and staffing, concluding readmission agreements; collaboration with sending, transit and destination countries in asylum management; and promotion of public awareness about the opportunities and limits of individuals' rights in migratory movement.

It is obvious how *militarisation of law enforcement and foreign policy* is occurring. References to the rule-of law and respect for human rights become empty through security partnerships with unsafe sending countries. Regardless of the *absence of direct reference on minorities, the overall security context may indirectly support the utilitarian approach* by taking minorities into account as security issues on fringes of Europe.

European Neighbourhood Policy

On the eve of the eastward enlargement, the European Neighbourhood Policy (ENP) was developed in order to strengthen *stability, security and well-being for inhabitants in the “buffer zone” surrounding the European Union*. Without referencing the minority context, Ms. Solana outlined that an objective was to avoid the emergence of dividing lines between the enlarged EU and its neighbours in the European Security Strategy for 2003. This has been the basis for strategy papers and actions plans developed in recent years.

Since 2003, the ENP has been a growing circle of:

- a. aims of EU intentions that are to be reached through it
- b. documents regarding the various measures defined in co-ordination and as joint actions, and
- c. geographical scope. Originally it was intended to apply only to immediate neighbours of the EU (Algeria, Belarus, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine), but it has been extended to Southern Caucasus countries (Armenia, Azerbaijan, Georgia). In addition, strategic partnership was offered as a plan for Russia TEC (Art.179 (1), 180 (1) and 181a) outlines the possible legal basis for ENP regulation in a wider domain:
 - a. economic, financial and technical *cooperative measures* between third countries and the Council that must be adopted by a qualified majority in order to be implemented in these cooperative fields;
 - b. *association agreements* (with full consent);
 - c. various *agreements to be concluded with the states* that are EU accession candidates (with full consent);
 - d. measures that are necessary to fulfil cooperative-development aims (in the process of Art.251), and that may take the form of *multi-annual programmes* or joint actions;
 - e. program agreements with third countries, communications, Council strategy-decisions, methods, financial consequences, geographical scope of ENP, multi-annual programmes that are conducive to the above-mentioned entitlements;
 - f. number of these documents increases;
 - g. ENP has no individual or specific legal instrument because of the cross-section impacts and co-ordination profile.

Some problematic aspects of ENP can be enumerated. Despite association agreements that include the goal of accession, ENP partner countries are not inspired to become Member States. There is a combination of development, capacity building, and economic liberalisation goals that may destabilize the cooperative mechanism's competencies, legislative, constitutional and democratic control in less developed, less democratic and not necessarily constitutional rule-of-law countries. The proposal for an ENP regulation⁶ of European Neighbourhood and Partnership Instrument means a further amalgamation of association, developing development and co-operation agreements, programmes, and binding actions that include but are not limited to cross-border cooperation (CBC), allocation of funds, and thematic programmes. How would target countries react to this instrumental mixture? Unless they continue to be inefficient in development cooperation, they would react by centralising decision-making structures.

The ENP influences legislative efforts in FSJ as well as for accession and external relations. "With its historic enlargement, the European Union has taken a big step forward in promoting *security and prosperity* on the European continent." This comment by the Communication of the Commission⁷ may express ENP's *prioritization of providing security* in almost all Community policies inside and out of the EU. ENP is concerned with security approaches, and it inspires, upgrade and hastens legislation in the fields of Freedom, Security and Justice, JHA and CFS in the light of enlargement. Neighbourhood *Prosperity* requires *economic relations* balanced by investments and the movement of products, workers and ideas. The proposed measures should enhance cross-border cooperation and the development of new economic regions by creating new opportunities for growth and employment *on both sides of the border*. In regards to subsidization, this Action needs to be complemented by – and coordinated with – appropriate measures at the national, regional and local levels. "The Commission in conjunction with the Member States will continue *to monitor* the social and economic impact of enlargement in the border regions with a view to further improve this Community

⁶ COM (2004) 628 final

⁷ COM (2004) 373 final

Action.” This comprehensive approach to Communication⁸ is empty in its intentions.

The *fear of migration* as a security challenge explains the block on the workers’ movement. This is in spite of the fact that “no reliable methodology exists for predicting future population movements and for coping with the many variables which influence such a decision (income differentials, labour market situation, cultural factors, etc.) Thus the degree of uncertainty regarding future labour movements and the level of real sensitivities and fears in some sections of the population militated in favour of transitional arrangements in order to facilitate the smooth liberalisation of the *movement of workers*.” In this way, the *ENP cannot compensate for real and supposed negative effects of enlargement in adjacent countries*.

What are the consequences of ENP at national legislative level? It means that the neighbourhood policy intends a one-sided export of rule-of-law and values of democracy. While there have been recent developments in FSJ due to the readmission agreements, safe country rule (e.g. in Dublin Convention and Dublin II regulation), minimum procedural and qualification directives on asylum), extra-EU transit-zone for protection seekers, the common return policy and SIS, VIS and other databases systems regarding its execution, this extraterritorial effect of the Community law must contend with *undemocratic traditions, weak respect for human rights, and less developed judicial capacity*.

In this context, the *reaction of adjacent and candidate states (including the Schengen candidates)* requires specificity. They also developed one-sided legislative, administrative measures to limit the negative effects of return, border and visa regimes, such as:⁹

- a. ethnic preferences in migration regulation (e.g. in naturalisation, trans-border nationality status for minorities, dual citizenship)¹⁰
- b. liberal visa practice that results in the continual irregular migratory movements of visitors, labourers, suitcase traders, students, or

⁸ COM (2001) 437 final

⁹ Judit Tóth: Kin-minority, Kin-state and Neighbourhood Policy in the Enlarged Europe. *Central European Political Science Review*, Nr. 17. 2004. 14–25.

¹⁰ Kántor, Zoltán et al. (eds.): *The Hungarian Status Law: Nation Building and/or Minority Protection*. Sapporo: Slavic Research Centre, Hokkaido University, 2004.

- c. withdrawal of passport of overstayed or other illegal nationals in Member States (as occurred in Bulgaria and Romania).¹¹

It is highly controversial: extraterritorial effect of the EC law provokes illiberal, unconstitutional laws and practices in acceding countries.

For instance, though initially tolerant, Bulgaria's dual citizenship policy has tended more frequently towards selectivity and exclusivity in its perception of Bulgarian and non-Bulgarian dual citizens' participation in local political culture. In contrast to Turkey's model of kin minority protection, dual citizenship status has tended to mean a type of nation building tool for post-communist Bulgaria. As in other Balkan countries, Bulgarian citizenship continues to preserve its deep ethnic content and serves to strengthen the spirit of the ethnic majority by emphasizing a sense of national belonging and solidarity. From this point of view, it is an important subject for domestic politics as well as an impediment for the development of a successful model for kin-minority protection that could later be employed by Turkey. Further research must deal with the ramifications of dual citizens' political participation and cross-border exercise of political (voting) rights. After 1989, cross-border developments between Bulgaria and Turkey demonstrated that interactions between cross-border actors – such as migrant associations, twin municipalities, minority parties and local governments involved in cross-border elections and economic relations – may extend into a new kind of extraterritorial social-space that is linked to dual-citizenship rights and responsibilities. This dual structure could also serve as a basis for further development of cross-border relations, economic and cultural cooperation, modernisation, and a permanent interdependency between two states in the accession process.¹²

¹¹ Angelina Tchordadjijyska: "Irregular Migration and Borders in the Process towards Accession: The Bulgarian Experience" conference paper on Challenge – Changing Face of Liberty and Security in Europe, Malta 10–11 December 2005.

¹² Nurcan Özgür-Baklacioglu: Dual Citizenship, Extraterritorial Elections and National Policies: Turkish Dual Citizen sin the Bulgarian-Turkish Political Sphere. In Osamu Ieada et al. (eds.): *Beyond Sovereignty: From Status Law to Transnational Citizenship?* Sapporo: Slavic Research Centre, Hokkaido University, 2006. 319–358.

Regional Policy

As early as 1957, the need to promote balanced development was recognized. In the preamble to the Treaty of Rome, it was recognized that balanced development could only be achieved by reducing the economic gap between regions and assisting the most backward states alleviate their structural imbalances. Art.2-3 of the Treaty states that its tasks include the promotion of harmonious, balanced and sustainable economic development, high levels of employment and of social protection, improvements in the standard of living and quality of life, and economic and social cohesion and solidarity among member states. Disparities between the development of various regions (Art.158-162) are challenging solidarity, Community support systems, and budgets, *particularly for those states in the peripheries of the Europe's external borders*. The European Regional Development Fund, Social Fund, Agricultural Guidance and Guarantee Fund, Cohesion Fund are instruments designed to accomplish a tangible regional policy and may offset developmental gaps. Enlargement is expanding to countries whose economic and social conditions are often worse than in the least developed regions of the old member states. In 2003, their GDP's ranged from 41% of the EU average in Latvia to 215% in Luxemburg. In all the new member states, per capita GDP is less than 90% of the average in the 25 EU member states; it is only half of this figure in Poland, Latvia, Lithuania, Estonia, Romania and Bulgaria it is only half of that.¹³ As the political centre of gravity is shifting to the east towards the major support users, this fact urges policy makers to rethink the whole cohesion policy.

More than 5% of the Structural Fund is for cross-border, interregional cooperation (Interreg III), sustainable development of urban areas in depression (Urban II), regional development (Leader+) and anti-discrimination measures in the labour market (Equal). All of them are required to account for *local needs and initiatives*.

Despite public perception – for instance, in Romania – *the EU's Regional development system has never served for framework of minority issues*. Regional development structure and regulation are *unstable* inasmuch as eight developing regions are founded upon the optional participation of local authorities and/or settlements. Even though participating

¹³ <http://europa.eu/scadplus/leg/en>

settlements were finally enlisted in the Act passed in 2004 in order to avoid ad hoc regionalisation, absence of a regional constitutional position and a doctrine of state unity that centers around the concepts of state power and fiscal centralisation but is *without genuine local self-governance* significantly influences the future of border zones – even including those well defined areas populated by ethnic minorities.¹⁴ For this reason *cross-border cooperation and euro-regions are considered as a means to prevent territorial isolationism*, to promote cultural reconstruction, and – finally – to enhance economic development for peripheral areas.¹⁵

Other compensatory measures in the borderless area

Enlargement has improved in direct relation to the FSJ and ENP and indirectly through the remapping of regional and cohesion policies previously based upon security rationale. Most of these instruments and their consequences must be accepted by new member states. This includes the acceptance of the primary expectation: no reduction in the existing level of EU security after its further enlargement. In addition to the aforementioned changes, *how would EC law contribute to minority protection* in the face of restrictive external border control, visa policy and immigration regime?

Inside the EU, anti-discrimination legislation and a newly outlined monitoring and sanction system is commonly accepted but has yet to prove itself in this context. The Constitutional Treaty¹⁶ contains a reference to the rights of minority persons that shall be respected as common value of the Union (Art. I-2); however, the Council is not entitled to adopt measures for its execution. This was received in Hungary as a mark of its success in regards to its commitment to national minorities' rights. While this adopted plain term of minority is open to interpretive speculation, it is intended to mean the internalisation of an external norm.¹⁷ Furthermore,

¹⁴ Veress Emőd: A regionális fejlesztés szabályozását meghatározó tényezők Romániában. *Kisebbségkutatás*, Vol. 15, Nr. 1, 2006. 14.

¹⁵ Alexandru Illies and Marius Tatar: Euroregions with territorial Romanian participation. In Süli-Zakar István (ed.): *Tájak, régiók, települések – Tisztelegés a 75 éves Enyedi György akadémikus előtt*. Debrecen: RKK, 2005. 51–57.

¹⁶ Treaty establishing a Constitution for Europe, OJ C310, 16 December 2004.

¹⁷ Balázs Vizi: The Unintended Legal Backlash of Enlargement? The inclusion of the rights of minorities in the EU Constitution. *Regio. Minorities, Politics, Society*, Vol. 8, 2005. 87–108.

the *Art II-81 of the Constitutional Treaty* has a wider scope than Art.13 of the Treaty, insofar as it mentions grounds for discrimination – namely colour, social origin, genetic features, languages, political or any other opinion, membership of a national minority, property and birth – which are omitted from Art.13. Regrettably, this broader concept has not been translated into a legally-binding, practical application.

Outside the EU, accession criteria – including the handling minority issues – most directly influence candidate states but have not structurally affected certain minority communities, especially Roma communities.¹⁸ From the recent compensatory measures there are two that appear as if they will be highly influential in the long term.

1. Proposed European Parliament and Council Regulation stipulating rules *for local border traffic at member states' external land borders* intends to amend the Schengen Convention and the Common Consular Instructions.¹⁹ Despite the Commission's proposal, the European Parliament supported more flexible legislation that was *aimed at the social, cultural and economic or family visits by neighbours*.²⁰ Accordingly border residents may cross the border, if they
 - a. have a unified crossing permit with a photo of the holder; this is valid only in the border area (determined by the name of settlements, administrative units by the bilateral agreement within 50 km radius around the borderline) for one to five years;
 - b. have documents proving that they are registered border residents who have lived at least one year in the border area and have provided reasons for frequent border crossings. These documents must also demonstrate that they have a sufficient means of subsistence;
 - c. are not persons for whom the Schengen Information System (SIS) has been alerted (*persona non grata*); and

¹⁸ Ernő Kállai and Erika Törzsök (eds.): *A Roma's life in Hungary – Report*. Budapest: Public Foundation for European Comparative Minority Research (2000, 2002, 2003) www.eokik.hu, EUMAP (2001, 2002) *Minority Protection in the EU Accession Process*. Report of the EU Monitoring and Advocacy Program of the Open Society Institute, Budapest (2001, 2002)

¹⁹ COM(2005)56 final

²⁰ 16 February 2006. www.bruxinfo.hu

- d. are not deemed to be a threat to public order, security, public health or international relations.

They may stay in the border area for up to three consecutive months (without entry and exit stamps), but the precise duration shall be defined in bilateral agreements. Unless a bilateral agreement indicates that the responsible belongs to another local body, consular offices shall issue the crossing permit. Its fee will be equivalent to those of a short-term multiple-entry visa; however, member states may reduce or even waive it. Member states may *conclude agreements on local border traffic* with neighbouring third countries or maintain existing agreements provided that these agreements comply with the Regulation. Furthermore, they must ensure that third countries apply *reciprocity* and, thereby, grant equivalent treatment for EU citizens wishing to travel within its border area. What would be the advantage of these bilateral agreements for border residents? They can cross at the border crossing points open only to border residents, at ordinary border crossing points in special locals, or outside the crossing points during fixed hours if they are not subjected to a visa obligation.

On the other side, member states shall enforce effective, proportionate and dissuasive penalties in case of misuse of local border traffic regimes – for instance, through keeping up regular second-line, in-depth country checks on external borders or frequent usage of readmission agreements.

To summarize, border-crossing for border-zone residents would be more flexible than the original Commission proposal of 2003 and late, under the influence of enlargement, in 2005. For this reason MPs from Hungary warmly welcomed the *“beneficial regulation of local border traffic as a new instrument of kin-state and kin-minority relations that compensated for the rigidity of the Schengen acquis.”*²¹

Still, flexibility of border crossing has never been interpreted as a reduction in the attained level of security. For this reason, a compromise between Russia and the EU was difficult to reach. Finally, after a five year negotiation period,²² Mr. Frattini and Mr. Ivanov signed an Agreement on visa facilitation and readmission in October 2005. Drivers,

²¹ Gál Kinga, 16 February 2006. www.bruxinfo.hu

²² 13 October 2005. www.bruxinfo.hu

businessmen, diplomats, students or journalist benefit from the issuing of multi-entry visas, and other Russian citizens enjoy a more simplified and expedited visa procedure for 35 euro fee. Visas are free for disabled persons, relatives of EU nationals and pupils. Readmission provisions by Russia for illegal migrants (citizens and third country nationals) may come into force in 2008 as a price for facilitated movement from Russia to the EU. This will also provide adequate time to conclude similar agreements with southern neighbours. This is just another example of the extraterritorial impact of EC law through a deportation chain.

2. The *European Parliament actively supports the protection of minorities and anti-discrimination policies in an enlarged Europe*. Although the definition of minorities and standards for minority rights are neither exhaustively listed nor accepted, two recent documents²³ summarise how to proceed.
 - a. There is a difference between the protection of minorities and anti-discrimination policies. Equal treatment is not a basic right or a privilege while all forms of unlawful distinction violate dignity, human rights and equality before the law. For this reason national minorities' protection is based on the preservation of richness and diversity of Europe;
 - b. Art.18 of the Treaty, which deals with freedom of movement and the right of residence, could be a substantial basis for facilitating the movement of people who are member of minority groups, thereby, avoiding isolation, the creation of new *ghettos* or forced assimilation;
 - c. Political parties and NGOs play a key role for social, political and cultural integration of minorities – including their adequate representation in decision-making process at local, regional and national levels. Although it is necessary to clearly distinguish between national minorities, immigrants and asylum seekers, a tolerant attitude in society and inclusive, coherent minority and integration policies that are based on dialogue is needed. Effective participation in the decision-mak-

²³ EP resolution on the protection of minorities and anti-discrimination politics in an enlarged Europe, 8 June 2005. (OJC 124 E/25 May 2006) and on non-discrimination and equal opportunities for all – a framework strategy, 14 June 2006. www.euparl.europa.eu/sides/

- ing process that is based on the principles of subsidization and self-governance – or autonomy – of minorities follows the best practices in the EU. This would overcome double standards established by the Copenhagen criteria, on one hand, and the lack of any rules in member states on the other;
- d. Minority issues must be better emphasised and provide greater attention to public opinion and authorities. In other words, the issue must remain an organic component of the accession and negotiation process;
 - e. To prevent segregation, social exclusion, and the under-representation of minorities in certain jobs an affirmative action plan that focuses on training, education and employment instruments should be implemented;
 - f. As there is evidence that ethnic minorities are five to six times more likely to be the target of the police action and identity checks, the European Parliament warns against the possible discriminatory side-effects of measures against crime and terrorism,. Moreover, the pending Framework Decision proposition, which is intended to combat racism and xenophobia, would penalise violence motivated by racism and xenophobia in each member state;
 - g. There is an urgent need for migrating minorities to acquire citizenship while ensuring that integration process does not become forced assimilation or undermine group identity. Principle of *jus soli* and genuine contact (i.e. living in the territory of the receiving country) of migrants in the process of acquiring citizenship is underlined;
 - h. Without official statistics on ethnic and national origins, language or religion a true insight into discrimination and the success of policies aimed at preventing it cannot be successfully evaluated. If it is in harmony with data protection directive, anonym and sensitive personal data can be collected for statistics;
 - i. Proper transposition of the two directives on equal treatment will be enforced in each member state that are subject to infringement proceedings for violating EC law, regardless of being an old or new member state;

- j. To raise awareness of the various forms of discrimination through positive actions and programmes, 2007 and 2008 will be the European Years of Equal Opportunities and of Inter-cultural Dialogue respectively.

This summary attempts to prove how *lawfully residing migrants and EU citizens are subjects of anti-discrimination and equal treatment policies that are isolated from external affairs*. In terms of enlargement, neighbourhood relation and border-crossing in practice or action plans, the radiation of EU values has not been recognised as being a too sensitive or security-based topic.

The Hungarian case

Hungary's Schengen preparation began six-seven years ago. As the Amsterdam Treaty and its Protocol (1999) prepared to launch Schengen measures into the EC law structure, the "*patchwork of the Schengen regime*" has been underscored because of its focus on rather varied fields. Among the main measures of the Schengen acquis are:

1. the removal of checks at common borders and their appearance at external border checks;
2. a common definition of the rules for crossing external borders as well as uniform rules and procedures for controls there;
3. separation in air terminals and ports for people travelling within the Schengen area and for those arriving from countries outside the area;
4. harmonisation of the rules regarding conditions of entry and visas for short stays;
5. coordination between administrations on the surveillance of borders (liaison officers and harmonisation of instructions and staff training);
6. a definition for carriers in the measures proposed to combat illegal immigration;
7. requirement for all non-EU nationals moving from one country to another to declare themselves;
8. the development of rules for asylum seekers;
9. introduction of cross-border rights for police force surveillance and pursuit in the Schengen States;

10. the strengthening of legal cooperation through a more expedient extradition system and a more rapid distribution of information about the implementation of criminal judgments;
11. the creation of a Schengen Information System (SIS) that allows all border posts, police stations and consular agents from Schengen group Member States to access data on specific individuals (e.g. persons under the expulsion order or on the list of *persona non grata*) or on vehicles or objects which have been lost or stolen.

*Beyond this, broad substantive, legal and geographical fragmentation of measures continue unabated because of differences in legal foundations, various decision-making processes, and competencies of the ECJ and other participating states (observers: Island, Norway, actual and acceding member states; outsiders: Ireland, UK; partial participants: Denmark and Switzerland as EEA member). While the Schengen *acquis* (Executive Committee's measures and instruments) had to be transplanted into the EC law's legal foundations and the information system had to be enlarged to account for absorption of ten new member states in the EU's infrastructure, the *coordinating body of preparatory work* had to be developed in Hungary. The Ministry of the Interior was responsible for this legal harmonisation and adaptation to transformation in rules and infrastructural development.²⁴ *This had to be done without impacting the ability to assess kin-state and kin-minority relations or any kind of border-crossing scenario.**

The Accession Treaty (2004) defined certain rules of *acquis* that had to be immediately implemented after accession; the others could be left until after an evaluation test and Council consent (Art. 3–6). In other words, Hungary had to accept unreleased, unknown secondary rules, measures and ECJ's case laws during the accession (ratification) period. While pre-accession funds – such the Schengen Fund (2004–2006) – require precise development aims, there has been a constant game of “shooting at a mobile target” that has made the harmonisation and infrastructure planning more difficult. In 2005, the *avis* on horizontal and other Schengen related fields had to be completed, and local assessment of the implementation of Schengen *acquis* started in 2006. Because of technical problems, full membership cannot occur before late 2007, and

²⁴ Ministerial orders determine division of work and action plan of the preparatory Nr. 20 of 2000, Nr. 17 of 2001, Nr. 33 of 2005 and Nr. 10 of 2006.

the Council will determine this after it finally assesses the preparation and EU's readiness to absorb new Schengen members. The delayed IT capacity building in the EU, changing rules for harmonisation, and absence of practical Schengen advantages – which has been caused by partial implementation of *acquis* in the period between transition and full membership – may explain general public's disappointment.

Furthermore, there is no relationship between the temporary limitation on free employment in old member states and the introduction of Schengen *acquis*. Frustration over limited manoeuvrability in the old member states' labour markets and within neighbouring EU states has become apparent among Hungarian nationals and minorities across the borders. Because the deadline of full membership of Romania and Bulgaria in the Schengen regime has not been known, *the disappointment of border-zone inhabitants* both within and outside of Hungary will continue for an indeterminate period of time. It means a longer transitory period for the development of external border surveillance along Romanian and Bulgarian frontiers. For instance, when the *length of land-border, low number of crossing points and their relatively bad location* is taken into account, Romania's gradual integration may hinder border-crossing into Hungary.

Table 1: Characteristics of Hungarian Border Sections and Border Stations, 2005²⁵

Border Sections	Length of border section (km)	Waterway border crossing points	Railway border crossing points	Highway		Average distance between highway border crossing-points (km)
				international (permanent)	Local (temporary)	
Austrian	356.2	1	4	10	6	22.3
Slovak	681.0	1	6	14	3	40.1
Ukrainian	136.7	–	1	5	1	27.3
Romanian	447.8	–	6	10	–	44.8
Serb	174.4	1	2	4	1	34.9
Croatian	344.6	1	3	6	–	57.4
Slovenian	102.0	–	1	6	1	14.6
Total	2242.7	4	22	55	11	34.0

²⁵ Source: www.b-m.hu/horweb/hor_szerv.nsf/atkelo_viszonylat

The Interregional, cross-border development and cooperation is supported in Hungary, Slovenia and Slovakia by the Interreg IIIa, in Romania by the Phare CBC, and in Ukraine by the Tacis. In 2004, Hungary participated in eight Interreg programmes with the surrounding countries, regions; between 2004 and 2006, Hungary received 68.7 million euro in support from the Interreg.²⁶ The euro-regions involved in this cooperation are large enough not to affect ordinary people. Micro-regional collaboration should have been replaced by euro-regions, but settlement structures, local administrative units, and their competence are different – for instance, micro-regional units in Hungary have no partners in Ukraine and Romania. Although the existence of euro-regional collaboration, structure and activities are not well known, this gap can be bridged by cultural co-operations that dominate on the external CBC. According to surveys in 2002 and 2004²⁷ *perceptions of and expectations towards regional, cross-border co-operations on both sides of the border differ greatly*. In Ukraine, these attitudes are determined by employment opportunities, well-being of inhabitants that is influenced by the openness of borders, and – in times of economic recession and high unemployment – the advantage of border proximity. Why do Ukraine passengers travel to Hungary? Common answers have been in order to secure a living, (illegal) employment, suit-case trading, or “living off the borders.” Those in Hungary have a different perception: Ukraine symbolizes refugees, increasing traffic and pollution, dense masses congregated at crossing points, and an absence of Ukrainian national investments in these border-zones. In Romania, the name of the CBC is accompanied by conceptions of a kin-state, gasoline tourism and employment. This positive outlook is valid for only 30% of Hungarian respondents as they discuss their attitudes about the Romanian border area. Assessment of CBC is greatly influenced by ethnic-composition of twin-settlement’s inhabitants of twin-settlement in Romania. Migratory movement is directed by seasonal work and the acquisition of Hungarian settlement permits.

²⁶ A határokon túli (Kárpát medencében élő) magyarság gazdasági alapjainak és társadalmi kohéziójának támogatását célzó lépések előkészítése, valamint ezek lehetséges kapcsolódási pontjainak bemutatása (2004). www.eokik.hu

²⁷ Baranyi Béla (ed.): *Az Európai Unió külső határán – Együttműködések Magyarország keleti határai mentén*. Debrecen: MTA Regionális Kutatások Központja, 2005.

According to Hungarian experiences on the Romanian and Ukraine border regions, the following circumstances have either hampered or supported the CBC's position.²⁸

It is obvious from the aforementioned plan that negative factors and concerns are much stronger than support for and positive aspects of cross-border cooperation in this peripheral and depressed region. Naturally, perceptions do not necessarily have strong correlations with statistical data, but public discourses are partially independent from hard facts and figures. Hungarian border-zone residents have more concerns; however, they live in a supported area. The absence of common competencies and low foreign capital investment in border zones results in only ad hoc, less institutionalised or cultural cooperation. Finally, there is *severe assessment inconsistency in regards to border checks*: rude border guards, difficulty reaching and using crossing points, or corruption may be more demanding obstacles in CBC than visa requirements, migration restrictions, and border-checks for passengers or professionals.

However, border-checks will implement the recently adopted Code of Border Crossing²⁹ as a “*common corpus of rules on external border control*” no later than 13 October 2006. Although “Member States should ensure that control procedures at external borders *do not constitute a major barrier to trade and social and cultural interchange*,” the preamble indicates makes *no reference to a lawful distinction* among third-country nationals with cultural or social ties to a destination country. As defined in Art 5. for stays not exceeding three months per six-month period, the entry conditions for third-country national shall meet the following requirements:

1. s/he is in possession of a valid travel document or documents authorizing him/her to cross the border (e.g. residence permit);
2. s/he is in possession of a valid visa, if it is required by the relevant Council Regulation;
3. s/he justifies the purpose and conditions of the intended stay;
4. s/he has sufficient means of subsistence, both for the duration of the intended stay and for the return to the country of origin or transit to a third country into which s/he is certain to be

²⁸ Süli-Zakar István (ed.): *Cross-border Co-operations – Schengen Challenges*. Debrecen: MTA RKKI, 2004.

²⁹ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

Table 2: Perception on CBC between Hungary, Romania and Ukraine (2002–2004)

<i>Hampering conditions</i>	<i>Supporting conditions</i>	<i>Concerns by local residents</i>	<i>Winners in CBC</i>
Poor conditions of roads and railways	Kin-minority communities living in border zone	“Schengen as wall would exclude the developed world”	State, organisations at national level, big cities
Less developed telecommunication system (in Ukraine)	Twin-settlements led by kin-minorities	Immigration of more labour force, further workers (to Hungary)	Deserted, empty settlements (aging) are re-inhabited by immigrants (in Hungary)
Behaviour of officers of customs and border guards	Joint history	Environment pollution in growth (from Ukraine, Romania)	Civil organisations obtaining extra money from the CBC supports
Low number of crossing points, neck of the bottle effect and hardship in crossing	Existing inter-governmental (bilateral) relations	Growing rate of inter-ethnic marriages	Rich/upper society
Visa requirement (for Ukraine citizens)	Positive bias relating to inhabitants living in neighbourhood (e.g. they work hard, they are honest, friendly)	Increase of offences due to porous borders and superficial visa procedure	Entrepreneurs, managers, economic partners
Corruption, missing transparency in authorisation, political instability	Joint fight against organised crime by authorities	Growing import from neighbours to the border zone (competition to local entrepreneurs)	Public order and its fans+
Knotty procedure of exporting	Intensity of cultural relations (instead of economic co-operation)	Restrictive migration regulation of the Union	Border zone in limited extent
Quotas, customs and duties (for Ukraine)	Policy on trust building and awareness raising		EU
Frequent changes of economic rules	Supposed reintroduction of local border traffic (in Ukraine the price of passport is high)		
Low spending power Small competence, manoeuvring room and financial power of local settlements Deficit of (highly) qualified experts Less developed, absence of civil sphere			

admitted; or is in a position to acquire such means lawfully taking into account the average prices in the member states concerned for board and lodging in budget accommodation, multiplied by the number of days stayed; declaration of sponsorship or invitation letter may also constitute indication of sufficient means of subsistence;

5. s/he is not person for who an alert has been issued in the SIS for the purposes of refusing entry;
6. s/he is not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States, in particular where no alert has been issued in Member States' national data bases for the purposes of refusing entry on the same grounds;
7. s/he can verify through supporting documents the fulfilment of the above-mentioned mentioned conditions.

Third-country nationals who do not fulfil one or more of the aforementioned conditions may be authorized by a Member State to enter *on humanitarian grounds, in the name of national interest or because of international obligations*. Ethnic minorities or cultural proximity of passengers is not included in this series. Cross-border movement at external borders shall be subject to border-guard checks that demonstrate respect for human dignity and occur without discrimination. Entry and exit checks may also cover the means of transport and objects in the possession of the persons crossing the border, where appropriate, by using technical devices and by consulting, in relevant databases, information exclusively about stolen, misappropriated, lost and invalidated documents; the validity of the document authorizing the legitimate holder to cross the border; and of the presence of signs of falsification or counterfeiting. Third-country nationals subject to a thorough, second-line check shall be given information on the purpose for, and procedure of, such a check. The second line check” means a more extensive check that may be carried out in location that is removed from the location of the first-line check.

Provisions should be made for easing external-border checks in the event of *exceptional and unforeseeable circumstances in order to avoid excessive waiting time at borders crossing-points* (Art.8). The systematic stamping of documents of third-country nationals will remain an obligation

when border-checks are relaxed. Such easing of checks shall be *temporary*, adapted to the circumstances justifying it and introduced gradually.

Avoiding a major barrier to social and cultural interchange, perhaps this summary may cause friction between the preamble and absence of lawful distinction among visitors and passengers. Once *common visa fees* are upgraded and *the minimum amount of required material coverage* per day per capita is determined for third country nationals, a *social iron curtain will be in place*.

In favour of kin minorities living in third countries, Hungary *voted against the Code on Border Crossing*. Although adopted by the Council with a Slovenian abstention, the Hungarian refusal could draw attention to the regulation on minimal financial cover required per capita at entry that depends on the duration and purpose of a third-country nationals stay. Today, its threshold is four euros per person because of kin minorities' lower standards of life. The state secretary of the Ministry of the Interior expressed Hungary's interest in introducing the Code as slowly as possible, even stretching the introduction past the deadline. "The risk of EC law infringement procedure is not a high price, it takes at least one year, and Hungary would finally implement its provisions at the moment of accession of Romania."³⁰ Moreover, its introduction would be overlap with commencement of local border traffic regulation providing facilitated entry for Ukrainian and Serbian border-area inhabitants.

Together with Greece and Sweden, Hungary also refused a *proposal raising the visa fee of short-term and transit Schengen visa*. In opposition to the French proposal – which references newly introduced biometric identification techniques and higher prices for the complicated visa procedure – Hungary, Greece, Poland, Czech Republic, Slovakia, Malta, Cyprus and the Baltic States emphasised from the outset the proposition's exclusive economic consequences and disruptive effects on neighbourhood policy. 60 euros, as opposed to 35, was denounced as *economic iron curtain and extreme burden for kin-minorities*. Additionally, the Russian visa-facilitation agreement as well as the one planned with Ukraine takes into account the poor conditions of these travellers; Hungary's refusal was accompanied by the intention to gain the time necessary to conclude

³⁰ Juhász Gábor state secretary (Ministry of the Interior) 23 February 2006. www.bruxinfo.hu

agreements on visa facilitation between the EU and third countries that will be based on the Declaration adopted in Thessaloniki on EU's perspective for West Balkan states and in order to reach a consensus about preferential groups in visa fee payments.³¹ Greece wanted each affected West Balkan country to be specified, the others urged enumeration of all exempted groups (such as minors, students and researchers).³² Although the final version of the proposal entitles the Commission to negotiate visa facilitation with West Balkan states in near future, Ukraine is exempted from increased visa fees, and children under 6, students, teachers and researchers are exempted from fee without having to obtain prior consent. The price of visa facilitation, or limited visa fees, is also common: Ukraine and West Balkan states have concluded readmission agreements with the EU. As was promised for reluctant Hungarian representatives, the Council will place the visa fee on the agenda in case of negotiation failures.³³

It was a confrontation solely between Hungary and the Union in regards to kin-minorities in a general election campaign in spring 2006. While kin-state and kin-minority relations have become an organic part of domestic and foreign policy since 1989, Hungary *at first tested the sensitivity and flexibility of old member states in border crossing issues* by referencing the EU's neighbourhood policy and external relations principles. The results have been modest in the short term, but when coupled with local border-traffic regulations, it is a promising perspective.

Conclusions

The Schengen regime is fundamentally about re-interpreting national borders and their meanings in regards to the movement of persons. As it does so, Schengen's philosophy has been that national sovereignty is no longer a controlling principle for the movement of persons across state borders. Instead, border-control has been designed around the absence of borders for some (i.e. those coming from other sovereign states which are part of the system) and has been reinforced for others (i.e. those coming from other sovereign states outside of the system). This underlying philosophy directly conflicts with a principle that has

³¹ *Népszabadság* daily newspaper 28 April 2006.

³² 24 April 2006. www.bruxinfo.hu

³³ 2 May 2006. www.bruxinfo.hu

motivated the border controls in many CEE countries: kin minorities and persons coming from kin states should have privileged access to the territory irrespective the state's Schengen status. The transformation of border controls from a system based on an individual's ethnicity to one based exclusively on the individual's provenance (i.e. where is he or she coming from) creates new frictions. This is what I have examined in this article.

EU enlargement places *pressure both on interpersonal and institution-ised kin-states/kin-minority relations*. While kin-minority and kin-state relations have become *strategic* topic for almost all stakeholders in nation-building, security and prosperity context including interstate relations, *new member states have the most at stake and can only have limited influence on EU policies and legislation*. Among the new member states, *a joint policy representing common interests* related to border crossing, flexible border crossing, local border traffic, visa requirement and other FSJ, ENP and regional development instruments *has not established*, but good neighbourly relations have strongly manifested themselves.³⁴ The EU has been forced to develop an understated minority policy through *securitization*, which attempts to avoid importing minority conflicts and the entry of poor migrants regardless of their social ties, cultural proximity or ethnic origin. Thus, accession criteria, reference on minority protection in the Constitutional Treaty, local border traffic rules and ENP have been developed as compensatory measures. Nevertheless, a flexible border crossing system has been postponed since the current security priority is stronger than kin-state and kin-minority relations. This may fuel *anti-European sentiment* in public discourses (for instance, in the form of Schengen syndrome); however, visa procedures are still rather inconvenient given that the screening process of member states results in a refusal rate that oscillates between 2% and 40%.³⁵

The *disruptive effects of improving border controls and migration management* systems at future external-borders should not be overestimated in regards to the relations between the EU and its neighbours. If there are more rigorous personal checks on every individual seeking entry to the

³⁴ Piotr Kazimierkiewicz et al.: *The Visegrad States on the EU's Eastern Frontier. Consular and Visa Co-operation in East Central Europe for Residents of Ukraine and Moldova*. Budapest: Centre for Policy Studies, Central European University, 2006.

³⁵ Jakub Boratinski et al.: *Visa Policies of the European Union Member States – Monitoring Report*. Warsaw: Stephan Bathory Foundation, 2006.

EU and if all goods crossing the external frontier are subject to detailed physical examination, the result would be disastrous. But if intelligence and the filtration of suspect individuals is enhanced, disruption would be kept to a minimum. All too frequently, the JHA aspect of the enlargement process – particularly the requirement for acceding states to adopt Schengen *acquis* – has been depicted in a completely negative manner.³⁶ Images are conjured of a *Fortress Europe* or of a *new Iron Curtain* dropping across Eastern Europe and *disrupting relationships between countries that have hitherto enjoyed close ties*. The reality is far from this. The Union's objective is to construct an area of peace, stability and prosperity that extends beyond the borders of the enlarged Union. However, unless flexible ways are introduced for handling local border traffic, citizens of the relatively poor states that are adjacent to the EU are not likely to believe in this benign vision. Despite pressure to upgrade the external-border management, progress must be made in regards to *trust, efficiency and improved co-operation is necessary*.

Inversely, *European identity* and regional, kin-minority, national identity has also been affected. European citizenship suffers from a deficit of individual rights including the rights of (national) minorities' to be different from the majority. Although cultural diversity is respectable value and aim in the EU, its instrumental reality urgently requires remaking European identity to be more multi-valence and flexible. Duality of rights and identity is, after all, a part of the future.³⁷

³⁶ Malcolm Anderson and Joanna Apap: *Striking a Balance between Freedom, Security and Justice in an Enlarged European Union*. Brussels: Centre for European Political Studies, 2002.

³⁷ Enikő Horváth: All things European: Citizenship and identity in search of meaning. *Regio. Minorities, Politics, Society*, Vol. 7. 2004. 37–61.

CSILLA HATVANY

Legitimacy of Kin-State Politics: A Theoretical Approach

Laws that provide benefits to co-nationals abroad seem to become a staple in the legislation of numerous – mainly east European – countries. Not only the Hungarian Status Law,¹ the most prominent example, but also a considerable number of other bills passed in Slovakia,² Romania,³ Russia⁴ or Bulgaria⁵ reflect the seemingly natural and unquestionable responsibility of a kin-state towards its kin-minority. There have been several publications explaining, favoring and questioning such benefit laws from widely varied perspectives.⁶ My aim here is not to evaluate these benefit laws as “post-communist” or “post-modern” but, rather, to place them within a larger framework and explore their legitimacy.

¹ Act on Hungarians living in neighbouring countries. 19 June 2001.

² Act on Expatriate Slovaks and changing and complementing some laws. 14 February 1997.

³ Law regarding the support granted to the Romanian communities from all over the world. 15 July 1998.

⁴ Federal Law on the State policy of the Russian Federation in respect of the compatriots abroad. March 1999.

⁵ Law for the Bulgarians living outside the Republic of Bulgaria. 11 April 2000.

⁶ For detailed analyses see: Osamu Ieda (editor in chief), Balázs Majtényi, Zoltán Kántor, Balázs Vizi, Iván Halász, Stephen Deets (editorial board): *Beyond Sovereignty: From Status Law to Transnational Citizenship?* Sapporo, 2006.

Methodological background

The Hungarian and other Status Laws are only one aspect of a kin-state politics that is based on the relationships between a state (kin-state) and “its” minority (kin-minority) abroad. In the search to legitimate kin-state politics, there are three different analytical levels: a theoretical, a legal and a political. First, the theoretical level focuses on the cultural bond between kin-state and kin-minority. If there were a morally justified reason to maintain the link between kin-state and kin-minority, the legitimate responsibility of the kin-state might generate a legal action. This leads us to the second aspect: the legal level. Thus, a positive theoretical response (i.e. there is a morally justified link between kin-state and kin-minority which is worth being maintained) might transform the relationships moral legitimacy into a legal legitimacy. But even in the case of a negative theoretical response, there might be existing international laws that explicitly or implicitly suggest the legal necessity of kin-state politics. Finally, the political legitimacy occurs within the structures of power and negotiation between the involved actors. The interdependency of the affected states (home-state, kin-state), their standing within the European political network and the countenance of European institutions have to be taken into consideration. Again, if kin-state politics are morally and/or legally justified, political efforts might be made to support these types of relationships. And even if kin-state politics is lacking any justification on the theoretical and legal level, there might be other politically motivated reasons that could provide a comprehensible ground as legitimacy.

Because of this, a causal relationship between the three levels cannot be established. Although moral and legal reasons might exist for both legal and political actions, this is not necessarily the case. A closer examination might show that legitimate justifications exist on one or two levels but not on the third. However, it is also possible to conclude that kin-state politics is illegitimate in regards to theoretical, legal and political positions. Since kin-state politics as a social phenomenon does exist and is highly controversial, it is important to see on which legitimate ground, if any, it stands.

Because it is the most complex and requires some space to be elaborated, I will limit my analyses to the theoretical level. First, I will sketch a definition of kin-state politics in general and point out those aspects

that will be most important within the analysis. After doing this, I will introduce the Multiculturalism Debate, which will serve as the frame for the remainder of my theoretical discussion. I have opted for this approach for the following reasons: first, the issue of justification and the range of minority rights are a central concern; second, the political framework is always a liberal democratic state; third, it aggregates different, sometimes contradictory (liberal and communitarian) positions that open many angles from which to view kin-state politics.

*Definition of kin-state politics:
responsibility, integration, incorporation*

The basic component of kin-state politics is the relationship between a kin-state and its kin-minority. As there would be no such thing as kin-state politics, this relationship is the defining feature of kin-state politics. The more compelling and not so easily answered questions are: What kind of relationship exists between kin-states and kin-minorities? How is it manifested? What are the consequences? As a starting point, we can state that it is a relationship between a state (kin-state) and a group of persons who are not residents nor citizens of the respective state but do share some or all aspects of the state majority's national culture. In other words, national culture seems to be the shared object that generates the belief that the state's majority and these "groups" (kin-minority) belong together. Although the members of the kin-minority live in another or several different states (home-state) and are, thus, citizens of these states, they practice a different national culture than the home-state's majority. In short: the shared national culture between the kin-state and its kin-minorities is the basic foundation of kin-state politics. Kin-state politics is distinctive because of its extraterritoriality and a state's ties to non-citizens. Because of these issues, cultural bonds must be proved to be a legitimate justification for kin-state politics.

There are three types of kin-state politics. First, the concept of *national responsibility* simply states that due to a shared national culture a kin-state is responsible for the well-being of its kin-minorities abroad. In many cases, this responsibility is reflected in the constitution and/or foundations concerning financial benefits for the kin-minority. This type of kin-state politics is mainly symbolic and is occasionally referred to by parties, politicians and state authorities. As there is no legal result, this type

depends on the preferences of the parties in power. This politics aims to enable the minority to sustain its culture and to have an adequate option to compete with the majority for state goods in their home-state. The second type, *national integration*, considers the kin-minority as part of the kin-state's majority nation that has simply separated by state borders. The idea of the nation's unity underlies the assumption that the kin-minority has a right to participate in the national structures. This means that although the members of the kin-minority are residents and citizen of another state, they play a legitimate role in the national history because of their shared national culture. In order to guarantee their active participation, the state must help them secure legal instruments and measures. The visible outcomes of this integration are laws that grant (educational and financial) benefits. As a consequence of this, the kin-minority is accorded not only a place within the cultural nation but is also granted a special status within the state structure. These legal bonds and enforceable rights initiate forms of cultural and political integration. *National incorporation* is the third type of kin-state politics. It grants citizenship to members of the kin-minority regardless of their residence. Persons belonging to the kin-minority equipped with dual citizenship are considered full and equal members of the kin-state's cultural and political nation of the kin-state. This type of politics believes that there is no difference between the kin-state's majority and the kin-minority; thus, the kin-state is as responsible for the kin-minority as the home-state. This means that the kin minority is situated between two loyalties.

The three types are different in range and purpose. The politics of responsibility gives symbolic and financial support to maintain the culture within the environment of the home-state; the politics of integration provides a special status within the state structure and generates a stronger legal bond; finally, the politics of incorporation grants citizenships and offers the possibility of being an equal member of the kin-state nation. Having differentiated the types of kin-state politics, we should explore the legitimacy of each type separately. To do so, we should turn our attention to a theoretical analysis.

The theoretical framework: the Multiculturalism Debate

The Multiculturalism Debate started within the framework of the North American academic forum in the late 1980s. What seemed to

be a new phase of the discussion between Liberals and Communitarians developed around the question of cultural accommodation in public institutions. A series of scholars, from both the liberal and the communitarian camps, emphasized culture, national identity or membership in a community as essential for individuals.⁷ The common ground of “Multiculturalists” was a criticism of the original liberal theory of a neutral state. According to Kymlicka, the state is involved in a nation building process. It is a matter of “a legitimate support of a common language and thus of a sense of belonging to the social institutions that are designed in this language and promote the image that these institutions are open to everybody equally.”⁸ A state’s constitution, the legislation and public institutions reflect more or less consciously the national culture and, therefore, cannot act in a neutral manner.

Conflict emerges in the case of cultural plurality: when not all inhabitants of a state’s territory belong to the same language or cultural group. Due to global migration and the persistence of national minorities, cultural diversity is rather the norm than the exception in most – but especially modern liberal industrial – countries. Basically, all liberal states have to find a means to accommodate minority cultures in a state structure that usually expresses majority culture. A simple non-discrimination principle is not a satisfactory way of addressing cultural minorities’ demands for “accommodation, recognition, and representation within the institutions of the larger society.”⁹ Minorities are, because of their size, in an inferior position. In a majoritarian democracy, they will never have a proper chance to fulfill their needs within state structures. For Kymlicka, this structural deficit justifies the proposal of special minority rights and differentiated citizenship inasmuch as it provides a more effective means to secure more equal treatment between a state’s majority and minorities.¹⁰

⁷ Iris Marion Young: *Justice and the Politics of Difference*. Princeton, 1990; Yael Tamir: *Liberal Nationalism*. Princeton, 1993; Charles Taylor: *Multiculturalism and the Politics of Recognition*. Princeton, 1993; Jeff Spinner: *The Boundaries of Citizenship: Race, Ethnicity and Nationality in the Liberal State*. Baltimore, 1994; Will Kymlicka: *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford, 1995; David Miller: *On Nationality*. Oxford, 1995.

⁸ Will Kymlicka: *Multikulturalismus und Demokratie: Über Minderheiten in Staaten und Nationen*. Hamburg, 1999. 28. [translation by the author]

⁹ Will Kymlicka: *Politics in the Vernacular*. Oxford, 2001. 41.

¹⁰ Kymlicka: *Multicultural Citizenship*

Since majority culture naturally penetrates the public sphere, new structures are needed to address the claims of those who do not share the majority culture.¹¹ Devolution, federalism, autonomy and even secession have been put forward in the literature.¹² The governments of East European countries, where the issue of national minorities is most prevalent, have refrained from pursuing such restructuring. That is, of course, no surprise. As I mentioned above, the majority practices a kind of nation-building through its state structures. Anchored and visible cultural differences in the public institutions would diminish the everyday accessibility of national unity. Cultural maintenance is, thus, one of the most important reasons for national conflict.

The kin-state as the third player can either help balance or cause further disruption in such nationalizing conflicts.¹³ Politicians as well as some scholars have argued that the importance and maintenance of the cultural community legitimately justifies kin-state involvement. Although they hardly explicitly mention the Multiculturalism Debate, many arguments seem to be borrowed from it. In the following analysis, I will consider whether Multiculturalism Debate offers a legitimate argument for kin-state politics.

Kin-state politics from a multicultural point of view

To address the point immediately, the Multiculturalism Debate is guided by the question of minority inclusion. How should minorities be incorporated into the structures and institutions of the state *where they live*? This question and its resultant discussion emphasize only one relationship: the kin-minority and the home-state relationship. In these reflections, the kin-state is unknown and unexplored as an actor in the process of cultural bargaining. To find statements concerning kin-state politics in these arguments, we have to look askew. I have distinguished

¹¹ Multiculturalists draw clear distinctions between the accommodation of immigrants and that of national minorities/native people. Kymlicka argues that immigrants and national minorities have different interests originating from their very different situations; thus, they deserve different rights. Since cultural plurality in East European countries is mainly owed to national minorities, I will not focus on the stream of theory that deals with the accommodation of immigrants.

¹² Ulrich Schneckener: *Auswege aus dem Bürgerkrieg*. Frankfurt, 2002.

¹³ Rogers Brubaker: *Nationalism Reframed: Nationhood and the National Question in the New Europe*. Cambridge, 1996.

three different types of kin-state politics that operate using different instruments: national responsibility, national integration, and national incorporation. National responsibility admits a kind of moral and financial support to maintain minority culture. National integration accords through laws a special status within the kin-state's legislature. National incorporation grants citizenship to kin-minority and equates them with rest of the kin-state citizens.

The key aspects are: responsibility towards the national culture, special status accorded to foreigners due to the same national culture, and citizenship as a legal relationship between the state and the individual. In order to find a legitimate argument in favor of or against kin-politics, we must deal with passages concerning these aspects. So, we can formulate the following three concepts: (1) cultural identity and the attitude of the state; (2) group rights and positive discrimination; (3) citizenship and state boundaries. In exploring the various aspects of these concepts, we might be able to generate a legitimate justification for kin-state politics.

1. Cultural identity and the attitude of the state

When looking at the relationship between individual, community and the state, the boom of social theses that stress the desire of cultural accommodation attest a strong interest in the context and the constitution of the self. Non-egalitarians (e.g. Raz, Walzer)¹⁴ challenge egalitarian theorists' concepts of justice (e.g. Rawls, Dworkin)¹⁵ by arguing that the individual constitutes himself/herself only within a social context. Justice does not require equal treatment for individuals but rather considers and accepts the diversity of different contexts.

Multiculturalists see the Self embedded in a historical and ethical community's social practices. These cultural patterns set the normative framework of each member of the community and thus act constitutively upon individual identity. The individual seen in this way is intersubjectively dependent on the social environment and not, as in Rawls "original position," ethically neutral and atomistic. In other words: the multicultural perspective believes that a community's shared ethics

¹⁴ Joseph Raz: *The Morality of Freedom*. Oxford, 1986; Michael Walzer: *Sphären der Gerechtigkeit. Ein Plädoyer für Pluralität und Gleichheit*. Frankfurt, 1992.

¹⁵ John Rawls: *A Theory of Justice*. Oxford, 1972; Ronald Dworkin: *A Matter of Principle*. London 1985.

generate an individual's autonomy. The system of cultural values creates identification, classification and meaning. Cultural identity as a system of values and explications is, therefore, a necessity to define ethical norms.¹⁶ The cultural context is not only compatible with individual freedom; it is a precondition for individual self-determination. The right to individual self-determination implies the right to cultural membership. This is a right of the individuals "to live within the culture of their choice, to decide on their social affiliations, to recreate the culture of the community they belong to, and to redefine its borders."¹⁷

The liberal counter-argument agrees that culture might play an essential part in the identification process but objects because of the multiplicity of cultures (the culture of a chess club, the culture of opera-lovers, the culture of the working class, etc.). Because every individual is a member of several different cultural groups, the structure of the state cannot explicitly and equally accommodate all. However, according to the Multicultural representatives, national culture is different than simple culture. National culture is an environment – consisting of shared symbols, values and beliefs about a common past and future – that intends and has the ability to influence an individual's interpretation of the world, to formulate necessary explanation patterns and to, thus, create cohesion for people who have a shared concept of the world. In this sense, a national community is a strong cultural community and the national culture an encompassing conceptual world.¹⁸ The cultural differences of a chess club, an opera lover or a social class can all be accommodated within the encompassing (majority) national culture. A different encompassing national culture, however, cannot be fitted into another one.

If we agree with the Multiculturalists that national culture is essential for the constitution of individual identity and is, thus, worth protecting, we are forced to ask: Whose responsibility is it? First of all, responsibility lies with the members of the cultural group in question. If the national minority resists assimilation tendencies and is highly aware of its culture, it will take great effort to continue its heritage; if there is no

¹⁶ Avishai Margalit & Joseph Raz: *National Self-Determination*. In Will Kymlicka (ed.): *The Rights of Minority Cultures*. Oxford, 1995. 79–92.

¹⁷ Tamir, 8.

¹⁸ George Schöpflin: *Nations, Identity, Power. The New Politics of Europe*. London, 2000.

group interest to culturally differentiate itself from the majority, there is no reason for the liberal state to insist on differential treatment. Further, if we agree that the encompassing character of national culture requires at least the possibility to accommodate minorities and realize equal ethical treatment within state structures we have to ask which other rights might be constricted by this politics. The answer depends on the institutionalization of the accommodation.

If the possibility of individual choice and the ability to execute this choice is provided, there should not be an individual right that is constrained as long as no other rights have been violated. For example, if a member of a national minority decides to send its children to a school where the lessons are taught in the minority's language, there should be a school that is easily accessible where classes are held in the minority language. But what happens if the member of the national minority decides to enroll its children in a school where the majority language and the culture are taught? The person might be of the opinion that it is better for the future of the children to speak the majority language and to know the majority culture because it will ensure their future compatibility and it is always possible to practice the minority culture in the private sphere.

This is the point where liberal and communitarian Multiculturalists disagree. Charles Taylor, for example, proposed to Canada that it should send the children of the francophone population to French schools in order to secure the survival of Canada's French culture.¹⁹ To ensure that the right to cultural membership can be exercised, other less-essential rights (like the right of parents to decide about the children's education) have to be subordinated. From the Communitarian point of view cultural survival can be thus more important than individual decision. This proposition rests upon the assumption that (1) minorities place the most value on the practice and survival of their cultures; (2) the responsibility of ensuring the practice and the maintenance of both majority and minority cultures – even if constraining other rights in the process – falls to the state; (3) individuals do not consider cultural retreat or change a viable option. Although all three assumptions can be questioned from a liberal point of view, the communitarian perspective makes legitimate

¹⁹ Taylor, 52.

claims about the state's responsibility for the maintenance and survival of the cultures *within its own borders*.

But how can the responsibility of a state towards the minority of another state be justified? The first implication is, of course, the shared national culture. Several outcomes are then possible: (1) there might be a situation in which there is no responsibility at the level of the state. This is either because the minority is able to sustain its culture independently of the kin-state and/or because the home-state is the first institution in charge of its citizens' well-being and, thus, there is no legitimate need for kin-state activity. (2) It could be argued that a kin-state is in a far better position to support its minority. Although not all requirements could be taken up by the kin-state (e.g. the accommodation in the public administration), the kin-state understands the cultural patterns of the minority better and can, therefore, offer more valuable assistance in the creation of cultural and educational institutions. This would resemble a transfer of sovereign rights and would be approved by the home-state. In this situation, kin-state activity would exist upon request. (3) The most difficult question is whether and what kind of legitimacy exists when the minority wishes for kin-state activity but the home-state does not.

First, it should be explained that the relationship between kin-minorities and kin-states is a necessity as a means of cultural reproduction. National culture could be understood as a shared belief in a common past and future stand or, more simply, a common national history. The minority is thus a part of the national "faith." But this explanation only addresses the connection between the kin-minority and the majority in the kin-state. That is, it addresses the idea of the nation and *not the state*. Basically, a nation does not need a state to persist, to practice its culture, or to think of itself as a nation. Only if the state plays a core role in identification (like achieving an independent state after the national revival) is the assumption that the kin-state plays a necessary role in the further cultural development of the kin-minority justified.

However, the home-state will see its national stability endangered by the strengthening of bonds between the kin-state and kin-minority. The home-state could either accommodate the kin-minority in order not to evoke discontentment and secessionist movements; it could also pursue a strictly liberal minority politics and disregard institutional accommodation. Either way the home-state cannot prevent the kin-minority and

the kin-state from emphasizing their shared culture. As long as there is no action on the side of the kin-state that would violate the sovereign rights of the home-state, there is a possibility of kin-state involvement. Acknowledgment of responsibility, financial assistance for cultural practices and regular contact can be legitimated on the ground of a shared national culture that requires a continuous reference to/contact with the kin-state. From this point of view, national responsibility is justified.

2. Group rights and positive discrimination

Taking this argument one step further, the necessary kin-state responsibility could indicate that special rights that codify this responsibility are justified as well. Since the responsibility is directed to the kin-minority as a national group, the laws address the kin-minority as a group as well. Two questions arise from this: Are there such things as group rights that can be legitimately accorded to minorities? Can they be addressed to non-citizens?

The rights of cultural groups have received much attention and have been well elaborated within the Multiculturalism Debate. Van Dyke argued that the liberal conception as an individual conception was too limited and that the two tiered relationship between the state and the individual is not sufficient for grasping the complexity of group claims.²⁰ The basic question is whether national minorities should be considered as moral units and whether they should be accorded legal status and rights. There are basically three positions that are prominent in the group rights' discussion: (1) only individuals are moral agents and, therefore, only individuals can bear any (moral or legal) rights; (2) since some rights can only be exercised collectively, there are special rights for individuals as members of a group; (3) there are group rights that are intrinsic to the group as such and cannot be derived from individual rights.

The most important argument for opponents of group rights is that the individual is the ultimate agent of action. As moral rights can only be attached to this type of agent, group rights cannot exist.²¹ Since every moral and legal right is an individual right, all seemingly collective

²⁰ Vernon Van Dyke: The Individual, the State, and Ethnic Communities in Political Theory. *World Politics* Vol. 29, Nr. 3, 1977. 343–369.

²¹ Adeno Addis: Individualism, Communitarianism, and the Rights of Ethnic Minorities. *Notre Dame Law Review*, Vol. 67, Nr. 3, 1991. 615–676.

rights (like the right to associate) are in fact individual rights. Furthermore, individual rights are appropriate and sufficient to protect cultural groups; therefore, there is no need to endow members of the communities with rights other than those belonging to the individual. Besides, group rights could have detrimental consequences. Group rights would create a category of rights distinct from and possibly in violation of individual rights.²² In short, the individualist position sees no necessity, no desirability and primarily no moral ground for group rights.

Since Multiculturalists see the individual as always situated within a particular tradition, occupying certain roles and having commitments, they argue that one cannot have a right as an abstract individual. Rather, the individual has a right as a member of a particular group within a given context. With the community being the premise of the moral individual, communities can be units of moral concern and can have moral rights. However, a group's interest represents the accumulation of the individual interests within the group. Because of this, all the rights that are meant to protect the interests of the group are actually individual rights. The right to cultural membership is a right attached to the individual members of the group and not to the group as such.²³ The right to cultural membership, therefore, can be understood as a special individual right that because it is not of the moral weight of other individual rights cannot be violate other individual rights.

The advocates of group rights state that in addition to individual rights there are certain rights that cannot be ascribed as individual rights. The right to secession or the right to self-determination are not translatable into individual rights and can only be understood as inherent group rights. Groups have other claims than the individual; thus, individual human rights are insufficient to face the needs of a group. Discrimination or violation against a member of a particular group is not a special act against an individual, but it is a general attitude against and illustration of a group's difference. Anti-discrimination laws that protect individuals are, therefore, not enough. The rights of a cultural group have to be understood as moral rights attached to a group as such, not to each individual of the group.²⁴

²² Michael Hartney: Some Confusions Concerning Collective Rights. *Canadian Journal of Law and Jurisprudence*, Vol. 4, Nr. 2, 1991. 293–314.

²³ Jan Narveson: Collective Rights? *Canadian Journal of Law and Jurisprudence*, Vol. 4, Nr. 2, 1991. 329–345.

²⁴ Addis, op.cit.

Since groups are seen as moral units, it is justifiable that they have moral rights that exist beside moral individual rights.

Within the Multiculturalism Debate, not all Multiculturalists agree with the notion of group rights. While the communitarian theorists support the idea of rights granted to groups as such, liberal Multiculturalists accept only group specific rights that are attached to individuals. This distinction between group rights and group specific (individual) rights is quite important when considering the legislation in kin-state politics. The question is: should laws concerning the kin-minority be addressed to members of the kin-minority or to the kin-minority as such? As we have seen from the multicultural point of view, both consignees of legal rights would be possible. But if the individual or group rights are addressed to non-citizens, are these laws still justified? Any bill that addresses the concern of the kin-minority accords them a special status within the national legislation; because of this, I will generally refer to these laws as *status laws*. Since the rights are addressed to the minority as such and not to the individual member of the minority, status laws tend to generate collective rights.²⁵ If we accept that the cultural community is (a) a necessary precondition for individual well-being (b) has a moral worth because of this (c) should be protected moral unit and (d) should be provided legal rights in order to ensure this status, the following questions should be addressed: (1) Who is in charge of addressing the community and providing them legal rights? (2) How far can such legal rights go? (3) Do such laws discriminate against other groups?

First and foremost, it is the home-state that is responsible for the well-being of its citizens, i.e. also people who are kin-minorities. Knowing this, which right(s) could a kin-state legitimately acquire in order to pass status laws that address and affect the citizens of another state? The argument has to proceed as previously mentioned: if the kin-minority and the home-state agree to the laws terms, a kin-state is in a better position to protect its kin-minority by passing status laws because of a shared culture. But why should a cultural minority receive better protection from the laws of a neighbor state than by the laws of its own state? The reason can only be found in the cultural realm. Since members of the kin-minority are citizens of the home-state and as such are

²⁵ Otherwise individuals could enjoy the rights independently from the group, e.g. when they immigrate into a third country.

included in the political and economic administration, there is no legitimate space to legislate for the kin-minority as political or economic subjects within the kin-state. Therefore, the question of “status” is limited to cultural aspects. Being viewed as a part of the cultural nation, a status law can only be accepted if it is proven that legal action is desired by the kin-minority and the home-state and if it is necessary to maintain the well-being of the group. Checking whether the first condition is met is quite simple; the second is more difficult. Why should legal – and not moral – protection by the kin-state be necessary for the cultural maintenance of the kin-minority?

Status laws may provide recoverable claims that are institutionalized. This doubtlessly provides a stronger and more durable bond between the kin-state and the kin-minority and is more independent of the political preferences of the government in power than symbolic representations of this responsibility. Moreover, the kin-minority becomes a legitimate part of the kin-state’s cultural and political nation with special rights and duties. The reason for this bond being legitimate only within a cultural framework is mainly due to the issue of positive discrimination towards the home/kin-state’s majority population. Why should the state lay out its citizens’ taxes for supporting the economic situation of foreign citizens? The argument that a deplorable condition exists for its national (minority) culture is not tenable. This is because the kin-state could finance directly cultural facilities like schools, theatres and educational centers without the need of a legislative network. Furthermore, the justification can be applied to the minorities residing within the kin-state. Why should a national minority within the kin-state contribute to the financial well-being of another state’s citizen with whom it does not even share the same culture?

Status laws as permanent collective rights can only be justified if several conditions are met: (1) limitation of the content to cultural aspects; (2) authorization through the home-state (3) no discriminatory effects (other than cultural) against the home/kin-state’s other citizen. Thus the legitimizing ground for national integration is considerably narrower than the one for national responsibility.

3. *Citizenship and state boundaries*

The notion of citizenship is historically tied to the idea of clearly delimited and relatively autonomous nation-states.²⁶ It has been the visible administrative link between the state and the individuals living in the state. It symbolizes a treaty about the rights and duties of the state and the citizens. However, today this model faces challenges from both outside and from within. On the one hand, the forces of global economic integration and supranational governance entail a higher mobility of individuals, a looser connection to their states, and a more difficult integration within the social administration of the state. On the other hand, cultural pluralism within the state requires the accommodation of different cultural, social and political identities. Thus, modern pluralistic states have difficulties addressing the individuals who are involved within their structures as strictly citizens.

Citizenship contains a great deal more than just a legal membership. According to Galston, a proponent of responsible citizenship, it requires four types of civic virtues: general virtues like law-abidingness and loyalty; social virtues like open-mindedness; economic virtues like a work ethic and the adaptability to economic change; political virtues like the willingness to engage in public discourse.²⁷ Citizenship is, therefore, actually not a piece of legislation within a bureaucratic state but is rather a means to manage the relationships between citizens. It defines the relationships and responsibilities among them. Because every citizen is endowed with equal rights, granting citizenship means allowing every citizen an equal share of state-issued rights and benefits.

Within kin-state politics, the following question arises: why should a group of citizens of one state be eligible to obtain the citizenship of another state without being residents? Again, it should be proved that shared national culture is enough to legitimize citizenship or that citizenship is needed to practice shared culture. Although we have seen that citizenship can be regarded as more than just a mere legal link, it is questionable whether it implies cultural aspects as well. Citizenship surely reflects a culture of political and social responsibility. The political and social structures as well as any reallocation measures would otherwise

²⁶ Ellie Vasta: *Citizenship, Community and Democracy*. London, 2000. vii.

²⁷ William Galston: *Liberal purposes: goods, virtues and diversity in the liberal state*. Cambridge, 1991. 221–224.

not be justifiable and sustainable. If cultural aspects played a decisive role in granting citizenship, there would be concurrent exclusionary and inclusionary effects. On the one hand, inhabitants of the kin-state who do not share the majority's culture would be deprived from citizenship rights. On the other hand, the kin-minority would be included in the kin-state. Since the first outcome would strongly discriminate, it is unquestionable for liberal democracies.

However, kin-state politics point out that granting citizenship to the kin-minority would by no means imply the deprivation of citizenship from residents within the kin-state. Rather, the issuing of dual citizenship or some kind of "fuzzy citizenship"²⁸ has come to the fore. Why should a group of people not have dual citizenship, with which they can continue to be politically loyal to the home-state but feel a cultural loyalty to the kin-state? The arguments against a non-equal citizenship regime can be summed up as follows:²⁹ (1) Status: Differentiated or dual citizenship may establish inequality of civil, political and social rights. Having dual citizenship may entail that the kin-minority could benefit from two social systems and job markets that one-passport citizens can not. With this, the original idea of the notion of citizenship – equal allocation of the state resources – is turned upside down. (2) Identity: a consequence of differentiated or dual citizenship can be the fragmentation of identity. The cultural and political loyalty of the kin-minority cannot be neatly separated. On the one hand, residing as a citizen in the home-state implies a political commitment as well as cultural interaction with the majority. Additionally, obtaining a citizenship from the kin-state brings about a political involvement as well. Because of this, the kin-minority has to face a double burden by struggling with cultural and political loyalties towards two states at the same time. (3) Social cohesion: having equal loyalties towards another state could be interpreted as indifference against a common civic identity, which is necessary to legitimize the viability of the state. Through differentiated or double citizen-

²⁸ Brigid Fowler: Fuzzing Citizenship, Nationalising Political Space: A Framework for Interpreting the Hungarian 'Status Law' as a New Form of Kin-state Policy in Central and Eastern Europe. In Kántor et al (eds.): *The Hungarian Status Law: Nation Building and/or Minority Protection*, 2004. 177–238.

²⁹ Will Kymlicka & Wayne Norman: *Citizenship in Diverse Societies*. Oxford, 2000. 31–40.

ship, particulate tendencies may be strengthened and contribute to a lack of confidence among citizens.

Culturally motivated citizenship politics is likely to have negative effects on a given political community and cannot serve as a legitimate argument for granting citizenship to kin-minorities. One could argue that true political and social responsibility is only possible on the grounds of a shared national culture.³⁰ However, there is no reason why culturally different people should be unable to feel socially responsible for each other. If this was truly impossible, there would be no legitimate argument for the kin-minority to remain in the home-state and this discussion about kin-state politics would not be taking place. The legitimate reason for dual-citizenship is that maintenance of cultural patterns necessitates it. Citizenship is still very much a political rather than a cultural instrument, and the benefits granted on the cultural grounds are very little, if any. Granting citizenship is, first of all, an incorporation of an individual into a political unit. The culturally relevant advantages – like connection with the kin-state through educational and cultural means – can all be obtained with the first and the second type of kin-state politics. From the multicultural perspective, no argument justifies dual citizenship.

There is no objection if a member of the kin-minority becomes a citizen of the kin-state by simply applying for citizenship. However, this is an individual act that does not require approval, is only dependent on the national citizenship, and does not involve a general collective right of the kin-minority to receive citizenship within the kin-state. This indicates that a decisive factor is whether citizenship is accorded on individual or collective grounds. Only the former is justified, but as this scenario involves an application of a foreign citizen regardless of its culture, there is no relation to kin-state politics.

Conclusion

Within the Multiculturalism Debate, I have tried to find a legitimate justification for kin-state politics. I classified three types of kin-state politics: national responsibility (symbolic acknowledgment and

³⁰ Miller, *op. cit.*

financial help), national integration (special status in the legislation), and national incorporation (granting citizenship on a cultural base). I analyzed the theoretical approaches and referenced the importance of the national culture, collective rights/positive discrimination and citizenship. According to these arguments, I was able to evaluate the three types of kin-state politics from the multicultural point of view. National responsibility is justified because of a kin-minority's possible desire for a shared national culture. National integration that occurs on a collective level is justifiable only when the content is limited to culture and both kin-minority and the home-state agree to it. Finally, national incorporation at a collective level is not justified in any degree. Kin-state politics are, therefore, legitimate when they take responsibility and – under certain circumstances – grant status.

Since my analysis has limited itself to the theoretical level, it is possible that legitimacy exists at the legal and political levels. Actually, international obligations or political constraints may provide better arguments for kin-state activity. However, because of the restricted moral justification for kin-state politics, the legitimacy of legal and political arguments could be read as an overall legitimacy. A state's politics should always be (re)insured by strong moral arguments.

It is important to point out two aspects. First, culture matters most and is the strongest legitimating argument. One could certainly – and rightly – ask: what is culture? Or, what is *only* culture? Is the financing of minority schools not actually a political issue about competing for cultural resources? Is language and education not actually the most hard-fought political issue in culturally pluralistic countries? Second, because of the extraterritorial (side)effects, kin-state politics is limited by and proportional to the strength the home-state's objection. Therefore, an agreement between kin-state and home state is not only the best way to enlarge kin-state politics but also to improve minority rights within the home-state. The last question is whether the kin-state can make claims regarding the competency of its kin-minority in cases where these issue receives little attention from the home-state. I doubt this. In such a case, I would rather see the competency at the European and/or international level. In the end, is everyday diplomacy finally the only way of furthering minority rights?

MYRA A. WATERBURY

Ideology, Organization, Opposition: How Domestic Political Strategy Shapes Hungary's Ethnic Activism

Increasingly, states around the world are becoming “ethnic activists”, intervening on behalf of ethnic and linguistic kin in other states and striving to maintain political, economic, and cultural ties with diaspora populations.¹ In post-communist Europe, Hungary, Slovakia, Croatia and Romania have all embraced the role of “homeland” to ethnic kin in neighboring states by creating special legislation, often at the risk of exacerbating regional tensions. After decades of disengagement, states such as India, Mexico and the Dominican Republic have

¹ Following the recent and theoretically fruitful expansion of the term “diaspora” to include cases of populations stranded on the wrong side of new borders rather than forced or voluntary migrant populations, I use diaspora herein to refer to ethnic Hungarians across the border, as well as the terms “ethnic kin” or “co-ethnics”. See Charles King and Neil J. Melvin: *Nations Abroad: Diaspora Politics and International Relations in the Former Soviet Union*. Boulder, CO; Oxford, UK: Westview Press, 1998; Michael Mandelbaum (ed.): *The New European Diasporas: National Minorities and Conflict in Eastern Europe*. New York: Council on Foreign Relations, 2000 ; Rainer Münz and Rainer Ohliger: *Diasporas and Ethnic Migrants in Twentieth-Century Europe: A Comparative Perspective*. In Münz and Rainer (eds.): *Diasporas and Ethnic Migrants: German, Israeli and Post-Soviet Successor States in Comparative Perspective*. London, Portland: Frank Cass, 2003; Ilona Kiss and Catherine McGovern (eds.): *New Diasporas in Hungary, Russia and Ukraine: Legal Regulations and Current Politics*. Budapest: Open Society Institute/Constitutional and Legal Policy Institute, 2000; Rogers Brubaker: The ‘diaspora’ diaspora. *Ethnic and Racial Studies*, Vol. 28, Nr. 1, 2005.

brought presidential election campaigns to diaspora communities, created institutions for the maintenance of state-diaspora ties, and begun to act as advocates for their emigrants' rights in their new countries of residence. And long-standing ethnic homelands such as Germany have shifted their focus from the right of return to diaspora protection.

But why do states become "ethnic activists"? What drives states to risk interstate conflict and open themselves to new and unpredictable claims on their resources by extending special rights, benefits, and the protection of its institutions to residents and citizens of other states? Who benefits from the process of constructing diaspora populations as part of a global, transborder nation?

The case of Hungary and its policies towards the over three million ethnic Hungarians in neighboring states provides an excellent opportunity to investigate these questions. Since the treaty of Trianon in 1920, Hungary's engagement with its ethnic kin in Eastern Europe has been a highly symbolic and emotionally-charged issue, contextualized by historical episodes of irredentist policies, dictatorship, and conflict with neighboring governments over the treatment of the diaspora communities. Yet the intensity of Hungarian state responses to their plight has waxed and waned over time, reflecting the shifting interactions of elite politics rather than a reactive stance based solely on ethnic affiliation or support for nationalist projects. The contention of this article is that transnational ethnic affiliations are used by kin-state elites to further domestic political goals. Hungary's increasingly interventionist policy towards ethnic Hungarians beyond its borders from the late 1970s to the 1990s was driven primarily by the political strategies of right-wing elites. These elites utilized and co-opted transnational ties with the *határon túli magyarok* (HTM)² in part to benefit from the ideological and organizational resources to be reaped from such alliances.

Specifically, engagement with the diaspora issue offered these elites three potential avenues for party-building and electoral strategy: One was in crafting a political ideology based on the promotion and protection of the transnational or global nation, wherein elites "construct a legitimate locus of political power: the national homeland and its duties toward the

² To reflect as well the Hungarian framing of this category, I use the acronym HTM to refer to the ethnic Hungarians across the border.

historical nation of which it is a representative.”³ The continued existence of a diaspora that maintains its cultural identity and connections to the kin-state by resisting assimilationist pressures offers a defense against fears of cultural extinction or dilution and a source of national pride.⁴ The diaspora also keeps the influence of the mother country language and culture alive in territories that were once part of the state’s empire or colonial holdings, recalling the diaspora’s ties to historically-significant moments of past greatness and tragedy.⁵ Threats to the diaspora, therefore, are framed as threats to the unity, status, and survival of the nation embodied by the homeland or kin-state.

Building upon the rich symbolic value of the diaspora issue, a second strategic advantage stemmed from the creation through domestic legislation and foreign policy of new transnational political, economic and cultural connections to the diaspora and the co-optation of existing ties and organizations, which gave party elites more opportunities for organizational expansion. Finally, a third avenue involved the crafting of an “internally exclusive, externally inclusive” political strategy, which situated the nature of the state’s relationship with the diaspora at the center of political debates over identity and loyalty to the nation. This strategy puts political opponents on the defensive and has proven useful in deflecting criticism of other economic, social or foreign policy decisions.

This analysis challenges the argument that kin-state elites simply respond to appeals to their ethnic affiliation made by diaspora leaders or those advocating on their behalf.⁶ Normative commitments to prevent discrimination against their co-ethnics are widespread in Hungary, but there is clearly great variation in the intensity of those commitments and how they translate into policy. More specifically, the priority given to the

³ Charles King and Neil J. Melvin: *Diaspora Politics: Ethnic Linkages, Foreign Policy, and Security in Eurasia*. *International Security*, Vol. 24, Nr. 3, 1999.

⁴ Yossi Shain: *The Mexican-American Diaspora’s Impact on Mexico*. *Political Science Quarterly*, Vol. 114, Nr. 4, 2000.

⁵ Attila Meleg: *Globalization, Nationalism, and Petite Imperialism*. *Romanian Journal of Society and Politics*, Vol. 2, Nr. 1, 2003.

⁶ For example, see David Carment and Patrick James: *Secession and Irredenta in World Politics: The Neglected Interstate Dimension*. In David Carment and Patrick James (eds.): *Wars in the Midst of Peace: The International Politics of Ethnic Conflict*. Pittsburgh: University of Pittsburgh Press, 1997; David R. Davis and Will H. Moore: *Transnational Ethnic Ties and Foreign Policy*. In Lake and Rothchild (eds.): *The International Spread of Ethnic Conflict: Fear, Diffusion, Escalation*. Princeton: Princeton University Press, 1998.

state-diaspora relationship, the policy tools used to shape transnational support, and the level of involvement of the Hungarian state in supporting specific goals regarding the diaspora has differed significantly between regimes and governments. I contend that only when Hungarian political elites are able or willing to use the diaspora issue also as a *political* tool does official engagement with ethnic Hungarian communities increase significantly. The utilization of the diaspora as a political resource is a pattern that emerges repeatedly in the history of Hungary's diaspora politics, from the interwar period to the thawing of communist internationalism in the early 1980s to the recreation of right-wing nationalism by FiDeSZ in the late 1990s.

The following sections will trace the domestic political uses of the HTM issue over time, focusing on three periods in Hungarian politics when kin-state politics intensified: the late decades of communism, the early years of democratic transition, and the ascendancy of FiDeSZ in the late 1990s. In doing so, I will show how kin-state politics was used as an important tool of party and intra-group competition, and to what extent such a strategy succeeded or failed.

From silence to engagement

During the later decades of the communist regime, opening up space for a discussion of “national” issues, including the fate of the ethnic Hungarians in neighboring countries, became a way for Party elites to develop new forms of legitimacy as the economic and ideological crises of the 1960s and 1970s eroded the promises of international socialism. The post-1956 social contract began to fail due to the country's staggering debt and global recession, and fractures deepened within the Communist Party. As a result, the old-guard communists came under increasing internal pressure to reform and the younger generation of Party elites began to search for allies among the influential cultural circles of writers and intellectuals. Reformers, such as Imre Pozsgay, realized the potential gain to be had in emphasizing nationalist themes of “traditional culture”, the “Hungarian nation” and “patriotism” more frequently in their public discourse.⁷ This was a large contrast to the early years of the Communist regime, when Party elites suffered from a kind

⁷ Ibid., 230.

of “programmed amnesia” about the discrimination and assimilation facing their co-ethnics in neighboring countries and moved to suppress public manifestations of nationalist sentiments.⁸

The internal critics of the regime eventually came to use the ethnic Hungarian issue as a way to ally with the Populist faction of the dissident intelligentsia. The plight of the HTM was of particular importance to the populist writers and intellectuals, which constituted one half of the long-standing division between Hungarian intellectuals, with the liberal-democratic and post-Marxist urbanists on the other side.⁹ Populists represented the voice of the rural, peasant, “authentic” Hungarian nation, and their writings were steeped in nostalgia for Hungary’s lost territories and greatness.¹⁰ Well-known populist writers and poets like Gyula Illyés, whose December 1977 article in *Magyar Nemzet* was one of the first to comment, even if indirectly, on the persecution of Transylvanian Hungarians, used their moral authority to criticize events in Romania and Czechoslovakia.¹¹ Although the populists were, at the least, ambivalent about communism, in general they had “made their peace with the regime.”¹²

Communists elites leaning towards reform as a way of saving the Party’s influence looked to gain political traction by giving in to some of the populist demands regarding the strengthening of Hungarian national culture within and beyond the border. There were signs that

⁸ Andrew Ludanyi: *Programmed Amnesia and Rude Awakening: Hungarian Minorities in International Politics, 1945–1989*. In Ignác Romsics (ed.): *20th century Hungary and the great powers*. Boulder, Co., Highland Lakes, N.J.: Social Science Monographs; Atlantic Research and Publications, Inc.; New York: Distributed by Columbia University Press, 1995.

⁹ János Kis: *Nation-Building and Beyond*. In Will Kymlicka and Magdalena Opalski (eds.): *Can liberal pluralism be exported? Western political theory and ethnic relations in Eastern Europe*. New York: Oxford University Press, 2001. 234.

¹⁰ Rudolf L. Tóké: *Hungary’s negotiated revolution: economic reform, social change, and political succession, 1957–1990*. Cambridge; New York: Cambridge University Press, 1996. 178.

¹¹ Richard Andrew Hall: *Nationalism in Late Communist Eastern Europe: Comparing the Role of Diaspora Politics in Hungary and Serbia*. *RFE/RL East European Perspectives*, Vol. 5, Nr. 5, 2003. See Gyula Illyés: *Válasz Herdernek és Ady-nak* [A Reply to Herder and Ady] *Magyar Nemzet*, December 25, 1977 and January 1, 1978.

¹² George Schöpflin: *Opposition and Para-Opposition: Critical Currents in Hungary, 1968–1978*. In Rudolf L. Tóké (ed.): *Opposition in Eastern Europe*. Baltimore: Johns Hopkins University Press, 1979.

the population at large was becoming increasingly concerned with the situation of the ethnic Hungarians, as Radio Free Europe reporting and the exposés of Western diaspora groups highlighted the growing abuses of the Ceaușescu regime in particular. Those now driving Party policy began to adopt and validate much of the populist agenda in terms of its commitment to the Hungarian diaspora issue. For example, in 1984, 19 populist intellectuals wrote a letter to the Party requesting permission to start the Gábor Bethlen Foundation (for private aid to diaspora communities), to publish a journal and a volume on the history of Transylvania, start television programming for the ethnic Hungarians across the border, and asking for a senior government position on ethnic minority affairs.¹³ In the end, they got everything they asked for except the government post.¹⁴ By 1985, the Hungarian Studies Center (*Magyarsághutató Intezét*) was established and in 1986, and the Hungarian Academy of Sciences published a three-volume history of Transylvania (*Erdély Története*), which was strongly denounced as biased and nationalistic by the Romanian regime.¹⁵

By 1988, Hungary's policy regarding the HTM had begun to "emerge from the decades of silence."¹⁶ Party elites from the reform wing began to discuss concretely the limits and possibilities of what Hungary could do to affect positive change in the diaspora communities, while still refuting any border revision. The new policy was most clearly represented by the *Magyar Nemzet* article in February of 1988 written by Imre Szokai and Csaba Tabajdi, young and increasingly influential members of the Party's Foreign Affairs division. In the article, entitled "Mai politikánk és a nemzetiségi kérdés", Szokai and Tabajdi left behind the previously-inviolable idea that the treatment of Hungarian minorities

¹³ András Balogh: A kisebbségpolitikai rendszerváltás kezdete [The beginning of minority policy transformation] In Csaba Tabajdi (ed.): *Mérleg és számvetés tizenhárom év után: A magyarságpolitikai rendszerváltás kezdete [Balance and Reckoning After 13 Years: The beginning of the transformation in ethnic Hungarian policy]* Budapest: Codex Print Kft., 2001.

¹⁴ Tőkés, *Hungary's negotiated revolution*, 196–197.

¹⁵ Ludanyi: Programmed Amnesia and Rude Awakening. Also see Béla Köpeczi: Introducing a New History of Transylvania. *The Hungarian Quarterly*, Vol. XXVIII, Nr. 105, 1987. and Zoltán Szász: Notes on Transylvanian History. *The Hungarian Quarterly*, Vol. XXVIII, Nr. 105, 1987.

¹⁶ Csaba Tabajdi: Több évtizedes hallgatás után [After many years of silence] – Speech given on February 25, 1987 at the East Central Europe Club of the Karl Marx Economics University. In Tabajdi (ed.): *Mérleg és Számvetés*.

in neighboring countries was the “internal affair” of those states, and instead characterized Hungary as the mother nation and protector of a reluctant and threatened diaspora.¹⁷

The alliance with the Populists and increasing engagement with the HTM issue was also beneficial in deflecting other forms of criticism against the regime. First of all, it focused opposition criticism beyond the Kádár regime to the discriminatory actions of neighboring governments and helped to keep the focus of opposition criticism away from regime change, which was increasingly becoming the focus of the liberal, urbanist dissidents. While the urbanist intellectuals were seen as a small group of “clannish” and ineffectual elites, by the mid-1980s, they were considered much more of a threat to the preeminence of the Party. The Agitprop bureau had earlier “dismissed the populists as a single-issue literary lobby preoccupied with the human rights of Hungarian ethnic minorities.”¹⁸ In contrast, the “bourgeois radicals” among the urban intellectuals had numerous contacts with the West, made pointed critiques of existing socialism, gained increasing intellectual influence through *samizdat*, and offered open support Solidarity in Poland and other internationally-recognized dissident movements. By embracing the ethnic Hungarian issue more readily than the old guard Kádárists, the reformers were able to take advantage of the urbanist-populist division by privileging one set of non-party actors over another, thereby undermining attempts by the intellectual opposition to come together as a unified front.¹⁹

The reform communist-populist alliance benefited the more conservative opposition members and their group, the Magyar Demokrata Fórum (MDF), as well. The reform wing’s success in strengthening its position within the party eventually allowed it to offer the populists

¹⁷ “Although the HTM became citizens of other countries, they didn’t break away from the nation. Even if the borders left them, the mother country did not.” Szokai and Tabajdi: *Mai politikánk és a nemzetiségi kérdés* [Our current policy and the nationality question]

¹⁸ Tóké, *Hungary’s negotiated revolution*, 195.

¹⁹ The lack of unity became apparent at the MDF-dominated Lakitelek meeting in 1987. For more on the meeting at Lakitelek see Sándor Agócs and Endre Medvigy: *A Magyarország Esélyei: a tanácskozás hiteles jegyzőkönyve, Lakitelek, 1987. szept. 27* [*Hungary’s prospects: the official record of the conference, Lakitelek, September 27, 1987*] Lakitelek; Budapest: Antológia; Püski, 1991.

public legitimacy for their agenda of moral and national regeneration.²⁰ The sea change on official diaspora policy gave the populists an opportunity to broaden their organizational capacity just as the transition from one-party rule to some sort of political pluralism was beginning in earnest in the mid to late 1980s. By having the tacit support, and not just toleration, of influential Party elites, the MDF was able to hold meetings, such as the one held at the Jurta theater on the ethnic Hungarian situation which drew a crowd of almost 800, and to organize a large demonstration on June 17, 1988 in support of Hungarian minority rights in Transylvania.²¹ The MDF also arranged for the publication of the English-language “Report on the Situation of the Hungarian Minority in Romania” in 1988.²² The populists used their political leverage to publicize the HTM issue internationally more widely, and to push the reformers to make Hungary’s official stance more proactive. The ability of the populists to maintain credibility with the out-going regime as well as their popular support through a long history of concern for the cross-border Hungarians carried over into the transition period. They became major players in the Roundtable talks of 1989 and the “negotiated revolution” away from communist control. Using the momentum from the events of the late 1980s, the MDF eventually came to lead the first post-communist government elected in 1990.

The rise and fall of kin-state nationalism

In the early years of democratic transition, the MDF-led government predictably focused on “Christian-national” and ideological issues, many of which revolved around the ethnic Hungarians in neighboring countries. Prime Minister Antall demanded that any progress on normalizing relations with neighboring governments be tied to specific guarantees regarding the Hungarian minorities and refused to officially denounce all intentions to revise borders. His public comments focused on highly symbolic, and often controversial, issues such as the commemoration of the Trianon tragedy and the rehabilitation of authoritarian interwar politicians. In perhaps his most infamous statement, he declared in 1990

²⁰ Schöpflin, *Opposition and Para-Opposition*, op. cit.

²¹ See Tőkés, *Hungary’s negotiated revolution*, 200.

²² Attila Ara-Kovács, Rudolf Joó: *Report on the situation of the Hungarian minority in Rumania: prepared for the Hungarian Democratic Forum*. Budapest: 1988.

that “I consider myself to be the prime minister of 15 million Hungarians”, a figure which included the 10 million Hungarians in Hungary as well as those who were citizens of the neighboring states.²³

The Forum’s appeal to transborder nationalism came not only from a commitment to the ethnic Hungarian issue, but played an important strategic role for the Party. Forum elites saw control over the evolving relationship to the ethnic Hungarians abroad as a means for defining domestic political debates about post-communist Hungary’s identity and role in the region. As it had in the past, the Forum attempted to generate ideological and organizational strength from its position on questions of the nation and the co-ethnics in neighboring countries. The diaspora issue also helped to define the movement and later the party’s character and ideological orientation. The fate of the ethnic Hungarians in neighboring countries was a timely and relevant issue given the uncertain situation of the HTM in the region and the increased engagement of public figures in reaction to this leading up to the election in 1990. Public opinion in 1989 and early 1990 reflected these concerns, demonstrating a relatively positive reaction to diaspora members from neighboring countries migrating to Hungary, even as the refugee issue raised fears of an unsustainable influx of ethnic Hungarians. Eighty-five percent of those polled agreed that Hungary’s assistance was necessary because “they need our help” and seventy percent because “they increase feelings of Hungarianness”. Only 10 percent felt that the HTM were “not real Hungarians.”²⁴ Even more tellingly, 78 percent of respondents in a post-election survey indicated that whether or not a party “represents the best interests of *magyarság*” influenced their party vote.²⁵

The MDF government also utilized kin-state nationalism as a way to deflect growing criticism by the opposition MSZP and SZDSZ of its controversial policies on media reform, the slowness of privatization, and relations with neighboring countries. The MDF’s commitment to creat-

²³ See speech by Antall at the third MDF party congress, “Folytatta munkáját az MDF III. Országos gyűlése – Antall József beszéde”

²⁴ Endre Sik and Bori Simonovits: Jelentés az MTA Kisebbségkutató Intézet Nemzetközi Migráció és Menekültügyi Kutatások Központja által készített közvelemény-kutatássorozat három hullámának eredményeiről I. TÁRKI, October 2002. 12–13.

²⁵ H.D. Klingemann, T. Kolosi, and P. Róbert: Hungarian 1990 Post-Election Survey. *Zentralarchiv für Empirische Sozialforschung an der Universität zu Köln*, www.gesis.org/en/data_service/eastern_europe/data/codebook/cb2486.pdf, 58.

ing a “Christian Hungarian middle class”, the pro-agriculturalist agenda of its Smallholders’ (FKGP) allies, and its inexperience in governance made it reluctant to embrace privatization and foreign investment.²⁶ The governing coalition responded in part by attempting to claim ownership of the diaspora issue. As a way of discrediting the administration’s most vocal critics, MDF leaders suggested that the liberal SZDSZ was not “national” enough or sufficiently concerned with the fate of the diaspora. The SZDSZ was forced to defend itself against accusations that it was “un-national” (*nemzetietlen*), “anti-national” (*nemzetellenes*), and “cosmopolitan”, the latter often a catchword for inauthentically Hungarian and/or Jewish.²⁷

Organizationally, Antall was able to use meetings of the World Congress of Hungarians (MVSZ) in Budapest and new institutions created to support the HTM, such as the Government Office of Hungarian Minorities Abroad (HTMH) and Duna Television, to bolster his position and lock out the influence of opposition parties. Antall was invited to give a keynote speech at the August 1992 MVSZ meeting in Budapest, where he enthusiastically embraced his role as the prime minister of all Hungarians.²⁸ In contrast, the SZDSZ was criticized for not attending the gathering as an organized party.²⁹ The HTMH, which replaced the Secretariat for Hungarian Minority Affairs in May of 1992,³⁰ also became a gateway for diaspora members more aligned with the MDF to influence Hungarian policy.³¹

However, other political and institutional factors limited the extent to which the MDF was able to capitalize on its enthusiastic and often controversial engagement with *nemzeti* rhetoric. In particular, regime change brought a new context of increased political competition and

²⁶ *Ibid.*, 290.

²⁷ András György Lengyel: Szent-Iványi István: a laptalan a nemzetietlenség vádja [István Szent-Iványi: the accusation of being un-national is baseless] *Magyar Hírlap*, September 8, 1992.

²⁸ Michael Shields: Hungary backs its exiles. *The Independent*, August 20, 1992.

²⁹ According to Szent-Iványi, the SZDSZ was not invited, although individual delegates attended various sessions. See Lengyel: Szent-Iványi István: a laptalan a nemzetietlenség vádja.

³⁰ By Government Decree 90/1992, dated May 29, 1992. In the spring of 1990 the HTM Secretariat was split off from the National and Ethnic Minority Office by the Antall government.

³¹ Tóth, Judit: Diaspora Politics: Programs and Prospects. In Kiss and McGovern (eds.): *New Diasporas in Hungary, Russia and Ukraine*, 116.

economic transformation in which the domestic costs and benefits of utilizing the diaspora as a strategic resource became more uncertain and more complex for elites. The “deregulation” of politics in Hungary combined with the general instability in the East European region opened up space for various political interests to present alternative visions for how they could best improve their co-ethnics’ quality of life without sacrificing the gains of Hungary’s economic and political transition.³² This debate served to undermine somewhat the ideological ownership of the diaspora issue by more extreme, right-wing nationalists in Hungary, who had not yet learned to exploit the institutional biases towards majoritarian politics in Hungary’s constitution.³³ At this stage of transition, no one group had a monopoly on the policy debate over Hungary’s co-ethnics, particularly as other pressing problems took attention away from symbolic politics.

The government’s focus on co-ethnics who were not citizens of Hungary began to alienate many domestic constituents, who would have preferred to see that concern turned inwards to Hungary’s own economic and social problems. The MDF did not build a broad base of support for its conception of national priorities, and failed to tie the diaspora issue to other economic, social and regional issues that voters considered important. Instead, MDF leaders presented Hungary’s diaspora policy, particularly in the foreign policy sphere, as a potentially losing proposition, in which conditions for Hungarians on both sides of the border would progress together or not at all. Domestic constituents and opposition elites, in contrast, expressed concerns that the MDF’s diaspora policy was jeopardizing Hungary’s international standing, including backing from the EU and NATO, and its long-term economic and political stability.

Public opinion in Hungary eventually rebelled against the MDF’s symbolic politics, leading to the party’s defeat in the 1994 elections. Polling data from the years leading up to the election demonstrate that while the MDF was considered the party most likely “to improve the

³² The term “deregulation” in this sense is taken from Valerie Bunce: *Subversive institutions: the design and the destruction of socialism and the state*. Cambridge, UK ; New York: Cambridge University Press, 1999. 11.

³³ Attila Ágh: Early Consolidation and Performance Crisis: The Majoritarian–Consensus Democracy Debate in Hungary. *West European Politics*, Vol. 24, Nr. 3, 2001.

situation of ethnic Hungarians in neighboring countries,”³⁴ the government’s overall support had deteriorated significantly, as had public support for an intense engagement with the HTM issue. In the weeks before the elections, Antall’s positive job performance was only at 31.5 percent,³⁵ and only 22.3 percent strongly felt that the goal of improving the situation of ethnic Hungarians in neighboring countries was personally important to them.³⁶ The defeat of the MDF government and the electoral success of a left-wing coalition led by the MSZP in 1994 clearly reflected these opinion and demonstrated the limits of support for kin-state nationalism as a political project during the transition.

Rebuilding the Hungarian Right

After post-communist Hungary’s second peaceful democratic election in 1994, it appeared that the political influence of the nationalist Right was on the wane. The new social democratic government promised a more technocratic and less ideological approach to the co-ethnics across the border. The MSZP-led coalition focused on concrete goals, such as modernizing the cross-border subsidy system and funding cultural and entrepreneurial endeavors in ethnic Hungarian communities. Most significantly, the new government was determined to normalize relations with the neighboring governments in order to ensure that Hungary’s European Union membership was kept on track. Within two years, the new government had signed basic agreements with both Slovakia and Romania.

By 1998, a major shift on diaspora policy seemed unlikely: Yet that year, MSZP and SZDSZ lost a hard-fought election to a new right-wing coalition, led by the Federation of Young Democrats (FiDeSZ), a party which had barely made it over the five percent parliamentary threshold in 1994. Between 1994 and 1998, the politics surrounding diaspora

³⁴ In April 1994, 45.29 percent of those polled considered the MDF most likely to improve the HTM situation. H.D. Klingemann and Gábor Tóka: 1994 Hungarian Election – Pre-Election Studies 1992–1994. *Zentralarchiv für Empirische Sozialforschung an der Universität zu Köln*, www.gesis.org/en/data_service/eastern_europe/data/codebook/cb3056.pdf. (Accessed: January 2, 2004), 174.

³⁵ *Ibid.*, 30.

³⁶ As a contrast, 91.9 percent felt that increasing pensions and social benefits were important. *Ibid.*, 45, 195.

policy became a highly contentious and central point of opposition and criticism of the government. In just four short years, the political Right in Hungary had been remade and strengthened and the political and rhetorical focus on the diaspora and questions of the nation were renewed and intensified.

A major factor behind this shift was the party-building strategy of FiDeSZ, which revitalized the Hungarian right and consciously utilized the diaspora issue as a political resource. The victory of FiDeSZ in the 1998 parliamentary elections began a crucial intensification of Hungary's ethnic activism, which eventually resulted in the controversial 2001 "Status Law." The conditions of Hungary's democratic transition provided a relatively open and fluid political field, in which new political organizations could emerge and challenge more entrenched parties. For such parties, which lacked other kinds of historical or ideological legitimacy, a discourse of national identity and the symbolic politics of a borderless ethnic nation and cultural pride offered one avenue of potential electoral success.

The HTM issue represented a partial solution to the ideological and organizational barriers that FiDeSZ faced in challenging more entrenched political forces. In the early 1990s, FiDeSZ's main distinguishing characteristics were its youth (the original party charter capped membership to those 35 and under), and its unflinching anti-communism. However, neither of these attributes gave the party a long-term ideological basis on which to build a distinct party platform, especially while the traditional liberal and conservative ideologies were already represented by the more well-known SZDSZ and MDF. Complicating matters was the successful reconstitution of the former Communist Party into the social democratic MSZP. The MSZP's evolution into the most formidable opposition party and a potential coalition partner for parties on the ideological Left further encroached upon FiDeSZ's position as an anti-communist, left-wing party in opposition to the conservative MDF.

FiDeSZ was also somewhat disadvantaged by its outsider status, having had little connection to historically-salient political divisions and parties. This difference was apparent as all the other parties of the Center-Right – the Smallholders', KDNP, MIÉP, and MDF – were part of "an interrupted historical trend in the country" which harkened back to parties and movements of the interwar period or to intellectual trends that

survived Communism intact.³⁷ FiDeSZ had to compete with the historical legitimacy of these other parties and with the parties to the far Right of FiDeSZ, such as the Hungarian Justice and Life Party (MIÉP), which were known for their strong and often extreme language of nationalism, irredentism, and Hungary's rightful place in history. FiDeSZ met this challenge by transforming itself from a "neo-liberal conservative" party focused on individualism and free market policies to a "traditional conservative" party more skeptical of economic reforms and committed to the principles of family, nation, religion and culture.³⁸

As an opposition party during the MSZP-SZDSZ government from 1994–1998, FiDeSZ moved to claim "ownership" of the status of the nation – an issue with which the party could attack the legitimacy of the Left and fortify its own unique identity. FiDeSZ first began to attack the MSZP's economic reforms, tying the Socialists' modernization project to a betrayal of the country's morality, national culture, and middle-class values. The party then went further by changing its name to FiDeSZ-MPP (Magyar Polgári Párt – Hungarian Civic Party) during its 1995 party congress and adopting a new discourse of representing a broad right-wing "civic" or "bourgeois" Hungary. Party leaders criticized the MSZP government for failing to provide moral leadership and argued that its reform policies were "criminal" because they had "consumed, squandered and discredited the opportunities, hopes and challenges which the miracle of the regime change signified – or would have signified – for the nation."³⁹

The idea of a "civic" Hungary endangered by the Socialists' policies also framed FiDeSZ-MPP's critique of the government's diaspora policy. MSZP was accused of selling out the Hungarian nation and squan-

³⁷ Ivan T. Berend: *The Political Right in Eastern Europe in Historical Perspective*. In Joseph Held (ed.): *Democracy and Right-Wing Politics in Eastern Europe in the 1990s*. Boulder: East European Monographs, 1993. 122.

³⁸ Kenneth Ka-Lok Chan: *Strands of Conservative Politics in Post-Communist Transitions: Adapting to Europeanization and Democratization*. In Paul G. Lewis (ed.): *Party Development and Democratic Change in Post-Communist Europe*. London, Portland: Frank Cass, 2001.

³⁹ József Szájer: *Van más választás: Polgári Magyarország*. [There's another choice: civic Hungary] – speech made at the 8th FiDeSZ congress, April 19, 1997. Reprinted in József Szájer: *Jogállam, Szabadság, Rendszerváltoztatás: Beszédék, Írások, Dokumentumok, 1987–1997* [*Constitutional State, Freedom, and Regime Transition: Speeches, Writings, Documents, 1987–1997*] Budapest: DAC Alapítvány, 1998.

dering the rights and opportunities of millions of Hungarians in order to please the West and to continue with its neo-liberal reforms. The perfect context for these critiques came as the Horn government went forward with its plans to normalize relations with the neighboring governments of Slovakia and Romania. The controversies surrounding the Basic Agreements provided a forum for FiDeSZ-MPP to expand its ideological critiques and make alliances with other right-wing elites within Hungary and across the border.

The contentious plenary debates in the Hungarian parliament over the treaties exposed the MSZP government to intense criticism and began to erode the elite consensus on diaspora policy. During debate over the basic agreement with Slovakia, for example, Horn's actions were called "treason"⁴⁰ and the treaty itself "Hungary's third Trianon."⁴¹ FiDeSZ-MPP took advantage of these tensions. The party moved quickly to form alliances with other right parties that had spoken out against the Socialists' economic reforms and lack of "nemzeti content". The year 1995 began with the government's formation of a 6-Party Consultative Committee of Minorities Beyond the Border, which cooperated on parliamentary declarations, budgetary decisions, and participation in European forums regarding the Hungarian diaspora.⁴² Within a few months, this broad-based consultation was dead. On September 7, 1995, members of FiDeSZ-MPP, the MDF and the KDNP held a press conference where they presented an itemized critique of the MSZP's approach to the diaspora issue and announced their new institutionalized cooperation to oppose the government's policies.⁴³

The criticisms enumerated at the press conference and at numerous other times by FiDeSZ and its allies faulted the MSZP-SZDSZ

⁴⁰ Gyula Horn: *Azok a Kilencvenes Évek...* [*Those 1990's...*] Budapest: Kossuth Kiadó, 1999. 36.

⁴¹ Quoted in Margit Bessenyey Williams: *European Integration and Minority Rights: The Case of Hungary and Its Neighbors*. In Ronald H. Linden (ed.): *Norms and Nannies: The Impact of International Organizations on the Central and East European States*. Lanham, Boulder: Rowman & Littlefield, 2002. 237. The treaty was finally ratified on June 13, 1995. Slovakia's parliament took over a year to ratify.

⁴² In Hungarian: Hatpárti Határon Túli Kisebbségi Konzultatív Bizottság. See László Lábodý and István Íjgyártó: *Kormánypolitika – pártpolitika – határon túli magyarok* [Government policy – party politics – Hungarians beyond the border] *Magyarország politikai évkönyve* [*The political yearbook of Hungary*] 1996.

⁴³ *Ibid.*

government for subordinating the interests of the HTM to the goals of Euro-Atlantic integration and a more conciliatory foreign policy. While Prime Minister Horn lauded the fact that the signing of the Basic Treaties meant that “Europe is with us”⁴⁴, his detractors saw the treaties and his refusal to allow HTM representatives to sit at the bargaining table as a sign of weakness and misplaced priorities. “Under the magic spell” of Euro-Atlantic integration into NATO and the European Union, the MSZP government had forgotten about its responsibility to its co-ethnics in neighboring countries.⁴⁵ The Socialists’ acquiescence to the demands of Western Europe put Hungary into the position of having to “apologize for every basic demand made on behalf of the Hungarian nation”, such as autonomy for the diaspora communities.⁴⁶ Instead of dealing with the reality of ethnic tensions in the region, the government “hides the problems of the HTM under a bushel in front of its Western partners.”⁴⁷ The Socialists were stuck instead in the “late-Kádár era mentality”, which only served the interests of the state and the political interests of the Socialist party while giving short shrift to protecting the interests of the Hungarian nation.⁴⁸

The Right’s intensifying criticism of the Socialists also provided an opportunity for FiDeSZ to form alliances with members of the HTM communities dissatisfied with the MSZP’s stance on the diaspora issue. The government’s most vocal domestic critics, including FiDeSZ-MPP and the FKGP, “found an almost natural alliance with the disaffected ‘radicals’ of the HTM, [i]n the spirit of the motto, ‘whoever criticizes the government is our friend.’”⁴⁹ Early in 1996, FiDeSZ made its associ-

⁴⁴ Horn: *Azok a Kilenvenes Évek... [Those 1990's.]*, 38–40.

⁴⁵ Varjú Frigyes: Pártolándó autonómiaörekvések: Németh Zsolt a liberális és konzervatív értékek harmóniájáról, a kormány paternalizmusáról és a határon túli magyarságról [Supporting endeavors towards autonomy: Zsolt Németh on the harmony of liberal and conservative values, the paternalism of the government, and Hungarians beyond the border] *Magyar Nemzet*, June 5, 1996.

⁴⁶ Quoting FiDeSZ-MPP representative, Zoltán Rockenbauer in Tibor Moldoványi: Határtalan Érdekeink [Our borderless interests] *Magyar Nemzet*, August 3, 1996.

⁴⁷ Rockenbauer, *Ibid.*

⁴⁸ See Rockenbauer, *Ibid.*; István Bundula: tényleg csak tíz és fél millió magyar miniszterelnöke: Csapody Miklós, az Országgyűlés külügyi bizottságának tagja [He is certainly only the prime minister of ten and a half million Hungarians: Miklós Csapody, member of the foreign affairs committee of parliament] *Magyar Narancs*, August 3 1995, and Frigyes: Pártolándó autonómiaörekvések.

⁴⁹ Lábodý and Ijgyártó: Kormánypolitika – pártpolitika – határon túli magyarok.

ation with more radical members of the RMDSZ, Romania's main ethnic Hungarian political organization, a central part of the new network of intellectual and political clubs, societies, associations, and salons that the party sponsored. For example, Bishop László Tótkés, one of the most prominent and vocal members of the Hungarian minority in Romania and honorary chairman of the RMDSZ, was invited to participate in the opening of FiDeSZ's foreign policy club, where he stated his agreement with FiDeSZ's approach to the HTM issue and criticized the Socialists during a press conference held with Orbán and other FiDeSZ leaders.⁵⁰

These transborder alliances were crucial to FiDeSZ's development because they helped to counteract party's limited organizational capacity, which stemmed from FiDeSZ's unique origins as a protest movement created by a small, informal elite. As one analyst described the party, FiDeSZ "was originally a movement of independent groups formed in a completely autonomous way based on principles of direct democracy and collective leadership."⁵¹ The party lacked an extensive, state-wide organization which could help overcome its narrow electoral base, modest infrastructure, and lack of connections in the world of media and business elites. By the mid-1990s, FiDeSZ had one of the lowest percentages of party membership, the lowest number of regional and local offices, and the lowest number of total members.⁵² Following the 1994 election, FiDeSZ had been forced to staff each county office with only one employee and relied on a small, centralized group of core officials to carry out almost all party functions. In fact, FiDeSZ had been known as the "answering machine party", because it had offices with answering machines, but no networks of supporters to answer the phones.⁵³

⁵⁰ "Transylvanian bishop's reconciliation proposals met coolly in Hungary", as provided by *BBC Monitoring Summary of World Broadcasts*, February 19, 1996. Global NewsBank. <http://infoweb.newsbank.com>.

⁵¹ Bill Lomax: *The Structure and Organization of Hungary's Political Parties*. In Paul G. Lewis (ed.): *Party Structure and Organization in East-Central Europe. Studies of Communism in Transition*. Cheltenham, UK: Edward Elgar, 1996.

⁵² In 1994, FiDeSZ had only 2.6% party membership and 37 regional and local party offices. See James Toole: *Straddling the East-West Divide: Party Organization and Communist Legacies in East Central Europe. Europe-Asia Studies*, Vol. 55, Nr. 1, 2003.

⁵³ This characterization is attributed to József Torgyán, the leader of the Smallholders' Party. See James Toole: *Straddling the East-West Divide: Party Organization and Communist Legacies in East Central Europe. Europe-Asia Studies*, Vol. 55, Nr. 1, 2003.

All this contrasted with the organizational style of the old Socialist elite, which relied on less formal rules, a weaker executive, and a vast network of personal connections and local organization. While the MSZP also had a small membership base, it had nearly twice as many nation-wide offices as any other party and an extensive mid-level bureaucratic infrastructure.

A growing engagement with the diaspora issue helped FiDeSZ to take advantage of its oppositional role and to solidify its position on the Right of the political spectrum. FiDeSZ-MPP acted strategically to position itself as the center of an emerging Center-Right bloc. The Young Democrats integrated and out-maneuvered its rivals, provided a viable alternative to the Left-wing bloc represented by MSZP and SZDSZ, and concentrated its ideological and organizational base. FiDeSZ-MPP was able to overcome its early rivals through a combination of co-optation and cooperation. In 1995, the FKGP and its fiery leader József Torgyán became the most visible and popular opposition party based largely on its vocal criticisms of the government's privatizing reforms.⁵⁴ By the end of 1996, however, FiDeSZ-MPP had begun to edge out the Smallholders' as the most popular opposition party. Torgyán had become too controversial a figure outside of his main supporters, mostly the rural poor and others hurt by the economic reforms, turning would-be supporters off with radical rhetoric reminiscent of the previous government's unpopular nationalism. FiDeSZ leaders worked during this period to split off factions from the MDF and the KDNP. The party lured the more moderate members with membership in FiDeSZ's "Civic Alliance" and with promises of electoral cooperation, which served to further radicalize and isolate the FKGP. FiDeSZ also showed its willingness to cooperate with the Smallholders on certain issues, such as the fate of the ethnic Hungarians and the question of foreign ownership of

⁵⁴ See András Kovács: Did the Losers Really Win? An Analysis of Electoral Behavior in Hungary in 1994. *Social Research*, Vol. 63, Nr. 2, 1996; and Brigid Fowler: Concentrated Orange: Fidesz and the Remaking of the Hungarian Centre-Right, 1994–2002. *Journal of Communist Studies and Transition Politics*, Vol. 20, Nr. 3, 2004, 87. Another poll done between October and November 1995 showed MSZP and FKGP almost tied in support (14.1% and 13.7%, respectively) "if the general election was held next Sunday". Data from TÁRKI: Hungary Study in ISSP (International Social Survey Program) 1995 National Identity Survey Codebook. 146.

land, which both parties opposed.⁵⁵ By 1997 and the run-up to the 1998 parliamentary elections, FiDeSZ-MPP had clearly won the struggle for dominance on the right of the political spectrum.

Once in power, FiDeSZ reinvigorated a discussion of diaspora policy by offering a form of kin-state nationalism that could make Hungarians feel good about being Hungarian and their unique cultural and linguistic status. In combating the “specter of national death” that many intellectuals and analysts have commented on,⁵⁶ FiDeSZ’s nationalism invited the younger generation in particular to learn about and take pride in the larger cultural nation that transcended Hungary’s borders. Orbán stated his intent to combat the nation’s “inferiority complex”⁵⁷ and lack of education about the HTM communities, earning his HTM policies a large measure of respect from activist and advocacy communities that had felt somewhat ignored during the MSZP government.⁵⁸

FiDeSZ offered a new approach to the HTM issue by treating the diaspora not as a “problem” or “burden” that had to be dealt with, but as a positive attribute for Hungary and the entire region.⁵⁹ FiDeSZ policymakers made a point to emphasize the importance that culturally-autonomous HTM communities integrated into the larger Hungarian nation could play in Hungary’s future. In 2001, Orbán invoked not only the symbolic importance of the HTM, but their ability to increase Hungary’s strength and standing in the world as well:

There were times when it was the Hungarians beyond the borders who kept our souls alive. My hope is that one day Hungarians in Hungary will

⁵⁵ Fowler: Concentrated Orange, 90. Fowler argues that FiDeSZ possessed a high degree of “party-ness”, which she defines as “clarity about the organizational goals of seats and office and a willingness among party elites to subordinate personal considerations in pursuit of them.”

⁵⁶ See László Deme: Liberal Nationalism in Hungary. *East European Quarterly*, Vol. 32, Nr. 1, 1998; and György Csepeli and Antal Örkény: The Changing Facets of Hungarian Nationalism. *Social Research*, Vol. 63, Spring, 1996.

⁵⁷ Deme: Liberal Nationalism in Hungary.

⁵⁸ Tamás Papp, Office Manager, Hungarian Human Rights Foundation. Personal interview, April 24, 2003.; Balázs Széchy, Department of Strategic Analysis, Government Office for Hungarian Minorities Abroad. Personal interview, April 28, 2003.

⁵⁹ Csaba Lőrincz, Chief Advisor to the Foreign Affairs Committee of Parliament, former Deputy Head of Foreign Affairs Ministry. Personal interview, May 22, 2003. Also Széchy, interview.

look at territories beyond the borders and Hungarians there not as those who have to be helped but those who are the great power reserves for the Hungarian economy and the Hungarian community in the Carpathian basin... [Material support for the HTM] is not help but investment, since in the long term, it is obvious that the power of a 10-million-strong Hungarian community is far exceeded by the power of the Carpathian Basin's Hungarian community of 14 million people.⁶⁰

The FiDeSZ government was also eager to combat criticisms that the renewed emphasis on the HTM question would jeopardize Hungary's EU accession. A member of Orbán's foreign ministry argued in a 1999 article that "the Hungarians beyond the border are not a burden that hinders our integration, but just the opposite: with the appropriate policy, [the HTM] can be an asset."⁶¹ The HTM were often referred to as the most peaceful of the region's national minorities, the "standard bearers of democracy and political stability" for the entire region.⁶²

As the head of the governing coalition from 1998, FiDeSZ moved to formalize its cross-border connections and took diaspora clientelism to a new extreme. Beginning with its campaign promises made in front of HTM communities before the 1998 election, FiDeSZ supported and encouraged the more radical wing of ethnic Hungarian political parties, particularly within the RMDSZ. According to Hungary's largest daily newspaper:

During the last government cycle, FiDeSZ openly stuck up for the radicals of RMDSZ, granted serious material support to the organizations, enterprises and foundations of the "reformers"- of course against the leadership

⁶⁰ Hungarian premier says status law is "national reunification" across borders. *Hungarian Radio*, Budapest, as provided by *BBC Monitoring International Reports*, October 25, 2001. Global NewsBank at <http://infoweb.newsbank.com>.

⁶¹ András Klein: Néhány gondolat az Orbán-kormány külpolitikájáról [Some thoughts about the Orbán government's foreign policy] *Pro Minoritate*, Vol. 7, Nr. 1, 1999.

⁶² See speech by Zsolt Németh: A határon túli magyarokról szóló törvényjavaslat parlamenti vitája [Parliamentary Debate about the Draft Law on Hungarians Living in Neighboring Countries] reprinted in Zoltán Kántor (ed.): *A Státustörvény: Dokumentumok, Tanulmányok, Publicisztika* [*The Status Law: Documents, Essays, Articles*] Budapest: Teleki László Alapítvány, 2002.

of the “moderates” - and allocated members of the populist wing paid positions from Hungary...⁶³

FiDeSZ allied itself with like-minded ethnic Hungarian leaders, in particular those that focused on autonomy demands and had little hope for accommodation from the majority governments. The party and its allies actively opposed the moderate wing, which “pursues a strategy of small steps and legal security attainable through the tools of a constitutional state.”⁶⁴

Finally, the Orbán government wasted little time in tapping into existing transnational networks by changing the nature of governmental offices and non-profit organizations in Hungary that deal with HTM policies and subsidies. New personnel were installed in the ministries dealing with minority and HTM affairs, and on the boards of trustees of the largest public foundations which administer grant money to the HTM communities, such as the János Apáczai Foundation, which has a budget of 1.2 billion HUF per year.⁶⁵ In addition, the FiDeSZ government moved the HTMH from the administration of the Prime Minister’s office to that of the Foreign Affairs Ministry. This signaled the offices’s new status as a top priority of Hungarian foreign policy and the latitude being given to Zsolt Németh, FiDeSZ’s Foreign Affairs State Secretary and a long-time passionate activist for HTM support and autonomy.⁶⁶ The FiDeSZ administration also tied the HTM communities more closely to the Hungarian government by institutionalizing the World Congress of Hungarians (MVSZ) into a semi-official organization, the Hungarian Standing Conference (MÁÉRT), that would serve as a consultative body of global Hungarians. FiDeSZ made good on its promise to give diaspora organizations more access to Hungarian state decision-making in February of 1999 by creating this forum that

⁶³ Zoltán Tibori Szabó: RMDSZ: szakítópórába – Mítoszvá válhat a romániai magyarok egységes politikai képviselője [RMDSZ: trial separation – The Romanian Hungarians’ unified political position may become a myth] *Népszabadság*, August 14, 2002.

⁶⁴ Ibid.

⁶⁵ Erika Törzsök, Director, Center for Comparative European Research. Personal interview, April 30, 2003; Zsolt Udvarvölgyi, Chief Advisor, Secretary for Minority Affairs, Office of the Prime Minister. Personal interview, 23 May 2003.

⁶⁶ Széchy, interview.

would serve, in the words of Zsolt Németh, as “a kind of integration deal between Hungary and Hungarians beyond the borders.”⁶⁷

Conclusion

This article has outlined some of the concrete ways in which Hungary’s diaspora politics and policies have been driven in large part by the domestic political strategies of party elites. Using the state’s relationship to the ethnic Hungarian communities in neighboring states as a political resource, right-wing elites, in particular, were able to generate ideological legitimacy, increased organizational capacity, and a way to discredit opponents and realign the balance of political power. This narrative demonstrates that kin-state nationalism and ethnic affiliations that cross borders are not monolithic or necessarily waning phenomena, but dynamic forms of political and social identification that are utilized in various ways when other paths of political legitimacy are inaccessible. The discourse of protecting Hungary’s transborder nation and the cultural-linguistic heritage that it represents offers parties one mode of governing legitimacy. Yet this strategy is not without its costs, as the defeat of the MDF government in 1994 and FiDeSZ’s narrow loss of power in 2002 demonstrated. Particularly when it appears that other state interests – such as economic recovery, political stability, and regional integration – may be jeopardized by the state’s increasing ethnic activism, voters may be hard-pressed to choose those outside their borders over their own pragmatic needs. This is one possible lesson of the decreasing support for more recent attempts to intensify Hungary’s diaspora policy, particularly in regards to the diluted “Status Law” and the failure of the referendum on dual citizenship for members of the regional diaspora in December 2004.

⁶⁷ Ethnic Hungarian forum takes institutional form. *Hungarian Radio*, Budapest, as provided by *BBC Monitoring International Reports*, 21 February 1999. *Global Newsbank*. <http://infoweb.newsbank.com>.

ZOLTÁN KÁNTOR

The recommendation on the concept “nation” of the PACE*

The resolutions and the recommendations of the Parliamentary Assembly of the Council of Europe (PACE) are not binding. They reflect the central values of an important European political body and may help orient how European politicians think about certain issues. They do not reflect the position of the European Union; however, they may become one of the underlying principles of EU politics.¹ These resolutions and recommendations are in the first instance political documents, and it would be a mistake to consider them as the peak of scientific thought. However, the report we are analyzing is among these and studied an issue that normally belongs to the realm of social scientists, philosophers and lawyers.²

Debates concerning the definition of the concept *national minority* have a long history among minority rights' lawyers. It is worth noting that none of the definitions supposed the existence of a kin-state or other co-nationals that share the same cultural, linguistic, etc. characteristics. Even if it is obvious that several national minorities came into being as a result of border modification, formerly being parts of a nation, this has not been reflected in any definition on national minorities. Reading these documents, it seems as if there is no link at all between national minorities and particular states or nations. Beside this, one also has to observe that minority protection is not regarded as the primary concern;

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¹ For a general account on the minority issue in the EU see: Vizi Balázs: An unintended legal backlash of enlargement? – The inclusion of minority rights in the EU Constitutional Treaty. *Regio*, Vol. 8, 2005. 87–108.

² The author of this paper is not an attorney; therefore, he focuses especially on the sociological and political scientific elements of the issue of nation.

stability and security seems to be more important in any approach to national minorities.³

This approach – regarding the link between nation and national minority – changed with a report of the Venice Commission that was concerned with the preferential treatment of national minorities by their kin-state.⁴ The root of this major change was the internationalization of the Hungarian Status Law.⁵ Since then, it has become a norm that national minorities may be supported – under certain conditions – by their kin-state. The recognition of this principle also led to a new debate concerning the definition of national minorities and the nation, and – in relation to this – a new approach on minority protection. Nevertheless, the support of national minorities by their kin-state does not belong to the classic understanding of minority protection; in practice, national minorities perceive this form as protection. At the same time, the involved actors – the nationalizing state, the national minority (kin minority) and the external national homeland (kin state) – perceive this support as an expression of nationalism. Therefore, the preferential treatment of kin-states may be considered both as kin-state nationalism and minority protection.

This article deals with the report on the concept nation; however, in order to fully understand the importance of the report, PACE's path to the recommendations made in this report should be examined.

3 See the argument of Majtényi Balázs: Utilitarianism in Minority Protection? Status Laws and International Organisations. *Central European Political Science Review*, Vol. 5, Nr. 16, 2004.

4 European Commission for Democracy Through Law (Venice Commission), 'Report on the Preferential Treatment of National Minorities by their Kin-State,' adopted by the Venice Commission at its 48th Plenary Meeting, (Venice, 19–20 October 2001). (hereinafter: Venice Commission)

5 For comprehensive overviews on the theoretical and legal issues on the Hungarian Status Law see: Kántor Zoltán – Majtényi Balázs – Osamu Ieda – Vizi Balázs – Iván Halász (eds.): *The Hungarian Status Law: Nation Building and/or Minority Protection*. Sapporo: Slavic Research Center, Hokkaido University, 2004. and Osamu Ieda (editor in chief), Editorial board: Balázs Majtényi, Zoltán Kántor, Balázs Vizi, Iván Halász, Stephen Deets: *Beyond Sovereignty: From Status Law to Transnational Citizenship?* Sapporo: Hokkaido University – Slavic Research Center, Slavic Eurasian Studies, 2006.

International aspects

As previously mentioned, the Hungarians status law that was passed in the Hungarian parliament in 2001 raised the issue. After the law was passed, Romania and Slovenia expressed their concerns that the status law might present a problem on an international level. The first international organization to issue such a statement on the “status law syndrome” was the Venice Commission. Its conclusion noted the following: “Preferential treatment may be granted to persons belonging to kin-minorities in the fields of education and culture, insofar as it pursues the legitimate aim of fostering cultural links and is proportionate to that aim.”⁶ In stating this, the Venice Commission recognized the right of kin-states to support their co-nationals living in other states. This was a novelty in international minority protection. While this declaration had become a contentious issue, an international recommendation was put forth for consideration and, thus, indicated that the Venice Commission implicitly acknowledged special bonds between a state and its kin-minorities. Moreover, the recommendation implies recognition of *the nation conceived in ethno-cultural terms*.

This is evidenced in a statement made by Rolf Ekeus, OSCE High Commissioner on National Minorities, and a week after the Venice Commission had issued its report. The statement, though formulated in general terms, concerns the Hungarian Status Law. The text of the statement highlights the difference between the boundaries of the state and those of the nation; it recognizes the interest of persons of the same ethnicity living abroad. It reads in part, “National and state boundaries seldom overlap; in fact there are few pure ‘nation states’. Borders therefore often divide national groups. ... Although a state with a titular majority population may have an interest in persons of the same ethnicity living abroad ...”⁷ Although the spirit of the statement reflects a position against the Hungarian law, it recognizes a boundary between a kin-state and kin-minorities.

During the debate surrounding the Status Law, Günter Verheugen wrote a letter to the Prime Minister of Hungary, Péter Medgyessy, in

⁶ Venice Commission

⁷ ‘Sovereignty, Responsibility, and National Minorities’, Statement by Rolf Ekeus, OSCE High Commissioner on National Minorities, in The Hague, 26 October 2001.

which he focused on the issue of the nation. Verheugen's letter stated that the phrase 'Hungarian nation as a whole' could be understood as an indication that Hungary was striving to establish special political links with the minorities in neighboring states. He recommended that this phrase be replaced with more culturally oriented ones instead.⁸

The European Commission also expressed concerns regarding the Hungarian Status Law. In particular, it mentioned that the law does not harmonize with the *acquis* and that "some of the provisions lay down in this Law apparently conflict with the prevailing European standard of minority protection."⁹

In the following, I will analyze two documents that focus on the concept of the nation. The first one is the *Preferential treatment of national minorities by their kin-states: the case of the Hungarian Status Law of 19 June 2001*¹⁰; the second one is the *The concept of "nation."*¹¹ Beside the resolution and recommendation, I will also focus on the explanatory memoranda.

The Jürgens report

A debate concerning not only the law but also the broader principle of preferential treatment regarding kin-minorities subsisted in PACE. PACE appointed Eric Jürgens as the rapporteur on the Hungarian Status Law and other similar laws in Europe. Jürgens used a very one-sided approach to the concept of the nation, interpreting it only as a *political nation*. After presenting several drafts, PACE finally accepted Eric Jürgens' report on 25 June 2003. The manner in which the report was endorsed again highlights the significance of defining the "nation". In the explanatory memorandum Jürgens stated, "The definition of the concept 'nation' in the preamble to the [Hungarian Status – ZK] law is too broad and could be interpreted as non-acceptance of the state

⁸ Günter Verheugen's letter to Hungarian Prime Minister Péter Medgyessy, dated 5 December 2002.

⁹ Commission of the European Communities 2001. Regular Report on Hungary's progress toward accession, Brussels, 13.11.2001 SEC (2001) 1748, 91. For a detailed analysis see: Balázs Vizi: The Evaluation of the 'Status Law' in the European Context. In Osamu Ieda (editor in chief) *Beyond Sovereignty: From Status Law to Transnational Citizenship?* Op. cit. 89–107.

¹⁰ I will refer to it as the Jürgens-report

¹¹ I will refer to it as the Frunda-report

borders which divide the members of the ‘nation’.”¹² As the report fundamentally rested on the political conception of the nation, it created a distinction between Hungarians and Magyars – a distinction that is not made in Hungarian language. According to the report, Hungarians constitute citizens of Hungary while Magyars constitute Hungarians living abroad.¹³ All Hungarians, whether they reside in Hungary or in a neighboring state, refer to themselves as ‘Magyar’.¹⁴

In the Resolution 1335 (2003) of the Parliamentary Assembly of the Council of Europe it is stated that there is no common European legal definition of the ‘nation’:

10. Furthermore, there is a feeling that in these neighbouring countries the definition of the concept of ‘nation’ in the preamble to the law could under certain circumstances be interpreted – though this interpretation is not correct – as non-acceptance of the state borders which divide the members of the ‘nation’, notwithstanding the fact that Hungary has ratified several multi- and bilateral instruments containing the principle of respect for the territorial integrity of states, in particular the basic treaties which have entered into force between Hungary and Romania and Slovakia. *The Assembly notes that up until now there is no common European legal definition of the concept of ‘nation’.*¹⁵ (italics added – ZK)

¹² Erik Jürgens, ‘Explanatory Memorandum’ and Erik Jürgens, ‘Preferential treatment of national minorities by their kin-states: the case of the Hungarian Status Law of 19 June 2001,’ Council of Europe Parliamentary Assembly.

¹³ Magyars: people of Hungarian identity (i.e., citizens of the countries concerned who consider themselves as persons belonging to the Hungarian ‘national’ cultural and linguistic community).

¹⁴ In the Hungarian language, no other word designates those who belong to the Hungarian nation. Hungarian is the term used in English. Romanians use both words, Hungarians (unguri) and Magyars (maghiari), but there is no systematic distinction between Hungarians living in Hungary and Hungarians living in Romania. The distinction between the “Hungarian” as political nation and “Magyar” as ethnic category would be justifiable only if the same distinction would be made in all other cases. For instance, according to this logic German citizens would be categorized as *Germans* while Germans living in other states would be categorized as *Deutsch* in an otherwise English-language text or document.

¹⁵ Council of Europe Parliamentary Assembly. Resolution 1335 (2003): Preferential Treatment of National Minorities by the Kin-state: The Case of the Hungarian Law on Hungarians Living in Neighbouring Countries (‘Magyars’) of 19 June 2001. (25 June 2003)

Although the resolution does not focus on the 'nation', the explanatory memorandum does deal in length with this term. It notes that the word 'nation' is employed in different parts of Europe in different ways, but there is a strong indication that the rapporteur prefers the political conception of the nation:

22. The Council of Europe should in my view [*Eric Jürgens – ZK*] take a further look at the concept of 'nation' as it is employed in many parts of Europe on the basis of traditions that precede the 19th century concept of the nation-state. The Council of Europe, and public international law in general, is based on the concept of 'state' and 'citizenship'. This leaves no room for the concept of 'nation'. This was done on purpose after World War II, because nationalist ideologies were root causes of that war (nationalist here used both in the sense of excessive state patriotism, and in the sense of proclaiming one's own 'nation' to be superior). Where claims are made on the citizens of other states by virtually 'enrolling' them as members of that 'nation' which the kin-state seeks to bring together and to represent, this nation-concept which is too strong could endanger the traditions of the Council of Europe.

The explanatory memorandum does not use of social scientific theories, but instead focuses on the presupposed perils of certain interpretations of the concept nation:

19. As described above, the concept of 'nation' can in its consequences sometimes be positive and sometimes relatively innocuous. But it can on the other side carry a suggestion of non-acceptation of those state borders which in fact divide the members of the 'nation'. This suggestion can have a negative effect if it causes unrest in the states in which the kin-minorities live, negative also for the position in that state of the kin-minorities concerned. ...

The argument of the rapporteur against the Hungarian Status Law is based on a unilateral definition of the nation. It should be noted that only considering the political conception of the nation could lead to this conclusion. Even if the recommendations and resolutions are primarily expressions of political will, the one-sided approaches discard the value of such resolutions. The rapporteur – at the end of the explanatory memorandum – shows that the concept "nation" is extremely problematic; he, therefore, suggests that PACE should attempt to find a more precise definition of the nation:

48. This report on the Hungarian law of 19 June 2001 tries to contribute to the solution of a specific issue round a specific Law. The general concept of ‘nation’ underlying this issue should therefore be elaborated on in a separate report tackling the question put forward in a more general way in the Motion for Resolution tabled by Mr. Van der Linden and others on ‘Trans-frontier co-operation in preserving the identity of national minorities’, Doc. 9163 of 3 July 2001.

The concept of “nation”

On the basis of the statement that there is “no common European legal definition of the concept of ‘nation’, Mr. György Frunda was appointed as a rapporteur on 5 June 2003 by the Committee on legal Affairs and Human Rights. In the following years, he prepared a report with the help of specialists and used the answers given on a questionnaire by 35 European states.

In the ordinary session 26 January 2006, György Frunda argued for the necessity of this report, highlighting the demagogical misuse of the concept of nation:

Why is it necessary to speak about “nation”? In the past centuries, the notion of “nation” was often used demagogically to put people against people and nations against nations and to make citizens of the same countries citizens of the first or second degree. To avoid repeating history, which is negative, we have to handle this problem.

We can speak about several definitions of “nation”. The French definition traditionally says, “One country, one nation”. The German definition says that part of the nation can live abroad. In modern times, we have the so-called civic nation, whereby the state has a contract with each of its citizens and they can belong to one or another nation. Some theoreticians speak about the cosmopolitan nation – the future European nation when all of us will be citizens of Europe but each nation will be a minority. In a future Europe, all 27 member states will be, from one point of view or another, a minority.¹⁶

¹⁶ Transcript. 2006 ORDINARY SESSION (First part). Seventh sitting. Thursday 26 January 2006.

As the Jürgens-report operated only with the concept of the ‘political nation’, there was a need to clarify the concept of nation so that the question of national minorities could be addressed:

2. The Assembly, aware of the need to clarify the terminology used in constitutions and legislations in force to cover the phenomenon of ethnic, linguistic and cultural links between groups of citizens living in different states, in particular the use of the word „nation” as well as the correlation with a specific historical or political context, has considered whether, and how, the concept of nation – where applicable, a rethought and modernized concept – can help to address the question of national minorities and their rights in 21st-century Europe.¹⁷

The recommendation on the nation shifted and reflected upon the possible alignment of the “nation” with the definition and the protection of national minorities. Formerly, PACE defined national minorities without reference to kin-states or to another nation. The Recommendation 1201 (1993), stated:

“the expression ‘national minority’ refers to a group of persons in a state who: reside on the territory of *that state* and are citizens thereof; maintain longstanding, firm and lasting ties with *that state*; display distinctive ethnic, cultural, religious or linguistic characteristics; are sufficiently representative, although smaller in number than the rest of the population of *that state* or of a region of *that state*; are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language.”¹⁸ (italics added – ZK)

The recommendations, and basically all the legal documents, consider national minorities only in relation with the state in which they live. Status laws and legislation on citizenship (especially the issue of dual citizenship) highlighted the problem from another perspective. The

¹⁷ Parliamentary Assembly of the Council of Europe: The concept of „nation” Recommendation 1735 (2006). Text adopted by the Assembly on 26 January 2006 (7th Sitting).

¹⁸ Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights

link between the kin-state, the nation and national minorities, became unavoidable.

The Assembly’s recommendation reached extremely important conclusions regarding national minorities. The first accepts that both the political (civic) nation and the cultural nation are legitimate concepts and that an individual may consider him/herself to belong to a cultural nation in addition to his/her membership to the political community of another state.

12. The Assembly believes it necessary to strengthen recognition of every European citizen’s links with his identity, culture, traditions and history, to allow any individual to define himself as a member of a cultural „nation” irrespective of his country of citizenship or the civic nation to which he belongs as a citizen, and, more specifically, to satisfy the growing aspirations of minorities which have a heightened sense of belonging to a certain cultural nation. What is important, from both a political and a legal standpoint, is to encourage a more tolerant approach to the issue of relations between the State and national minorities, culminating in genuine acceptance of every individual’s right to belong to the nation which he feels he belongs to, whether in terms of citizenship or in terms of language, culture and traditions.¹⁹

Regarding kin-state protection the Assembly recommends that the Committee of Ministers should:

16.5. draw up guidelines on procedures for developing relations between a state and the minorities residing in a different state – mainly in its neighborhood –, bearing in mind the criteria identified by the Venice Commission in its 2001 report, in the light of its analysis of existing legislations, as well as the pertinent Assembly resolutions and recommendations.²⁰

The recommendation can be considered a breakthrough in the field of minority protection, and even if this recommendation is not binding, it is worth analyzing its explanatory memorandum.

¹⁹ idem

²⁰ idem

The memorandum consists of four parts. In the first part, approaches and definitions of the nation are presented. The second part deals with the constitutional use of the concept of nation. The third part analyses the relationship between the nation and national minorities. The fourth part attempts to make a distinction between national minorities and „new” national minorities.

Regarding the definition of nation, the memorandum presents theoretical discoveries about the emergence of the nation. Compared to the Jürgens-report, the analysis is more sophisticated and equilibrated. It presents the different paths of nation-formation and the way in which the two ideal-type conceptions – the “French” and the “German” – became categories of legal and political scientific thought. The rapporteur concludes that one cannot reach a common definition of the nation, that the two concepts are of equivalent range, and that the individual should have the right to consider him/herself as belonging to a nation defined in the way he/she opts.

22. I consider that both definitions of “nation” are still valid today. A new definition is therefore unnecessary. What is important, from both a political and a legal standpoint, is genuine acceptance of every individual’s right to belong to the nation which he feels he belongs to, whether in terms of citizenship or in terms of language, culture and traditions.²¹

The report identifies five types of approaches in the constitutions of European states: 1. States whose constitutions refer explicitly or exclusively to the concept of “*nation*”, in the sense of a *civic nation*; 2. States whose constitutions refer explicitly or exclusively to the concept of “*nation*”, in the sense of an *ethnic nation*; 3. States in which the concepts of “*nation*”, as an entity that gives identity, and “*people*”, as a sovereign entity (democratic foundation of the state), exist side by side; 4. States whose constitutions do not mention the word or concept of “*nation*” but instead refer to the “*people*” as the holder of sovereignty; 5. Lastly, states where neither the concept of the “*nation*” nor that of the “*people*” appear in the Constitution.

Regarding the issue of national minorities, the memorandum presents the way European states recognize (or do not recognize) the

²¹ Frunda-report – explanatory memorandum

rights of national minorities and their kin-state politics regarding their co-nationals living in other states. The memorandum also summarizes how particular states deal with “new” minorities, i.e. those who are formed as a result of immigration. This part concludes that there are, even if limited, instruments for promotion the rights of minorities.

Both memoranda admit that the word nation is employed differently in different European languages, that it is often used as synonyms for state—or the totality of the citizens of a state—and the word nationality is used often as a synonym for ‘citizenship of a state’.

Both memoranda highlight the origins of the word nation and how it was used in earlier centuries.²² The explanatory memorandum on the concept nation offers a general overview on the formation of the French (political) and the German (cultural, linguistic) nations, considering them as ideal-types.²³

Jürgens contrasts between an ‘old’ and a ‘new’ conception of nation. The ‘old’ conception is described: „Historically the word was used to denote groups of which the members identify themselves as culturally, ethnically or linguistically as belonging to that group (i.e. the Franks, the Germans, the Italians)”²⁴ This is opposed to the new conception that basically equates the concept nation and the concept state.

The Frunda memorandum emphasizes that both – the political and the cultural – conceptions were and still are widely used:

„19. The two traditional definitions of the concept of “nation” – the French and the German – existed side by side for two centuries, each remaining stable within its sphere of influence.”

²² See point 5 in the Jürgens memorandum and points 12–13 in the Frunda memorandum

²³ A scientific critique may be offered on this part, but this critique would be misplaced regarding an explanatory memorandum. For contemporary accounts of this question see: Alain Dieckhoff: *Beyond conventional wisdom: cultural and political nationalism revisited*. In Dieckhoff, Alain – Jaffrelot, Christoph (eds.): *Revisiting Nationalism. Theories and Processes*. London: Hurst, 2005; Brubaker Rogers: “Civic” and “Ethnic” Nationalism. In Brubaker, Rogers: *Ethnicity without Groups*. Cambridge: Harvard University Press, 2004.

²⁴ Paragraph 5

Conclusions

Defining “the nation” remains a lucrative job both among scholars and nation-building politicians, and this does not even address the issue of various definitions. One may distinguish between definitions that emphasize objective elements and those that emphasize subjective elements. Since Ernest Renan’s famous article, literature on nationalism has continued to fuel this debate. Attempts to refine the definition can be traced back to Friedrich Meinecke. Perhaps these attempts clarified the picture or the adjectives but not the actual concept of nation itself. Rogers Brubaker recently showed that such typologies do not help much in the analysis of phenomena linked to the nation.²⁵

If one encounters the approach of European states towards the minority issue in the states of CEE, one may immediately observe that the legitimate definition is that of the political nation, even if in practice this is not always true. When this approach became a political norm, it also became highly problematic because it does not always reflect the real state of affairs.

An influential voice in the scholarly debate over definitions of “nation” in the context of the kin-state and minority relationship is Brubaker. He emphasizes that one should not think of ethnicity and nation in “terms of substantial groups or entities, but in terms of practical categories, cultural idioms, cognitive schemas, discursive frames, organizational routines, institutional forms, political projects and contingent events.”²⁶ So, we should not think of nations as really existing and definable groups but rather of politics and institutionalizations that rely on one or the other conception of the nation. Furthermore, we should take into consideration that in practice all nation politics operate with both concepts simultaneously. Therefore, we should not consider the nation as a central category. One should focus on nationalism, on nation building, or on nation policy. In this framework, one may interpret processes,

²⁵ Rogers Brubaker: *The Manichean Myth: Rethinking the Distinction Between Civic and Ethnic Nationalism*. In Hanspeter Kriesi et al (eds.): *Nation and National Identity. The European Experience in Perspective*. Zürich: Rüegger, 1999. 55–71., and Rogers Brubaker: *Myths and Misconceptions in the Study of Nationalism*. In John A. Hall (ed): *The State of the Nation: Ernest Gellner and the Theory of Nationalism*. Cambridge University Press, 1998. 272–305.

²⁶ Rogers Brubaker: *Ethnicity Without Groups*. *Archives européennes de sociologie*. 2002, 167.

politics that invoke one or another definition of the nation. By definition, status laws and laws on dual citizenship operate with the ethno-cultural conception. They extend the borders of the nation beyond the borders of the state.

The Hungarian law influenced European law by triggering a debate in important European institutions; the European norms that emerged during this process then, in turn, influenced Hungarian legislation. The recommendation *The concept of „nation”* shows that the question of nation remained on the political agenda. It also showed that in the last five years the views on the nation, on the rights of national minorities, and on the right of kin-states to support their kin-minorities has substantially changed. One has to notice that the recommendations of the PACE are not compulsory and cannot be enforced. Nevertheless, it shows a shift in thinking at a European level. In June 2001 it seemed that kin-state protection was considered as problematic; in January 2006 a Parliamentary recommendation stated that kin-states – under certain conditions – have a legitimate right to support kin-minorities.

BÉLA BARANYI

Short-term impacts of enlargement in the Romanian and Hungarian border crossing*

1. Border traffic and small border traffic in Hungary

A country's stability and safety call for the continuous monitoring of people and goods crossing its borders. Consequently, the Hungarian Republic closely regulates traffic at its borders, as is stated in the *law on cross-border passenger and freight traffic and traveling abroad*. The law identifies the key responsibility of the Hungarian Border Guards to be the *supervision of the cross-border passenger and freight traffic and consignments and the insurance of order at the border crossing points in cooperation with other authorities* (Act XXXII. in 1997). The law defines the exact conditions and exceptions of crossing the border, the stipulations concerning the opening and/or closing of a border crossing point, and the regulation of border traffic limitations.

Border traffic is affected by a number of different factors. Among these are: tourism, international commerce, economic cooperation, the safety conditions of neighbouring countries, the prices of goods – especially products subject to excise duty (petrol, cigarettes, alcohol), and

* The analyses are mostly based on the following works: Béla Baranyi: *A határmentéség dimenziói Magyarországon*. (academic doctoral dissertation). Under publication. Debrecen, 2006. 185–213; Baranyi, B. (ed.): *Hungarian–Romanian and Hungarian–Ukrainian Border Regions as Areas of Co-operation Along the External Borders of Europe*. Pécs: Centre for Regional Studies. 2005.

food products handled as high priorities – and the number, density and type of border stations (*table 1*).

Along Hungary's state borders, the number and density of highway border crossing points are generally satisfactory; however, there is some unevenness, especially in the cases of the Hungarian-Croatian and Hungarian-Romanian borders. At these points, the distances between border crossing points are often far above the national average of 34 kilometers. However, the density and equipment of border crossing points are only a couple of – though rather important – prerequisites for the “quality” of border traffic; thus, until the SchVE comes into force in 2007, the *supervision of border traffic* is still an important aspect of border control so that the state borders can only be crossed at the designated places with the necessary travel documents and according to legislative stipulations. Any deviation should only occur in accordance with the regulations of international agreements. Border traffic in EU member states is supervised according to the unified principles of the “Schengen Codex”. This is mainly due to the fact that member states consider the strict and consistent execution of border traffic supervision at the EU's external borders – coupled with efficient protection of the green border – to be a guarantee of their own safety.

Table 1. Characteristics of Hungarian Border Sections and Border Stations, 2005

<i>Border Sections</i>	<i>Length of border section (km)</i>	<i>Waterway border crossing points</i>	<i>Railway border crossing points</i>	<i>Highway</i>		<i>Average distance between highway border crossing points (km)</i>
				<i>international (permanent)</i>	<i>Local (temporary)</i>	
Austrian	356.2	1	4	10	6	22.3
Slovak	681.0	1	6	14	3	40.1
Ukrainian	136.7	–	1	5	1	27.3
Romanian	447.8	–	6	10	–	44.8
Serb	174.4	1	2	4	1	34.9
Croatian	344.6	1	3	6	–	57.4
Slovenian	102.0	–	1	6	1	14.6
Total	2242.7	4	22	55	11	34.0

Source: HÖR web.b-m.hu/horweb/hor_szerv.nsf/atkelo_viszonylat.

As far as passenger traffic is concerned, *Table 2* suggests two immediate conclusions. First, the world passport gradually introduced in the former socialist countries and the liberalization of travel in the countries of the Carpathian Basin has led to significant increases in border traffic. In former periods the passenger traffic reached several million people, in some cases up to ten million. Currently, this figure has increased to, and in some cases even exceeds, 100 million. Second, passenger traffic has been directly affected by any political and/or economic changes in the region, the effects of which have immediately been reflected in traffic-related figures. The Yugoslav civil war and the prolonged Russian and Ukrainian acute economic crisis, for example, resulted in declines of several million in the Hungarian border traffic's overall total. Despite this, the volume of Hungarian border traffic is still extremely high. In the approximately 15 years following the change of regime in Eastern-Europe, a total of about 1.6 billion (annual average: 101 million) passengers and 30–40 million vehicles have crossed the Hungarian borders (*table 2, figure 1*). This suggests the special importance of cross-border regions for Hungary. It demonstrates the peculiarities of the geopolitical situation arising from Hungary's central geographical position as well as the various consequences – both negative and positive – of its position as a transit and gateway region.

Table 2. Changes in Border Traffic in Hungary between 1990–2005

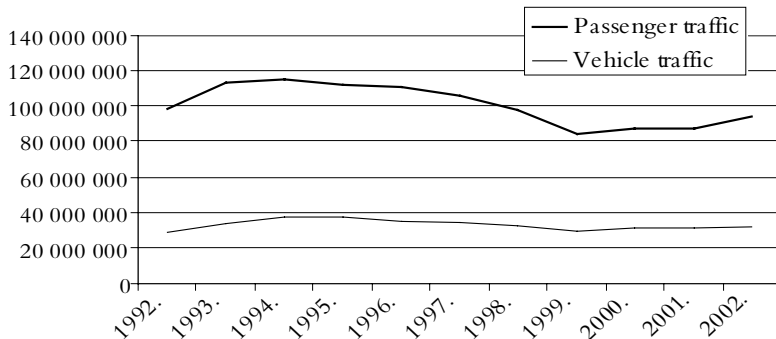
<i>Year</i>	<i>Border traffic (passengers)</i>	<i>Year</i>	<i>Border traffic (passengers)</i>
1990	112 026 533	1998	98 193 630
1991	102 004 750	1999	84 653 960
1992	97 756 673	2000	82 528 851
1993	99 542 273	2001	87 562 207
1994	115 138 420	2002	93 810 066
1995	112 469 496	2003	96 829 291
1996	110 861 204	2004	104 565 971
1997	105 546 526	2005	104 574 654
Total border traffic (1990–2005)		1 608 064 505	

Source: HÖR database.

In terms of border traffic, passenger traffic in the period surveyed was significantly motivated by the fact that the citizens of the neighbouring countries (e.g. Romania, the Ukraine, Yugoslavia – Serbia and Montenegro today) used the Hungarian state borders for transit purposes, since they could enter Hungary without a visa. They did not intend to spend much time in Hungary but, rather, used it as a departure point for their journey to other countries. Most of them attempted to illegally cross the border to Austria; some tried to reach EU member states through Slovenia and/or Slovakia. Both the passenger and vehicle border-traffic data clearly reveal a fluctuation for the period surveyed (Figure 1).

The *border crossing attitude* of law-abiding citizens, i.e. border traffic, has recently been steady. The annual national average of 101 million passengers and 30–40 million vehicles crossing the Hungarian border can be regarded as relatively continuous, with the Hungarian-Austrian and the Hungarian-Slovak state borders being the most popular. In the past 4–5 years, fewer and fewer passengers have crossed the Hungarian-Serbian border; in all other cases, average border traffic has been more or less constant.

Figure 1. Changes in Passenger and Vehicle Traffic between 1992–2002



Source: HÖR database.

As compared to the present transitory period, the situation is soon expected to change radically. When the *Schengen external-internal border protection rule* comes into force in 2007, foreign citizens will only be allowed to cross the *external border*¹ when they meet the specifications of the Schengen Codex. This means that passengers and vehicles will need to possess a valid *travel document* – passengers from countries subject to visa-pressure must possess an entry permit, i.e. a *visa*. Furthermore, if requested to do so, passengers must present the documents justifying the purpose and conditions for their journey as well as the possession of the financial means needed for their sejour and return. Additionally, an important border-crossing prerequisite is that passengers concerned must not be listed in the *Schengen Information System*² (SIS), i.e. be a potential source of danger for any Schengen member state. The *internal border*³ can be crossed at any time and place. In practice, this means that crossing borders internally is independent of designated border crossing points for each individual – for both EU citizens and third country nationals – traveling in the Schengen area. In addition to the highways, this border can also be crossed through any type of land terrain as well, e.g. fields, woods, rivers, etc.

Small border traffic – which is a long established tradition in Hungary – remains an important factor in border traffic. An early antecedent can be identified in the 1888 Hungarian-Romanian border contract. Because the border of this contract bisected a number of properties, small border traffic was introduced to tackle the new problems arising from this situation and remained operational until World War One. After World War One, the Treaty of Trianon created difficulties that had

¹ *External borders*: the land and sea borders of the Contracting Parties, as well as their airports and seaports if those are not internal borders.

² The SIS is one of the most important compensation policy systems of the SchVE, which enables the storage and call down of data with the given conditions. The records of passengers and objects involves the following: data concerning the individuals to be arrested on a request of extradition; data of citizens of third countries, for whom visa issue and entry is to be denied; data of wanted persons to be taken into custody; data of missing persons; data of wanted objects, stolen cars, moneys, travel and blank documents as well as weapons; data of specific persons and cars designated to be recorded secretly.

³ *Internal borders*: land borders of the Contracting Parties, as well as their airports and seaports handling internal traffic, at which regular crossing ships arrive and depart with destinations and departures exclusively at the ports of the Contracting Parties, without calling at ports other than the above.

never experienced before for those living in the borderland. The Prime Minister's decree nr. 5.300/1923 was issued to handle the situation. This decree stated that small border traffic applied to the territory in cross-border regions, which usually denoted a 10–15 km strip of land parallel to the customs' border. The exact territorial application was presented as an attachment to each case's contract and provided a list of the villages and settlements concerned. Citizens participating in small border traffic were allowed to cross the border with valid passports, borderline passes, proprietary permits and occasional travel passes. The place and conditions of border crossing, the features and exact territorial application of the given relation, etc. were provided in the terms of *small border contracts* with neighboring countries. The bilateral agreements signed lost their importance in the Second World War but temporarily prevailed after the war until the creation of the "iron curtain".

In the 1960's the meaning of small border traffic was redefined through Hungary's relationships with neighboring countries. With the exception of Austria, a series of bilateral small border traffic agreements were signed at this time. As a result of the introduction of *world passports* in the former socialist countries, the *visa pressure* exerted by EU member states on citizens of Central European states, and the *worsening quality of life*, the original aims of small border traffic – i.e. getting across to the neighboring settlement quickly – was quickly replaced by „subsistence tourism”, illegal work, and – to a lesser extent – travels related to business, especially those related to the „black” and „grey” economies. As a result, small border traffic lost its original aim and function; most passengers no longer crossed the border to keep contact with their friends, relatives and culture or to reinforce their national status, and Hungarian citizens began to neglect small border traffic. Today, the proportion of small border traffic is practically negligible.

All the above have contributed to the fact that Hungary initiated the termination of small border traffic agreements with neighboring countries – which was completed in 2003 – as it simultaneously negotiated its EU accession. Small border traffic will soon be regulated by a new EU small border traffic that has already been prepared in Brussels and is awaiting final approval. This *decree aims to* regulate the general criteria and conditions of the small border system at the EU's external borders and to introduce a *special visa* to that end. Although the decree provides a new system for small border traffic at the community level, it also

empowers member states to continue bilateral negotiations with neighbours and to conclude necessary agreements, as long as the agreements are in accordance with community stipulations.

The EU's small border traffic draft was intended to facilitate border-crossing for people living legally along third-country borders who wish to cross the *external border* of a given EU member state for a definite period of time (at most, seven consecutive days and not to exceed total of three months in a 6 month period). According to the proposition, travel documents (which may be either identity cards or special permits to cross the border) are necessary for inhabitants of visa-free cross-border regions to cross the borders. However, inhabitants of cross-border regions subject to *visa pressures* will not be exempt from the obligation of obtaining a visa; for them, a *special visa* – marked by an “L” for local – will be introduced. This visa will be issued for citizens of cross-border regions who meet the decree's specified conditions. For the majority of the trans-border Hungarian population living in the cross-border region, the decree on small border traffic presently under consideration would unquestionably be favourable. This is because it would primarily promote “motherland” contacts for Hungarians living in Ukraine, Serbia and Montenegro.

All in all, both historical experiences and EU regulations confirm that the small border traffic system should not be rejected *ab ovo* along the external border of the Hungarian Republic. It is also in Hungary's primary interest to reintroduce a renewed small border traffic system in order to strengthen cooperation as well as Hungarian-Hungarian and inter-ethnic relations along the borders. Regional experience and discussions among Hungarian experts serve as a suitable base for this process. By allowing regulated small border traffic, the European Union also hopes to maintain cross-border relations between member states and countries that will soon become EU members, such as Bulgaria and Romania. This would also enable rather than inhibit other member states to establish cross-border contacts further to the East.

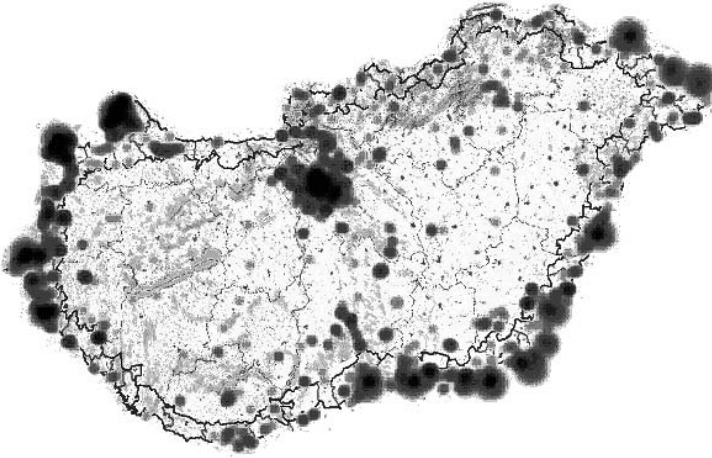
2. *State Borders and Border Traffic with Respect to Border Sections*

It has already been mentioned that the Schengen process helps determine border relations in the region, for individual states – including Hungary – between countries in the Carpathian Basin, and especially

those countries along the external borders of the EU. It affects the character and future role of common state borders. Due to its significant impact, the *development of border traffic* has received special attention in this complex issue. More specifically, the comparison and assessment of data on recent *legal and illegal migration* has helped elucidate the situation. In border traffic, legal migration refers to the number of passengers crossing a specific border with a legal permit (passport, identity card, small border traffic permission); data on *illegal migration*, on the other hand, illustrates the number and proportion of those crossing the border without valid permits. Since it is a full-right EU member state, this is an extremely important issue for Hungary. Moreover, Hungary will have a crucial role in the introduction Schengen borders, as approximately half of its borders are external borders of the EU. Currently, Hungary's borders constitute the Eastern and Southern borders of the European Union as well as provide a direct connection to countries presently outside the common Europe.

As evidenced in the large volume of border traffic at specific borders, Hungary maintains its border relations with its neighbours. In addition to these legal crossings, the unique position of Hungary demands that the significant volume of illegal border-crossing also be taken into consideration. An examination of the specific relations of illegal border traffic is important. This is true inasmuch as it would be able to reveal possible reasons for the high volumes of border traffic as well as for the unwanted, illegal trends in migration. Additionally, such an examination would also indirectly address the criminality within individual cross-border regions. The densely located dark-spots in *Figure 2* show the presence, locations and regional manifestations of illegal border crossing. From this map, it is possible to see that illegal migration has two main components: *illegal inward migration towards the East and South as well as the illegal outward migration towards the West*. It should also be noticed that Budapest is also a special and dominant space of illegal migration; this is primarily due to the increased traffic at Ferihegy airport and the large number of attempts to travel by plane illegally into and out of the country.

Figure 2. Locations of Illegal Border Crossing in Hungary, 2005



Source: BM Border Guards database.

3. A few characteristics of the border regions in East Hungary

The borders and border regions have special importance in Hungary. This is due to the geographical and geopolitical situation of the country. Hungary is often, and rightly, called a “country along the borders.” Among other things, Hungary neighbors seven countries and has state borders totaling 2.242 kilometers in length; there are approximately 3 million Hungarians still live in neighbouring states; ten per cent of the 3,200 municipalities in Hungary are directly on borders while 43% are within a border’s proximity. Within Hungary, 35% can be considered a border regions and houses 30% of the population (approximately 2.7 million inhabitants). One-third of Hungary’s 168 micro-regions can be found in border zones; 9 of Hungary’s 14 counties have state borders. Finally, all seven macro-regions are adjacent to a neighbouring country: the Ukraine directly borders the North Great Plain region, the Szabolcs-Szatmár-Bereg county, and three Hungarian micro-regions; Romania borders both macro-regions (the North Great Plain and the South Great Plain), four counties (Szabolcs-Szatmár-Bereg, Hajdú-Bihar, Békés and Csongrád) and ten micro-regions (Figures 3. and 4. , Table 3.).

Figure 3. Cross-border micro-regions and planning-statistical regions in Hungary



Source: Debrecen Department of the Centre for Regional Studies, Hungarian Academy of Sciences

Table 3. Weight of the respective border regions in Hungary, 2002

Regions	Number of micro-regions	Population (thousand)	Share from population (%)	Area (%)	Number of settlements	Share of urban population (%)
Austrian and Slovenian border region	9	391.1	3.86	4.87	252	58.6
Slovakian border region	15	719.9	7.10	7.23	335	58.6
Ukrainian border region	3	148.3	1.46	2.00	108	30.7
Romanian border region	10	457.3	4.51	7.18	160	49.8
Serbian border region	5	369.7	3.64	3.96	58	67.3
Croatian border region	7	252.4	2.49	4.79	255	46.9
Inner regions	119	7803.7	76.94	69.97	1977	69.6
Border districts	49	2338.7	23.06	30.03	1168	55.2
Total	168	10142,4	100.00	100.00	3145	66.3

Note: Micro-regions and towns on the basis of the categorisation valid in 2004.

Source: T-star database, 2002.

Figure 4. NUTS 3 (county) level border regions in the Hungarian-Romanian and the Hungarian-Ukrainian border region



The east Hungarian borders were very much closed before the political and economic systemic change in 1989. Although the transformation opened up the borders of Eastern and Central Europe, the number and intensity of the cross-border relations is still low. There is little economic co-operation. The ability to strengthen these relationships is hindered by, among other things, ethnic problems. Since the opening of the borders in 1989/1990, these relations have improved with varying intensity; cross-border relations have also become more numerous. As a result of Hungary accession to the European Union, the borders have become more characterized by their ability to connect rather than separate. The economic, social and integration relationships have evidently strengthened; personal relations have intensified, too (due to a lack of visa requirements in the Hungarian-Romanian relationship). The resources devoted to the development of border regions have multiplied (Interreg, Phare CBC, TACIS etc.), yet the quality and intensity of the cross-border economic relations remains poor.

These days *uncertainty is no longer a typical feeling for those who reside in the direct border region*. It is now certain that Romania (after the Hungarian accession on 1 May 2004) will also join the European Union in 2007.

This raises several issues. People on both borders acknowledge that the region's role will be significantly altered after Romania temporarily becomes an external – and after 2007, an internal – EU border. At this time, Romania will have opportunities for development that were previously unknown to it. Despite the large number of unanswered questions, most people on both sides of the Hungarian–Romanian border are looking forward to the possibility of the restoration of the former, organic economic, infrastructural etc. relations and to the diminished possibility that the border will act as a tool of separation.

The *legal frameworks of the border defense and border traffic* will significantly change again with the introduction of the Schengen norms. Hungary must apply these rules when it gains full rights within the EU. Since Romanian citizens have been able to travel to EU member states since 2002 without visas, their main difficulty will be not the more strict legal regulations but the proof of adequate financial means.

In addition to the agreements on border defense and border traffic, several other *inter-state agreements* were made between Hungary and Romania that directly influenced the progress of cross-border relations. The most important is the *Hungarian–Romanian Treaty* (Act No. XLIV. of 1997). This agreement, basically, determines the frameworks of co-operation. In accordance with this Treaty, special inter-governmental special committees (e.g. Special Committee for the Co-operation of the Ethnic Minorities, Special Committee for the Co-operation in the Field of Economy, Trade and Tourism, Special Committee of Cross-border Issues and Inter-municipal Co-operation, Special Committee for the Co-operation in the Field of Transport, Water Management and Environmental Protection etc.) were created to develop and supervise co-operation between Hungary and Romania on “common issues.”

Several *co-operative agreements* between Hungary and Romania were and are still in effect. They cover almost all fields of the socio-economic life (e.g. the agreement on inter-modal freight traffic, Hungarian–Romanian investment protection agreement, agreement on the mutual recognition of degrees and certificates issued by accredited educational institutions and of academic degrees, Hungarian–Romanian agreement on the co-operation in privatisation, etc.). Because of geographical endowments, those agreements specifically addressing *water management* and environmental protection are especially important.

4. Hungarian–Romanian border region

Although their histories have been quite different, both the *Hungarian–Romanian and the Hungarian–Ukrainian border regions* have periodically experienced stormy relations (Figure 5). In addition to the significant losses of territory, the Trianon Peace Treaty resulted in the loss of around two million Hungarian inhabitants. These inhabitants resided within all the states neighbouring Hungary; although these inhabitants and the results of Trianon caused tension between Hungary and its neighbours, the tension between Romania and Hungary seems to have been most extreme and enduring. Because debates and other measures taken further exacerbated ethnic-minority problems, the atmosphere of mutual mistrust did not improve in the subsequent decades. The elevated principles declared in the period of the state socialism, “friendship and brotherhood,” were never more than slogans, and until the early 1990s, the border functioned as a wall. Real cooperation – or even normal everyday connections – across the border was impossible in practice.

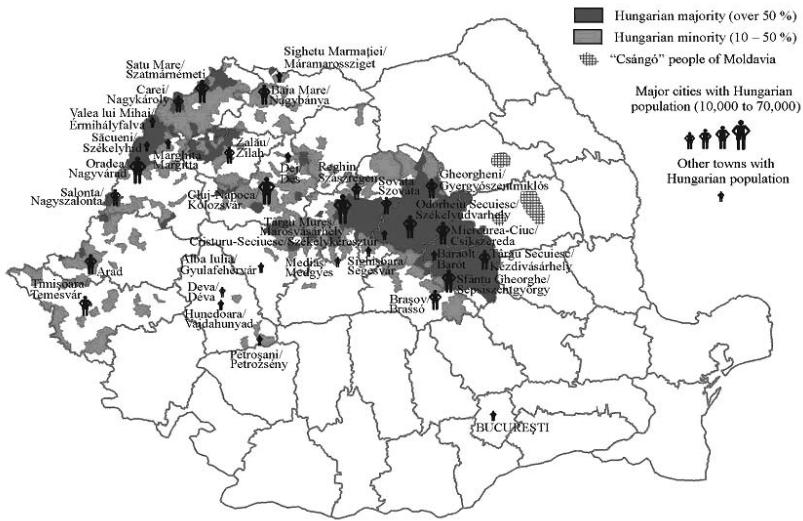
Figure 5. NUTS 2 border regions of the Hungarian–Romanian border



Source: Debrecen Department of the CRS, HAS.

The 448-kilometre-long Hungarian-Romanian border was created through the Peace Treaty of Trianon at the conclusion of World War I. Presently, the Hungarian-Romanian border region consists of four counties on both sides of the border: Satu Mare, Bihor, Arad and Timiș counties in Romania, which has a total territory of 28,485 km² and a total population of 2.17 million inhabitants; on the Hungarian side Szabolcs-Szatmár-Bereg, Hajdú-Bihar, Békés and Csongrád counties, which is composed of a total territory of 22,045 km² and a population of 1.94 million. On both sides of the Hungarian-Romanian border region, it is possible to find Romanian and Hungarian speaking populations. On the Romanian side of the border, however, there are ethnic-blocks in which a decreasing-but-still-significant Hungarian minority lives (*Figure 6.*). Significant factors hindering Hungarian-Romanian relations are the inherited historical, cultural and ethnic problems and other difficulties like illegal trade and migration, crime.

Figure 6. Hungarian ethnic groups in Romania at the time of the census of 2001



Source: Census, 2002 (www.htmh.hu)

4.1. *The Hungarian–Romanian relation*

Romania is a strategic link between East and West and, because of this, is of special importance for both the European Union and Hungary. Furthermore, because of the large Hungarian population in Romania, the Hungarian–Romanian borders zones are also a high priority for Hungarian foreign policy. Romania has made significant efforts in order to join the EU as quickly as possible. As demonstrated by the repeal of visa pressure on January 1 2002 and its 2005 associated membership, Romania's efforts have been effective. Despite its effectiveness, the Hungarian–Romanian border remains the present EU's external Schengen border. If Romania continues its progress and fulfills its remaining obligations, it may become a full-right member of the European Union as early as 2007. This means that, currently, the common state-border can be considered a space of transition between Schengen and non-Schengen bound territories, but with the full-right EU membership and expectable Schengen membership of Romania, this border section could potentially become an internal EU-border by the end of the decade. Due to its special position, this 447.8 km long border section has always reacted to and revealed the different regional and local political, economic, social and cultural impacts. This is reflected in the border – especially passenger – traffic data displayed in *table 4*.

Table 4. Changes in Border Traffic at the Hungarian–Romanian Border between 1996–2005

Year	<i>Total border-crossing</i>		<i>Out of it illegal border-crossing (illegal migration)</i>	
	<i>passengers</i>	<i>%</i>	<i>Passengers</i>	<i>Total in %</i>
1996	12 407 526	100.0	739	0.0060
1997	10 700 493	100.0	934	0.0087
1998	11 612 826	100.0	815	0.0070
1999	10 494 141	100.0	915	0.0087
2000	12 477 462	100.0	794	0.0064
2001	12 167 259	100.0	1 128	0.0093
2002	12 142 209	100.0	666	0.0055
2003	13 451 544	100.0	282	0.0021
2004	17 756 994	100.0	305	0.0017
2005	15 331 162	100.0	438	0.0029

Source: BM Border Guards database.

Table 5. Passenger traffic by border section

<i>Border section</i>	<i>2005. I-III.</i>	<i>Percent- age</i>	<i>2006. I-III.</i>	<i>Percentage</i>	<i>Change</i>	<i>Change in percent</i>
Austrian	7 501 525	36	8 122 824	36	621 299	8
Slovenian	688 927	3	703 899	3	14 972	2
Croatian	508 172	2	507 242	2	-930	-0,2
Serbian- Montenegrin	1 290 056	6	1 345 286	6	55 230	4
Romanian	3 175 624	15	3 085 458	14	-90 166	-3
Ukrainian	1 797 040	9	1 060 139	5	-736 901	-41
Slovakian	4 770 364	23	6 042 513	27	1 272 149	27
in Budapest	1 372 199	6	1 412 054	6	39 855	3
National Headquarters	11 344	0,05	7163	0,03	-4 181	-37
Total	21 115 251		22 286 578		1 171 327	6

Source: BM Border Guards database.

Table 6. Vehicle traffic by border section

<i>Border section</i>	<i>2005. I-III.</i>	<i>Percent- age</i>	<i>2006. I-III.</i>	<i>Percentage</i>	<i>Change</i>	<i>Change in percent</i>
Austrian	2 775 473	34	2 960 993	36	185 520	7
Slovenian	387 911	5	435 873	5	47 692	12
Croatian	317 627	4	277 573	3	-40 054	-13
Serbian- Montenegrin	449 455	6	517 061	6	67 606	15
Romanian	1 192 692	15	1 186 819	14	-5 873	-0,5
Ukrainian	1 129 669	14	608 730	7	-520 939	-46
Slovakian	1 874 168	23	2 263 720	27	389 552	21
in Budapest	40 477	0,5	43 333	0,5	2856	7
National Headquarters	835	0,01	626	0,01	-209	-25
Total	8 168 307		8 294 728		126 421	2

Source: BM Border Guards database.

Though it has also shown some characteristic features, the *total passenger traffic at the Hungarian-Romanian border* has more-or-less adjusted itself to national trends for the past decade. The regime change involved the complete opening of borders and resulted in a sudden increase in the traffic of all border crossing points, which peaked in 1995 with a national total of 115,138 passengers recorded crossing the border. Since then, however, there has been a natural equilibration and gradual decrease in these numbers. Experts expect the traffic to settle at the present level, somewhere between 80 and 90 million (*tables 5, 6*).

Besides its adjustment to national trends, it is also important to note that Romanian domestic affairs have also impacted the Hungarian-Romanian border. Because of this, it is understandable that the *Hungarian-Romanian border section* was the most frequented in 1990 rather than in 1995. While in 1990 this border was responsible for 19.5% of average, daily vehicle traffic, it has only provided 8–10% of the national average for the past few years. This difference can be attributed to the number of Romanian refugees, which peaked in 1990 and then gradually decreased over a five year period to nearly half of its pre-1990 volume. Since this time, the volume of traffic has become, more or less, stable. If no further obstacles, political events or economic factors emerge, the present volume of traffic is expected to prevail for the next few years. The visa-free entry status Romania's citizens have recently gained means that passenger traffic is not likely to decrease after the introduction of Schengen, either.

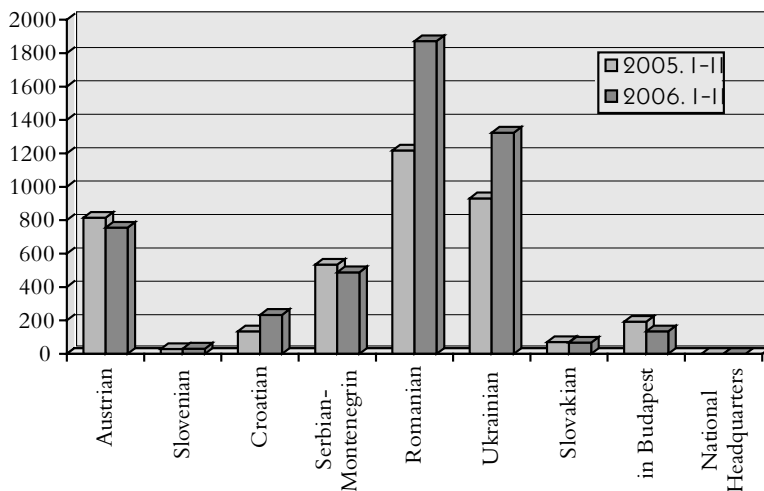
Similar to previous years, most border traffic was driven by the considerable differences in the market prices of neighbouring countries. While those inhabitants who live in the direct vicinity of the border, still perform shopping tourism and travel to the other country in large numbers, the number of this type of border crossing has decreased significantly over the course of the past five years. This is because prices have equalized and border control has become tighter in recent years. The reason for the decreasing number of illegal border crossings might also be due to the fact that earlier Romanian citizens used Hungary as a transit country. Previously, they could legally enter Hungarian territory without visas; once in Hungary, they would attempt to travel to other EU countries illegally (*table 7., figure 7*). This method was used until 1 January 2002.

Table 7. Distribution of sending back events by border sections

Border section	2005. I-III.	Percentage	2006. I-III.	Percentage	Change	Change in percent
Austrian	815	21	755	15	-60	-7
Slovenian	29	1	31	0,6	2	7
Croatian	135	3	233	5	98	73
Serbian- Montenegrin	534	14	488	10	-46	-9
Romanian	1 217	31	1 872	38	655	54
Ukrainian	931	24	1 324	27	393	42
Slovakian	70	2	67	1	-3	-4
in Budapest	195	5	135	3	-57	-30
Small airports	0		0		0	
Total	3 923		4 905		982	25

Source: BM Border Guards database.

Figure 7. Distribution of sending back events by border sections



Source: BM Border Guards database.

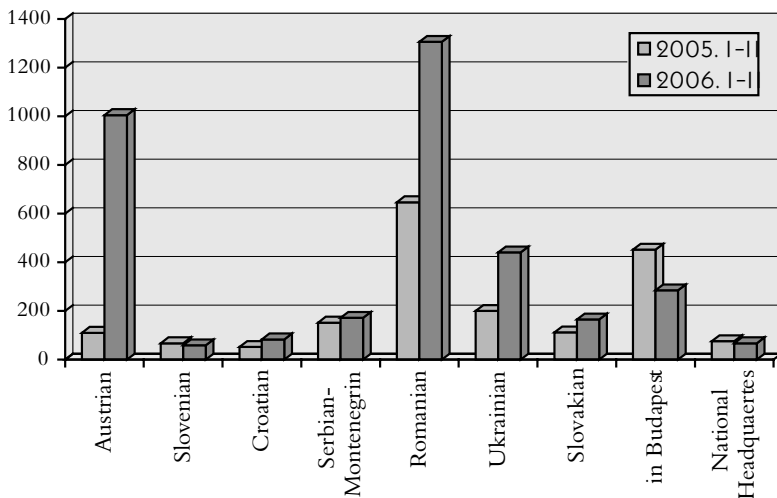
Following Hungary's EU accession, Hungary achieved visa-exemption (1 May 2004), under the EU agreement between member states. Since that time, the Hungarian-Romanian border has become an external border and no longer hinders border traffic any longer. As indicated by the increase in criminal activity, however, the smuggling of illegal immigrants and goods pose significant problems. Those smuggling illegal immigrants from Romania are well-organized; they can only be prevented by efficient cooperation of international and national security-forces. The smuggling of goods (e.g. petrol, sugar, and cigarettes) is rooted in price differences that encourage people who are employed and/or find themselves in difficult life situations to procure a livelihood through smuggling (*tables 8–10, figure 8*).

Table 8. Distribution of people sent back by citizenship

<i>Citizenship</i>	<i>2005. I-III.</i>	<i>Percentage</i>	<i>2006. I-III.</i>	<i>Percentage</i>	<i>Change</i>	<i>Change in percent</i>
Romanian	1 407	36	2 006	41	599	43
Ukrainian	949	24	1 334	27	385	41
Serbian- Montenegrin	497	13	506	10	9	2
Moldavian	103	3	147	3	44	43
Bosnian	111	3	142	3	31	28
Turkish	100	3	98	2	-2	-2
Unknown	69	2	82	2	13	19
Macedonian	64	2	81	2	17	27
Bulgarian	115	3	76	2	-39	-34
Russian	65	2	75	2	10	15
Other	443	11	358	7	-85	-19
Total	3 923		4 905		982	25

Source: BM Border Guards database.

Figure 8. Distribution of people sent back by citizenship



Source: BM Border Guards database.

Table 9. Distribution of man-smuggling by border section

Border section	2005. I-III.	Percentage	2006. I-III.	Percentage	Change	Change in percent
Austrian	140	71	109	69	-31	-22
Slovenian	15	8	10	6	-5	-33
Croatian	0		2	1	2	
Serbian-Montenegrin	4	2	8	5	4	100
Romanian	10	5	6	4	-4	-40
Ukrainian	14	7	13	8	-1	-7
Slovakian	6	3	3	2	-3	-50
in Budapest	8	4	6	4	-2	-25
National Headquarters	0		0		0	
Total	197		157		-40	-20

Source: BM Border Guards database.

Table 10. Distribution of man-smuggling by citizenship of offenders

<i>Citizenship</i>	<i>2005. I-III.</i>	<i>Percentage</i>	<i>2006. I-III.</i>	<i>Percentage</i>	<i>Change</i>	<i>Change in percent</i>
Hungarian	64	32	60	38	-4	-6
Ukrainian	40	20	42	27	2	5
Romanian	14	7	15	10	1	7
Austrian	13	7	8	5	-5	-38
Slovakian	10	5	7	4	-3	-30
Other	56	28	25	16	-31	-55
Total	197		157		-70	-20

Source: BM Border Guards database.

One reason for considerable border traffic is the fact that many Romanian citizens take legal or illegal jobs in Hungary as well as other countries. The number of Romanian citizens arriving in Hungary for *employment reasons* has been and remains significant from March to October, i.e. in the period of seasonal work for the agriculture, food and building construction industries.

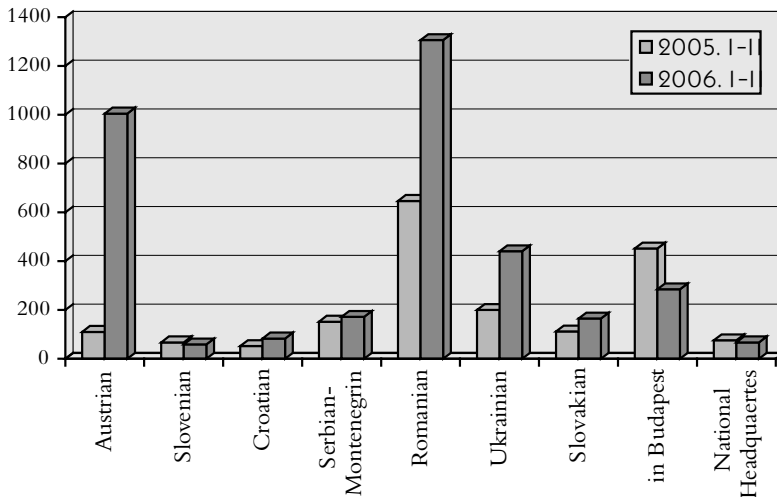
After the recent abrogation of visa pressure for Romanian citizens, more and more Romanian tourist buses arrive at the Hungarian border with an EU country as their final destination; in this case, however, the necessary information concerning potential willingness for employment is not available. By all means it seems certain that following Romania's EU accession, citizens from countries bordering Romania will cross this part of Hungary's border. The future of the Hungarian-Romanian border will be determined by Romania's EU accession and the fact that this border is one of the most highly traveled by Romanian citizens entering other EU states. The Romanian-Hungarian border will be the EU's internal but the SchVE's external border beginning 2007. When Romania is given full SchVE membership, the common confines of these states can become freely penetrable (*tables 11–18, figures 9–17*).

Table 11. Distribution of wrongful acts connected to illegal migration by border sections

<i>Border section</i>	<i>2005. I-III.</i>	<i>Percentage</i>	<i>2006. I-III.</i>	<i>Percentage</i>	<i>Change</i>	<i>Change in percent</i>
Austrian	1 110	39	1 005	28	-105	-9
Slovenian	67	2	59	2	-8	-12
Croatian	52	2	83	2	31	60
Serbian-Montenegrin	152	5	172	5	20	13
Romanian	647	23	1 306	36	659	102
Ukrainian	200	7	441	12	241	121
Slovakian	112	4	165	5	53	47
in Budapest	452	16	285	8	-167	-37
National Headquarters	76	3	67	2	-9	-12
Small airports	0		0		0	
Total	2 868		3 583		715	25

Source: BM Border Guards database.

Figure 9. Distribution of wrongful acts connected to illegal migration by border sections



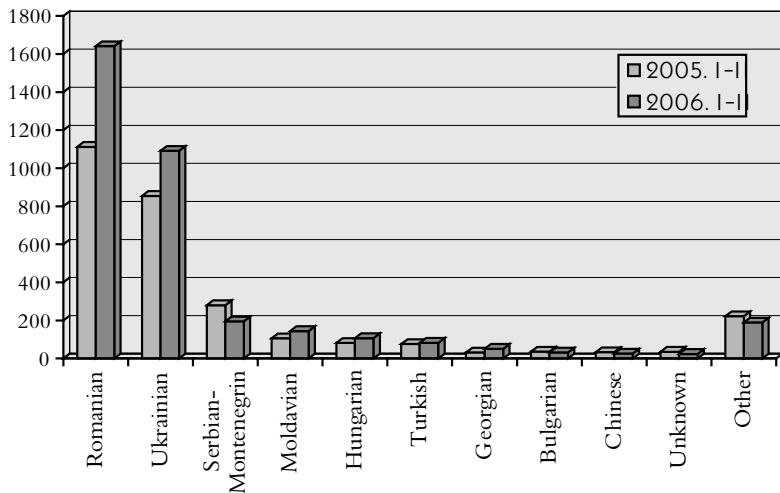
Source: BM Border Guards database.

Table 12. Distribution of people committing wrongful acts connected to illegal migration by citizenship

<i>Citizenship</i>	<i>2005. I-III.</i>	<i>Percentage</i>	<i>2006. I-III.</i>	<i>Percentage</i>	<i>Change</i>	<i>Change in percent</i>
Romanian	1 112	39	1 641	46	529	48
Ukrainian	854	30	1 091	30	237	28
Serbian-Montenegrin	280	10	195	5	-85	-30
Moldavian	106	4	144	4	38	36
Hungarian	82	3	107	3	25	30
Turkish	76	3	83	2	7	9
Georgian	32	1	51	1	19	59
Bulgarian	36	1	32	1	-4	-11
Chinese	33	1	26	1	-7	-21
Unknown	35	1	24	1	-11	-31
Other	222	8	189	5	-33	-15
Total	2 868		3 583		715	25

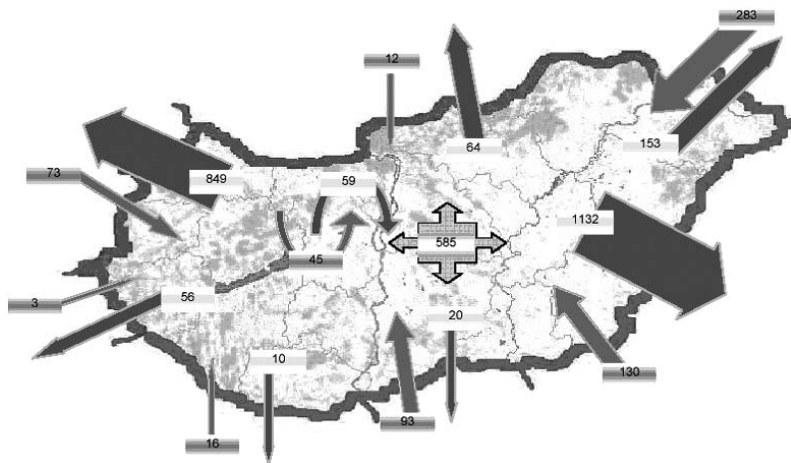
Source: BM Border Guards database.

Figure 10. Distribution of people committing wrongful acts connected to illegal migration by citizenship



Source: BM Border Guards database.

Figure 11. The directions of wrongful acts connected to illegal migration



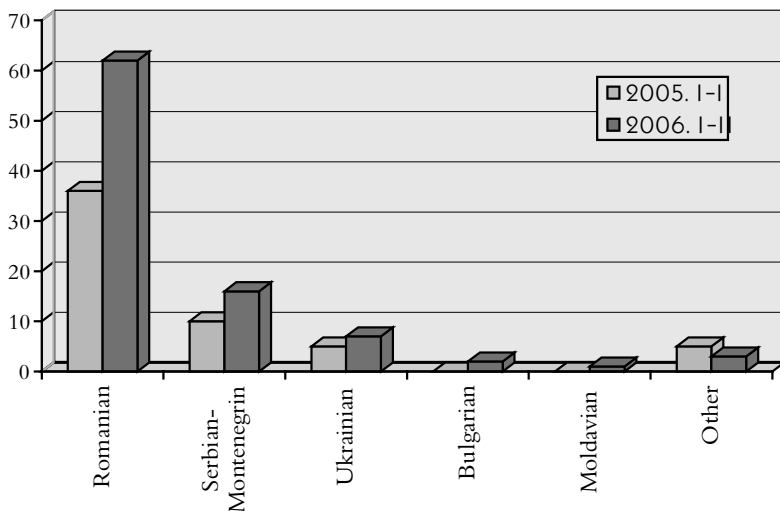
Source: BM Border Guards database.

Table 13. Distribution of violation of entry and staying prohibition by citizenship of offenders

Citizenship	2005. I-III.	Percentage	2006. I-III.	Percentage	Change	Change in percent
Romanian	36	64	62	68	26	72
Serbian- Montenegrin	10	18	16	18	6	60
Ukrainian	5	9	7	8	2	40
Bulgarian	0		2	2	2	
Moldavian	0		1	1	1	
Other	5	9	3	3	-2	-40
Total	56		91		35	63

Source: BM Border Guards database.

Figure 12.



Source: BM Border Guards database.

Table 14. Distribution of unauthorized crossing of the border or attempt of it by border sections

Border section	2005. I-III.	Percentage	2006. I-III.	Percentage	Change	Change in percent
Austrian	275	64	336	59	61	22
Slovenian	20	5	33	6	13	65
Croatian	6	1	2	0,3	-4	-67
Serbian-Montenegrin	35	8	41	7	6	17
Romanian	64	15	61	11	-3	-5
Ukrainian	11	3	25	4	14	127
Slovakian	15	3	63	11	48	320
in Budapest	2	0,5	9	2	7	350
National Headquarters	1	0,2	3	0,5	2	200
Small airports	0		0		0	
Total	429		573		144	34

Source: BM Border Guards database.

Figure 13. Distribution of unauthorized crossing of the border or attempt of it by border sections

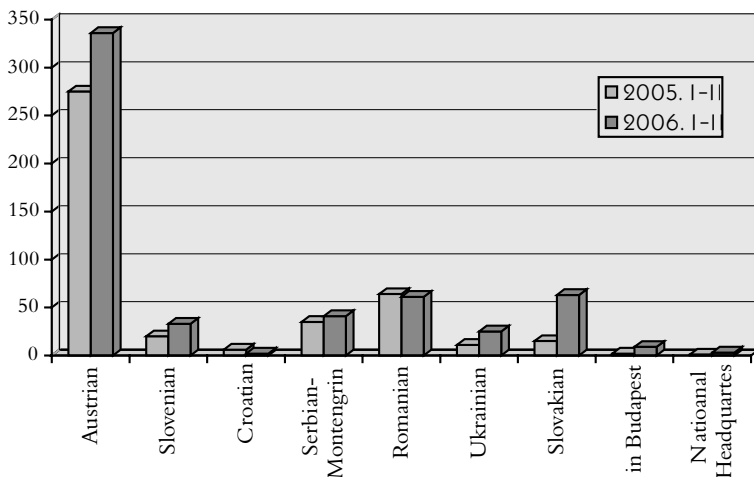
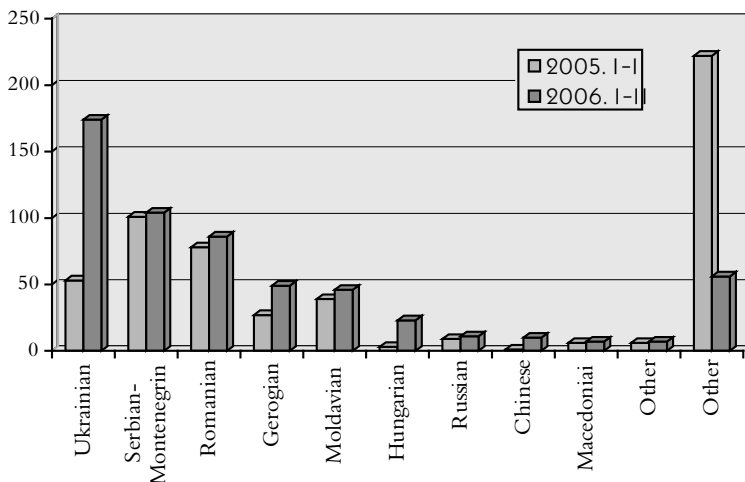


Table 15. Distribution of unauthorized crossing of the border or attempt of it by citizenship of offenders

Citizenship	2005. I-III.	Percentage	2006. I-III.	Percentage	Change	Change in percent
Ukrainian	53	12	174	30	121	228
Serbian-Montenegrin	101	24	104	18	3	3
Romanian	78	18	86	15	8	10
Georgian	27	6	49	9	22	81
Moldavian	39	9	46	8	7	18
Hungarian	3	1	23	4	20	667
Russian	9	2	11	2	2	22
Chinese	1	0,2	10	2	9	900
Bulgarian	6	1	7	1	1	17
Macedonian	6	1	7	1	1	17
Other	106	25	56	10	-50	-47
Total	429		573		144	34

Source: BM Border Guards database.

Figure 14. Distribution of unauthorized crossing of the border or attempt of it by citizenship of offenders



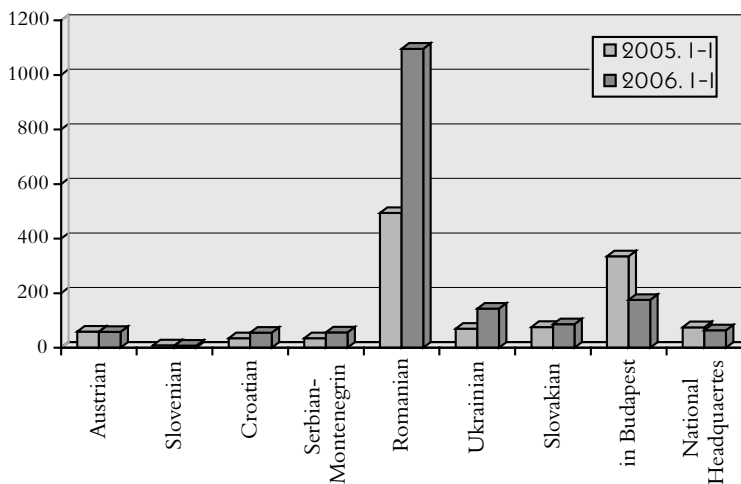
Source: BM Border Guards database.

Table 16. Distribution of offences connected to foreign citizens by border section

Border section	2005. I-III.	Percentage	2006. I-III.	Percentage	Change	Change in percent
Austrian	59	5	58	3	-1	-2
Slovenian	9	1	8	0,5	-1	-11
Croatian	35	3	55	3	20	57
Serbian-Montenegrin	35	3	56	3	21	60
Romanian	494	42	1 096	63	602	122
Ukrainian	70	6	143	8	73	104
Slovakian	76	6	86	5	10	13
in Budapest	335	28	178	10	-157	-47
National Headquarters	75	6	64	4	-11	-15
Total	1 188		1 744		556	47

Source: BM Border Guards database.

Figure 15. Distribution of offences connected to foreign citizens by border section



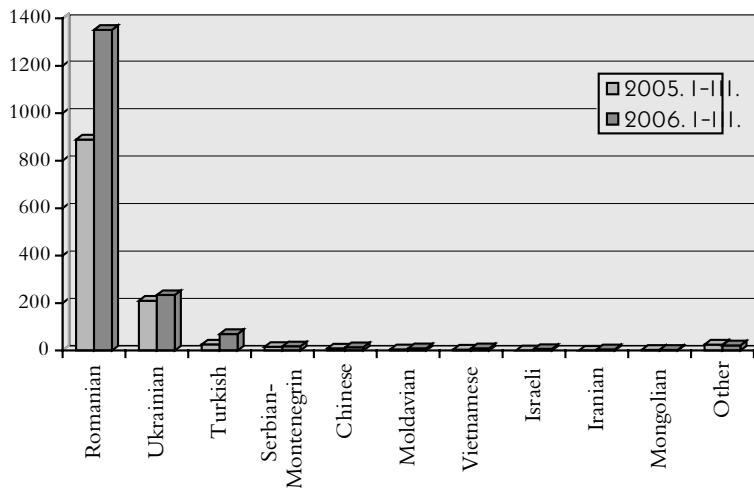
Source: BM Border Guards database.

Table 17. Distribution of offences connected to foreign citizens by it by citizenship of offenders

Citizenship	2005. I-III.	Percentage	2006. I-III.	Percentage	Change	Change in percent
Romanian	889	75	1 351	77	462	52
Ukrainian	210	18	234	13	24	11
Turkish	26	2	70	4	44	169
Serbian-Montenegrin	16	1	18	1	2	13
Chinese	9	1	14	1	5	56
Moldavian	5	0,4	10	1	5	100
Vietnamese	4	0,3	10	1	6	150
Israeli	1	0,1	7	0,4	6	600
Iranian	0		5	0,3	5	
Mongolian	3	0,3	3	0,2	0	
Other	25	2	22	1	-3	-12
Total	1 188		1 744		556	34

Source: BM Border Guards database.

Figure 16. Distribution of offences connected to foreign citizens by it by citizenship of offenders



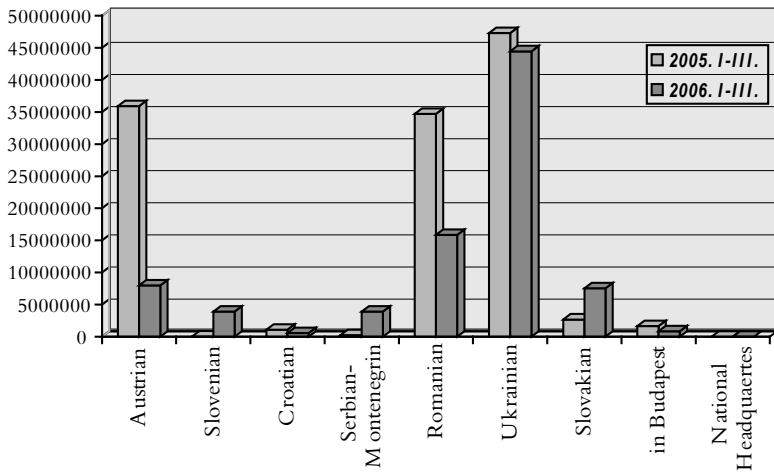
Source: BM Border Guards database.

Table 18. Distribution of wrongful acts connected to tobacco products by border section (persons)

Border section	2005. I-III.	Percentage	2006. I-III.	Percentage	Change	Change in percent
Austrian	58	11	88	13	30	52
Slovenian	1	0,2	5	1	4	400
Croatian	6	1	19	3	13	17
Serbian-Montenegrin	18	3	29	4	11	61
Romanian	246	47	233	34	-13	-5
Ukrainian	129	25	215	31	86	67
Slovakian	59	11	91	13	32	54
in Budapest	6	1	3	0	-3	-50
National Headquarters	0		1		1	
Total	523		684		161	31

Source: BM Border Guards database.

Figure 17. Distribution of wrongful acts connected to tobacco products by border section (value, HUF)



Source: BM Border Guards database.

In conclusion, both sides of the Hungarian-Romanian border are coping with the same problems, *but there are great differences between the development levels of each. Although the two countries share grave concerns* (lagging behind economic structures and infrastructure, inactive interest from foreign capital, lack of capital), Romania's developmental lag requires that Hungary can Romania be evaluated on different scales and according to different dimensions; however, even as these discrepancies necessitate cooperation, they hinder it as well. It is interesting to note that geographically *Satu Mare (Szatmár), Bihor (Bihar), Arad and Timiș (Temes) counties* on the other side of the Hungarian-Romanian border are twice as far away from their own capital as from Budapest. Doesn't this call for the further development of trans-border relations? More intensive cooperation for realizing common interests, social-economic adjustment and successful Euro-Atlantic integration is a rightful expectation on for both Hungary and Romania. This mutual interest will only prevail or will be enhanced when Hungarian-Romanian borders become freely penetrable.

RUXANDRA TRANDAFOIU

The Geopolitics of Work Migrants: The Romanian Diaspora, Legal Rights and Symbolic Geographies

Since the fall of communism, bilateral state relations in Eastern and Central Europe have been defined by a ‘mopping up’ process, in which policies aimed at diasporic communities in neighbouring countries were intended to set historical anomalies right. The Hungarian Status Law or Germany’s efforts to ‘reclaim’ its ‘ethnic Germans’ are more evident examples, but similar – although maybe less coherent – efforts to maintain and reproduce identity within cross border diasporic groups are a common denominator.

Romania’s governmental Department for the Relations with Romanians Living Abroad was initially set up with the similar mission to reconnect and support Romanians outside the state’s immediate borders, the so-called historical minorities. More recently, though, Romania has had to confront a new phenomenon: migrant workers establishing diasporic groups in Western Europe. As this is another type of diaspora – albeit differently constituted, exhibiting different patterns and claiming new needs – new policies are needed, yet like many other Eastern European countries, Romania has done little in the way of responding to this wave of ‘new’ migration.

Many Eastern European countries currently ‘lose’ important portions of their populations to Western Europe (in Romania unofficial sources put the numbers of Romanians working in Europe at around two million, approximately ten per cent of the entire population). These

diasporic groups still maintain a strong link with their home and continue to contribute culturally and financially; however, subsequent Romanian governments have been slow to provide to such groups the aide necessary to maintain identity and prevent assimilation or to help protect their work and human rights. With few exceptions, there is also little in place to aid the return and reintegration of migrant workers, despite fears of ‘brain drain’ and ‘population depletion.’

With European identity progressively characterised by work migration and the cultural exchanges resulting from it – and in the context of Romania’s 2007 accession to the European Union – bilateral relations between newer and older European Union members, particularly Eastern and Western ones, are increasingly defined by the existence and role of work diasporas.

This article investigates current governmental support available for Romanian work migrants and also the existing legal provisions in some Western European countries. Such a comparative investigation sheds light on the inadequacy of current systems and the need for a European-wide structure that addresses a phenomenon that will characterize Europe’s social make-up for some time. The article argues that bilateral state relations suffer as a result of either negative reactions to the presence of migrant workers in host countries or the inability of home countries to negotiate ‘safe passage’. As a result, it is often up to diasporic groups to find a space where identity can be articulated, reproduced and expressed politically in order to address the lack of basic rights and the presence of discrimination. New media in the form of diasporic websites is offered as an example of the tactics Romanian migrant workers in Great Britain use to construct a ‘language of claims’ in their production and consumption of media.

Home government support for work migrants

Although increasingly work migrants are subsumed in the general and eclectic term of ‘diaspora’,¹ one of the first challenges posed by work migrants is the difficulty of defining and labelling these groups.

¹ For a comprehensive overview of diasporic traits see Tsagarousianou, Roza: Rethinking the concept of diaspora: mobility, connectivity and communication in a globalised world. *Westminster Papers in Communication and Culture*, Vol. 1, Nr. 1, 2004. 52–65.

They have been called transnational communities, returning seasonal labourers, migrant workers, temporary diasporas and over-stayers. The Romanian press most often talks about ‘temporary migration’² while a Romanian researcher refers to the experience as ‘commuting’ rather than migration.³ The answer to the permanency or the degree to which the group actually becomes a diaspora often lies in the quality of the diasporic network established in the host country, which can be facilitated by legal frameworks and accidental circumstances.

Rogers Brubaker proposes a clear alternative to the usual problematic grouping and labelling of diasporic groups: ‘I want to argue that we should think of diaspora not in substantialist terms as a bounded entity, but rather as an idiom, a stance, a claim. [...] As a category of practice, ‘diaspora’ is used to make claims, to articulate projects, to formulate expectations, to mobilize energies, to appeal to loyalties. It is often a category with a strong normative charge. It does not so much *describe* the world as seek to *remake* it’.⁴ This alternative offers the opportunity to subsume work migrants under the larger diasporic umbrella, while concurrently encompassing the geopolitical impact diasporic political claims have on inter-state relations.

Uneasy about the role such communities should play in the already uncomfortable relationships with neighbours and Western countries, the Romanian government prefers to talk about ‘Romanian communities living abroad’ rather than diasporas. With no prior structure or guidelines in place, the awkwardness is particularly evident in Romania’s interaction with Western countries. This is due to a number of factors, one of which is the context of EU integration that constantly places Romania ‘under the thumb’ or the scrutiny of the European Union. The government seems to be in a particularly precarious position during EU negotiations, especially in regards to claiming rights on behalf of its own nationals. Another issue is the legality of many Romanians abroad. Visa and work restrictions in most EU countries lead to a high number of so-called ‘illegals.’ The situation is further complicated by the negative

² *Cotidianul* (Romanian national newspaper), 24 February 2006.

³ Constantin, Florentina: Migrating or Commuting? The Case of Romanian Workers in Italy: Niches for Labour Commuting to the EU. *EUMap.org*, 2004.

⁴ Brubaker, Rogers: The ‘diaspora’ diaspora. *Ethnic and Racial Studies*, Vol. 28, Nr. 1. January, 2005. 12.

coverage received by ‘asylum seekers,’ ‘immigrants’ and particularly Roma in much of the Western press.

In 2005 over four billion Euros⁵ entered Romania through remittances. With nine per cent of households having a family member at work abroad and with an average stay of 23 months, remittances sent by work migrants are second only to international business investments in terms of external financing⁶ in Romania. Apart from the obvious financial and economic implications, they increasingly play a role in Europeanization and the circulation of information, ideas and popular culture values. A recent report by the Institute of Public Policy Research in the UK concerning the accession of Romania and Bulgaria in 2007 emphasises this important aspect. ‘Bulgarians and Romanians can access the labour markets of other countries to improve their own economies, either through the sending of remittances, or through the increased productivity rates, business skills and technical abilities of returning migrants.’⁷

Yet despite their role in Europeanization and the circulation of information and ‘know how’, migrant workers remain largely overlooked by the government who construct the nation in a rather “traditional” fashion, not taking into account the way travel and new communication technologies impact on the formation of identity. Hence, the government’s focus is on historical groups living outside its immediate territory rather than on more recent but territorial-distant settlers. This is even in spite of evidence that such groups begin to display some characteristics of permanent settlement irrespective of their imagined return or multiple travels to the “homeland.” Somehow, economic visibility has not seemed to translate into political visibility.

One of the six State Secretaries affiliated to the Ministry of Foreign Affairs (MFA) is in charge of coordinating the Department for the Relations with the Romanians Living Abroad (DRRLA). The functions of this ministerial department indicate how the nation outside the borders of the nation-state is perceived. They involve:

- Support for communities living abroad with the aim of preserving their ethnic, cultural and religious identity;

⁵ *Cotidianul*, 24 February 2006.

⁶ http://www.euractiv.ro/content/section|readStory/stID_22/pT_dosare/pID_258/Banii-trimisi-din-strainatate-fenomen-social.html

⁷ Institute of Public Policy Research (<http://www.ippr.org>) ‘EU Enlargement: Bulgaria and Romania – migration implications for the UK’ April 2006. 4.

- Monitoring minority rights and collaborating with governments in host countries;
- Promoting Romania's image abroad through supporting Romanian organizations and associations;
- Reciprocal arrangements with countries where Romanians reside.

The department is organized according to concentric areas of interest – focusing on neighbouring countries first, then encompassing the Balkan area and finally the larger diaspora.

Nowhere on the MFA's website are work rights mentioned; instead, it focuses on ethnic and cultural rights, mainly the protection of the Romanian language and its use, as well as the survival and protection of education facilities, including Orthodox churches. The Law for the Support of Romanians Living Abroad underpins these aims. The law encompasses people who 'freely assume Romanian cultural identity,' namely people of 'Romanian origin' living 'outside Romanian borders.' Again, the emphasis is on cultural and linguistic identity (knowledge of Romanian is considered to be an important cultural marker and a verifier of authenticity), but it is also important to note that free choice underlies the claim to a Romanian national identity.

Most of the DRRLA's work consists of financing different projects that are believed to support the aforementioned aims. Financed activities for communities in Western Europe in 2005 included exhibitions (France), music festivals in the UK, Germany, Austria and Ireland, contributions to the Romanian Orthodox Church in Berlin and to the 'Romanian House' in Portugal. The sums have been symbolic in most cases and the causes have been cultural as opposed to political. It is unclear how the DRRLA supports community rights and there are no details about bi-lateral agreements.

In addition, the MFA boasts a Forum for Romanian Communities Living Abroad and the Consultative Council of Romanians Living Abroad. The first meets once a year to provide feedback on issues and needs. The latter is constituted of 25 members nominated and chosen through consultations with diasporas; it meets twice a year to propose strategies for helping Romanian communities abroad. Neither is representative of work migrants or other newly established diasporic communities.

During a 2005 tour of neighbouring as well as Western countries by the Minister for Foreign Affairs, Romanian migrants raised the follow-

ing issues: help with recognising Romanian certificates, diplomas and degrees, guides regarding the legal and illegal immigration system in the host countries, the recognition of Romanian Orthodox churches (Italy), promoting a better image for Romania in preparation for EU accession, supporting Romanian schools (Germany).⁸ A few of these requests were political in nature, but apart from printing and distributing of leaflets with legal information in Romanian in a number of EU states, the MFA has not actually proposed coherent strategies to address these concerns. Increasingly, prospective work migrants (or 'pre-migrants') turn to diasporic websites and chat groups for legal information as well as for strategies for successful emigration.

Arrangements such as these that fall between the private and the public, the unofficial and the official, are the first sign of an attempt to politicise diasporas. Politically active diasporas can become lobbying tools as they promote favourable policies towards the homeland. This strategy is happily met by the diaspora's desire to contribute to the country's image, which indirectly can affect its own status in the host state.

But, since there is traditionally a difficult relationship between state and civic associations, between public and private, in most cases the state is replaced by an industry of intermediaries and semi-official agencies. One such example is the Romanian Office for Labour Force Migration,⁹ which is one of the most consistent examples of the Romanian Government's attempt to legalise work migration. A screening programme ensures that the demands of receiving countries are met. This includes screening for age, education, qualifications, work experience, and even health standards. Intermediaries scan for young people (26-35) with medium or degree education and work contracts are signed only upon proof of professional experience, perfect health and even average weight.¹⁰

In an attempt to open communication channels between Romania and its diasporas, some Romanian embassies have recently asked diasporic communities for feedback on the consular services offered as well as their experiences using such services. Nevertheless, in everyday business affairs, diasporas can at most rely on cultural centres and non-

⁸ All information and data about Romanians living abroad is available on the website of the Romanian Ministry of Foreign Affairs <http://www.mae.ro>

⁹ <http://www.omfm.ro/w3c/index.php>

¹⁰ *România Liberă* (Romanian national newspaper), 7 February 2006, cited in *Info News*.

governmental cultural organizations such as the Ratiu Family Foundation in London. The lack of permanent and appropriate structures of support has led to the establishment of diasporic websites that – important as they are – can only partially fulfil the increasing information and networking demands.

Although unofficial and grassroots initiatives such as websites fill certain information gaps, they have at least one significant problem: diasporic networks exhibit an acute democratic deficit. People within these communities are often disenfranchised in the host countries, unless they obtain residence or citizenship rights; they also find it difficult to participate in home country politics. For example, voting in national elections can only be performed in Romanian embassies. There are currently no postal or electronic facilities. After the 2004 national and presidential elections, this prompted the Romanian Council in Atlanta sign an official complaint on behalf of the 10 million Romanians living abroad. The complaint lodged claimed that long distances precluded the majority of Romanians living abroad from exercising their voting rights.¹¹ As there are still currently no plans to change the voting system or facilitate voting mechanisms for Romanians abroad, the result is that many members of the migrant community lack any form of practical citizenship. Empowering them represents an important future endeavour.

It seems that at present the state encounters difficulties in establishing a direct relationship with diverse, mobile work migrant communities. Due to the absence of previously recognized systems and a traditional understanding of the nation as a historical attachment to a territory and community of language – which leaves deterritorialised diasporic communities outside the national frame – there is also lack of trust. These communities turn to other support mechanisms, like new media, that can reproduce narratives of belonging and identity. Diasporic discourses can, thus, construct a virtual symbolic home. It is the government's duty to begin to accommodate these alternative discourses within the larger national narrative and offer more comprehensive and varied support.

¹¹ In *Observatorul* (Romanian newspaper in Canada), 12 June 2004.

Legal arrangements for work migrants in host countries

Particularly after the 2004 enlargement, EU members are equally guilty of slow reactions with regard to the phenomenon of work migration. Some of the anti-Eastern European hysteria demonstrated by the right wing tabloid press in countries like Britain can be partially attributed to the lack of prior preparation and correct information about the impact of enlargement on Western countries. So far, Western legal provisions have been largely national and reactive in nature. There has been no attempt at creating a European-wide system of integrating communities of work migrants or at protecting workers rights. A few examples spring to mind about the different ways governments have dealt with these issues thus far.

The number of Romanians is estimated to be approximately a million in Italy and half a million in Spain.¹² The lower cultural and linguistic barriers explain these high numbers. During the March 11, 2004 terrorist attacks in Madrid, Romania was the country with the highest casualty toll after Spain with fifteen Romanians losing their lives. Survivors and families of Romanian casualties were given indefinite leave of stay in the aftermath of this catastrophic event. The legal changes paved the way for the establishment of more permanent and legal Romanian communities. Spain's policy, then, is a clear example of localised and reactive provisions.

When Romania joins the EU in January 2007, the number of Romanians working abroad legally might increase even further. Some of these will establish more permanent communities and exhibit characteristics that have been previously used to describe diasporas. This is what Tsagarousianou calls 'their self-mobilization around their awareness of themselves as a diaspora [...] their ability to imagine themselves as such, to imagine and construct the relevant transactional linkages ... [that] require diasporic institutions.'¹³

While diasporic media and community associations are examples of self-mobilization, perhaps the most telling sign is the preparations that Romanians in Spain are making for the 2007 local elections. At this time, the community plans to propose local candidates in areas (e.g. Castellon)

¹² <http://www.fedrom.org>

¹³ Tsagarousianou, op. cit. 63.

where Romanians make up ten per cent of voters. Both PSOE (Spanish Socialist Workers Party) and PP (Popular Party) are said to be backing Romanian candidates.¹⁴ This shows that in some parts of Europe Romanian communities are starting to tip the political scales and make the shift from economic to political visibility.

In 2003 Italy also began offering the *permesso di soggiorno* (permit to stay). This residence and work permit, which is renewable every four years, was made available upon proof of employment to many previously illegal workers in an attempt to legalise their status and control their whereabouts.¹⁵ These provisions came as a result of the Italian government's desire to address the perceived high number of illegal workers. It is, again, a national and reactive initiative.

The Romanian Home Affairs Minister estimates the number of Romanian migrants in the UK to be 47,000¹⁶ as legal barriers have prevented many Romanians from either entering the country (Romanians still need a visa to travel to UK, while the rest of the EU has lifted this requirement in January 2002) or from legalising their status. More intermediary workforce companies are, nevertheless, offering jobs in the UK. IPPR's recent report predicts that after the January 2007 enlargement, the UK is to expect 41,000 new work migrants from Romania.¹⁷

Although the legal propensity thus far has been to stem the influx of migrant workers, there are now attempts to explore other systems. More 'conservative' countries like Germany legislatively ensure that work is performed by Germans when and wherever possible, as Reuters reports, in order to reduce the number of foreign workers by ten percent,¹⁸ but other countries are considering adopting systems similar to the American "green card." According to a recent report published by the Rowntree Foundation, Britain is inviting consultation on a five-tier classification system that rewards qualified workers; the system is due to be implemented sometime in 2007.¹⁹ This new policy is partially the result of the 2004 and 2007 enlargements. It is also yet another example policy

¹⁴ *Cotidianul*, 17 December 2005.

¹⁵ <http://www.trafficking.org.ph/poea/index.htm>

¹⁶ *Cotidianul*, 16 September 2005.

¹⁷ IPPR, 31.

¹⁸ *Jurnalul Național* (Romanian national newspaper), 9 January 2006.

¹⁹ Available at <http://www.policyhub.gov.uk>

implemented at the local level without consideration of a more coherent and integrated European policy.

As long as migrant workers do not achieve political visibility, there is very little chance that discriminatory practices and the widespread lack of support will disappear. These communities need to make the switch from being backward-looking to forward-looking and should also become active with regards to work rights as well as other legal and cultural provisions, especially since the EU currently lacks legal harmonisation. A common EU system of support for migrant workers could address clear discriminative practices such as lower pay, bans on union participation, patchy medical assistance and suspended citizenship rights.

It seems clear that there is still some reluctance on the part of Romanians to embark on a process of self-reflection and definition. This was indicated in a set of three interviews conducted by *Repere romanesti*, a Romanian diasporic publication on the net,²⁰ with heads of Romanian associations in Italy and Spain. The president of one such organization in Padova Italy, Associazione Alleanza Romena, laments Romanians' lack of confidence in associations of this kind, their tendency to join only when in need of free legal aid, and their reluctance to develop their own, separate media.

The Spanish Federation of the Associations for Romanian Immigrants notes a similar reluctance. The officials representing the Federation, which encompasses ten different associations, lament the bad image Romanians have in Spain, such as the Spanish complaints of a Romanian 'invasion'. Although Spanish society seems more accepting of immigrants after the March 2004 Madrid terrorist attacks, these types of complaints amplify inferiority complexes for many Romanians who are settled illegally and poorly paid. The Federation complains of the same 'disjoining' felt by their Italian counterparts, and Romanians seem to find it difficult to come together despite of occasional discrimination and bad press. Nevertheless, a new, mostly virtual, media-endorsed (including newspapers, radio, and web) diasporic-space is taking shape.

This tentative progress needs to be continued in order to allow temporary diasporas to cultivate their own cultural conditions, understand the mechanisms through which symbolic homes are built and constantly

²⁰ <http://www.repereromanesti.ro>

remade, and reflect upon resistance and *'ressentiment'*. In turn, this can lead to a more consistent and politically articulate discourse of claims.

Diasporas and the role of symbolic geography

Considering the positive impact millions of diasporans are making in Europe today, the lack of legal support by either home or host countries seems puzzling. Migrant workers clearly address skill and employment gaps in Western economies. As the IPPR's report acknowledges, 'Romanian-born are more likely to enter the UK in the higher skilled routes of work permits, au pair and student visas.'²¹ Despite fears of a 'youth drain,' the return of short-term migrant workers to the home country means financial and intellectual capital, which is essential for Eastern Europe's developing economies.

Because diasporas will continue to be a permanent presence and a point of contention between EU member states in the future, bi-lateral agreements are necessary. Taking into consideration that Romanian's "preferred destination countries are determined by their geographic and linguistic accessibility [...] the Romanian Office for Labour Force Migration has" been developing "bi-lateral agreements" with countries that "feature in the preferred destinations of Romanians."²² Yet geography (East and West, North and South) is still symbolically and ideologically loaded, and the continent seems to remain divided. There are also the questions of commitment raised by receiving countries and *'ressentiment'* on the part of host countries. Both hamper bi-lateral strategies and agreements, making it difficult to proceed.

As one geography researcher warns, "given the increased capacity for diasporas to 'act at a distance' due to technological advances in communication, and indeed the greater prevalence of diaspora communities in the contemporary world, we need to reconsider the ways that we think about the nation and *its* territorialities, as well as diaspora and *its* territorialities."²³ Symbolic geography needs to be reconfigured to reflect new ideologies rather than old divisions.

In time, diasporas staking their claims and initiating a political project will address this. Much of the current research looks towards

²¹ IPPR, 22.

²² IPPR, 23.

²³ Carter, Sean: The Geopolitics of Diaspora. *Area*, Vol. 37. Nr. 1, 2005. 61.

North America where more established diasporas display more pronounced political activism. Future research needs to explore diasporas' uses of media and new media. It should especially consider how these media forms aim to acquire symbolic capital, legitimate authority, and – above all – access to public opinion. The research field of diasporic agendas, mobilization and active strategies is supported by the production and consumption of diasporic media, but this process is too recent to have yielded any clear results yet.

Since it sits perfectly between the private and public spheres, new media can be the appropriate vehicle to transcend the borders that diasporas seem to naturally construct. These diasporic self-imposed boundaries are erected both because of internal causes, and under external influences (i.e. exclusion); it is, therefore, important to further address the issue of space and geography, which are essential not only for diasporic identity but also for analysing the ideological weight of symbolic geography and its relationship to the capabilities and opportunities offered by new media like the Internet.

The identity of temporary diasporas, such as migrant worker groups, is defined by the journey's experience, which often includes a real and/ or imagined repeated return: '...these multiple journeys may configure into one journey via a *confluence of narratives* as it is lived and re-lived, produced, reproduced and transformed through individual as well as collective memory and re-memory. It is within this confluence of narrativity that 'diasporic community' is differently imagined under different historical circumstances. By this I mean that the identity of the diasporic imagined community is far from fixed or pre-given. It is constituted within the crucible of the materiality of everyday life; in the everyday stories we tell ourselves individually and collectively.'²⁴ This is the typical experience for an increasing number of people. Since population mobility is changing under the impact of new transport and communication technologies, Castels was right to note that migration is never one-way.²⁵

²⁴ Brah, Avtar: *Cartographies of Diaspora. Contesting Identities*. London: Routledge, 1996. 183.

²⁵ Castels, Stephen: *Ethnicity and Globalization. From Migrant Worker to Transnational Citizen*. London: Sage, 2000. 204.

Because ‘diasporic journeys are essentially about settling down, about putting roots ‘elsewhere,’²⁶ the feeling of loss, the nostalgia and uprooting that come with the journey – whether it is real or imagined – fuel the establishment of a culturally-mobile shelter. ‘On the one hand, ‘home’ is a mythic place of desire in the diasporic imagination. In this sense it is a place of no return, even if it is possible to visit the geographical territory that is seen as the place of ‘origin.’ On the other hand, home is also the lived experience of a locality.’²⁷

This view is supported by many media scholars who emphasise the importance of communication networks for the ‘new possibilities of being in two places at once,’²⁸ the opportunities of ‘producing *new spaces* where remote localities and their experiences come together and become ‘synchronised’²⁹ and the ability to ‘live at the same time in both the global and the local.’³⁰ Since home is experienced symbolically and synchronically, it travels together with the migrant and adjusts accordingly. ‘Diaspora’ refers to the doubled relationship or dual loyalty that migrants, exiles, and refugees have to places – their connections to the space they currently occupy and their continuing involvement with “back home.”³¹

Whether migrating mentally³² or physically, the migrant succumbs to constant comparisons between a simultaneous *here* and *there* that lead to an inferiority complex. This has been aptly described by Greenfeld as ‘*ressentiment*.’³³ Metaphorical otherness re-assigns ideological connotations to the geographical space and feelings of inadequacy while humiliating experiences – coupled nevertheless with the desire to escape what is regarded as an unfortunate original faith – produce ‘*ressentiment*’ towards a West that remains intangible.

²⁶ Brah, 182.

²⁷ Brah, 192.

²⁸ Scannell, Paddy: *Radio, Television and Modern Life: A Phenomenological Approach*. Oxford: Blackwell, 1996. 91.

²⁹ Tsagarousianou, 62.

³⁰ Rantanen, Terhi: *The Media and Globalization*. London: Sage, 2005. 121.

³¹ Lavie, S. and T. Swedeburg (eds.): *Displacement, Diasporas and Geographies of Identity*. Duke University Press, 1996. 14.

³² For an comprehensive analysis of mental migration see Sabry, Tarik: *The Day Moroccans Gave Up Couscous for Satellites: Global TV, Structures of Feeling, and Mental Migration*. Transnational Broadcasting Studies, Number 14, Spring/Summer, 2005.

³³ Greenfeld, Liah: *Nationalism. Five Roads to Modernity*. Harvard University Press, 1992.

A narrative of blame permeates diasporic discourse. Several Romanian writers have pointed out that the myth of historical injustice and of the universal conspiracy against the East are quite common across the Balkans.³⁴ While this view is still well preserved in popular consciousness, returning Romanian migrants have modified it somewhat. This is because their perceptions of the West entail both an outsider's and insider's knowledge. Their double presence in a *here* and *there* has added a desire for Westernisation to the original 'ressentiment'.

Symbolic geography, the mechanism through which a community sees itself in relation to others on a symbolic map, leads to clusters of journey narratives and a constant reworking of identity through the process of imagining and translating details into discourse. Hence, symbolic journeys reconfigure geography: constructing West and East as contiguous, symbolic spaces; their relationships to both spaces shaping and renegotiating their identities; constructing home as a symbolic rather than a real space. Migrants live simultaneously *here* and *there*, but the production and consumption of media lead to the formation of a 'third space.' This 'third space' is the locus of an 'imagined community'³⁵ that is constructed and remembered through certain cultural symbols that can be retraced within diasporic websites.

The architecture of diasporic websites is a good indicator of the cultural markers that send the migrant on symbolic voyages home. Similarly, chat rooms and discussion groups describe the way the group places itself between host and home spaces as well as indicate the role nostalgia and memory play in the process of constructing a 'third space' that allows a unique diasporic identity to be articulated.

A two-way exchange occurs between these diasporic third spaces and geographical location. The material world impacts the formation of diasporic third spaces; the interactions within the diasporic network impact enacted identity. This exchange is beneficial inasmuch as can facilitate the political visibility of migrant groups and lead eventual political activism.

³⁴ Boia, Lucian: *History and Myth in Romanian Consciousness*. Central European University Press, 2001. 207–9; Tismăneanu, Vladimir: *Fantasmale salvării. Democrație, naționalism și mit în Europa post-comunistă*. Iași: Polirom, 1999. 111.

³⁵ Anderson, Benedict: *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1991.

Yet because home is constructed at both ends of the journey and migrants position themselves at a mobile axis and within a liquid, perpetually moulded space, diasporic group risk of not looking forward, not developing language of claims, and remaining politically vulnerable.

In the absence of a definition of the nation that encompasses the identity of work diasporas and equally in the absence of a multicultural approach and legal support from the 'host', new media is able to represent an alternative space for diasporic identity construction. This space is virtual and symbolic yet grounded in the geographical locality; it is both private and public. The two diasporic websites used by the new Romanian diaspora in the UK can serve as examples of the narration of identity and claim discourses within new media.

New media as a diasporic 'third place'

New media is suited to the basic traits of diasporic groups because it offers new opportunities for the intermeshing of private and public. 'For a displaced people in the diaspora, cyberspace can be an alternative "territory", where a transnational community or a virtual neighbourhood can be constructed.'³⁶ As Graham and Khosravi explain, cyberspace provides a forum where different generations can meet, where identity and meaning are continuously reworked, where the homeland is imagined and where accounts of the past can be accumulated. It is ultimately a place where public and private meet.³⁷

Apart from times of national crisis that are able to mobilize diasporas and re-orient them to the realities of 'home,' 'banal nationalism' is embedded in everyday practices. New media is 'banal.' It is part of everyday, mundane practices; hence, it is the perfect vehicle for the reproduction of 'banal nationalism.'³⁸

Diasporic research recommends selection of websites through a search engine (i.e. Google), followed by an examination of the links and rhetoric

³⁶ Graham, M. & S. Khosravi: Reordering Public and Private in Iranian Cyberspace: Identity, Politics, and Mobilization. *Identities: Global Studies in Culture and Power*, Nr. 9, 2002. 228.

³⁷ Graham and Khosravi, 219-246.

³⁸ Billig, Michael: *Banal Nationalism*. London: Sage, 1995.

provided.³⁹ Alternatively, research can be based upon a combination of user site-recommendations and key-word searches. Logs should be kept as proof of monitoring period.⁴⁰ The websites <http://www.romani.co.uk/> and <http://www.romani-online.co.uk/> were selected as websites predominantly used by Romanians in the UK according to this method. Other websites were eliminated because they either did not cater to migrant groups entirely or were affiliated with official state organizations.

Most website analyses look at the following traits:

- The ‘architecture’ or ‘layering’ of websites,⁴¹ i.e. the richness of content providing information, news, context, analysis, commentary, discussion forum, feedback, archives, and links;
- Format and design, amount of content, customisation and access, immediacy, hyperlinking and interactivity;⁴²
- The ‘archaeology’ of websites including heritage, lifestyle, spiritual matters and their manifestation. This method follows similar research involved in conducting textual analysis of Internet forums as well as the use of text and images to construct online imaginaries;⁴³
- Other attributes evident in chat or e-mail exchanges indicating whether the diaspora is backward or forward looking, i.e. whether it is re-enacting past historical traumas and inferiority complexes or whether it looks beyond these towards the construction of unique and novel opportunities;
- The demography of audiences and users as well as the interplay between monologue and dialogue.⁴⁴ Hiller and Franz differentiate between pre-migrants, post-migrants and settled migrants.⁴⁵ These groups become self-evident in their different use of websites, which are constructed to cater to the different needs of these main user-groups.

³⁹ Siapera, Eugenia: Multiculturalism online. The Internet and the dilemmas of multicultural politics. *Cultural Studies*, Vol. 9. Nr. 1. 2006. 5–24.

⁴⁰ Hiller, H. H. & T. M. Franz: New ties, old ties and lost ties: the use of Internet in diaspora. *New Media & Society*, Vol. 6. Nr. 6, 2004. 731–752.

⁴¹ Campbell, Vincent: *Information Age Journalism. Journalism in an International Context*. London: Arnold, 2004.

⁴² Gunter, Barrie: *News and the Net*. London: Lawrence Erlbaum, 2003.

⁴³ Chan, Brenda: Imagining the Homeland: The Internet and Diasporic Discourse of Nationalism. *Journal of Communication Inquiry*, Vol. 29, Nr. 4, 2005. 336–368.

⁴⁴ Siapera, op. cit.

⁴⁵ Hiller and Franz, op. cit.

The two selected websites display particular characteristics that can reveal identity discourses and political activism. The demography of users is, again, similar to the Romanian population in the UK. There are a higher proportion of couples and married members (some with English spouses); most possess a higher or medium level education, and only a few are employed in manual labour. This impacts how identity discourses are articulated and the amount of criticism levelled at particular institutions and authorities. As they have no plans for immediate return, the group also appears to be settled. The IPPR's report quoted above concludes that the scale of Romanian work migration will remain low even after 2007 because the distance and the resettlement costs in Britain are relatively high and will lead many to choose countries closer to home. This, of course, is debatable and will only be proven after January 2007; yet, it may explain why the 100,000 Romanian work migrants in Britain view the country as a long-stay destination. Permanent or semi-permanent settlement can cushion the effects of distance and high costs.

A primary function of diasporic websites is providing advice to pre-migrants and survival information to newcomers. These websites achieve this by hyper-linking to the relevant institutions. Similarly, chat groups offer more established migrant workers the opportunity to reflect on issues such as the characteristic of host populations, difficulties with integration, mixed marriages, perceptions of Romania and Romanians abroad, EU enlargement, East-West and self/other identities.

The 'architecture' of the websites is complex. There are multiple layers and an abundance of hyperlinks that encompass practical information (visas, driving a car, scholarships, recognition of Romanian qualifications, jobs) for 'pre-migrants' and 'newcomers' as well as links to host institutions and diasporic organisations that cater to more settled migrants. The e-mail exchanges reveal strong negative sentiment towards consular services. They sharply criticise the staffing, price, quality, and official institutions' lack of support for the diasporic group. Comments generally support lifting travel visas for Romanian citizens. There is also great hope expressed about EU accession.

In relation to this, there is a preoccupation with the representation of the country outside of Romania. There is the feeling that a bad image affects how community members are perceived in the host country. Some members display feelings of shame, but these are combated by highlighting the group's positive traits like openness, humour and conviviality.

In response to obvious information needs, news from the host countries as well as news regarding European decisions affecting migrants and the welfare of Romanian groups across Europe is updated weekly. Criticism of current legal systems that develops in chat rooms and e-mail exchanges on these websites is a first step towards community mobilisation and expression of its political identity. This is, nevertheless, in its formative years because of the recent settlement of these communities and the increased mobility of some of its members, i.e. those who return home after short periods and are replaced by other newcomers. But the websites are attempting to establish their own history and insure their continuation by calling for political activism whenever there is a lag in the pace of information exchange.

Identity is supported through memory (of dishes, places, music, events), humour and re-enacting the perceived difference between the group and the host population. Patriotism and nostalgia are expressed through stereotypical ethnic imagery (flags, maps, Romanian folk costume, and pictures of landmarks: churches, Dracula's castle, Danube Delta). Thus, the websites conform to expectations outsiders might have about Romanian identity, yet they add foreign cultural markers, like English flags and images, and a wealth of news and links that serve to anchor the diaspora to local and general European spaces. One reason why ethnic stereotypes are reinforced is that the group needs to construct its own identity. This is initially accomplished by emphasising those characteristics that are perceived as unique and are confirmed by the outsiders' interpretation of them. External stereotypes are, therefore, adopted and reinforced.

Based on Castells's theory of nodes and flows within a network and relationships between networks,⁴⁶ it is evident that the diasporic networks are dominated by 'geometries of power.'⁴⁷ This becomes apparent in the number of stars attached to contributors that signal their capability to drive or, contrariwise, remain spectators to the debate. The number of stars depends upon the time spent in Britain, time devoted to and the particular internet group, and the wealth of connections established within the virtual diasporic community. Diasporic discussion groups seemingly mimic 'real' communities: they have rules, hierarchies, insider-versus-out-

⁴⁶ Castells, Manuel: *The Rise of the Network Society*. Oxford: Blackwell, 2000. 501.

⁴⁷ Dodge, M. & R. Kitchin: *Mapping Cyberspace*. London: Routledge, 2001. 55.

sider pattern, and also attempt self-empowerment and external assertiveness. 'Newcomers' receive a frosty welcome, which indicates that groups reject 'floaters' and only accept committed members.

As the group attempts to avoid possible outside participation, there is diffidence towards non-Romanians attempting to infiltrate the group. Boundaries are erected on such occasions. For example, in July 2006 during a website debate (<http://www.romani.co.uk/>) in preparation for the group's meeting in Stratford Upon Avon on 15 July, one of the participants proposed inviting an English friend. The discussion that ensued revealed that the friend was a sociologist interested in studying diasporic or migrant worker communities. The debate quickly switched to how the group felt about being 'observed.' Examples like this prove that diasporic identity constructed through websites and chat groups follows the usual mechanisms of identity formation, including erection of boundaries as well as an 'us' versus 'them' positioning.

Through mechanisms such as these, migrant workers attempt to understand their own position. The resulting discursive practices and structuring narratives position the group neither *here* nor *there*, but in a 'third space', ideally supported by new media.

Conclusion

Although the phenomenon of work migration is not new, the current scale and distinctive characteristics are unprecedented; therefore, new research tools are needed to understand not only identity construction of work migrant communities but also the role they play in interstate relations, particularly between the European East and West.

One way of understanding the evolution of the discourse of claims is the study of diasporic websites developed in recent years and contributing to the solidification of the diaspora's presence in the host country. Yet, diasporic space is never built without reference to home and the experience of multiple mental and physical journeys. These particular experiences condition the diaspora to become a community of claims and political awareness as it provides the group the experience with different systems, institutions, public opinions and fields of interaction necessary for political mobilization.

The impact is, therefore, multifaceted. First of all, work migrants will develop new media technologies to suit their needs and will use

them to build a coherent political stance that will be grounded in their multicultural, cosmopolitan experience helping them to adapt to local circumstances and challenge the status quo. Further, work migrants already challenge the current understanding of national identity in much of Eastern Europe, pushing for a more civic rather than ethnic understanding of national maintenance and reproduction. Work migrants also continue to challenge the current legal provisions in some Western countries, which are already trying new visa and settlement models. The need for a more coherent European system has become apparent and will continue to grow more crucial. Further ethnographic research will be able to contribute to a better understanding of the interplay between culture, technology and state institutions.

LUCA VÁRADI

The Visa in Practice at the Serbian and at the Ukrainian borders*

A Micro-level research

In the following article, I explore and evaluate the practices associated with the Hungarian visa policy. The results are based on field research carried out in the summer of 2006 in the region of Vojvodina and Novi Sad in Serbia and in Trans-Carpathia in Ukraine. Research focused on the primary actors involved: the applicants, the consulates and the border guards in Ukraine and Serbia. My research was conducted using qualitative research methods, and because of my focus on micro-level processes, there is a lack of representation that should be taken into consideration. Additionally, the number of researchers (two in Serbia; one in Ukraine) might also influence the results.

Our aim was to explore how obligatory visas practically and/or morally impact people's everyday lives and feelings in the given regions. We were not only interested in the current practices associated with the present visa-system; we were also concerned with the views, expectations and knowledge about Hungary's forthcoming accession to Schengen. Our research focused entirely on individual citizens and considered Border Guards and Consulates as institutions that possibly affect trans-border movements of *civilians*. Our primary aim was to develop a picture of the general opinion in Serbia and Ukraine about obligatory visas and Schengen accession.

* Special thanks to *Lili Vargha* and *János Sallai* for their research contributions

Relevant scientific literature was explored prior to and at the conclusion of our research. Our research indicated that there are rather few articles dealing with obligatory visas. In those that we did find, only Ukrainian and – in one case – Romanian situations were examined; the Vojvodina region in Serbia was never a focus. In a broad comparison of the Visegrad States' visa policies for Ukraine and Moldova, we found a useful macro-level description of the introduction of the Hungarian visa in Ukraine and Serbia-Montenegro.¹ The Debrecen Center for Regional Studies of the Hungarian Academy of Science also conducted research in 2003–2004 on trans-border co-operation in the Ukraine and Romanian border regions. The section on the Ukrainian border region proved to be an invaluable basis of comparison for our results.² Other beneficial comparisons could be made with the Polish Batory Foundation's outstanding report on the Polish visa policy's various dimensions.³ Furthermore, two Hungarian statisticians' analysis of the sentiment about the border within the Hungarian border regions before Hungary's accession to the EU could be used as a basis.⁴

The Ukrainian and Serbian border regions were selected to be the focus of our research for two reasons. First, it is presumed that these states will long exist outside the borders of the European Union. Second, there is a rather high proportion of ethnic Hungarians living in these regions who, presumably, will be most affected by an obligatory visa.

Fieldwork consisted of several guided interviews (without a questionnaire), spontaneous conversations, and visual observations. The main research question was how the obligatory Hungarian visa impacts the everyday lives of those people – mainly ethnic Hungarians – who live in a region close to the Hungarian border. We also observed the preparations for and knowledge about the Hungarian Schengen accession. As they are part of a broader phenomenon, it is important to state that these issues could not be individually investigated. In other words, these questions cannot be dissociated from other issues such as people's

¹ *Feasibility Study for Consular and Visa Co-operation among Visegrad States for Residents of Ukraine and Moldova: The Visegrad States Between Schengen and Neighbourhood*. Center for Policy Studies at the Central European University, 2006.

² Baranyi, Béla (ed.): *Az Európai Unió külső határán*. Debrecen: MTA Regionális Kutatások Központja, 2005.

³ *Monitoring of the Polish Visa Policy – Report*. Warsaw: Batory Foundation, 2005.

⁴ Székely, Andrea – Kotosz, Balázs: A határmenti lakosság határképe az EU-csatlakozás előtt. *Statistikai Szemle*, Vol. 83, Nr. 12, 2005.

feelings towards Hungary and the European Union, their everyday practices, the current political situation, etc. In order not to exaggerate the meaning of some extreme results, it is important to describe and take into consideration the broader public context of the research.

Field research was carried out in July 2006. The new Hungarian government had just taken office; it was clearly stated that public administration expenses would be drastically cut, primarily through a reduction in the number of employees and a complete restructuring of public administration. This decision directly impacted the Border Guards. The Ministry of the Interior – to which the Border Guards were affiliated – was eliminated and replaced (among others) by the new Ministry of Justice and Law Enforcement. Since the impact of the new regulations was not yet known in July, there was an understandable display of doubtfulness displayed from both the Border Guards and the consulates.

When organizing the new government, the Hungarian prime minister had stated the need to reorganize the institutional systems that deal with the ethnic Hungarians living in the Carpathian basin. Although some of the main institutions had been dismantled by July, it was not clear what type of institution – if any – would replace those that had been abolished. This uncertainty heavily influenced the general moral of ethnic Hungarians during the period of our research.

At the same time, the Ukraine's struggle to set up a new government aroused great interest from our Ukrainian interviewees. Since Montenegro voted for its independence in June, Serbia's new status also impacted the general moral. During our Serbian visit, the FIFA World Cup was also taking place and was of a great interest for most of Serbian society, including border guards and consuls.

A great proportion of the interviewees were contacted prior to research via email or telephone. When selecting interviewees, our aim was to find the best representatives from the consulates, the border guards and the civil society. In case of consulates and border guards, there was the possible danger of receiving only the official version of the situation, which was presumed to be different from daily realities. In order to avoid this, we did not use any official forms when contacting the interviewees and always stated our will for an informal conversation.

When searching for civil society representatives, we focused on NGOs that dealt with larger groups of the local community and, preferably, had a connection with Hungary. This was to ensure that the representatives

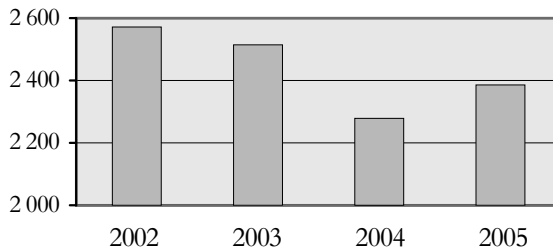
were aware of common opinions regarding the Hungarian visa. Because they can be understood as valid representatives of the local community, the mayors of the settlements in which we stayed were also interviewed.

Several interviews were carried out spontaneously. In these cases we talked to people at the Hungarian border, in front of the Hungarian Consulates and other visa issuing offices, at bus stations and train stations from where one could travel to Hungary and even on international railway lines without any preliminary arrangement. These interviews were conducted in either Hungarian or English, which limited the diversity of the interviewees. It should be emphasized that the Hungarian minority was our main focus; however, we collected information on the members of the majority ethnic group of the country whenever possible.

The Visa System

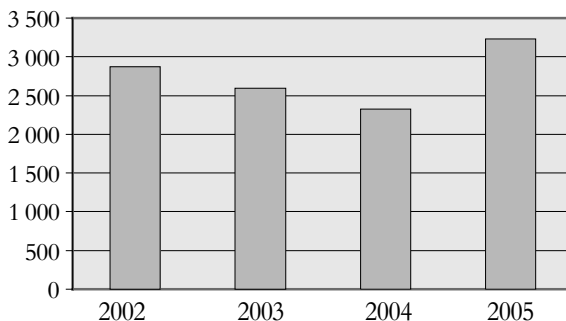
Before presenting our observations an overview of the visa-system should be given. Before its' accession to the EU, Hungary introduced an obligatory short-term visa for both the Ukraine and Serbia-Montenegro. Obligatory visas were introduced in Ukraine and Serbia-Montenegro on October 1, 2003 January 1, 2004 respectively. Before these obligatory short-term visas were introduced, citizens of both countries had to purchase Hungarian visa only if their stay in Hungary was to exceed 90 days.

Figure 1. Number of Ukrainians Entering Hungary 2002–2005 (in thousand per year)



Based on the data of the Central Statistical Office

Figure 2. Number of Serbia-Montenegrins Entering Hungary
2002–2005 (in thousand per year)



Based on the data of the Central Statistical Office

The direct impact of the visa on the traveling habits of Serbians and Ukrainians cannot be ascertained. Statistical information indicates that there was a significant decrease in the number of Ukrainian citizens traveling to Hungary between 2002 and 2004; in 2005, the number of Ukrainian passengers slightly increased. It is important to note that there is no information available that indicates a direct correlation between these statistics and the Hungary's introduction of obligatory short-term visa.

In case of the visitors from Serbia-Montenegro it can be seen from the statistics that after a slight decrease between 2002 and 2004, the number of travelers started to decrease in 2005.

Since the early 1990's, small border traffic between Hungary and both Ukraine and Serbia-Montenegro existed as a type of institution. By 2003 – before the obligatory visa's introduction – EU pressure led Hungary to eliminate its bilateral agreements regarding this alternative form of transit. Regardless of this, the phenomenon still exists in some EU 15 countries, and there are on-going negotiations for the restoration of the small border traffic after Hungary's accession to the Schengen.

In the new visa-system, the role of consulates and the Border Guards has been concretely formulated: consulates are "friends" of visa applicants while borders guards are "foes." Consulates liberally issue visas – providing them to almost everyone who applies; border guards must invalidate some of these visas as they attempt to police the borders more effectively than the consuls.

The Public Opinion

In Serbia and Ukraine, public opinion on obligatory visas and Schengen accession was fairly uniform. Most differences appeared to be generational and geographical (i.e. premised upon the type of settlement in which an interview was conducted). In general, the visa is understood as a type of punishment for ethnic Hungarians. Most of the interviewees did not mention the Hungarian EU-accession as a possible reason for the introduction of the visa but rather blamed the Hungarian government. People often stated that they felt as if the visa's introduction was a new iron-curtain – or *paper-curtain* – that once again divided them from the West.

The failed referendum on dual citizenship for all ethnic Hungarians living in adjacent states (5 December 2005) was often referred to as the symbol of “*how cruel the Hungarians of Hungary are with their ethnic brothers.*”⁵ Seemingly, the introduction of the so-called *national visa* on January 1, 2006 has had a similar impact. Just as before, Ethnic Hungarians were hoping that the visa would facilitate their movement and were even more disappointed by the results. As they recalled, the *national visa* was introduced as a means of facilitating Hungarian residence for ethnic Hungarians, but as it turned out, “*it is only useful for grannies.*” Though only about 40–50 applications were handed in at both regions' consulates, there was great interest in a *national visa*.

During several interviews, it turned out that people usually do not apply for a visa when they are planning a trip to Hungary but when the previous visa expired. It also turned out that some people applying for a visa were not planning to go to Hungary at all. Some of our interviewees explained the visa was simply a means of security since “*nobody knows what will happen, so it is always better to have the possibility to go.*” Others mentioned the prestige that accompanied possession of a Hungarian visa.

All of the interviewees were asked whether they have ever been a refused visa application or if they knew anyone who had had such an experience. Except when speaking to consular staff, everyone answered negatively. According to these interviews, everyone who had applied for a visa seemed to understand and accept its obligatory nature; however, no one found it particularly convenient. It was also interesting to hear that the

⁵ The quotations from the interviews are translated by the author.

applicants were usually advised by consular staff to apply for tourist visa – even in cases where travel was for medical or other purposes. This is because it is simply easier to complete the application – and why no statistics on the types of short-term visas applied for are given in this essay.

Most of our interviewees assumed that they would travel to Hungary to shop. Some people said they only shopped for themselves; others admitted doing business with the goods bought on the other side of the border. The term “*living from the border*” was often used at both locations. This meant something along the lines of non-professional smuggling of goods that garnered enough profit for a moderate livelihood. Despite of the country, region or occupation of the interviewees, this expression could be heard at almost all of the interviews. The people clearly indicated that while cultural ties were important, the visa was primarily to aid such business endeavors.

Since those who wanted to move to Hungary have already done so and those who wish to remain in their homeland are not likely to change their minds, the rigid visa-system was often deemed unnecessary. It was interesting to hear how people found the Hungarian government’s program that attempts to keep ethnic Hungarians residing within neighboring states misleading. Interviewees could not reconcile the government’s sponsorship of ethnic-Hungarian students who want to study in Hungary as a means to improve the quality of life for ethnic-Hungarians in adjacent states. Because most students stay in Hungary or move further west, it seemed contradictory to them.

In regards to knowledge about the consequences of Hungary’s Schengen-accession, the interviewees had dishearteningly little information. Those who lived in the cities and belonged to younger generations had slightly better concepts about Schengen than others. Altogether three facts were generally known: the visa is for a fee, its criteria will be stricter, and the changes will commence in 2007. Those people who have previously heard the expression “Schengen” claimed they were fearful as well as doubtful about it. No interviewees knew about the possible restoration of small border traffic.

Issuing Visa at the Hungarian Consulate in Serbia

Applicants understand Hungarian consulates as the obvious symbols of the obligatory visa. The innumerable references to this institution

demonstrated that it – and its communication efforts – played a significant role in the formation of applicants' views about the visa and Hungary. During field research, interviews were carried out with the consular staff at Subotica in Serbia and at Uzhhorod in Ukraine. An additional on-site inspection was made at the consulate in Beregovo, Ukraine. Since the experiences in the two countries' consulates were relatively different from each other, the Serbian and Ukrainian findings will be described separately.

a.) One-day Process

The Consulate of the Republic of Hungary in Subotica is situated in a beautiful Art Nouveau building in the centre of the old city. Any time we passed before noon, a considerable queue could be seen in front of it. Even the secretary based her directions on this information. In the surrounding area, there were several copy shops. After the consulate interviews, we understood their function in this part of the city.

We contacted and arranged an appointment with the consulate before our research began. During our appointment, an almost two-hour interview was conducted with Mr. Ferenc Nagy, consul general, on the priorities of the consulate and his impressions about the obligatory visa. He considered it shameful that everyday applicants were more interested in blaming Hungary and the Hungarian government for the new visa system than addressing the problem of at-large Serbian war criminals. According to his experience, applicants are unaware that the visa obligation is EU community legislative endeavour rather than a Hungarian initiative.

As he stated, the estimated number of visas issued yearly is 150 000, or approximately 500 visas daily. In order to handle this amount of work, the consulate has 40 employees; according to Mr. Nagy, "*It is a very well working system.*"

According to his knowledge, visa refusal is rather rare. He estimated that the proportion of rejected applications is less than one percent. Because of this, we agreed that the visa did not exactly work as a filtration device. Of course, it is possible – as Mr. Nagy indicates – that its very existence acts as a deterrent: those who are 'undesirable' for Hungary do not bother applying for the visa. When evaluating the current visa policy, the consul made it a point to note "*100 % filtering does not*

exist.” His experiences indicate that the visa has not caused a significant decrease in the number of Serbians traveling to Hungary. He remembers a slight lurch right after the introduction, but within a rather short period of time, everything returned to the status quo. *“As we see everyone has someone in Hungary, either a family member or friend; and there are all the cultural ties. These things do not change because of the visa.”*

The Subotica consulate runs a so-called *one-day program*. This means that if the application is handed in before noon, the visa can be collected after three o’clock on the same day. According to our experiences, people in the region are very satisfied with the *one-day program*. It is probably one of the reasons for the consulate’s good reputation among Serbian citizens. However, after October 2007, the consulate will no longer be able to issue visas within a day; as this might be especially difficult to get used to, this advantage might become a disadvantage for the consulate. The *one-day process* costs the Hungarian government about a million Euros yearly, according to the consul general.

The consulate is also fairly liberal when issuing short-term visas. According to Mr. Nagy: *“We know that the human kind is normally absent-minded, so we try to tolerate this as much as possible.”* This means that the consuls try to be as helpful as possible when making their decisions. Once, for example, a group of farmers who had formed a folkdance group were invited to a festival in Hungary, but the invitation came incredibly late and they did not have enough time to purchase a necessary certification of their property from the Land Office. They asked for a personal interview with a consul during which they promised to recover the missing documents immediately after their trip to Hungary. The consul in charge asked the consul general, and they assumed an obligation to the group. Fortunately, the documents were handed in as promised, and the consul general did not have to face any further inconveniences. Of course, this is an unusual case, but it demonstrates the consulate’s flexibility.

While the consulate aims to issue the obligatory visa as quickly and easily as possible, Mr. Nagy declared that the Hungarian government’s primary goal should be to foster the Serbian EU approximation and, finally, its accession to the EU. He stated that he wishes that the border could be eliminated, which can only occur when the aforementioned circumstances are met.

The consul general provided an explanation about the line on the street in front of the Consulate. He said that, unfortunately, people

do not understand that the consulate only opens to the public at nine o'clock⁶, and that they are also afraid of being unable to hand in their applications before noon. As he stated, this is understandable for those applicants living further away from Subotica because it is important for them to complete the application process in one day. Since they are able to collect the visa on the following day, he tried to suggest as a solution that residents of Subotica not come during the morning hours. Anyhow, he mentioned that currently the lines are not at all as long as they were after the initial introduction of the visa, when everyone was panicking and wanted to get it right away.

b.) The Short-term Visa

The short-term visa itself acts as a double source of protection. This is because of its focus on two main questions: Where will the person stay in Hungary? How will his/her livelihood be ensured while there? The consuls emphasize the latter question more and, because of this, require that every application has supporting documents. This can be either a certificate of the person's income or an employment contract⁷. In case of those without regular employment, a bank statement, a pension receipt, and or a reference to immediate family member's incomes can be used.

If someone is not able to purchase any of the above documents, there is still a possibility to apply for a visitors' instead of a tourist's visa. In these cases, one must purchase an invitation letter from someone with permanent Hungarian residence who willingly assumes the visitor's costs during his/her stay in Hungary. This is usually an awkward situation for applicants. While it was normally clear that Hungarian relative or friend would not cover the person's costs because the applicant intended to work on the black market or simply was unable to purchase necessary documents because of a lack of a bank account, our interviews indicate that people often receive negative answers when asking for such invitation letters from their Hungarian relatives or acquaintances. Our interviewees normally found it humiliating to ask for such a favour, and

⁶ Actually they work at the consulate from six in the morning, but they do not open to the public before nine.

⁷ In the case of farmers, a certificate from the Land Office must be purchased and handed in certifying the person's property of land.

they were demeaned by the idea that they were persons “dangerous” to the Hungarian state.

The complete consular staff sees itself as trying to be helpful for every applicant by making the procedure as simple as possible. That is why the officers who regularly meet with the applicants speak both Serbian and Hungarian; it also explains the fact that the visa can be issued within the same day if the application is handed in before noon. In regards to the language and spelling options for completing an application, we were informed that Serbian and Hungarian as well as Latin and Cyrillic script are accepted. Since there is an official transliteration to Latin spelling, Cyrillic letters caused no problems.

According to the Consul general, there is an appeals process if the applicant is discontent with the decision or would like to claim grievances about the procedure. This, however, does not happen often if at all.

When asking who would be ineligible for a Hungarian visa, only a few criteria were mentioned. First, it is not possible to obtain the visa if the purpose of travel is different from that named. Second, visas are not issued to people who use fake supporting documents. This means, for example, an employment contract with a non-existent company or an invitation letter from Hungarian families who provide these letters as a business. These cases are generally discovered through a list of the non-existent companies and those families who were discovered by the Office of Immigration and Nationality that the consulate has amassed over a period of time. Normally, the consuls conduct personal interviews with any applicants who seem to be suspicious or whose application is unclear. As they have discovered over time, applicants normally confess during these face-to-face talks. We were informed that, of course, people on the so-called black list – consisting of the names of the people who have committed some kind of crime in Hungary – are also ineligible. This list is updated regularly by the Border Guards with whom the consulate purports to have an excellent relationship.

c.) Schengen Preparations

The consulates indicated that they were adequately prepared for Schengen. Their strategy is step-by-step introduction of requirements. For example, upon introduction no supporting documents were needed for the visa application; they are now required. They also became strict

who may hand in the actual application. Since personal presence at the consulate is a requirement for the visa application, only immediate family members are allowed to manage the application process for each other, and consulate officers closely monitor this. Not long before our visit, the consulate just introduced a new requirement for a photocopy of the first page of the applicants' passport to be handed in along with the passport itself. This new arrangement explained all the copy-shops in the vicinity.

Of course, these are small steps when compared to the presumable effect of the longer issuing time and, especially, the future charge for the visa. Mr. Nagy told us that in a very positive case the price can be €35 and, in the worst, €60; however, €35 is already a heavy sum when compared to the region's average wages and the ease of free visas.

The building of the consulate was also renovated to fulfill Schengen requirements. They have added "intimate" interview rooms in accordance with the Schengen norms, and additional windows can be opened, when necessary, in the reception area. The consuls, as well, are participating in different preparatory courses in order to meet the requirements. Fortunately, they do not have to travel to Hungary because the lecturers go to Subotica. During the last months, there was more European monitoring, the results of which are always shifted into everyday practice.

Concerning the presumable reception of the changes by the applicants, the consul general was quite concerned. He stated that the people do not have enough information, and if someone knows about Schengen, what they know is that the visas will be expensive and the procedure will become much stricter. Therefore he encouraged everyone to try to issue the so-called national visa, which was going to be Schengen compatible and valid for maximum five years. The consulate has to be completely prepared with the new arrangements by the end of 2006, what does not seem to be impossible according to the consul general.

d.) Corruption

Besides the consuls, we were informed that Serbian nationals mainly work in the consulate. Their earnings are considerably better than the region's average salary, and they knew the consequences of such activities: immediate termination of employment (counter-corruption practices are described later). As insurance against corruption, consuls are controlled by state security monitoring in Hungary.

Although accepting an occasional bar of chocolate would not be considered a corrupt practice, Mr. Nagy the consul general informed us that there is no corruption at the consulate. This is because the two factors that lead to corruption (process speed and fee) are not concerns at this consulate. Visas are issued quickly enough, and the process cannot be made any cheaper for applicants. Additionally, many independent officers, making it practically impossible for corruption to exist, view the application.

e.) Application for and Issuing of the Visa

In order to see the issuing of a visa, we visited the hall where applications are held, decisions and visas are made, and the passports containing visas are given out. Interviews were conducted with a council that makes visa decisions and with the officers at the windows who take the applications and hand out visas. Participant-observation was carried out in this so-called window room.

The atmosphere of this room, the heart and soul of the consulate, was incredibly friendly. On the day of our visit, only female officers were taking applications at the windows. They spoke both Serbian and Hungarian very well, so there were no problems related to language difficulties. They seemed to be patient and helpful with the applicants who were, likewise, cooperative. The most common problem with the applications was the absence of the newly required copy of the passport's first page. It turned out that many of the applicants had not known about the recent change. When an application was accepted, the officers spent about three minutes checking supporting documents. They usually posed questions to the applicants. They always cooperated and tried to give all the necessary information. Besides the supporting documents, the passport was also carefully checked, to see if (a) the applicant held a valid Hungarian visa (which, interestingly, happened quite frequently), (b) see if there was enough space for the visa, and (c) check if the passport was valid for a long enough period of time. The officers also checked whether the application form was filled out correctly. In case of mistakes, the officers carefully explained the problem to and how to correct it to the applicants. Those applicants who had to correct something were allowed to return to the same officer without returning to the back of the line. Because only immediate family members are allowed to hand in someone else's

application, the relationship had to be verified if someone else was handing in another person's application. Besides the passport, the copy of its first page and the supporting documents, a passport photo that is not older than three months is also required.

In about 40% of the cases, there was some kind of imperfection. However, officers are not allowed to reject an application if the applicant is willing to hand it in, normally they accepted the advice. In these cases, the officers made suggests about how to correct the problem. Since the applicant is advised how to correctly fulfill the requirements, the statistics do not show any rejections. This type of serious pre-control can also be a reason for the low proportion of rejected visa applications.

Because there were several cameras observing the reception hall, counter-corruption practices could also be observed. Officers were not allowed to accept anything from the applicants that could not be seen by the cameras. For example, during our visit someone tried to hand in a folder filled with the necessary documents and forms. The officer did not accept it; instead, she asked the applicant to remove the papers from the folder and hand them in that way.

In general most of the applicants seemed to be content with the procedure, and anger was noticeable only in very few cases.

After the applications were taken, they were placed in small colourful plastic baskets that were present on the every reception-window officer's desk. The applications from the little baskets were collected and moved into larger baskets from time to time. Officers at the computers received the larger baskets; their task was to put an applicant's data into a special database that was designed especially for the consulate. The consuls in charge then checked the database during their three-hour shifts. They decided about the visa: whether one could obtain it and, if yes, for how long. Since the whole procedure was taking place in the same enormous hall, the consuls could ask the "window-officer's" opinion about certain applicants. If a problem arose during the submission of an application, the "window-officers" could ask the consul in charge for help.

After the consuls made their decisions, eligible passports were taken to a smaller chamber that opened onto the same hall. Only Hungarian nationals who were regularly checked by national security monitoring could enter this room. In this room, visas were printed. After they were finished, supporting documents were stored in special folders. If there was no reason to keep them longer, the documents were destroyed after

one year. Passports with printed visas were returned to the desks of the “window-officers” who then stuck the visas into the passports. They did this while still receiving applications, but used every spare second to place the visas.

After three o’clock a mob of applicants began to arrive to collect their visas. Since the decision-making and the printing of the visas is permanent, visas are often not ready by this time. If this was the case, the “window-officers” tried to learn about the current state of the application and told the applicants when to return. The promise was kept: whoever had handed in an application before noon received his/her visa in the afternoon of the same day. The officers at the windows were extremely supportive of the applicants and only sent them away if the visa was not completed.

During our visit, two visa applications were rejected. In one case, a travel agency asked for visa for a group of thirty. When checking the supporting documents, the consul has realized that only 23 of the applicants were on the agency’s list as registered participants for a tour of Hungary. The remaining seven people did not receive a visa, and the travel agent was invited to an interview in order to clarify the case. The other problem occurred because of three people asking for transit-visas in order to travel to Slovakia. Since they did not yet have their Slovak visas, their applications were rejected.

In general, the reception hall had a pleasant atmosphere. We also experienced the 71,000th application in this year. It was happily celebrated as every 1000th application is, with clapping and hoorays.

f.) Waiting at the Consulate Office

On a hot July morning, we watched as approximately thirty persons queued in front of the consulate in order to apply for a visa. They were from Subotica, from the nearby villages, but there were also people who had to come here from Novi Sad (100 km) – both (by mother tongue) ethnic Hungarians and Serbians. A policeman loafed around the queue; he did not speak Hungarian or English, only Serbian. People had heard or knew from previous experiences that getting the visa took much time and were, therefore, not in a hurry; they seemed to be excited but not nervous. People were familiar with the system, but they were often disappointed when they were sent away because of an incomplete application. This

problem was quite frequent because many did not know exactly which papers or how many copies were needed. A very old man came, and asked if his certificate of baptism was needed. No one could answer.

As we could observe the people waiting at the consulate seemed to be fairly well possessed, and as they were traveling regularly to Hungary, it was not the first time they had applied for Hungarian visa.

When asked about their previous visa experiences, they mainly found the visa inconvenient, even though the circumstances were as good as possible. No one with whom we spoke had had their applications rejected before nor had they heard about anyone with such an experience. When people – and there were many – were sent away, they remained positive, stating that they were happy that they would be allowed to return to the same officer instead of the end of the line. People were generally pleased with the officers, saying how nice and helpful they were; however, many people found the continually changing visa requirements to be a nuisance.

Overall, people were used to the visa obligation and arranged it whenever necessary. Since no one had ever heard of a refused application, they looked at it as a formality. *„I'm pleasantly surprised, the officers were so kind, I never experienced such quick administration”* an old lady said while waiting for her turn. *„It's only a day, and I have the visa for a year, it's not a big deal”* the majority asserted.

g.) Accessibility of the Information

In order for the visa-system work efficiently, applicants need to be able to access all the necessary information in the most simple and convenient way. The consul general was relatively proud of the consulate's up-to-date website. This website contained all kinds of information related to the visa, including a downloadable application form that is in both Serbian and Hungarian as well as has bilingual samples of correctly completed application forms. Furthermore, the website has an online counseling service where anyone can ask questions about the visa procedure. Unfortunately, the answers are not made public, so it is impossible to learn from other people's problems. Despite the impressiveness of this homepage, it should be remembered that the use of the internet is not yet common in the Vojvodina region. This means that privileged people have the most access to this kind of information.

The consulate provides information over the phone as well; however, it is rather difficult to get an operator. When discussing this problem, the consul general informed us about a great dilemma. It is required, and also desirable, to develop a telephone-switchboard through which applicants can navigate the menu with their telephones' number pads. The only problem is that the telephones with a tone-mode are not common in the region. This would result in an even longer waiting period than now. By the time of our visit, no decision had been reached concerning the telephone switchboard.

In addition to these two possibilities, the most common way of receiving information was gossip and unofficial rumours that incessantly circulated among applicants.

h.) Other Visa-issuing Places in Vojvodina

Hungarian Visas in the Vojvodina region can be issued at locations other than the Subotica consulate. In order to fulfill the 2002 Status Law,⁸ a chain of supply offices was developed in the region. The so-called CMH (Concordia Minoritatis Hungariae) offices were originally intended to issue the Hungarian Card that is provided to all ethnic-Hungarians who apply for it in the Carpathian basin. Since the obligatory visa's introduction in January 2004, these offices have expanded their tasks to include visa services as well.

In agreement with the consulate, these offices are allowed to accept applications, passports and the necessary documents and then transport them to the consulate. While applicants have to wait ten days instead of one to receive their visas, it saves them the hassle of standing in a long queue at the consulate, and traveling to Subotica. Six such offices are operating in the region, and according to both the CMH-officers and the consuls, the cooperation between the two institutions is excellent.

During our research, we inspected the Senta CMH-office. The office is situated close to the city centre in the building of the Hungarian Cultural Centre and Library and was, therefore, easily accessible. According to applicants, the greatest advantage of handing in applications here was that they did not have to travel all the way to Subotica. Additionally, the office has rather flexible open hours, so one is able to

⁸ Act LXII of 2001 on Hungarians living in neighboring countries

hand in his/her application without taking a day off work. The Senta office also provides its services in smaller villages of the area. Once a week, they traveled to the smaller settlements to collect the applications rather than operating in Senta so that applicants do not even have to travel to Senta.

Contrary to the consulate, there was never a long queue here. The maximum number of people we saw in line was three. The office was spacious, there was an information-board and correctly filled-out sample application forms were also accessible, however only in Hungarian. The office had two employees, one working at a time. They could speak both Serbian and Hungarian. As we observed, the officer was familiar with most of the applicants, and during their visits, they had enough time to ask many types of questions concerning the visa procedure. At the CMH-office the rules for handing in the application were not as strict as those at the consulate. Here, someone handed in the application for her aunt and another person collected the visa for her friend. The Senta office received about 40–50 applications daily, but the number depended on the time of year; for example, the office could receive more than 400 applications weekly in November, just before Christmas. The offices work free of charge but appreciate any contribution. According to the CMH-officer present, they receive no funding from the consulate and need to collect money for the fuel to be able to transport the applications to the consulate's office. The consuls process the applications from the CMH-offices after it opens. When they take in the new applications, the CMH-officers always took back the visas from their last transport are returned them to the applicants. In urgent and reasonable cases, consuls are able to make a decision immediately, and the CMH-officer can bring the visa back within the same day. Normally, applicants can get their visas within at least 9 days. The officers normally drive to the consulate on Thursday and transporting the applications received until the day before (Wednesday). Applicants generally receive their visas the following Friday. This schedule is acceptable for most applicants, especially when taking into consideration that usually people apply more for moral and security reasons than intentions to travel immediately.

Visa Issuing at the Hungarian Consulate in Ukraine

The Consulate of the Republic of Hungary in Uzhhorod is situated in a very posh, modern building that was recently built; the consulate moved in just one month prior to our visit. Somehow, an inconvenient tension could be sensed between the building and the city of Uzhhorod.

The consulate was previously contacted this time as well, but unfortunately, the consul general was unable to participate in the research due to prior engagements. In his place, we were permitted to speak with two consuls and two officers from the consular staff. Unfortunately, the interviews could not be carried out in the consul's office as they had been in Subotica; instead, they took place in an expansive hallway that functioned as the consulate's reception area. Because of this, the intimacy of the previous interviews was lacking. I was further disappointed by the fact that I was not permitted to enter the room where applications decisions are made. As it was explained to me, a young sociologist with Hungarian nationality posed security threats for the consulate and the Republic of Hungary. As young sociologists are generally known for their menacing presence, I was unable to observe the most important aspect: how the consulate actually functions.

Accordingly, it should be taken into consideration that the following information is based purely on information provided by the consuls and the consular staff. The researcher could verify none of the information.

a.) Multi-day process

The consuls both stated that, according to their knowledge, the introduction of the obligatory short-term visa did not cause a significant decrease in the number of Ukrainians traveling to Hungary. As they told me, the termination of the small border traffic has had a more substantial impact on the people's everyday lives than the introduction of the obligatory visa. Interestingly, the greatest problem has been caused by the passport requirement for crossing the Hungarian border. During the period of small border traffic, this was not needed; nowadays, the issuing of a passport is extremely expensive, costing approximately USD 130 in normal cases and double this in urgent cases. Additionally, passports contain few pages and usually reach capacity before they expire. This means that they need to be issued fairly regularly.

When questioning the aims of the visa, it was revealed that the EU obligation, and not the aim, is relevant. Here, the consuls view the visa as preliminary filter that ensures controlled entry into Hungary. Considering the consulate's policy, the answer was even more straightforward: "*Every honourable person should obtain visa.*" Similar to the Serbian consul general, the consuls here also reported that they tried to be as liberal as possible.

Visa rules and practices in Ukraine are defined by a bilateral agreement between the Hungarian and the Ukrainian government on the *facilitation of the visa traffic of Ukrainian nationals* that was signed in October 2003, just before the introduction of the visa. The facilitation primarily means that the short-term visa is free of charge.

The 60 combined employees of the Uzhhorod and Beregovo consulates issue altogether about 160,000 visas yearly. The number of daily applications varies considerably and is dependent upon the season: there are about 550 applications daily in the summer, whereas the number of daily applications in the winter does not exceed 400. According to the consuls, the number of rejected applications is rather low. One placed this number at less than one percent; another said the proportion is lower than 3%.

b.) The Short-term Visa

The principles of issuing short-term visas are generally identical with those found at Subotica. Main differences were between the time required for decision-making and the necessity of supporting documents. According to the consulate's homepage, the decision-making should not take longer than five days; however, according to consuls and the "window-officers" five days is in reality the minimal time; normally the visas are ready in ten days time. When submitting in the application, every applicant is informed on which day the visa can be collected. The practice of requiring longer time for consideration can be positive in regards to accession to the Schengen convention.

In contrast to the Serbian consulate's focus on an applicants' financial status, the Ukrainian consulate places more emphasis on the place of stay for Ukrainian citizen in Hungary. Normally no supporting documents are obliged; however interestingly, the consulate accepts certification of a hotel reservation from applicants, even though this does not

guarantee that the person intends to stay at the given hotel. The consuls also stated that they are trying to conduct as many personal interviews with the applicants as possible. At present, the consuls talk to about 25% of the applicants, but if talks with the “window-officers” are counted as personal interviews, the proportion is 100%.

Applications are checked upon submission at the windows as well by the officers and advice is offered if anything seems not to be in order. When asked about how applicants are selected for personal interviews, different criteria were listed. For example, people who reside a great distance away from Trans-Carpathia and should be submitting their applications at the Kiev consulate or those who appear suspicious to the “window-officers” for any reason. According to the consuls, it also often occurs that the applicants themselves ask for personal interviews, for example, if they have a special request.

The consulate only accepts applications filled out in Hungarian with Latin script. Since this might cause problems for a considerable proportion of the applicants, other people are allowed to fill out the application form for the applicant. To meet this need, several small businesses with bilingual staff opened in vicinity of the consulate. These businesses are housed in boutiques rather than offices and are recognizable by a small sign on the door. For approximately 5 Hryvnias (about 1 USD), they will complete an application. Although these services are well known and frequently used by those applying for visas, many times those completing the application do not know the application requirements and, therefore, make mistakes. Because of this, the consular’s staff views these businesses as providing an improper service.

The most common reasons for rejecting an application were similar to those in Serbia: applicants who are ineligible for a visa and/or who do not provide the real reason one for their travels. As in Serbia, it also holds that those who have committed a crime in the Republic of Hungary and are on the *black list* are ineligible for travel. Of course, faking documents results in automatic expulsion as well. In Ukraine, there is an additional problem caused by those who were at one time expelled from Hungary but have since changed their names. According to consuls, the official name alteration is a relatively uncomplicated process in Ukraine and, as such, rather popular among the criminals.

The process of appeals can be found on the consulate’s homepage: decisions are not reversed. However, everyone may reapply in the event

of an application's refusal. The locations where complaints may be lodged are listed on the homepage. According to the consuls, complaints regarding consular staff behaviour appear from time to time. These are always thoroughly investigated, "*and in case it is needed, the required consequences are drawn.*"

c.) Schengen Preparations

In preparation for Schengen, the consuls and the window-officers had considerably different views. Consuls were pleased with the state of preparedness, stating that this building had been constructed in accordance with Schengen norms. The consul also anticipated many changes in the visa issuing process. As one consul straightforwardly put it: "*Now we try to give visa to as many people as possible, after the accession, we should try to reject as many applications as possible.*" They believed it would be incredibly difficult to cope with the consulate's dichotomous role as the *tie with* and the *divider from* Hungary. According to one consul, a greater emphasis should be placed on the dispersal of information. "*The topic of Schengen should be talked about so much that by October 2007 the people should be completely bored of it.*" By the end of 2006, the consulate itself is expected to have completed preparations. This is so that it will have time to incorporate results from EU monitoring. The consular staff participated in preparatory courses at the Kiev consulate.

To summarize the general attitude towards Schengen, one of the consuls stated that he was not preparing for accession as much as for Christmas; however, he was more positive than negative, though perhaps slightly apprehensive.

When asking the "window-officers" about Schengen, they assumed that they knew little about it; they suggested speaking with their bosses who might possibly have more information.

d.) Corruption

Answers about corruption were the same as provided in Subotica: Hungarian national employees are screened by national security means, and Ukrainians understand that any corrupt practice would result in their immediate termination. As the consuls informed me, cameras observe the area where applications are submitted. As both of consuls

recalled, there was a great pressure to minimize/eliminate corruption after the obligatory visa's introduction.

Previously, applicants had offered hefty sums so that the consuls “*could have become extremely rich if we accepted the money.*” In order to ensure that corruption is not present inside the consulate, he reported that all suspicious cases were taken very seriously. Actually a larger emphasis was placed on the fact that they cannot do anything about corruption that happens elsewhere.

Because of the aforementioned reasons, counter-corruption practices were unobservable.

e.) Application for and Issuing of the Visa

Since it was impossible to view the process, we must rely on the consul's assertions that indicate the system's similarity to Serbia's. According to him, applications are checked by the “window-officers” before they are accepted; data is then shifted to the electronic database, and finally a decision is made. Given that it takes at least five days to receive a visa, the process must be slower than at Subotica.

f.) Waiting at the Consulate

When we visited the Uzhhorod consulate, we were surprised to find only three people waiting in the reception area. Since the consulate had moved to a new building recently, no information could be provided on the length – if any – of the average queue. Contrariwise, a large queue could be seen on the street at the Beregovo consulate. Here, people were much more impatient than they had been in front of the Subotica consulate. This was because entry was not guaranteed and there was a significant possibility that people would have to return to the consulate and the line at a later date. According to locals, older people frequently fainted in the queue when waiting for extended periods in extreme weather conditions, and ambulances had to be called to the site.

The people were also much more negatively inclined towards the Hungarian visa than they had been in Serbia; they spoke angrily and disappointedly about the consular staff. As they told me, the “window officers” were mean and unhelpful and never provided enough information about the requirements. Many of the people we talked to have also

realized that, recently, the consulate started providing visas that are valid for much shorter periods of time than requested.

g.) Accessibility of Information

The homepage of the Ukrainian consulates provides all the information necessary to complete an application. The website is accessible in both Hungarian and Ukrainian, and in addition to downloadable application forms, it also contains phone numbers and the open hours of the consulates. Here, it is also possible to read the Hungarian visa's requirements, but in reality, not all of the listed requirements are demanded. Unfortunately, the use of internet is even more limited in the Trans-Carpathia than in Vojvodina, and only a rather slight minority benefits from the outstanding website. It is common in Ukraine for people to trade unofficial information with each other as well.

h.) Other Visa-issuing Places in Trans-Carpathia

The CMH-office system does not function in this region. Even though offices were set up in 2002 to issue Hungarian identity-cards, they are currently not allowed to accept visa applications. According to a consul, this is due to abuses of privileges when these offices were allowed to accept applications. As a CMH-office leader understood it, the Hungarian Ministry of Foreign Affairs had prohibited such activities in these offices, and he was surprised to hear about the current Serbian practice.

Crossing the Borders

We were able to conduct interviews and observations at different crossing points in both Serbia and Ukraine. At the Serbian border, we conducted interviews with the border guards and the passengers at the entrance side at Rösztke, the largest crossing point for vehicles. We also crossed the border and made observations on a train traveling from Subotica to Szeged.

At the Ukrainian border we interviewed border guards and passengers at Záhony, which is the largest crossing-point on the Ukrainian-Hungarian border stretch, and engaged in participant-observation at the

Beregsurány crossing-point. We were also allowed to accompany the border guards to the railway crossing point at Záhony and observe the passport-, visa- and customs control on the international train from Moscow.

When conducting interviews with border guards, we concentrated on three concerns: the obligatory visa, Schengen preparations, and possible corruption. In addition to these three issues, we let the officers talk about what they deemed to be important. The passengers with Ukrainian/Serbian license plates waiting to enter Hungary were asked about their experiences of visa issuing; when there was a queue and ample time, we also asked about their feelings and experiences with border guards.

Since the findings at the two borders were rather similar, the results of Rösztke and Záhony can be presented in parallel.

The Rösztke Border Guards' Office is situated in a rather new, not too friendly – however, exceptionally clean – building next to the crossing lanes. During the more than two-hour interview, a Serbian tourist bus was stopped right in front of the window of the interview-room, and we could readily observe how custom-officers check passengers' luggage as the passengers looked on. The Záhony building was similar to the one in Rösztke, if slightly larger and older. At both borders, our interviewees were very open and helpful. At Záhony, however, the presence of the commander made the visit more official; Rösztke, on the contrary, was less formal because the commander and second in command were absent.

In connection with the obligatory tourist visa, none of the border guards have experienced any radical changes in the travel habits of Serbian and Ukrainian citizens. According to their recollections, there was a short disruption in passenger numbers immediately following the introduction of visas in November 2003 and January 2004. Since this time, figures have returned to their previous amount, indicating that the change was not permanent.

Although, the Rösztke crossing point is a so-called *Border Crossing Point Entitled to Visa Issuing*, it is not common for visas to be issued here. As I was told, in the first six months after the introduction of the obligatory visa, the Border Guards were more liberal and issued visas when someone claimed they were unaware about the new visa requirement. According to these guards, passengers were “*brash and unblushing*” during this grace period. In order to avoid lines at the consulate, they went to the border where they hoped it would be possible to receive the visa faster. Interestingly, although they knew that they were issuing the visa for more than the consulate

(£ 85), the border guards were unaware that the Hungarian visa was – in fact – free of charge at the consulate. One of the border guards even stated how he found the idea that law enforcement bodies are service providers (e.g. the police’s slogan, “*We serve and protect*”) misleading. According to his opinion: “*I don’t serve anyone, just let him enter the country and leave the country...*” Because of the stricter guidelines for issuing visas at the border, we were unable to observe the visa issuing procedure. In fact, the officer on duty could not even remember when a visa was last issued at the border. We were informed that, currently, they only issue visas in specially justified and reasonable cases, which is at the discretion of the commander. At Záhony, the case was same.

At Záhony, the officers were aware that visas were issued for free at the consulates, and they were concerned about the efficiency of free visas. According to their understanding, every applicant received a short-term visa, and every month, they must invalidate 30–40 visas at the border. The border guards at the Ukrainian border mainly diagnose unacceptable visas according to the place of residence during the Hungarian stay provided by the passengers. For example, people sometimes list the Nyíregyháza Tesco hypermarket as the place of residence, and it became clear that these passengers were planning to shop rather than be tourists. While the border guards know that Ukrainians are not prohibited from shopping in Hungary, they were concerned about the legitimacy of this claim when applying for a tourist’s visa. The officers at the Serbian border also have several complaints about the consulate-issued visas, which have previously been given to several people who appeared on their *black-list*.

According to the border guards, people in the region have been more affected by the Hungarian highway fees than the visa. According to the officers at the Serbian border, these fees work much more effectively against travel-potential than the visa. They also claim that most passengers go to Hungary to shop at the so-called hypermarkets (e.g. Tesco or Metro) that are not present in Serbia and Ukraine.

The border guard officers at both the Serbian and the Ukrainian borders were confident that it is impossible to cross the border at the legal crossing points without a valid visa. Actually, the border guard officers did not seem to be especially interested in the obligatory visa at either location but were instead focused on Schengen accession.

At both borders the officers believed that the staff was completely prepared for Schengen and that the only the technical supplies were missing.

In the words of one Záhony officer: “*The SIS⁹ is the only thing detaching us from Schengen.*” Both offices have already begun developing the technical equipment, but the officers feel that there is still much to be done. The officers were familiar with the Schengen Codex at both locations. Both had a hard copy and a digital copy of the Codex as well as different samples of documents (e.g. Schengen-compatible settlement permits).

At different stretches of border, Schengen preparatory trainings differed slightly. The border guards at the Serbian border told us that during the last nine months they were participating in an obligatory Schengen-course, organized by the Kiskunhalas headquarters, twice a month (and only on their days off) in Szeged. They found the courses extremely intensive, but the new Schengen regulations did not deviate much from those adopted by Hungary before its EU accession. They also knew that at some future point they would be required to participate in a one-week Schengen course at the Police College in Budapest.

The officers at the Ukrainian border receive different kind of training than those at the Serbian border. First, they attend lectures about Schengen once a month at the Záhony office. The system is such that departmental seniors prepare themselves in one Schengen field and then pass their knowledge to the other officers. In regards to Schengen preparations, the officers also have to participate in Ukrainian, Russian, English, or German language courses. The courses were just about to begin when we were visiting. The officers were both excited and concerned because they must pass a language exam at the end of the course but are uncertain whether this is at a basic or intermediate level.

The officers at the Serbian border reported a great relationship with their Austrian colleagues who recently visited them at Rösztke. Since it turned out that the Hungarian border guards earn less than half as much as their Austrian fellows, Hungarian officers often referred to this relationship as the basis of their dissatisfaction. It was also a “sore spot” for the Hungarians to realize how much better the working conditions are for the Austrian border guards and how much more public honor they receive. At this point, the officers referred to the reforms initiated by the new Hungarian government. These reforms, they fear, could diminish their income and possibly further devalue their public esteem.

⁹ Schengen Information System

When asked about the possible reactions passengers might have towards the new regulations, the following, rather short answer was given: “*They will get used to it, because they have no other chances.*” Altogether the border guard officers seemed to look forward to the changes; as one of them said: “*it is going to be a great and beautiful task to protect the enlarged EU.*”

Concerning corruption, all of the interviewees were rather moderate. They were not willing to talk about this issue and the direct questions were answered in euphemistic ways. No one considered corruption a big problem. Even though everyone heard about such cases, no one has ever personally experienced it. No one knows how seriously corruption should be taken. At both offices there were different regulations to prevent the possibility of corruption. For example, everyone had to place his/her personal belongings in secure drawers before starting his/her shift; they were also allowed to have only HUF 2000 with them during their shift. Sometimes civil controllers arrive at the office and check if anyone holds more than this sum. As we were informed the border guards were able to recognize who the controllers were, so not even those concerned viewed this as an effective practice. Aside from this example, we were unable to discover more about the border guard’s anticorruption strategies.

Our experiences were much different crossing the Serbian and the Ukrainian border by rail. Unlike our experience at the Ukrainian border – where we accompanied the border guards on the train to perform passport and visa control, we were merely passengers on the train from Subotica to Szeged. This difference in positioning likely affected our overall experience.

The Subotica-Szeged line was more like a local tram than an international railway line. The distance was also comparatively short, only about 40 km, but our trip took almost two hours, a rather long time to cover the small space. The few passengers, mainly with Yugoslavian passports were obviously familiar with the visa system; from our observations, they traveled to Hungary daily. During the course of our trip, we experienced a common method of cigarette smuggling, but as it is not our aim in this essay to closely describe the phenomenon of *living from the border*, we will not address the issue further. Most of the passengers, border guards, and customs officers seemed to know each other. In fact, it is so uncommon to travel this line with a Hungarian passport that the border guards and custom officers appeared surprised by our

presence. The border guards were polite; they conducted conversations in Hungarian with the passengers, who mainly spoke the language or received translations from other bilingual passengers. Non-Hungarian passports were collected and checked in the office next to the station. Despite the large number of cigarettes hidden in the wagon, the whole scene was rather calm and friendly.

On the international line from Moscow to Budapest, the anxiety was more palpable. A considerable proportion of the mainly Ukrainian passengers held some sort of Schengen residence permit. As we were told, these – especially the Italian ones – are commonly faked, and the border guards take extreme caution when checking them. The passengers were quiet and seemed to be nervous, perhaps even scared. The train cannot be stopped for more than thirty minutes, so if someone's visa is suspicious, the border guards force the individual to follow them to the pretty spacious office next to the railway station. There, they clear his or her case and determine whether he/she will be allowed to leave with the next train or must return home because of an invalid visa. In extreme cases, the border guards have two cells at their disposal. These are, however, not often used.

Conclusions

The research presented above on Vojvodina and Trans-Carpathia demonstrates that the obligatory short-term visa is an inconvenience for applicants who have gotten used to particular practices over the course of the last 2.5 years. Consulates have indicated that visas are issued according to fairly liberal criteria and that they act as a preparatory step for the Schengen regime. The consulates' visa-issuing systems seem to work properly and are generally accepted by applicants. It is obvious for all that people living in border areas travel mainly because of economic reasons and that cultural ties play a significantly weaker role. The institutions (i.e. Border Guards and consulates) seem to be prepared for Schengen accession while, conversely, applicants possess little to no information about the changes. People primarily feel afraid and doubtful in regards to Schengen. The lack of information about Schengen might eventually cause substantial problems. To subvert this, an effective information campaign must commence immediately.

ÉVA KOVÁCS

From Barbarian to Digital Heroes

On the Images of the European Union in Hungary

To date, Brussels has not provided any guidelines of how the institutions of the EU should portray themselves in the media.¹ It has only initiated scientific projects that analyze the frames of a common visual policy.² One remembers the boring repetition of family-like photos made at EU summits, in which the country representatives stand under the flag of the EU as a happy family. (The delegates of the “newborn” member-states are in the center of the photos, while the representatives of the old, big members are located behind them, everybody smiles, everybody is happy...).

Another typical visual pattern is the documentation of moving: politicians arrive in or depart from somewhere. One could analyze the symbolic structure of power, the gender constructions, the mechanisms of inclusion/exclusion, etc. in the pictures. A third visual pattern is the self-representation of nations as EU member states.

Between 1990 and 2004, during the accession process, opinion research in Hungary showed an increasing skepticism on the one hand, and a very abstract imagination of the EU and its institutions, on the other. Not only the imagination but also the knowledge of the EU was limited and rough. The European Union doesn't seem to be an “imagined community” for the Hungarians yet. The protracted debate about the EU enlargement resulted in a lack of confidence in the symbolic

¹ See: http://europa.eu.int/comm/avpolicy/stat/studi_en.htm.

² See e.g. the *Iconclash* project: <http://www.node-research.at/lp.php?id=160>.

position and self-representation of the nation.³ Parallel to this, Hungary tried to re-draw the mental map of ex-communist Europe, and targeted a central economic, social and cultural position in the region.⁴

1. *A concise history of the images of Europe in Hungary*

Hungary reached the lowest point of skepticism exactly at the end of the accession to the EU in 2004. This has a long prehistory. The position of Hungary in Europe was discussed incessantly during the last century, and this discussion used to determine the ways of political and economic modernization.

The *fin de siècle* was a turning point: Hungary opened up to the West (instead of following Bismarck-Germany and Russia).⁵ From that time on, the metaphor of the *ferry* has been used to symbolize, on the one hand, Hungary as a borderland between the East and the West, and, on the other, the transmission and translation of various values and cultures. The ferry that is not only moving but also transporting something became one of the positive images of the Hungarian political and economic elites. Paradoxically, the ferry had its negative connotations like anxiety, instability and dependency as markers of an unstable national identity, too.

After WWI, in 1920, the political discourse changed radically and an anti-European campaign unfolded in the country. Between the two world wars, nationalism, revisionism and irredentism determined the image of Europe, though Hungary's new geopolitical position was heavily discussed in the small circles of the intelligentsia.⁶ Naturally, traditionalism and modernization had also existed as ideologies earlier, although, until the end of WWI, both had been legitimate national

³ Kovács, János Mátyás: Westerweiterung: Zur Metamorphose des Traums von Mitteleuropa. *Transit*, Nr. 21, 2001. 3–20.

⁴ See e.g. the meetings of the Visegrád Four, Hungarian minority politics, and Hungarian investments in Eastern Europe

⁵ See Litván, György: Begegnungen an der Donau. In Heindl, Waltraud – Litván, György – Malfér, Stefan -Somogyi, Éva (eds.): *Eliten und Außenseiter*. Bd 2. Wien-Köln-Weimar, 2000; Litván, György: La démocratie hongroise de 1918 et les vainqueurs. In Cipaianu, George – Vesa, Vasile (eds.): *La fin de la Première Guerre Mondiale et la nouvelle architecture géopolitique européenne*. Cluj, 2000. 63–74.

⁶ See Zentai, Violetta: The 'West' Envisions the West. Images of the West in the Leading Progressive Hungarian Literary Journal in the Inter-War Period. *Ethnologia Europaea*, Nr. 29, 1999. 69–84.

programs. Liberalism lost its legitimacy as a national program only in the 1920s, after the Soviet Republic in 1919 and the peace treaty in Trianon in 1920. The binary oppositions of the subsequent “Populist versus Westernizer” discourse were the following: East versus West, Europe vs. Asia, conservatism vs. liberalism, tradition vs. modernity, nation vs. state, *Volk* vs. *citoyen*, religion vs. secularism, village vs. town, *Bauerntum* vs. *Bürgertum*. The populist arguments focused on the concept of enemy, in which the representatives of modernization, financial capital, liberalism, the media, etc. were branded as strangers.⁷

At the end of WW II, the image of Europe changed again. The liberation of Hungary by the Soviet army resulted in a more positive image of the East than it had been earlier, while the victory of the Allied powers over Germany produced a friendlier picture of the West, too. For a while, it was the metaphor of the *bridge* that symbolized Hungary’s position in the new Europe. In 1948, the communist takeover broke this new image and dichotomized the imagination of Europe: the communist propaganda tried to mobilize the Hungarian society against the Western “*imperialists*” and “*capitalists*” while in private life, the West as an *ideal world* embodied a higher quality of life, consumption, fashion, etc.

After the 1956 revolution (which brought a turbulence of images), the communist propaganda began to work with softer means of controlling visual policy in the Eastern bloc. The West lost its characteristics as an enemy, while the *topos* of the East (the Soviet Union) as an idol became empty. By the 1970s and 1980s, Hungary invented a special kind of self-representation, the consumer-oriented “*fridge socialism*” (“*goulash communism*”), in which it portrayed itself as the most Western part of the Eastern bloc. In the middle of the 1980s, the oppositionists among the Hungarian intellectuals (together with their Czech, Slovak, Polish, Russian an Austrian friends and colleagues) launched a controversy about *Mittleeuropa*.⁸ At that time, the metaphor of the *bridge* became revitalized.

⁷ See Kovács, Éva: Volkstümliche und Urbanisten – warum ist diese Kontroverse in Ungarn? *ÖZG* (Österreichische Zeitschrift für Geschichtswissenschaften) Nr. 3, 1994. 262–278.

⁸ See Bojtár, Endre: Eastern or Central Europe? *Cross Currents*, Nr. 7, 1988. 253–269. <http://www.hti.umich.edu>; Busek, Erhard – Wilfinger, Gerhard (eds.): *Aufbruch nach Mitteleuropa*. Wien, 1986; Konrád, György: *Mein Traum von Europa*. *Kursbuch*, Nr. 81, 1985. 175–193; Konrád, György: *Der Traum von Mitteleuropa*. In Busek – Wilfinger (eds.): *op. cit.*, 97; Le Rider, Jacques: *Mittleeuropa*. *Auf*

After the political transition in 1989/90, the new political programs and slogans stressed: “We are (in) Europe.” The new democratic parties referred with euphoria to Europe as a new self-image directed against the Soviet past of Hungary. Up to the middle of the 1990s, the positive picture of Europe remained constant in the media; at the same time, it was overshadowed by the revival of the “Populists versus Westernizers” debate.¹⁰ The Hungarian political elite (and partly the economic elite, too) split along the lines dividing East and West. Relations to the imagined Europe became one of the most important points of orientation in the media.

2. *The images of Europe today*

In the following, we will analyze the cover pictures and caricatures of the Hungarian weeklies in April and May 2004, that is, in the last phase of the accession to the EU. Interestingly enough, Hungary’s accession didn’t prove to be a real cover story. While weeklies published lots of articles in these days, the tabloids rejected or marginalized this topic: their covers continued to display the “ordinary” celebrities in these weeks.

2.1. The old metaphor of the ferry

„Has the ferry stopped?“ – it was with this question that the *Heti Világgazdaság* (World Economy, the weekly of the Hungarian establishment) commented the accession. The title of the cover paraphrased the statement of the then Prime Minister Péter Medgyessy (“The ferry has finally docked”), which he made while signing the accession treaty in 2003. The confusion of images (how could a ferry *finally* dock, without losing its definitive function, eternal moving) refers to the old Hungarian imagination of the inequality between East and West, and initiated a symbolic reckoning with the hundred-year old sense of shame. (*Picture 1.*)

den Spuren eines Begriffes. Wien, 1994; Schöpflin, George - Wood, Nancy (eds.): *In Search of Central Europe*. Cambridge, 1989.

⁹ See Kovács, Éva – Tóth, István János: Le partis avant les elections. *La Nouvelle Alternative*, Nr. 17, 1990.

¹⁰ See Kovács, János: Uncertain Ghosts. Populists and Urbans in Postcommunist Hungary. In Peter Berger (ed.): *Limits of Social Cohesion*. Westview Press, 1998.



Picture 1. „Has the ferry stopped?“
(HVG, 1 Mai, 2004.)

Moreover, the metaphor of the ferry represents an evident break with the metaphor of the bridge, and, as a result, with the dream of *Mitteleuropa* and the positive image of the East. This picture communicates only one Europe, which lost its center and doesn't adapt to the East any longer. But, this isn't a novelty. The fifteen-year long process of distancing the East (including the former Soviet Union) ended in 2004 with this paradoxical statement. The humorous magazine *Hócipő*¹¹ makes fun of this long farewell from the East on its cover: on a famous election poster from 1990, it exchanged the head of the Soviet general with that of a Hungarian cowboy.¹² (Picture 2., 3.)

¹¹ Hócipő = Snowshoes, *my shoes are full of snow* = colloquial Hungarian: “enough of that!”

¹² The Hungarian cowboy has another symbolic meaning on this cover. He – in Hungarian: the „*csikós*” – was an emblematic figure of the *goulash-communism* in Hungary as a sight of the Puszta for the Austrian and German tourists. See Kürti, László: A puszta felfedezésétől a puszta eladásáig. [From the Discovery to the Sale of the Puszta]. In Fejős, Zoltán – Szijártó, Zsolt (eds.): *Turizmus és kommunikáció*. [Tourism and Communication] Budapest, Pécs, 2000. 112–128.



Picture 2. *Tovarishi, koniec!*
Election poster of the Hungarian Democratic Forum (1990)



Picture 3. *I have never thought I would see Hungary's return to Europe!* (*Hócipő*, 1. Mai 2004)

2. 2. *The counter-images: Tribes, hordes and barbarians*

The Hungarian “cowboy” brings us to a second type of EU images. The first meaning of this metaphor roots in socialism, allegedly the Hungarians used to live an “uncivilized” life (they lived in villages, were alcoholic, destroyed the environment, etc.). This (self)-representation has a long tradition, not only in the Eastern but also in the Western half of Europe.¹³ The caricature in *Hócipő* and the cover of *Magyar Narancs* convey upon this image unambiguously. (Picture 4., 5.)

Both pictures reflect on the Western projections of “Easternness” with self-irony. Therefore, this visual representation narrates Hungary’s accession to the EU as self-colonization, in which the Hungarian people are shown as archaic natives.¹⁴ The European Union as a circus, the

¹³ See Todorova, Maria: *Imagining the Balkans*. New York: Oxford University Press, 1997; Wolf, Larry: *Inventing Eastern Europe: the Map of Civilization on the Mind of the Enlightenment*. Stanford University Press, 1994.

¹⁴ See Kiossev, Alexander: The dark intimacy: maps, identities, acts of identification. In Bjelic, Dusan I. –Savic, Obrad (eds.): *Between Globalization and Fragmentation*.



Picture 4. „We’ve arrived!“
(*Magyar Narancs*, 29. April 2004.)



Picture 5. „The lion is ready to jump“
(*Hócipő*, – 1 Mai. 2004.)

accession as a scene in the circus, the Hungarian cowboy (the *csikós*) as a frightening lion criticize the long hesitation by Western Europe over the issues of EU-enlargement.

A version of this kind of self-representation offered by another caricature of the *Hócipő* portrays the economic potential and habits of the Hungarians. (Picture 6.)

2.3. An irredentist trip: Trianon-Europe

From the outset, the radical right-wing clearly rejected the accession ceremonies. Their version of the new European geopolitical map articulated their usual revisionism and irredentism and served to remind their readers of Trianon. Just as the Hungarian ruling elite did in 1921, the weekly *Demokrata* campaigned for their beliefs in 2004. This time, however, the enemy was the European Union rather than the Entente. (Picture 7., 8.)

Cambridge, 2002. 165–190; Melegh, Attila: *On the East/West Slope. Globalization, Nationalism, Racism and Discourses on Central and Eastern Europe*. Budapest: CEU Press, 2005.



Picture 6. “The Hungarian invasion” Copyright: Ferenc Sajdik
(*Hócipő*, 1. Mai 2004.)

This “map game” – i.e. the cartographic representations of “historic Hungary” – has had a long tradition in Hungarian national discourse. The map of so-called historic Hungary is a very popular icon for revisionists and can today be found not only in the booklets of right-wing populists but also on T-shirts, postcards, websites, etc. *Demokrata*’s agenda is unambiguously illustrated on its cover: the Hungarian EU-accession is a false territorial revision because Transylvania, Ruthenia and the Banat are still missing in Hungary’s map. Of course, the cover can also have a non-nationalistic meaning. Namely, it is unfair that EU did not consider Romania, Ukraine, Croatia and Serbia to become member states soon. However, the inconsistency between the state names (see „Románia“ = Romania, „Szerbia“ = Serbia und „Horvátország“ = Croatia) and the illustrated territories (Románia = exactly Transylvania, Szerbia and Horvátország = exactly the former South-Hungary; Máramaros = exactly Ruthenia) are clearly dedicated to a revisionist message. The title’s cover “Outside and inside” draws the reader’s attention to the fact that the “whole” of Hungary was not admitted to the EU and that portions of the Hungarian population (i.e. Hungarian minorities in neighboring countries) remain outside of EU borders.



Picture 7. Rezső Vértés: *The Shadow of Trianon* (Hungarian National Museum, Archive of Historical Photographies, No. 96.171)



Picture 8. „Outside and inside“ (*Demokrata*, 1. Mai 2004.)

2.4. *The idols of the official accession campaign*

America versus Europe. The roots of the imaginations discussed above, stretch back to the political culture of the 19th century. Nevertheless, the official propaganda by the government chose other idols to celebrate the accession. In 2003, the government campaign began with Tony Curtis, an American film star with Hungarian descent. His Hungarian background is enigmatic: his family (of Jewish origin) emigrated to the United States from the former Czechoslovak Republic in the 1930s, today this region belongs to Ukraine; he cannot speak Hungarian. Curtis posed in the media in short trousers and a Texan hat to advertise the European Union for the Hungarians. The crux of the message is the following: in the past, you had to leave this country if you wanted to make a world-wide career, now Europe would be the continent of your dreams. However, no doubt about it, Tony Curtis made the impression of a foolish, old American tourist in the media...

The Hungarian beauty. The second master-idol of the official rituals during the accession was the Hungarian Queen of Beauty 2004, who



Picture 9. „Servus, Europe!“
(HVG, 29. April 2004.)

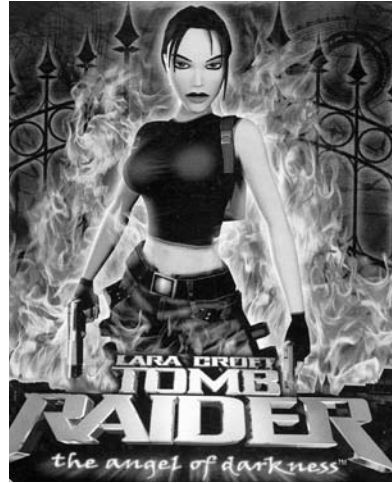
greeted us from the giant posters in the central places of the capital. The embodiment of Europe as the beauty is a commonplace used by German, French and British newspapers, too.¹⁵ (Picture 9.)

The icon of the beauty, which appeared not only in the weekly *168 Óra* (168 hours), but also in the official propaganda materials, lost its sacred historical and iconological meanings. From an icon to an idol, it became a profane personality, which Hungary should identify itself with as a new EU-member. The message “we are beautiful” produced a self-representation, as if Hungary “earned” the EU-membership by its beauty. This sexualized image based on the above-mentioned attitude of self-colonization, of the passive female body, serves to awaken the desire of the West to have her.

¹⁵ This image reflects the medieval icons of Europe. „*Europe: A Lady in a very rich Habit, of several Colours, sitting between two Cornucopias: the one full of all Sorts of Grain; holding a Temple in her right Hand, and with the Fore-finger of the left Hand, points at Scepters and Crowns; a Horse amongst Trophies and Arms; a Book, also, with an Owl on it, many Musical Instruments by Her, and a Palat for Limner with Pencils. All which shews it to be the principal Part of the World, for Religion, Arts and Arms.*“ See Ripa, Cesare (1603): *Iconologia*, Fig 185. <http://emblem.libraries.psu.edu/Ripa/Images/ripa047a.htm>



Picture 10. *Culture and Hungary - our pART in Europe* (Ministry of Cultural Heritage, 2004. Graphic Design: Hanga Máthé)



Picture 11. *Lara Croft* (Demo CD, Core Design, Eidos, 2003.)

Conclusion

The covers and caricatures of the Hungarian newspapers during the period of the accession revived the old visual narratives on Europe very superficially and confusedly. One of the reasons could be a global feature of increasing the number of self-references in mass communication. But, a more important reason is the skeptical attitude of the Hungarian public towards the EU, which robbed them of the visual creativity. Another common characteristic of imagining Europe is ambiguity: all pictures show the emotions of insecurity and dissatisfaction with regard to whether or not Hungarians are “fit for Europe”. As a result of this, the accession has a mirror-effect: in the pictures the European Union is not to be seen, one finds self-portraits instead that stress Hungary’s *alterity*. The only visual novelty – one may regard this just with mixed feelings – is the widening of the discursive horizon toward the USA. It refers to the old-new question of loyalty as to which continent, which constellation of power Hungary should prefer? The unfortunate choice of an old American film star couldn’t answer this question yet...

Instead of offering a pessimistic conclusion, I would like end by showing a rather enigmatic cover picture. In the spring of 2004, the Hungarian Ministry of Cultural Heritage published a brochure entitled „Culture and Hungary – Our Part in Europe.“ Its content provides correct and often astute information about Hungarian culture. However, on its cover there are figures that strongly resemble cartoon or computer game characters (e.g. the Pokemon series or the Tomb Raider film). In the picture’s background, the pillars of the Hungarian National Museum are recognizable; the Hungarian tricolor is also invoked by the prominent display of green and red. While these symbols can be easily identified, they are not definitely linked to specific persons or cultural meanings. Are these, then, Hungary’s enigmatic European citizens who have yet to be represented?

BARBARA BÓSZÉ

Security of energy supply in Hungary

Today, energy-security is a chief concern for the international agenda. This is largely due to the New Year's crisis when Russia cut energy supplies to the Ukraine. Leaving half of Europe with energy shortages, the Ukrainian Crisis definitely had a positive effect: it alerted European and American leaders to Russia's energy leverage and its associated risks. Indeed, the bitter political statements traversing the Atlantic hint at the possibility of a new type of cold war in which super powers threaten each other with 'energy weapons,' i.e. curtailing energy supplies or providing them from elsewhere.

Situated between predominant world economies, the question for Hungary is whether it can pursue its domestic energy-security interests or must it implement decisions made elsewhere (mainly in Moscow, Brussels and Washington). This also leads us to ask whether Hungary has any distinguished national energy policy at all. Has Hungary already adapted to the extent that it has not developed an energy policy?

This article seeks to answer the above questions by examining the current energy-security situation from Hungary's perspective.

Conceptual clarification

Energy-security is usually understood as the securing of a continuous supply of energy and tends to encompass two issues: alternate energy sources and physical protection. Alternative sources of energy require that states diversify their energy sources to guarantee an uninterrupted supply. This acts a precaution against an energy supplier that decides

to uphold or terminate the energy provision. As demonstrated by the Ukrainian crisis, this is a necessary precaution.

Energy-security also requires the physical protection of energy infrastructure against terrorist attacks and natural disasters. This became an objective following the September 11 attacks on the US, but the objective has yet to become a reality. In other words, we do not know how to protect pipelines and power plants from an actual terrorist attack. Responding to this void, the European Commission is currently developing a European Programme for Critical Infrastructure Protection (EPCIP), published a Green Paper regarding this issue in 2005, and initiated a consultation with the Member States and stakeholders.¹ In addition to the EU, NATO has also expressed an interest in extending its activities to energy infrastructure protection.

However, when it comes to the Russian definition of energy-security, the picture is somewhat different. For Russia, primarily means greater guarantees of access to the European market.² No wonder that as Russia is holding the G8 meeting in St. Petersburg July 2006, energy security is primary item on the agenda. At the conference, President Putin is expected to present Russia as a major energy producer and player on the international economic scene as well as to forward Russian plans to invest into Western European and US energy facilities.³

Mutual EU-Russian interdependence

Here are some figures to clarify the statistical background of the set-up of the EU-Russian relations in the context of energy: The EU imports about 50% of its energy consumption. This figure is expected to rise to 90% in regards to oil and 80% in regards to gas by 2030.⁴ Russia

¹ Green Paper on a European Programme for Critical Infrastructure Protection of 17 November 2005. The 'Green Paper' is a type of legally non-binding document of the European Commission which sets the directions of policy-development in new fields and may in the future lead to a formal legislative proposal.

² Russia plays energy card vs. Western investment. *The New York Times*, 11 June 2006.

³ Russia bargains bigger stake in West's energy. *The New York Times*, 12 June 2006.

⁴ Doing more with less – Green Paper on Energy Efficiency. European Commission, COM (2005) 265 final of 22 June 2005. See also 'Green Paper – A European Strategy for Sustainable, Competitive and Secure Energy', COM (2006) 105 final of 8 March 2006.

has one of the world's largest fuel reserves, housing approximately 34% and 13% of the world's gas and oil supplies respectively.⁵ Russia currently provides 30% of the EU's oil and 50% of its gas imports. On the basis of these figures, one thing is clearly evident: the EU is heavily dependent on Russian supplies. However, this dependence is not one-sided: Russia also relies on the EU since as much as 25% of Russian GDP comes from its trade in energy.⁶ The fact that Russia recently agreed to repay its entire \$21.3bn debt to the Paris Club of creditor nations by the end of August 2006 – mainly from energy revenues⁷ – indicates how much energy trading yields for Russia. According to these figures, then, the EU and Russia are greatly interdependent.

This interdependence between the EU-Russian also means that both sides should be careful when discussing strategies to reduce their interdependence. On the one hand, even if plans work out to construct pipelines that enable the EU to receive energy from countries other than Russia, they will still remain dependent upon Russia in the immediate future. On the other hand, Russia certainly cannot afford to lose Europe as its major energy trading partner because this loss would harmfully impact its GDP.

Is there an EU energy security policy as such?

The sudden realisation of overdependence on Russian energy has prompted the prioritisation of energy-security in the past six months. Beyond the thrust to secure supplies, Brussels's anxiety is compounded by a series of other energy-related problems such as high prices, lack of competition in the electricity and gas sectors, and friction between Member States as regards nuclear energy and environmental concerns to name a few. Additionally, some Member States also view energy as an issue of national sovereignty and are more resistant to Brussels's initiatives. Larger Member States like Germany and France feel that securing energy supplies is a national priority and should not be left to the slow and bureaucratic processes of the EU – which many believe has also failed to rectify many problems that it has identified. Take the Lisbon Agenda, which set the objective for the EU to become the world's most

⁵ Official website of the G8 presidency of the Russian Federation in 2006.

⁶ Source: European Commission, Directorate General External Relations.

⁷ Russia to repay \$21bn Paris Club debt. *Financial Times*, 23 June 2006.

competitive economy by 2010, as an example. Judging by the recent gloomy European economic outlook, especially in some larger Member States, Lisbon appears to be an ongoing failure. Apart from proposals and heated discussions, not much has been actually achieved to make this proposition a reality.

Most importantly, little strategy seems to be developing in regards to how the EU should respond to domestic developments in Russia's energy sector. Specifically, no strategies have been explored to deal with the increasing public-private overlap, which has made the Russian energy sector less transparent and predictable.⁸ One solution would be to convince Russia to abide by relevant international trade rules, namely that of the Energy Charter Treaty. This Charter aims to internationally liberalise the sector and provide a minimal operational-conduct code. Not surprisingly, Russia is reluctant. While it has already signed the Charter, it is refusing to ratify it because it would provide Western investors access to the Russian energy market. Russia's forthcoming adherence to the WTO provides no solution either because there is no separate WTO agreement on energy trade. For the time being, therefore, the present situation will prevail: energy trade will continue to be regulated by inter-company agreements.

Russia is eyeing Hungary?

Hungary is probably the EU Member State most dependent on Russian gas. It receives approximately 80% of its supplies from Gazprom, the state-owned Russian energy giant; it is also being pressured to consent to plans that would further increase this rate. When President Putin visited Budapest on 6 March 2006, an important item on his agenda was the possibility of Gazprom buying the wholesale division of MOL, the Hungarian oil-and-gas company. There are also proposals to extend the Blue Stream Pipeline, which currently connects Russia and Turkey, by linking Russia to Southern Europe via Hungary. Finally, there is the idea of establishing a natural gas hub that would be capable of storing 1.2 bcm of gas in Hungary. Should Hungary agree with these plans, it would greatly undermine European plans to construct the Nabucco pipeline,

⁸ Andrew Monaghan and Lucia Montanaro-Jankovski: EU-Russia energy relations: the need for active engagement. *European Policy Centre*, March 2006.

which would be capable of supplying alternative gas supply from Iran, Turkmenistan, Azerbaijan and Kazakhstan.⁹ As Nabucco would connect Turkey with Austria, similar to the Russian proposal to prolong the Blue Stream, it would also pass through Hungary.

These recent visits send a clear message: Hungary seems to be a target for Russia more than a possible partner and is left with a quite limited amount of political maneuverability. Indeed, Hungary's situation in this political matrix is more clearly portrayed in the various international, rather than domestic media.

The Polish way

Contrary to Hungarians, the Polish have certainly not kept a low profile. Following a series of bitter incidents last year, in an interview with the BBC this May, Polish Defense Minister Radek Sikorski has openly accused Russia of using its energy reserves as a means of blackmailing its Western neighbours. He stated that Poland desires a commercial relationship with Russian energy suppliers that are free of monopolies, price-fixing or blackmail.¹⁰ His words seem to echo Dick Cheney, US vice-president, warning Russia against "intimidation or blackmail, either by supply manipulation or attempts to monopolise transportation."¹¹

However, voicing one's opinion can cost dearly: Last September, Russia signed a deal with Germany to build a gas pipeline under the Baltic Sea, bypassing Poland. Gazprom will own 51% of the pipeline, with German EON and BASF taking 24.5% each.¹² Warsaw is now worried that the new pipeline – which would also bypass EU members Lithuania, Latvia and Estonia – could be used to cut off energy from Poland for political purposes, without affecting supplies to Germany. It might not be that far from the truth as few in Russia doubt that gas supplies via a seabed pipeline will ultimately be more expensive than one across the land, i.e. through Poland. However, in exchange for the higher construction price, Ukraine, Belarus and Poland will no longer be the exclusive operators of gas transit and, consequently, will not be able to 'transit

⁹ Putin pushes energy expansion into Central Europe. *Radio Free Europe/Radio Liberty*, 6 March 2006.

¹⁰ Poland slams Russian fuel policy. *BBC Online News*, 19 May 2006.

¹¹ Who is afraid of Gazprom? *The Economist*, 4 May 2006.

¹² Germany and Russia sign gas deal. *BBC Online News*, 8 September 2005.

blackmail' Russia.¹³ The Polish Defense Minister compared this deal to the pre-World War II Nazi-Soviet pact which carved up Poland. He also accused Germany of halting plans for more integrated EU cooperation on foreign and security affairs, including energy security.¹⁴

Increasing US involvement in Central European energy policy

With the strategic decision about whether Hungary will agree to Russian or EU pipeline construction proposals pending, it is no wonder that Budapest and other neighbouring capitals have recently become frequented hot spots by Russian and US envoys, including both President Putin and Bush. In the face of Russia's repeated demonstrations of its powers over energy politics, US Secretary of Energy Samuel W. Bodman, only ten days following Mr. Putin's March 6 visit to Budapest was quick to point out that "[t]he US and Central Europe share many of the same energy goals including greater energy efficiency, use of clean and reliable energy supplies, and expanded infrastructure...This meeting provided a unique opportunity to discuss strategies to enhance Central Europe's regional strategy."¹⁵

NATO has also started to increase its involvement in European energy security issues. At a major NATO Forum on Energy Security Technology in Prague in February, Kevin Rosner, co-director of the conference stated that "the trans-Atlantic Alliance must get involved in trying to help stabilize future energy supplies and believes it could play a critical role in doing so." One of the subjects discussed was a proposal to create a new alliance in which NATO and EU members would act in concert "in the face of any threat provoked by either a cut or a diminution of supply sources that may occur because of natural disasters, disruption of wide distribution and supply systems or political decision by suppliers." Not surprisingly, the proposal was put forward by Poland,¹⁶ which now regards the US as the primary guarantor of its energy security.

¹³ Baltic deal worries Polish press. *BBC Online News*, 8 September 2005.

¹⁴ Russo-German deal irks Poland. *BBC Online News*, 30 April 2006.

¹⁵ Secretary Bodman meets with regional energy ministers in Hungary, emphasizes US support for Central European Energy Security. *US Department of Energy News Release*, 17 March 2006.

¹⁶ NATO considers role in increasing energy security. *Radio Free Europe/Radio Liberty*, 24 February 2006.

Besides direct US and NATO involvement in the European energy concerns, at the EU-US Summit – the official trans-Atlantic political forum – cooperation in energy security was also identified as a priority. In a statement after the EU-US Summit in Vienna on June 21, 2006, US President George Bush and European Union leaders jointly listed their concerns about some recent developments in Russia. Also, the European Council Declarations of the Summit¹⁷ devoted a separate chapter to the subject. Entitled ‘Promoting Strategic Cooperation on Energy and Energy Security, Climate Change and Sustainable Development,’ this chapter identified the areas in which EU-US strategic cooperation should be increased: diversification of energy sources and supplies, securing energy infrastructure, and improving energy security by enhancing the dialogue with the main transit, producer and consumer countries – to name a few. They have also agreed to jointly analyze geopolitical implications of the worldwide energy situation and develop policies in the framework of an annual review of the EU-US energy cooperation. This means that something substantial has finally happened in the trans-Atlantic dialogue, which has been widely criticized for lacking any meaningful political will.

German separatism

While Putin and Bush are certainly attracting the most attention when security is at stake, German energy interests should not be overlooked. In fact, it seems that the Germans are playing their own game. Critics within the EU have already complained that Germany is guilty of putting its own interests above those of other Member States.¹⁸ Definitely, the joint construction of the Baltic pipeline by Gazprom and German companies EON and BASF will increase the Russian foothold in Europe – exactly what the EU is aiming to reduce. Moreover, EON is anxious to acquire a piece of Russia’s wealth, a 25% stake in the Russian Yuzhno-Russoye natural gas field.¹⁹ As no foreign investment has previously been allowed in the Russian energy sector, the deal is historic. However, what the German companies are offering in return for such

¹⁷ 10783/06 (Presse 189), 21 June 2006.

¹⁸ Germany and Russia sign gas deal. *BBC Online News*, 8 September 2005.

¹⁹ Germany and Russia maneuver for gas deal. *International Herald Tribune*, 18 May 2006.

a stake is exactly what many in Hungary fear: EON energy assets in Hungary and Central Europe.

In recent years, EON has acquired strategic stakes in Central Europe,²⁰ and more importantly, in Hungary.²¹ It has considerable market shares: 2,401,454 Hungarian customers in electricity and 564,673 in gas markets.²² Gazprom has expressed its interest in buying the wholesale division of MOL, and in the case of refusal, EON could potentially offer just what Russia wants. As EON has recently acquired the gas division of MOL as well, this could also easily become part of the exchange price for access to the Russian market. A piece of the MOL Group – which is the leading oil group in Central and Eastern Europe, currently being publicly traded on the Budapest, Warsaw, and Luxembourg stock exchanges and has retail units in 10 countries – certainly sounds attractive. Indeed, it is assumed that EON-owned assets in MOL have already been offered.²³ While there is no official answer as of yet, should EON sell off its Hungarian and possibly other Central European equities to Gazprom, Russia would undoubtedly secure its energy leverage in Europe.

Lack of a visible and coherent Hungarian energy policy

In the midst of this complex political situation, it is difficult to identify the pursuit of a strategy to secure domestic energy supplies by the Hungarian Government. While this is probably somewhat due to the recent elections that led politicians to focus their attention elsewhere, it is disconcerting that no policy seems to be developing.

It might be expected that the newly elected government's 2006 National Program would contain some indications, but as it stands, the

²⁰ See E.ON Annual Report 2005.

²¹ EON equity stakes in Hungary: E.ON Dél-dunántúli Áramszolgáltató Zrt. (100%); E.ON Tiszántúli Áramszolgáltató Zrt. (100%); E.ON Észak-Dunántúli Áramszolgáltató Zrt. (100%); KÖGÁZ Rt. (98.1142 %); DDGÁZ Rt. (50.01%); E.ON Energiakereskedő Kft. (100%); E.ON EÜT Kft. (51%); DKCE Kft. (10%); E.ON IS (49%); EMSZET (74.7%); EH-SZER Kft (51%); ENERGO-HOLDING Kft. (74%); Dunatújváros Sewage Treatment Plant Ltd. (49%).

²² Website of EON Hungária Zrt, http://www.eon-hungaria.com/eng/hung_ceg-tort.php

²³ The German E.ON refuses to let Gazprom into its network. *Kommersant*, 18 May 2006. See also: EON offers Hungarian assets to Gazprom in exchange for Russian gas field. 14 March 2006, *Expats Hungary*, <http://www.expatshungary.com/news/item/1037>

National Programs is too broad and too vague in regards to energy security. While the policy document that should have elaborated the subject in more detail, entitled the New Hungarian Energy Policy Strategy for 2006–2030²⁴ certainly has some good ideas, it is definitely lacking in vision for the near future. Although the Strategy is meant to determine the energy-policy trajectory for the next 25 years, it does not answer the most important question: What stance should Hungary take with respect to Russia and supply diversification in the international context? Besides stating that it is only feasible in the context of EU external energy policy, the Strategy does not generally contain any external energy relations' policy at all. Only semi-official, short press releases by the Minister for Energy and Transport on the Ministry's website²⁵ resemble a policy vision and tackle some of the crucial pending issues. They discuss the importance of Central European cooperation, the alignment of energy security policies by the new Member States at EU forums, and Hungary's interest in building the Nabucco pipeline. Nevertheless, they do not change the fact that there is an obvious vacuum in official policy development, which reveals that the government's "energy strategy" is keeping a low profile and reacting to emergency situations.

Having only recently become an EU member, Hungary's is still new to decision-influencing techniques and is of limited economic weight. Because of this, Hungary's primary role in the EU seems to be mechanically implementing Brussels's decisions. One wonders, though, what would Hungary's role be now, should Mr. László Kovács have become the European Commissioner for Energy instead of Tax and Customs, the latter being one of the more marginal positions.

The only initiative the Hungarian Government has managed to successfully advance among EU Member States is the location of the proposed European Energy Supply Observatory in Budapest. This initiative definitely has a chance, provided the unwritten rule that all Member States should have at least one EU agency located in their country, stands. Since the Polish lobbied much better for the location of the Border

²⁴ Az új Magyar energiapolitika tézisei a 2006– 2030 évek közötti időszakra. [The principles of the new Hungarian energy policy for the period between 2006 and 2030] Ministry of Economy and Transport, 13 January 2006.

²⁵ Nyolc állam képviselői tárgyaltak az energia biztonságáról [Representatives of 8 countries discussed energy security] – press release on the website of the Hungarian Ministry of Economy and Transport, 22 March 2006.

Monitoring Agency, Hungary still has no such EU agency. Because of this, Hungary is currently at the top of the waiting list. However, the agency is mostly a question of prestige and will, therefore, probably have little or no impact in the formulation of EU energy policy.

Internal solution to external dependence?

The debate over how best to secure our energy supplies has also drawn attention to renewable energy, i.e. reduction of consumption and increasing the energy efficiency. However, prospects in Hungary are far from bright.

Concerning renewable energy, Hungary is at the bottom of the EU. It has made the lowest offer of national target-percentage of domestic renewable energy production: 3.6% until 2010, compared to Slovakia's target of 31% and Slovenia's target of 33.6% by 2010.²⁶ While the 2006 National Program indicates that the Hungarian target will be increased – and has already effectively been surpassed, presently standing around 4.17%²⁷ – it is still rather low. The National Energy Strategy for 2006–2030 predicts that renewable energy production could be increased to maximum of only 7% by 2010 and 9% by 2025. It is important to note, though, that this increase is mostly for efforts related to biomass rather than wind, solar or thermo energy. According to some renewable energy experts, old power plants can be technically transformed and enabled for biomass production, i.e. by environment-related supports, so that old industries can be revived and restructured. While this transformation is a supportable objective, it should not be made to the disadvantage of wind and the other renewables.

The Hungarian Energy Office has declared that the electricity network is technically not prepared to take in more capacity generated by wind farms and that this situation will not change in the foreseeable future. This, in practice, prevented any further network infrastruc-

²⁶ 'The share of renewable energy in the EU – Country Profiles – Overview of renewable energy resources in the Enlarged European Union', *European Commission Staff Working Document*, SEC(2004) 547 of 26 May 2004.

²⁷ 'A megújuló energiaforrásokból termelt villamos energia mennyisége és a támogatási rendszer pénzügyi mutatói Magyarországon 2005-ben' [The amount of electricity generated from renewable energy sources and its financing system] website of the Hungarian Energy Office.

ture-development for an undefined period of time. This statement is in spite of the fact that only last year renewable energy investors submitted requests for approximately four times as much electrical-generation capacity than the Energy Office's current set-maximum of 330 KW. Still, when compared with the conclusions for Hungary in a 2004 Commission Staff Working Document on renewable energy sources in the enlarged EU, this increased investment interest in wind energy production is definitely an improvement. The study found that "[T]here would be good opportunities for biomass, solar, geothermal and some wind energy development, although the investment climate was not favourable until now and only very few investment has taken place with different multilateral funding."²⁸ Sadly, while investment interests backed by collateral have appeared, they are not overwhelmingly welcomed.

In terms of energy efficiency, Hungary is even below half of the EU average, which was also confirmed by János Kóka, Minister for Economy and Transport.²⁹ This result comes in spite of the fact that problems were already acknowledged a while ago. For instance, the 1999 Government Decision regarding the national strategy for energy efficiency³⁰ already provided for various measures, institutions and monetary allocations. Apparently, there have been no results. A recent positive development, though, is that the New Energy Policy Strategy for 2006–2030 revives or propels many of the initiatives. However, beyond the development of objectives, any results will boil down to the amount of money devoted to the issue. In the country's current gloomy financial state, it is fairly unlikely that the government will devote resources to long-term economic objectives, such as increasing the efficiency of energy utilisation by 2030.

Conclusion

Hungary is, indeed, small and stuck between powerful energy economies that drive international energy-security politics. More than likely, it will be unable to set the agenda. However, it has not been as active as

²⁸ 'The share of renewable energy in the EU ...' *op. cit.*

²⁹ 'Energiahatékonyság – pályázatok' [Energy efficiency – grants] 16 March 2006, news website of the Hungarian Ministry of Economy and Transport.

³⁰ Government Decision No. 1107/1999 (X. 8.) on the national energy efficiency strategy.

it could be. As there is no visible indication of a coherent national energy security strategy, it is not surprising that the country is not taken into account when decisions are made, neither to the extent it should.

It should be a priority to take pending political decisions and form a real national strategy. Not even energy experts can come up with magic solutions if their hands are tied by a lack of principal political tenets. Hungary's EU lobbying techniques should also be considerably enhanced. But again, this does not only depend on the administrators who actually negotiate. Without clear political intentions and decisions, it is difficult to lobby for anything.

Technically and financially, Hungary is not prepared to provide a substantial portion of national energy production from renewable energy sources. Since increasing energy efficiency and capacity utilisation are highly dependent on costly government investments, it is very unlikely that such long-term objectives will be integrated into effective government actions, beyond political rhetoric. And amongst the continuous international criticism over the huge budget deficit, the EU is also probably putting the requirement of sound economic management over saving energy.

REVIEWS

MEGAN FOREMAN

Reading sovereignty in a transnational era

Osamu Ieda (editor in chief), Editorial board:
Balázs Majtényi, Zoltán Kántor, Balázs Vizi, Iván Halász,
Stephen Deets: *Beyond Sovereignty: From Status Law to
Transnational Citizenship?* Sapporo: Hokkaido University
– Slavic Research Center, Slavic Eurasian Studies, 2006.

*Beyond Sovereignty: From Status Law to Transnational Citizenship*¹ attempts to further situate the various challenges stemming from a state's interaction with “minority” populations within and beyond its own borders. Building off *The Hungarian Status Law: Nation Building and/or Minority Protection*,² an earlier edition in this series, *Beyond Sovereignty* attempts to further elucidate why states have an interest in developing legislation that addresses kin minorities who reside in other countries. Additionally, it also seeks to explore why some and not others types of legislative action have been deemed permissible by international bodies. While these issues might at first glance appear clear cut, this collection of essays indicates that there is much more than meets the eye in regards to kin-minority legislation.

Although it does attempt to balance its considerations, *Beyond Sovereignty* primarily considers the case of Hungary and its kin minorities. This is perhaps because of the singular treatment that (what is

¹ See the full texts: http://src-h.slav.hokudai.ac.jp/coe21/publish/no9_ses/contents.html

² Zoltán Kántor, Balázs Majtényi, Osamu Ieda, Balázs Vizi, Iván Halász (eds.): *The Hungarian Status Law: Nation Building and/or Minority Protection*. Sapporo, 2004. See the full texts: http://src-h.slav.hokudai.ac.jp/coe21/publish/no4_ses/contents.html

commonly known as) the Hungarian Status Law received in the international community. As the collection points out quickly and often, laws like the Hungarian Status Law are not unusual for states within Central and Eastern Europe, which has experienced large population shifts over the previous decades. However, for various reasons, the Hungarian Law provoked discord among neighboring states and, therefore, within the international arena. By following the various logics pertaining to the Hungarian case, then, it is possible for states and researchers to further understand how the category minority, generally, and kin-minority, specifically, operate within (developing) states and international arenas.

The first three sections are devoted to fleshing out of the various threads relating to the Hungarian Status Law. They explore how issues of modern day sovereignty, European integration, and historical background relate to Hungary's decisions towards its kin minorities. Each section helps to further contextualize the Hungarian Status Law within both Hungary and the more broadly defined European community. Additionally, the thorough analysis of the reasons behind and reactions to the Law continue to nuance our understanding of how the category minority can function in legal, political, and social fields. Because of this, reading any of these sections independently is beneficial for anyone who possesses a general or more in-depth knowledge of minority issues in Central and Eastern Europe, especially for those who are interested in states aspiring to EU accession.

As the first section commences, the Hungarian Status Law and the objections raised against it are theoretically scrutinized. At the outset, the arguments by Majtény, Deets, Kántor, and Stroschein appear as if they will demonstrate how minority issues extend beyond the realm of state sovereignty; while these essays do demonstrate how the category minority extends across borders and is inherently influenced by extra-state actors, they also do much more. They take us through the various theoretical models that can anchor modern day knowledge about minority issues in Central and Eastern Europe. These bold analytical moves intend to show us that the changes in present-day international interaction also affect how states and minorities interact. As these essays demonstrate, there are many international actors – including but not limited to kin-states – who have a vested interest in securing and monitoring the rights of minorities. But, how much is too much?

The limit of extra-state actors' involvement is the second question this set of essays seeks to examine. Primarily, they attempt to answer if the Hungarian Status Law theoretically over-stepped the boundaries of this legitimate and necessitated international involvement with minorities residing within another sovereign state. Since these essays want to explore both the law and the objections to it, they do not focus on the concrete legislative terms. Rather, they focus on the categories and theoretical implications of the law. This ranges from a discussion of the place of the various structures of the state, a state's relationship to kin minorities, the concept of the nation, and the various manners in which minority issues may be read. These diverse renderings allow readers to ascertain the various theoretical positions behind the opponents and proponents of the Hungarian Status Law. In doing such, these discussions demonstrate how the Hungarian Status Law can be read within as well as outside of the boundaries of state action in regards to kin minorities. In other words, this section helps us determine the current possible limits of a state's legislative relationship to kin minorities.

The second section continues to develop this discussion on the limits of a state's legislative relationship to kin-minorities. This is done through an exploration of the process and effect of European integration. While both are good, the second set is fuller than the first because of the various fields and methods of inquiry that it employs. Its breadth helps balance the first section and begins to contextualize the circumstances under which the various status laws were conceived and received. This information makes the various positions taken in the first section a bit more accessible. Meaning, it helps us understand the various positions and readings available to the different actors involved and affected by the creation and contestation of the Hungarian Status Law. By echoing the questions of the first section, the second is able to further develop a discussion about kin minorities and states.

Within this second set of essays, the ties created between theory and legislation are exceptionally useful. Though these ties are made throughout, they are more prevalent in the opening essays. Here, Tóth, Vizi, and Kemp concurrently trace theory and international legislative measures regarding the relationships between kin states and minorities within an enlarging EU. While the amount of attention paid to theoretical implications and practical measures varies, these beginning pieces

generally help make connections between specific theoretical implications and legislative actions. Making the legislative terms and theoretical connections available to readers helps make the first section more palpable. Additionally, the connections developed within these opening pieces give the collection a place to go. That is, these terms move the collection past the purely theoretical and open the possibility for new types of discussions surrounding the issue of kin relationships. Through the second section's opening essays, then, the collection is able to move past pure theory while continuing to elaborate its usefulness.

While there are numerous ways to direct this movement away from theoretical renderings, the editors opted to use this shift to contextualize the circumstances in which the Hungarian Status Law developed. This contextualization occurs through a slow but perceptible shift from more to less general discussions. Commencing with an overview of European standards in regards to minority legislation, the section is given speed and direction by Karod's and Hornburg's discussions on the role of kin states and transnational minority protection in Central and Eastern Europe before eventually culminating in Küpper's exploration of the Hungarian dual citizenship referendum. As the section develops and passes through more in-depth considerations of standards and precedents within international and European communities, the ambiguity surrounding international treatment of minority issues is provided some shape. While by no means indicating a definitive European or international standard, this section simply offers the outline of international influence. It shows that while the "international community" might not be considered a "player" in the complex relationships between kin state, kin minority, and home states, it does "provide a framework, standards" which influence these legislative relationships (Kemp 123). In doing such, it begins to re-contextualize the arena in which relationships between kin-states and kin-minorities occur.

Though the process of re-contextualization begins in the second section, it is by no means complete. Nor is it meant to be. Rather, it intends to complicate the connections by exploring legislative terms and demonstrating the meaning these terms acquire on the ground. Not only does this help contextualize the significance of various status laws across central Europe, it also opens the way for the types of historical and political analyses of the Hungarian status law that occur within the third section.

The third set of essays compliments the previous two by providing an in-depth analysis of the various local contexts impacting Hungary's legal relationships to its kin-minorities. At first glance, this might seem like a bit of a departure from the previous discussions, but by providing these analyses, the editors further contextualize Hungary's kin-minority legislation. These historical and political considerations offer a much needed exploration of the local circumstances that influenced the meaning and directed the readings of the Status Law. Additionally, these discussions help the reader grasp the stakes involved – which, moreover, sheds further insight into other state's and international bodies' objections to the Hungarian Status Law. In other words, these essays add not only depth to the analysis of Hungarian kin-minority legislation but also promote the idea that legislation is influenced not only by a state's aspirations but by its historical limits as well.

While the third section continues the gradual conceptual unraveling that the previous two sections began, the editors have provided a nice interplay of more and less local circumstances. These essays are organized so that the reader moves between the various local and international contexts that have influenced the development as well as the readings of the Hungarian Status Law. It begins with Ieda's thorough sketch of the political history surrounding the issues of Hungarian minorities in Hungary. It then moves to Schöpflin's theoretical reading of power distribution within the EU and how these distributions relate to the Hungary's relationships and strategies towards its kin-minorities. This undulation between specifically Hungarian and more international circumstances is continued with an essay by Swain which focuses on how ethnic-issues have developed within Central Europe through an exploration of monuments. This essay in particular relocates theoretical discussions of the EU and international concerns within concrete contexts and greatly emphasizes the interplay between the local and the international that is developed elsewhere. In doing such, it opens a possibility to think concretely about Pap's considerations of the ambiguity surrounding minority and diasporic legislation. That is, these essays provide the reader clear images to understand how sentiment might infiltrate – without being explicitly stated – legislative design. By juxtaposing these essays, the editors have not only further contextualized the Hungarian Status Law but have also managed to demonstrate the layers of interaction which come to influence these types of laws.

What is perhaps most surprising about the third group of essays is the manner in which it addresses its subject matter. As opposed to other sections, this one levels criticism at all levels. To be certain, criticism is not absent in the other essays. In fact, many use their analysis as a point of critique, but here, the assessments becomes more biting. For example, it is noted that “there is more than a sneaking suspicion that different standards are applied to Western and Central or Southeastern Europe” by the High Commission of National Minorities (Schöpflin 218) and that monuments include statements which serve “no purpose other than to heighten the sense of injustice” (Swain 233). Additionally, it is asked why ethno-national identities deserve more protection than other identities “such as corporate or gender, or, for that matter, the non-enumerated ethno-national identities” (Pap 251). Though these types of comments do serve an analytic function, they draw attention to the fact that these topics are not just cases to be dissected and analyzed. They are highly sentimental and contestable topics. Granted, the subject matter in this particular section more directly touches upon the political manipulations surrounding the issues of kin-state-minority relationships than others; the overtly critical edge in these essays could possibly a direct product of this. But, whatever the reason, the critical aspect is a delightful surprise that adds passion to the debates included in this collection.

Although the first three sections are filled with adequate information, they do seem to be limited in their explorations. With a couple of exceptions – such as Swain – these sections are primarily limited to the Hungarian case. In order to broaden the claims that are made within *Beyond Sovereignty's* first three groups of essays, the editors have included a fourth section that centers on examples comparable to the Hungarian case and serves to tie the collection together.

The conclusion compliments the other three sections by expanding their depth through international comparative examples. In a manner, this set returns us to the first group of essays by thinking through what it means to for states to be in kin-minority relationships, but rather than considering the theoretical underpinnings and legislative validity of the Hungarian case, this section uses it as a point of comparative departure. These essays demonstrate that the considerations faced by Hungary are also a fact of life for many other countries. More importantly, it hints at possibilities that might create similar problems for other states. It indicates, for example, how the EU's enlarging borders and other possible

new developments in communication might alter the interactions between host states, home states, and kin minorities. By using Hungary as a point of departure for a comparative case analysis, the conclusion demonstrates that the issues faced by Hungary are becoming – if are not already – a concern for many other states.

As a conclusion, this section develops the issues that are touched but not fully explored within the other three. It commences with a discussion of the various models of home state, host state, and kin minority interaction by Halász, Csergő and Godlgeier, and Singh; these three essays moves from a broad discussion of kin-minority models, to the idea of virtual nationalism, to the specific Hungarian case model. As they do such, these essays take-up a great number of the theoretical themes provided within the first section. By enumerating these themes, these essays do two things: first, they re-articulate and re-emphasize theoretical problems; second, they complicate the issues by adding a new level of concrete analysis. This re-articulation and complication is continued within the second half of this section, which is initiated by Singh's discussion of the Hungarian model. Although Singh's discussion offers a theoretical model, it also provides a concrete example and offers a transition to discussions of politics, political uncertainty, and kin-minority relationships in Turkey and Bulgaria, Kazakhstan, and Mennonites in Eurasia by Özgür-Baklacioglu, Oka and Graaf respectively. Through these examinations, readers encounter in concrete terms how commonplace kin-minority legislation and problems are. Here, the questions raised elsewhere are provided immediacy. They are developed with details and given material life.

As the concluding section animates the questions that are raised throughout the collection, its editorial edge is altered significantly. Here, the editorial design that is present and well executed throughout the rest of the collection seems to have diminished importance. This is perhaps due to the subject. While the other three sections attempt to create internal links between the international and the local through the arrangement of essays, the fourth group shows that the sections themselves are also linked in a similar manner. Here, the conclusion is the international link to the more local considerations occurring within the first three. This frees the fourth section's internal arrangement a bit. By no means does this mean a loose or undeveloped composition; in fact, the fourth set seems more effective because it leaves the reader oriented towards the points made

within the first three groups of essays rather than forcing conclusions on him/her. Instead of a loss of overall effect, the softening of the editorial edge within the conclusion makes a reader want to continue grappling with the problems presented throughout the collection.

Overall, *Beyond Sovereignty* is well worth the time of anyone interested in minority and legal issues. Through careful editorial work and mostly sound arguments, it offers insight into the process and circumstances that affect any modern state's legislative practices. It demonstrates how interwoven international aspirations and local histories are as well as how this intermeshing affects the means of producing, enacting, and reading different pieces of legislation. This is particularly relevant in a world where diasporic and minority populations are finding their own political voices and asking for state assistance.

GERGŐ PULAY

Migrant children in a “monocultural” country

Margit Feischmidt and Pál Nyíri (eds.): *Nem kívánt gyerekek? Külföldi gyerekek magyar iskolákban. [Unwanted children? Migrants in Hungary’s public education system]*

Budapest: Centre for International Migration and Refugee Studies, Institute for Political Sciences, Hungarian Academy of Sciences, Sík Kiadó, 2006.

Public discourses on Hungary’s involvement in international migration are based on several contradictions. The beginning of Hungary’s current migration policies and its contemporary role in international migration is closely linked with the political changes of 1989. Despite the waves of migrants, however, Hungary is still considered a monocultural country when compared with the multiethnic societies of Western states. This image of homogeneity is usually tied to the relatively low percentage of foreigners in Hungarian society and/or the relative lack of claims by extant migrant minorities – or their organizations – in regards to identity politics, legal pretensions and public representation. A historicising argument traces Hungary’s preeminently monocultural image back to a more or less effective nationalization project, which also included the loss of territories with ethnically mixed populations, as deportation and assimilation. Whatever the reason, the image of a “homogeneous” Hungarian cultural has taken root. Since 1989, there has been a visible growth of intolerance towards those who are not included in the “homogenous” Hungarian community including

but not limited to a general unwillingness to recognize “new” and “old” minorities. This is clearly demonstrated in recent Hungarian political discourses on migration. Here, the dominant mode of these debates is still the *future tense*: “*What will happen, if they would come?*,” “*What should we do, if they’ll be here?*” Additionally, the subject of further EU enlargement and the possibility of Romania’s and Bulgaria’s accession induce fears in Hungary about migration from these countries.¹ Because these discussions focus so intently on the future, they often leave unexplored issues pertaining to migrants who already reside and work here. “Cultural homogeneity” is not just a relative notion; it is also tool used to dismiss the necessity of discussions pertaining to migration and minority-related issues. Because it legitimizes the absence of recognition, justifies a lack of intercultural awareness, and presents cultural diversity as a non-entity, Hungary’s “homogeneity” is highly problematic.

In *Nem kívánt gyerekek?* [*Unwanted children?*], these ideas and attitudes are challenged through an exploration of the experiences of foreign children in the Hungarian educational system. The book disengages itself from public discourses and instead focuses on the issues usually studied in terms of *the second or further generations of migrants*. The research sites of such studies are varied and unique, they are each invested in challenging the status quo of official programs and recommendations (e.g. the *Commission of the European Communities*) and contrasting them with extant practices.² In Hungary, migrant children’s integration is determined by the lack of explicitly institutionalized policies. Therefore in addition to critiquing Hungary’s general policy towards immigrants, the authors of the book employ different analytic strategies. The result is a polyphonic ethnography that incorporates different perspectives of children from foreign and native backgrounds, their families, the teachers, and the educational institutions in which everyday interactions occur and their mutual experiences develop. The research for *Nem kívánt gyerekek* was achieved through a research team devised by the editors. This team consisted of scholars who are specialized in different sub-topics and, because of their different areas of specialization, were able to more thor-

¹ See: Megijedtünk a románoktól és a bolgároktól [We got frightened from the Romanians and Bulgarians] www.index.hu, 6th of September, 2006.

² Hansen, Peo: Education in a Multicultural European Union: between Intercultural Visions and a Realpolitik of Immigration. *Migration: A European Journal of International Migration and Ethnic Relations*. Nr. 32, 1997. 5–40.

oroughly address and compare different discourses pertaining to migrants. This methodology, for example, allowed them to examine how migrant children correspond to the various expectations of their parents, teachers and classmates and ask questions like the following: What is the relation between a family’s migration strategy and a child’s educational career? What kinds of cognitive patterns and practices exist for Hungarian students and teachers as they relate to foreigners?

In terms of structure, the book has two major parts. One aims to reconstruct the migrants’ perspectives; the second approaches the topic from the perspective of the majority through the accounts of teachers’ and Hungarian classmates. Accordingly, both parts include chapters that concern *discourses* and *cognitive patterns*; the other chapters are mainly based on the interpretation of *social contexts, practices* and *situations*. Emigrants of China and Afghanistan are at the forefront of the authors’ considerations, and the empirical section by Pál Nyíri and Dóra Paveszka contains case studies on these immigrants.

Chinese migrants usually arrive to Hungary as traders, entrepreneurs, or as employees of the former groups. On the one hand, these people have economic relations with corporations in China; on the other, most of them have relatives in Westerns countries and/or further undertakings in the broader region. Their transnational social spaces – built by the networks of trade, information and affinity – constitute their ideas and aims pertaining to the education of their children. The transnational orientation of Chinese migrants means that they follow different consumption and social-mobility patterns than those that seem to be offered in Hungary. They understand their possibilities for success rather as correlated with both the modernizing market-economy of China and the possible carrier and success that is imagined as closely related to the Western world. Their formal and informal transnational networks also make it unnecessary to depend on local forms of social and cultural capital.

In contrast to this, the strategies of Afghani migrants reflect the fact that they arrive in Hungary as refugees. As refugees, they have access to limited resources and have one of two cultural results: either the children’s and parents’ expectations remained similar to those found in Afghanistan or they strove to follow the patterns of Hungarian schoolmates. Where Chinese students imagine the possibilities of having a bureaucratic or entrepreneurial carrier in the English-speaking world, Afghani students discuss their futures as teachers or as doctors.

Although their stressed wishes for the future can be quite distant from their current social positions in both cases, the difference between Chinese and Afghani migrants discourse about success resembles their current economic or labour market positions. Children from Afghani families face more negative attitudes from Hungarian schoolmates and parents, which is not entirely unrelated to their refugee-status and general poverty. For these children, family and community pressure to maintain traditional roles is often stronger than in Chinese families. For boys, this means an early involvement in marketplaces or other family-related businesses; for girls, this results in the abandonment of school-excursions or distancing oneself from possible Hungarian friends. Both increase the difficulties Afghani children face when in the company of their contemporaries. Chinese migrants also face similar hardships as they make social adjustments, but their broader migration strategies frame these experiences differently. The willingness to continue the previously initiated mobilization and to attempt to reach the “West” as a student or a transnational entrepreneur is encouraged by the broadcasts of Chinese satellite programs and local Chinese newspapers. These media outlets represent migrants as international pioneers of economic modernization. At the same time most of the Chinese adults do not speak the “regular” Hungarian language, and in many cases, they depend on translators – a role that is often conferred to their children. Since it makes impossible for teachers to be in communication with them, most schools frequently mention the parents’ language incompetence among the primary problems, which is usually interpreted as a sign of the parents’ indifference related to the education of their children. The “child as a translator” is an often-mentioned phenomena within migrant communities, and among Chinese communities, it is usually tied to the highly entrepreneurial way of life that requires Chinese migrants to leave their children under the charge of a Hungarian nurse for a period of time. For similar reasons, most Chinese parents send their children to Hungarian primary schools first but later place them in an international school that promises access to then English-speaking world of global modernity. Because of these ambitions – which differ significantly from the model of success within the Hungarians school system – Chinese migrants also remain on the fringes. In Hungary, they hold a marginal social position that is based on the liminal spheres of urban life – like marketplaces, or the stigmatized eighth district of Budapest. For the chil-

dren of migrant families involvement and socialization in international schools strengthen the experience of being globally modern and locally subaltern. At the same time the children from Afghan migrant families appear only in the schools owned by the state.

Although we clearly see the differences between the educational strategies of a transnational trader community and a group of migrants still positioned as refugees in the section on Chinese and Afghani migrants, there is also an appreciable imbalance in these discussions. A reason for this imbalance might lie in the different social statuses of the migrants. Those from Afghanistan seem to be more homogeneous and deprived, so could not, therefore, be represented in as complex a manner as Chinese immigrants. However, the varied social positions cannot completely account for the representational imbalance. Even when the topic of Afghani migration is included, the authors broadly quote external material and compare it to their own fieldwork experiences. Most of the readers may be aware of Nyíri’s long-term studies and his remarkable work on Chinese migration.³ In a comparison with his own results both in this book and in his former studies, the use of quotations from the two essays of another anthropologist as a source necessarily lends itself to the impression of an imbalanced analysis (these quotations are from the works of Klára Marton, researcher of migrants from Afghanistan).

In the second part of the book, works by Zsuzsa Árendás, Pál Nyíri, Dóra Paveszka and Eszter Szilassy demonstrate a change in perspectives. In these chapters, we are introduced more directly to the discourses on and practices related to foreigners in the Hungarian schools. As we become acquainted with the views of Hungarian pupils and teachers, we gain access to “the majority perspective”. These chapters embed the answers of interviewees and focus group participants in the broader discursive frameworks of intercultural relations, difference and similarity in contemporary Hungary. The accounts of these children and teachers can be read as markers of the general ambiguities related to migrants

³ See among others: Pál Nyíri: *New Chinese Migrants in Europe*. Aldershot, Hampshire: Ashgate, 1999; Frank N. Pieke, Pál Nyíri, Mette Thunø and Antonella Ceccagno: *Transnational Chinese Fujianese Migrants in Europe*. Stanford University Press, 2004; Pál Nyíri & Joana Breidenbach (eds.): *China Inside Out. Contemporary Chinese Nationalism & Transnationalism*. Budapest, New York: Central European University Press, 2005.

and their treatment in Hungary. While most children endeavored to show positive attitudes towards *foreigners* or *cultural differences* generally during the focus group discussions, these ideas seem only distantly related their everyday routines and concrete definitions. In these discussions, most children agreed with the statement that Hungary has too many foreigners already; at the same time, most of them agreed also that political and economic development as well as Hungary's EU-accession demands a more permissive attitude toward migrants. While the children respected the effect of migration in general terms, its practical consequences are still regarded as unfavourable. This could also be an outcome of broader social uncertainty within a transitional period. At the same time most of the teachers' accounts makes it quite clear that many of them are not addressing the issue of integration; they either failed to recognize or veiled the existing problems foreign students face. If these differences were conceptualized, they were frequently exoticized or made into pure spectacle. The teachers' tendency to conceal the conflicts within their narratives was in a direct contradiction with the accounts of migrant pupils and, perhaps more frequently, with the narratives of refugee children. Their narratives about school experiences show that they have had to develop an intensely reflective relationship with their stigmatized position, the offences they endure, and the various methods for achieving appreciation or success among their Hungarian contemporaries that are available to them. These different experiences can be understood through the image of the self as a *translator* in both practical and moral terms.

The development of official policies for integrating foreign pupils in state-owned schools should be the task of local governments. Most of school officials believe that their school is "not prepared sufficiently" for foreign pupil enrollment, that's why they take the children's current Hungarian language-competency as the most important aspect of the their selection. Because of this, in those districts where there is a higher proportion of immigrants an informal division of labour has developed in which only a couple schools admit the "disadvantaged" migrant students. Without common integration strategy, foreign children's efficient integration into the Hungarian educational system is at a given headmaster's discretion. If the migrant students are already in school, their prospects are also determined by the teachers' preferences. The lack of institutionalized practices for intercultural education means that methods are often impro-

vised to handle the situations. Most teachers are not prepared to receive foreign students and are, therefore, often haphazardly experimenting with their own methods. The results of these improvised solutions vary, and success or failure can be linked to a teacher’s own tolerance, creativity or lack of interest. Some teachers tend to devalue the insults that foreign students experience while at school, regarding it only as a normal form of rivalry among the classmates. A prevalent strategy for dealing with foreign students without Hungarian language competence is to place them into a class that is one or two years below those that would be appropriate for their age. While the usual reaction of migrant children and their families to recurrent insults or conflicts is submission, some teachers’ deliberate efforts in classes or spontaneous dialogues with the pupils were able to anticipate the possible conflicts, or the outcomes of extant tensions between foreigner and inhabitant children.

In contrast to state schools, international schools make it possible to move between countries without significant changes educational styles and systems. In Hungary, several of these schools advertise themselves in local Chinese newspapers, and in at least two such schools, the majority of students are Chinese. Unlike the state schools, international schools have developed strategies for easing xenophobic tendencies among students including but not limited to presentations of the students’ different cultures throughout the school. Children feel as they are participating in the learning process more than if they were at a state school. Despite their efforts, however, these schools seem to be less affective in influencing students’ mutual appreciation outside the walls of their buildings.

At the outset, the book’s objectives made a conceptual distinction between the “new strangers” of Hungary and two other categories of “strangers”: ethnic Hungarians from abroad and Hungary’s Roma populations. This methodological division is based upon the working Hungarian concepts of “new” and “old” minorities. The latter refers to “historical minorities” – like the Roma – who have had a historical relationship to the Hungarian nation state while the former have not historically had a relationship with Hungary and whose cultural differences are relatively visible (e.g. Chinese and Afghani immigrants). Although the appearance of non-Hungarian citizens in Hungary resulted in a new system of meanings and relations, it was not independent of older prejudices. While Roma pupils were not an initial concern of this study, they frequently appeared within fieldwork discussions. As the book notes,

foreignness in Hungarian schools is rarely understood as a category totally separate from the Roma. The extant discourses and practices willing position migrants and migrant children as simply *other*, a term strongly tied to the Roma in Hungary. In other words, the definitions originally used by the researchers were forced to adapt to the circumstances and definitions employed in the field. For example, both the eighth and tenth districts of Budapest have large numbers of Chinese and Roma students. The schools of these districts of the city are affected by the informal systems that places children categorized as deprived in the same educational institutions. Because of this system, “disability” and “social backwardness” became inseparable from cultural or ethnic categories – and in the case of migrant children with unfamiliarity with the language. The category of *other* incorporated all of these groups. From the majority perspective, the eighth district of Budapest and its market-places (where many of the Chinese and Afghan families are living and working) connect migrants with ethnicized urban-poverty, practically synonymous with the Roma in Hungary. For Afghani immigrants, skin colour also contributes to this categorization, and classmates often taunt the children or their families with the term “Roma.” As the authors rightly mention, the Roma is an important reference point for these migrants. In order to more effectively control their image and the negative stereotypes concerning them in Hungary, these migrants attempt to differentiate themselves from this stigmatized minority. Hungarian pupils also discursively position migrants and Roma in parallel, but it was clear that the discursive styles regarding the Roma are more stable than the newer and more fluid characterizations of foreigners. Consequently, the Roma’s general public image as “strangers” still prescribes several attitudes towards newly arrived foreigners. Several of the characteristics assigned to migrants by the majority are derived from older and mainly Roma-related stereotypes; migrants are forced to develop methods to cope with this categorization. In methodological terms, this means that the authors’ original conceptualization of their object differs from its everyday practice. Although nearly every chapter of the work includes some reflections on the Roma and the question of categories, they still remain the “hidden actors” of the book, given voice by others but rarely allowed to speak.

To broaden the perspectives of the research, the last chapter of the book by Margit Feischmidt, Ilona Fogarasi, and Zsuzsanna Vidra

presents an overview about the current debates on migration, multiculturalism and the Western educational systems. The basic assumption of this chapter is that educational policies are always embedded in a broader political or social context, hence they are representing the broader discourses related to cultural, ethnic, religious or “racial” differences of the given political unit. The authors identify two different principles of these policies: the programs of *multicultural*, and *civic* education. The first program emphasizes the necessity of representation and recognition concerning the oppressed minority’s culture, and calls for the transformation of the given state’s cultural hegemony. The critics of this approach argue that the notion of multiculturalism is just veiling the problems without real solution. The main assumption of the second program is that the institutions of the democratic system should create the opportunity for equality, which cannot be attained solely by the validation of cultural peculiarities. Accordingly the representatives of this approach are calling for the possibilities of postnational political communities and the new definitions of citizenship.

By comparing educational policies and discourses from the US, Great-Britain, Germany and France, they show that Hungarian schools shy away from some questions, that other educational systems willing to embrace – though not necessarily easily. The information about co-existing cultures in the country is still missing from the schedules of the schools. These problems center on issues of cultural or social alterity, and as Feischmidt argues, these problems have a historical precedent. The problems and otherness that stigmatize the Roma and ethnic-Hungarian minorities from neighboring countries also prevent the success of foreign children in the Hungarian school system. Until these problems are redressed in broader social discourses, no one can expect that the solutions will be found within school system. While some conceptual assumptions and divisions seem to be open to further negotiations, this study is certainly one of the most inspiring in Hungary’s recent social scientific literature. It offers not only in-depth ethnographic descriptions but can also serve as a departure point for future discussions among a social scientists, policy makers and everyday participants in the Hungarian school system.

ABSTRACTS

Béla BARANYI: *Short-term Impacts of Enlargement in the Romanian and Hungarian Border Crossing*

Romania is a strategic and immensely important link between East and West for both the European Union and Hungary. Furthermore, because of the large Hungarian population in Romania regions, the Hungarian-Romanian state borders are also high priority national-strategic regions. Its special position has meant that this 447.8 km long Hungarian-Romanian border section has always reacted as a fine seismograph to different regional and local political, economic, social and cultural impacts. This is well reflected by the data on the changes in border—especially passenger—traffic.

The Euro-Atlantic integration of central-eastern-European countries and the significant differences in this area raise numerous questions about the penetrability of borders. In previous years, international migration expanded gradually; today, this has changed. Besides large-scale population movements for social, societal and employment reasons, there are also significant movements associated with international criminal activities. Illegal migration, arms brokering, drug trade, nuclear and other high-tech device smuggling are global risk factors. Moreover, *international terrorism* has become the main issue in *security policy* since September 11, 2001. Therefore, the more-or-less rightful fear of international migration, relating to both legal and illegal processes, sharply contrasts with citizens' natural demand for easy border access (i.e. traversing borders with the fewest possible problems) and for keeping contacts with Hungarian populations in the transborder region.

Barbara BŐSZE: *Security of Energy Supply in Hungary*

This article aims at placing Hungary in the international energy security debate by identifying the conflicting interests present in the country, namely the interests of Russia, the European Union, Germany and the United States. It also tries to analyze the national strategy that

should respond to these challenges and, most importantly, reduce external dependence on supplies as well as explore the feasibility of the available solutions.

Csilla HATVANY: *Legitimacy of Kin-State Politics:
A Theoretical Approach*

Benefit laws and dual citizenship have been widely discussed within the minority rights debate. I place both of them in the broader framework of kin-state politics and try to find legitimate arguments for them within the Multiculturalism Debate. I conclude that only national responsibility (symbolic acknowledgment and financial support) is justifiable, that the argument for national integration (special status in the legislation) is limited in content and execution, and that national incorporation (granting citizenship on a cultural and collective base) is unjustifiable in any circumstance.

Zoltán KÁNTOR: *The Recommendation on the Concept
“Nation” of the PACE*

The article analyses the theoretical issues regarding the recommendation 1735 (2006) of the Parliamentary Assembly of the Council of Europe on the concept “nation”. The resolutions and the recommendations of the Parliamentary Assembly of the Council of Europe (PACE) are not binding, but they may help orient our understanding about European politicians’ thoughts on certain issues, like the nation. These resolutions and recommendations are in the first instance political documents, and not scientific ones.

Debates concerning the definition of the concept *national minority* have a long history. None of the definitions supposed the existence of a kin-state or other co-nationals sharing the same cultural, linguistic, etc. characteristics. Even if it is obvious that several national minorities came into being as a result of border modification, formerly being parts of a nation, this was not reflected in any definition on national minorities.

The recommendation *The concept of „nation”* shows that the question of nation remained on the political agenda, and that in the last five years the views on the nation, on the rights of national minorities, and on the right of kin-states to support their kin-minorities has substantially changed.

Éva KOVÁCS: *On the Images of the European Union
in Hungary*

Between 1990 and 2004, during the EU accession process, opinion research in Hungary showed not only increasing skepticism but also a very abstract imagination in regards to the EU and its institutions. Not only was the ability to imagine the EU difficult, but knowledge about the EU was also limited and rough. This indicated that the European Union does not yet seem to be an “imagined community” for the Hungarians. The protracted debate about the EU enlargement resulted in a lack of confidence in the symbolic position and self-representation of the nation. Parallel to this, Hungary tried to re-draw the mental map of ex-communist Europe and attempted to attain a central economic, social and cultural position in the region.

The covers and caricatures of the Hungarian newspapers during the period of the EU accession highly superficially and confusedly revived the old visual narratives on Europe. Another common characteristic of this imagining Europe is ambiguity: all pictures show the emotions of insecurity and dissatisfaction with regard to whether or not Hungarians are “fit for Europe”. As a result of this, the accession had a mirror-effect: in the pictures the European Union is not to be seen; instead one finds self-portraits that stress Hungary’s *alterity*. The only visual novelty – one may regard this just with mixed feelings – is the widening of the discursive horizon toward the USA. It refers to the old-new question of loyalty: which continent, which constellation of power Hungary should prefer?

George SCHÖPFLIN: *Nationhood, Modernity, Democracy*

All cultures are communities of moral value – they create moral values and demand recognition as communities of value creation and worth. If we accept this proposition, then it follows that we place a value on diversity, however much we may dislike certain practices that other communities of moral worth pursue. This position, however, is directly challenged by globalisation and human rights normativity, for instance, and the world that we live in can be interpreted along this polarity. I examine in-depth the relationship between political power and cultural community. My argument centers on the idea that this relationship is

real, that political power rests on bounded cultures, and that the very real attainments of democracy are determined in significant part by the cultural foundations of political power. My starting point is the coming of modernity. Modernity is a much contested concept and has dimensions in politics, the economy, society and culture in the widest sense, not to mention psychology and other areas. In the context of nationhood, however, the central determinant is the transformation of the nature of power.

The power of the state is being eroded by globalisation. The consequences are likely to be an unexpected transformation of politics. Parallel to the growth of civil society, there could well be an increase in ethnic identification. States, finding that their capacity to condense civic power is being challenged, could come to rely more heavily on ethnic or ethnicised discourses. Large states are becoming smaller in the context of globalisation. This does not have to be a disaster for democracy, as some fear. There are well-tried instruments for regulating inter-ethnic relations. But what is beyond doubt is that the universalism of the cultural great powers—the belief that the French or British or American way of doing things is proper for everyone—will come be threatened, and the diversity of cultures, articulated as ethnic identity, will find ever stronger expression.

Ruxandra TRANDAFOIU: *The Geopolitics of Work Migrants: The Romanian Diaspora, Legal Rights and Symbolic Geographies*

The article looks at the role played by Romanian migrant workers in the relations between East and West in the context of Romania's 2007 accession to the European Union. Starting from an investigation into existing legal provisions for work diasporas in both Western Europe and at home, the article argues that bi-lateral state relations can suffer as a result of either negative reactions to the presence of migrant workers in the host countries or the inability of the home country to negotiate 'safe passage'. As a result, it is often up to diasporic groups to find a space where identity can be articulated, reproduced and expressed politically to address the lack of basic rights. New media in the form of diasporic websites is offered as an example of how Romanian migrant workers in Great Britain begin to construct a 'language of claims' in their production and consumption of new media.

Judit TÓTH: *Relations of Kin-state and Kin-minorities
in the Shadow of the Schengen Regime*

The ten new Member States of the EU accompany the Eastward enlargement with the acceptance of Schengen *acquis* in two phases. While these countries have extended cross-border relations and policy towards kin-minorities living beyond the (external) border of the EU, the Accession Treaty defines a rigid adaptation process that ignores existing economic, cultural and people-to-people contacts. This article describes not only the stakeholders of this game but also its legal, geographical, political and ethnical circumstances at both the Union and national levels. The Schengen regime is fundamentally about re-interpreting national borders and their meanings in regards to the movement of persons. As it does so, Schengen's philosophy has been that national sovereignty should no longer act as a controlling principle for the movement of persons across state borders. Instead, border-control has been designed around the absence of borders for some (i.e. those coming from other sovereign states within the system) and has been reinforced for others coming from other sovereign states outside of the system. This underlying philosophy directly conflicts with a motivating principle of border control in many CEE countries: kin minorities and persons coming from kin states should have privileged access to the territory irrespective the state's Schengen status. The transformation of border controls from a system based on an individual's ethnicity to one based exclusively on the individual's provenance (i.e. where is he or she coming from) creates new frictions.

Luca VÁRADI: *The Visa in Practice at the Serbian
and at the Ukrainian borders*

The article addresses the current visa practices in Serbia and Ukraine. It is based on interviews and on-site observations. The operation of the main institutions (i.e. consulates and Border Guards) is closely described from the stakeholders' and "suppliers'" point of views. Several systematic contradictions that reflect on Schengen-accession are presented. Luca Váradi's article is the first attempt to collect information related to the visa-system that focuses on people residing in the border-regions.

Myra A. WATERBURY: *Ideology, Organization, Opposition:
How Domestic Political Strategy Shapes Hungary's Ethnic Activism*

The contention of this article is that transnational ethnic affiliations, as represented by official and unofficial diaspora policies, are used by kin-state elites to further domestic political goals. I argue that Hungary's increasingly interventionist policy towards ethnic Hungarians beyond its borders from the late 1970s to the 1990s was driven primarily by the political strategies of right-wing elites. These elites utilized and co-opted transnational ties with their co-ethnics in neighboring countries in order to further their own political goals. Specifically, engagement with the diaspora issue provided these elites with symbolically-charged ideological content and legitimacy, organizational resources, and the ability to shift the alignment of political power through oppositional politics and issue deflection. The article traces the domestic political uses of transborder nationalism over time, focusing on three periods in Hungarian politics when kin-state politics intensified: the late decades of communism, the early years of democratic transition, and the ascendancy of FiDeSZ in the late 1990s.

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