



A népek önrendelkezési jogáról és a kisebbségek önkormányzatáról

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Időszerű-e Trianonról beszélni?

Írta Dr. Balogh Sándor

Altalános elfogadott vélemény, hogy nemcsak nem időszerű "trianonozni", de egyenesen káros a nemzeti érdekekre Trianon emlegetése. Ugyanakkor Lea Brilmayer, a híres amerikai Yale egyetem jogi karának nemzetközi jog professzora, a területi igények fenntartását és hangsúlyoztatását tanácsolja, mint az emberi jogok megszerzésének hatásos eszköze. 1990-ben Yalen tartottak egy szemináriumot „Nemzetiségi elszakadás és nemzetközi jog” címen, aminek eredményét 25 oldalas cikkben írta meg Brilmayer a Yale Journal of International Law című szakfolyóiratban. (1991. vol. 16. 177-202) „Elszakadás és önrendelkezés: egy területi értelmezés („Secession and Selfdetermination: A Territorial Interpretation”) címmel. Az alábbiakban Brilmayer elveit alkalmazom a magyar helyzetre. A nyugati szakirodalom általában elismeri az elszakadás jogát végső esetben, ha semmi más megoldás, köztük az autonómia keresése is, eredménytelen a kisebbségi panaszok orvoslására. Brilmayer szerint azonban a jelenlegi állapotokra vonatkozó panaszok nem elegendők az elszakadás indoklására. Az elszakadás, illetve határváltoztatás követeléséhez „területi panasz (territorial grievance) amely valamilyen igazságtalan történelmi esemény eredménye” (result of some unjustifiable historic event, l. 189. old.) is szükséges.

Mielőtt továbbmegyünk, néhány megjegyzést kell tenni. Brilmayer véleménye jelentős jogi vélemény, de nincs törvény ereje (még). De ha és amikor, az ENSZ az egyre erősödő nemzetközi nyomás hatására, a kisebbségi elnyomás következményeként kialakult globális menekült kérdés (több mint 30 millió ilyen menekültet tartanak számon) megoldására új határozatokat hoz, valószínű, hogy ilyen szakvéleményeket is figyelembe vesz majd.

Ez persze nem jelenti azt, hogy okvetlenül a régi trianoni határok visszaállítását kell követelni. Azonban azokat feladni sem szabad minden ellenérték nélkül! Ha a határkiigazítás jogáról lemond a nemzet és az érintettek, akkor az egyszer és mindenkorra elveszik, és meg tárgyalási alappal sem használható a kisebbségi jogok kikenyszerítésére! A kormány lemondása népszavazás és az érintett lakosság megkerdezése nélkül csupán politikai gesztus, minden jogi következmény nélkül. Ugyanakkor az elmenekült lakosság is fenntarthatja az igényt a jogsértés orvoslására!

Végül, ha mi nem hangoztatjuk Trianon igazságtalanságát, akkor ellenfeleink hivatkozhatnak Brilmayer érvelésére, hogy tudniillik a magyarok feladták a jogukat minden határkiigazításra és nem lesz jogunk Trianonra, mint igazságtalan történelmi eseményre hivatkozni, legalább mint tárgyalási kiindulópont, amiből lehet majd engedni, hogy egy elfogadható autonómiát kapjunk, mint kompromisszum.

Brilmayer szerint több fontos szempontot kell figyelembe venni. Először a panaszra okot adó esemény időbeli távolsága: minél újabbkeletű a panaszra okot adó esemény, annál nagyobb jelentősége van. Például a románok homályos és bizonyítatlan, majdnem kétévez éves jogcíme az 1100 éves panaszra (a magyar

Honfoglalás ténye) ami az 0 részekről kepezte Trianonban a panasz alapját sokkal régibb és kevesebb bizonyítható, mint a történelmileg dokumentált Magyar honfoglalás és a hetven évvel ezelőtt történt trianoni igazságtalanság.

A második szempont az, hogy mennyire tartotta ébren az esetleg elszákadni vagy csoport a panaszt ("the extent to which the separatist group has kept the claim alive" l. 200. old.), Ezért fontos a Trianon Társaság munkája. A szerző ugyancsak hangsúlyozza, hogy a panaszt nemzedekről nemzedekre életben kell tartani. Ha valaki megkérdezné, hogy a fiatalok miért torodjenek ve-le, Brillmayer azt válaszolja: "azok a te nepeid, a te őseid voltak, akik ellen ezt az igazságtalanságot elkövettek. Te egy vagy közülük. te is osztozol az igazságtalanságban, és kúzdened kell annak helyrehozásáért" (l. 192. old.) A harmadik szempont az időközben mestersegesen belelepített lakosság kérdése, mint például a régi románok áttelepítése Erdélybe. Brillmayer válasza, hogy amennyiben a határkiigazítás célja a történelmi igazságtalanság helyrehozása, akkor ezt nem kell figyelembe venni. "Ha a szóban forgó terület nem kerül idegen uralom alá, akkor az újonnan betelepültek nem lennének ott. Az újonnan odaköltözött többségi lakosság jelenléte csak súlyosbítja a jogtalan elvetelt" (compounds the original injury. l. 200, old.).

Végül Brillmayer megjegyzi: egyik kulcskérdés, hogy a status quo-t mennyire kívánatos megváltoztatni? (l. 199, old.) Ugyanis az sem lenne kívánatos, ha minden határ bizonytalan lenne. Ezért például az emberi-jog sértéseket is figyelembe kell venni ("the existence of widespread human rights abuses." l. 19i, old.) a területi igények rendezésénél. Ebből a szempontból Burgenland kivételével, sajnos, minden elszakított területen fennáll az esetleges határkiigazítás vagy elszakadás követelésének feltétele.

Itt csatlakozik Brillmayer elmélete az emberi jogokat védők megoldásához: ha semmi más nincs, és történelmileg jogosult, a kisebbségnek az "önrendelkezési jog" alapján joga van a határkiigazítást vagy elszakadást, függetlenséget illetve az anyaországhoz való csatolást követelni.

Ezzel a jelenlegi, elnyomó többség kezében van a határok sorsa: ha demokratikusan biztosítják a kisebbségi jogokat, sokkal gyengébb lesz a határkiigazítást igénylők jogcíme és minél nagyobb az elnyomás, annál nagyobb lesz az esélye a határkiigazításnak illetve a függetlenség elnyerésének.

Természetesen a huszonötoldalas cikkben sokkal több fontos információ is van, bevezetőül legyen ennyi is elég.

A szerző politológus, nyug. Egyetemi tanár az USA-ban, és az Autonomy and the New World Order c. könyv szerzője. A fenti írás a könyv egyik fejezetén alapul. A könyv letölthető a Corvinus honlapról:

<http://www.hungarianhistory.com> vagy <http://www.hungarian-history.hu>

On the Right of Peoples to
Self-Determination And On the
Self-Government of Minorities.

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teaches Theory of state and law.

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I.

The Right for Self-Determination and the
Hungarian National Policies

1. Lack of Rational Basis and Dictatorial Nature of the So-Called Post-World
War Peace Treaties

1. The Trianon Peace Treaties, imposed by the Great Powers and serving the
selfish interests of the Successor States, were the tragedy of contemporary
Hungarian history. The XXth Century was the cruelest century in human history.
Evil triumphed and satanic inhumanities were imposed on European people and
countries. Even among these, the dismemberment of Hungary after the First and
Second World War and the ensuing genocide are most noteworthy. According to Gyula
Illyés this genocide was comparable in every way to the destruction of the
Armenians but international public opinion paid no attention to it.

Among the so-called peace treaties the Trianon treaty demonstrated a
dictatorial character more obviously than any other. In contrast to the loudly
proclaimed Wilsonian principles of self-determination, Trianon opened the door to the
selfish, conquering and felonious aspirations of the politicians of the
Successor States and to oppressions of other nationalities. Even in its format
Trianon did not correspond to the requirements of a decent peace treaty since it
was not based on an input from all interested parties but represented only the
unilateral decisions of the victorious powers. This is shown by the fact that
these powers were unwilling to consider any submission presented by the
defeated nations and their recommendations were rejected without discussion. This
assessment is strongly supported by contemporary comments made by a number of
outstanding politicians.

The lack of proper foundation for the post-World War I peace treaties is well
documented by the following statement, "All the documents presented to us
during the peace negotiations by some of our allies were lies and fabrications.
We made our decisions on the basis of phony data", wrote Lloyd George in 1928.
"This accusation was never proven wrong." [1]

The self criticism of some of the Western politicians may have given some
solace to the humiliated nations suffering from the dictatorial peace treaties,
but even these politicians refused to endorse effective changes. Their pangs of
conscience may have contributed to their agreeing to some of the territorial
adjustments after 1938. After the end of World War II, even these acceptable
and just territorial adjustments were rescinded and free reign was given to
unprincipled, cruel decisions reached in order to satisfy the vengefulness of the
victors. The decisions were made as punishment on the basis of collective

responsibility and with all the inhuman results ensuing there from. The dictatorial statements after World War I, still claimed rational basis, the right of self-determination of peoples and nations. After World War II, even international legal principles were abandoned. The vengefulness and arrogance of the victors were demonstrated and instead of the basic principles of human rights, the collective guilt of nations was the operating philosophy.

Concerning the nature of the post-World War decisions the assessment of Francois Mitterand, President of the French Republic, is of interest, "All the peace treaties, but particularly the ones after World War I, starting with Versailles, but also including the ones after World War II, were unjust treaties (author's emphasis), which satisfied the victors' vainglory, striving for power and selfish interests, ignoring in every instance the historic, geographic, spiritual and ethnic realities. The tragedy of every war was drafted in every case by the peace treaties of the last war." [2]

The injustice of Trianon and of the post-World War II peace treaties and their dictatorial character are disputed today only by the official and nationalistic pronouncements of the neighboring countries, which regard them as historic justice and justify them by falsifying history and by misleading international public opinion. In justifying the unjust treaties, they claim, even to this day, that Hungary was responsible for starting World War I, and that by being the "last satellite" was one of the guilty nations of World War II.

2. It can be established in a wider historical context that the Versailles treaties caused severe harm in three particular areas: 1) They triggered World War II, and thus caused immense damage to all of humanity. 2) They had a very bad effect on Central Europe, and not only on the defeated countries, by forceful interventions which disrupted the organic development of communities and nations by violently separating units belonging to the same cultural and economic community. The unjust decisions caused forceful assimilation, ethnocide and a complete falsification of history. They also made the development of good neighborly relations impossible and created existential insecurity for millions of people, expropriation, population transplants, impossible social conditions (poverty), and cultural deterioration. 3) In addition to the spiritual distortion and inhumanity of the victors, the Versailles edicts caused an internal crisis (hysteria) among the vanquished, particularly in Germany, and paralyzed Hungary, disrupting a thousand-year-old country.

The Edicts reversed the principles announced by Wilson. The tenth point of Wilson's celebrated 14 points stated, "The people of Austria-Hungary, whose place among the nations we wish to assure, must be given every opportunity for autonomous development." Concerning the Wilsonian right to self-determination the American Secretary of State declared, "This sentence is simply loaded with dynamite. It raises hopes that will never be met." [3]

At the end, in anticipation of problems and to eliminate contradictions relative to the enactment of the right to self-determination, a system for the international protection of minorities was developed. This system proved totally ineffective, the complaints were not addressed and the Successor States violated the agreements without any consequences whatsoever. These violations appeared in a variety of forms and the most significant ones were: expulsion of the intellectuals, loss of positions, expropriation of property through agrarian reform and dislocation of industry, favored treatment of the new ruling classes and closure of minority schools, theaters and other cultural establishments.

The Successor States violated the obligations they accepted at the Peace

Conference and refused to honor the rights of the minorities, building an oppressive system modeled on the French National State. The French government asserts that, "Rights and obligations pertain exclusively to individuals and that every reference to collective rights for minorities should be eliminated." Its hypocritical arguments claim that France is opposed to all such distinctions, because it leads to discrimination and that for this reason France insists on the principle of one nation, one language and one government. In other words it wishes to have an ethnocracy as a national state.

Following the example of the French national state, Hungary's neighbors pursued an ethnocratic practice after World War II, denying collective minority rights, the right to self-determination and continuing a policy of forceful assimilation. The ideological base for this practice was the constitutional assumption that Romania belonged to the Romanians, even though after Trianon 30% of Romania's population were other than Romanian. The same idea prevailed in Czechoslovakia. In contrast, Hungarian policy and general philosophy never claimed that Hungary belonged exclusively to the Hungarians. It is typical in this regard that after World War II, the Czechoslovak politicians proclaimed the Kosice (Kassa) Government Plan for a Czech and Slovak National State free of Germans and Hungarians. This program was endorsed and implemented in the Benes Decrees and neither the program nor the decrees have been rescinded to this day. Raising the questionable legality of the unjustly detached areas inhabited by Hungarians triggered a furious response and the concerned politicians refused to engage in any peaceful discussion. The psychological implications of such lies are well illustrated by Dostoevsky when he says, "It is difficult for man not to lie to himself and then to deny himself the privilege of believing his own lies."

The declaration that the unjust decisions were just was so deeply engraved into both the intellectuals and the simple people in the Successor States that telling the truth has been classified as treason. This is further fostered in public education and through the mass media by continuous brain washing. This then resulted in spiritual terror and in holding the minorities up as scapegoats.

2. Is there any hope that the ethnocratic practice will be discontinued?

1, In reference to the oppression of the minorities in an ethnocratic system the question must be raised whether their future is truly hopeless or whether there is some hope for the change of this inhuman situation? Can a change or a gradual evolution come in this condition, not only in the Central European countries but also in other areas and other continents? The bad peace treaties have caused much emotional trauma, despair and even genocide.

In connection with these historic injustices, which affect whole countries, it is a burning question: can they be remedied? Can the unjust international decisions be corrected? Can political, governmental or legal action be brought to bear, from a distance, to rectify what is not morally acceptable?

The answer appears to be that these injustices will be remedied only if we assume that there will be an international-democratic evolution. We must start from the assumption that the political elite implementing the ethnocracy shows no sign that it is willing by itself to readjust the offensive situation or to cooperate in a reexamination of the unjust decisions and in the study and prevention of the expectable tensions. This elite will not consider any territorial revision, and will not even accept the demands of the minorities for some degree of autonomy. This same elite denies collective human rights, opposes any

form of plebiscite and, even today, uses domestic political means to change the ethnic composition of the country in favor of the ruling nationality. It is the elite's desire to assimilate the minorities and thus in essence eliminate them. In order to accomplish this, a variety of ideological-educational propaganda tools are employed, which include lies, fraud and a sanctimonious appeal to national sensitivities.

Concerning this, it can be stated that this will remain the principal political line until democratic international evolution condemns it, rejects it and demands the principle of the right to self-determination. To accomplish this, a new paradigm of international politics will be required. The basis for this would be that the opposition of the politicians in the ethnocratic states be overcome by an international forum for the righting of injustices. An appropriate decision by the UN or by the Security Council and a thorough investigation by the international powers would be required. The attention of the Great Powers would have to be directed to the consequences of the peace treaties following both World Wars, the damage done to the various nations and to their minorities. An analysis of the changes in the statistical data, a review of the census figures, the changes in the composition of the population, the status of education in native languages and the opportunities to use native languages would give ample opportunities for such international action.

Whether the negative effects of the peace treaties will be remedied is evidently dependent on the Great Powers giving up the principle of the sanctity of the status quo. Such a change could be greatly facilitated by the policies of some of the smaller countries and their willingness to be politically active in such an endeavor. Private diplomacy and the activity of the non-affiliated nations could be very helpful in overcoming the effects of the status quo philosophy and could prevent significant tensions.

In this context consideration could be given to urging a ruling by the International Court of Justice, with insistence on compliance with the decision would be mandatory rather than optional. This would be particularly important in the Central-European area.

It must be emphasized that any remedy for the deleterious effects of the peace treaties is possible only if a new international political direction were to take place and find practical implementation. The starting point for such a step would be the abandonment of the convenient and comfortable principle of the status quo, the decision of the great powers to correct injustices, the cooperation of the right-minded smaller countries and the active involvement of personal diplomacy.

3. Can there be International Justice?

It is apparent that the most recent accomplishment of international democracy was the fall of the Fascist and Communist dictatorships during the last quarter of the XXth Century. These changes from dictatorships to democracy brought with them accountability and the crimes committed by the leaders of the dictatorships were punished and compensations were awarded for the damages inflicted. This then raises the issue of the justifiable demands for remedies of past international injustices. It would imply that the compensatory mechanisms applied to the transition from dictatorship to democracy had to be elevated to an international level. It would have to take the form of great diplomatic activity and strict attention to and implementation of the principles and tools of international law.

The question whether the injustices of the international political decisions

and the illegalities ensuing there from can be corrected is a very difficult one. Are there effective means for the implementation of a desirable change? It seems likely that this can be accomplished only if the international power politics undergo a significant change and are filled with a democratic-humanistic content. In this framework international law may become operative since, in

principle, international law has basic principles and mechanisms for the correction of certain injuries, for the resolutions of certain legal disputes and, principally, for the safeguarding of autonomy. These can be achieved on the basis of collective human rights assured by plebiscites and the peaceful adjustments of national boundaries on the foundation of rulings by the International Court of Justice.

Employing and respecting these legal remedies requires that maintenance of the status quo is eliminated from international thinking. Further, there must be a conviction that only the appropriate application of international legal principles can prevent frictions between countries and assure a peaceful international coexistence. Thus, in some instances the solution might be autonomy, in others the recognition of a minority or of a nationality as an independent country and in others the peaceful readjustment of national boundaries.

The most trying problem, the readjustment of international boundaries, opposed primarily on the ground of preserving the status quo, has been recognized in international agreements, namely the Helsinki Agreement of August 1, 1975.

This agreement specifies the principles guiding the relationships between the participating countries as follows, "It is assumed that in conformance with international law the national boundaries can be adjusted by peaceful means and by mutual consent." [4]

It has to be assumed that the principles of international law are a function of the power structures and cannot act independently. It is the power of the stronger nation or a resolution by the UN that is required for the remedy of injuries or for the resolution of legal disputes. The principles of international law can be implemented only if there is a change in world political perspectives and demands. There has to be a change in the direction of humanistic-democratic international coexistence so that world politics condemn the policies of ethnocentric rule and demand the implementation of the principles of the right to self-determination.

The base for international law can be expanded by such a change in international politics. There is some evidence for this in the trend that recognizes the right of communities and not just individuals, for autonomy and national identity founded on international law. [5]

It must be emphasized that International Justice and the Rule of Law will be based on decisions according to international law, provided that there is a change in the orientation of world politics. Thus, in the future, instead of the protection of the status quo, just regulations and the correction of injustices by legal means may be expected.

4. The Linkage of World Politics and National Politics

1. It seems evident that a change in the trend of world politics, the abandonment of the defense of the status quo, may lead to a just arrangement and to a decrease in the likely tensions, on the basis of accurate information, at least in principle. Such foundations might be promoted by governmental, diplomatic and individual activities accurately depicting the conditions in the various countries. What is needed is a national policy specific to each country. It

is also evident that relative to international connections there are legal avenues that must be exploited since otherwise the national policy would lack a proper base and doomed to failure. Thus the Trianon decision and its harmful effects on the Hungarians require the development of a carefully considered political reaction and a clearly defined trend in national politics.

In this context there are three trends in the thinking of the public and in the policies of the government: the acceptance of the Trianon decision and the recognition of its immutability, secondly the reestablishment of the original, pre-Trianon conditions and thirdly the implementation of the ethnical-historical demands and the assurance of minority autonomy or, in the absence of the latter, a readjustment of national boundaries. These three approaches and trends are manifested with varying emphasis in governmental policies, in public opinion and in personal diplomacy.

2. After World War II, and under Soviet influence, the trend prevailed that it was improper to be concerned with the readjustment of the borders or with the oppressive policies practiced in the successor states, because this would be offensive to the sensitivities of these countries and would be harmful to the oppressed minorities. This was the so-called internationalist argument. This led to the unfettered and forceful assimilation of the Hungarian, German, Polish, Estonian and other minorities in the various ethnocratic-Socialist countries. It was aggravated by the Western foreign policy view according to which minority problems were internal affairs, resulting in the abandonment of the minority-protective system put in place after World War I.

When the dictatorships collapsed at the end of the XXth Century, there were some significant changes in the implementation of minority rights, primarily on constitutional levels and in the redrawing of national boundaries. Certain national political demands were expressed and received international recognition. These included the independence of the newly formed countries, the establishment of federal structures and the unification of Germany.

After the change in the regime certain changes were introduced in the policies dealing with the fate of the Hungarians living beyond the borders. This was expressed in the new Hungarian constitution which states, "The Hungarian Republic is responsible for the fate of the Hungarians living beyond its borders and fosters the relationship between them and the Mother Country."

This also became clear in the expressed need for a national policy and in the pronouncement of the Head of State, according to which, József Antall should be regarded, at least spiritually, as the Prime Minister of 15 million Hungarians. These ideas were manifested only as a symptomatic therapy and it never came into public consciousness that the internationalist policies and education had to be replaced by a carefully considered national policy based on a systematic study of the future of the Hungarian prospects, of the Hungarian historic self assessment and on the development of the Hungarian self-consciousness. It had been a spiritual requirement of the Soviet system that the problems of Hungary's future be ignored under the slogan of internationalism. The Soviet system also declared that national self-consciousness was contrary to Socialist ideology and denied the need for a national policy. These matters were excluded from education, from journalism, from social studies, from diplomacy and from all foreign policy activities. Consequently whole generations grew up without the awareness of Trianon and of the existence of Hungarians beyond the borders. Socialization eliminated national self-consciousness. It is characteristic that after the change of regime a number of young Hungarian citizens became

aware of the fact that there were Hungarians living beyond the borders and that it had gone into oblivion that the Székelys and Csángós were Hungarians.

3. The recognition that Hungary lacked a national policy was appreciated quite early by the major literary figures. The journalistic writings of Gyula Illyés must be mentioned prominently. He emphasized over and over again that one out of every three Hungarians lived beyond the borders of Hungary where Hungarians were considered second class citizens. After the change of regime this was accepted into general political thinking and the establishment of a national policy became an increasingly important agenda item. The definition of the fate and future of the Hungarians became an essential requirement that both in domestic and foreign policy these matters take the highest priority. Hungarian national policy must critically examine the historical precedents and the current conditions, particularly in regard to Trianon. These peculiarities of the XXth Century must be studied and taught with careful investigations, journalistic analysis and literary productions.

The unparalleled gesture of the Hungarian intelligentsia in condemning the öšjvidék massacres should be emphasized[6] and it should be noted that when the Yugoslav partisans murdered 40-50,000 Hungarians in the Bácska in retaliation for öšjvidék, this has not received any mention.[7]

Many of the victims are unknown to this day and a memorial to them has been destroyed. In a similar fashion the Czech and Slovak political and intellectual elite refuses to condemn the Beneš Decrees and the ensuing persecution of the Germans and Hungarians

The gesture of the Hungarian intellectuals along these lines is essentially personal diplomacy. This is supplemented by the popularizing programs of the mass communication media advising the listeners about the Hungarian national policies. Part of this has to be the instruction of the Hungarian diplomats in both their tasks and in their national self-consciousness.

The contents of Hungarian national policies can be determined on the basis of the work done by Hungarian intellectuals living in various foreign countries. These policies seem to have several directions. There is a difference between the overall national policy and the policy applicable to the Hungarians scattered throughout the world or living in the territories separated from Hungary by Trianon. In addition, these policies have to be different in the area of official diplomacy versus private diplomacy, and in the area of governmental activities versus the activities of other Hungarian, non-governmental activities. In determining the basis of the national policy the thoughts and activities of the official diplomatic circles are paramount. As far as the present situation is concerned, it can be established that a significant percentage of the current diplomatic staff, partly because of their basic training in Moscow, is not really familiar with the problems of Hungarian past and future and with the views pertaining to Hungarian national policy. They preserve the timidity inseparable from the Soviet-internationalist political orientation, from the demands of a national policy and from a feeling of fear related to any activity in this general area of activities. It is essential to overcome this timidity and therefore the Hungarian diplomats must be made acquainted with the circumstances of the dictates that were so devastating for Hungary and with the other, related historical events. In this regard, the work Géza Hercegh[8] and of Sándor Balogh deserve serious consideration[9]. The latter is particularly comprehensive and recommends that a UN resolution on this matter would be appropriate. Other historic-literary works may also be suitable to modify the views of

the Hungarian diplomatic establishment, eliminating the Soviet teachings and developing the reasoned concepts of national policy.

5. Directions of Hungarian National Policy : Diplomatic Endeavors to Implement International Law.

1. The fact that the dismemberment of Hungary was based on hostile propaganda is well known. Further, that subsidized slanderous journalism advanced the decisions so devastating for the Hungarians and also promoted the acceptance of the peace treaties as being just and equitable. These mendacious and slanderous arguments can be encountered even today in international public opinion and in the thinking of politicians and diplomats. Thus, in international forums they still talk about the forced Hungarianization, even though in the XIXth Century forced assimilation was practiced in France, Great Britain and Germany.

Nobody remembers, or is willing to mention, the forceful assimilation of Hungarians and the genocide committed in Romania, Czechoslovakia, Yugoslavia and, after World War II, in the Soviet Union,

Changing this outlook is in the national interest. It has to become a leading element in Hungarian national policy and a principal component of Hungarian foreign policy. The prejudices and unjustified views firmly fixed in international public opinion require an effort of teaching and propaganda. It is therefore essential that a carefully considered method of counter-propaganda be developed and applied.

First and foremost the historical merits of Hungary must be emphasized and the lies of anti-Hungarian propaganda, unfortunately firmly embedded in international prejudices, must be identified and shown to be false. In the counter-propaganda, the 1868 Hungarian Act, on the equal rights of all nationalities must be highlighted since it was the first minority legislation in Europe. The trend of the 1956 revolt and popular movement to assure civil rights must also be mentioned prominently. It is also in the Hungarian Constitution that the minorities have autonomy as stated in Public Act LXXVII of 1993. It could be suggested in regards to this act its principles be established as international law in international legislative bodies.

Hungarian counter-propaganda and information state and propagate nothing but the truth. It is in this spirit the definite concepts of Hungarian national policy must be framed. Hungarian diplomacy must be shaped accordingly and it is the activity of such management that can be expected to achieve beneficial results, assisted by personal diplomacy.

2. In the face of such detrimental international assessment, Hungarian national policy must defend itself not just with counter-propaganda, but also with active diplomatic activity, since passivity serves only the status quo. It is particularly important to advise the international bodies, to demand action from the Great Powers and from the benevolent minor powers, to demand that international law be implemented on behalf of the life-and-death problems of the Hungarian people, on behalf of regularizing the Central-European conditions and to prevent further tensions.

Official and personal Hungarian diplomacy must keep the detrimental effects of the Versailles peace dictates before the public opinion of the world and indicate that these dictates represent serious threats even today. It must not be permitted to go into oblivion that the Trianon treaty is a violation of the principle of self-determination. It ignored historical and ethnic mandates. It considered transportation problems to take precedence over human ones and that it led to economic and natural disasters, as for instance the recent

contamination of the Tisza with cyanides.

In this regard Hungarian foreign policy could legitimately demand an international study about the peace treaties imposed after World Wars I, and II, and about the institutional injustices that ensued there from. It must become a goal of Hungary's world policy that the injustices have to be remedied. The bad decisions affecting the Hungarians must be corrected. The case against the injustices of Trianon and Paris must be reopened along the assessment pronounced by Mitterand.

This national policy and the related diplomacy must ignore the continuous secret diplomacy of the neighboring countries which calumniate Hungarian national policy and which maintain the unprincipled defense of the status quo.

Attention must be directed toward the precepts of international law regulating self-determination and autonomy and toward the proposition that the adjustment of borders is possible by plebiscite and by peaceful means.

It must become a fixed goal of Hungarian diplomacy to make the Great Powers, responsible for the peace treaties, search their conscience in relationship to the democratic-humanistic change of direction in international politics.

Hungarian diplomacy must achieve that fair decisions are based on the will of the people, as recommended by Hungary prior to the Trianon decisions. Referring to the sacred principles of law and freedom, Albert Apponyi pleaded at the Paris peace conference that plebiscites be ordered and that Hungary would accept the outcome of the plebiscites, regardless what they might be. Apponyi also said that if our enemies rejected the just decisions based on the will of the people they would have to answer before the tribunal of the conscience of humanity.

The demands of a democratic national policy must be viewed in the context of democratic world policy. Istvan Bibó's tenet is applicable to world policy as well, "In territorial matters democracy can have only one guideline: the right to self-determination." Such a development in world policy would raise the hope for the remedy of the peace treaty dictates, the peaceful arrangements based on Hungarian national policy and, in the framework of international law, assuring the right to self-determination.

II. Minority Self-Government

1. Community Rights and Self-Government

1. It can be stated as a general consensus that the current trend in the evolution of the world includes the rapprochement of the nations to each other, the joint resolution of problems and, first and foremost, the protection and preservation of humanity vis-à-vis its dangerous and self-destructive activities. As a component of this overall trend we have the endeavor to resolve the problems representing a lower order of priority. Unfortunately, the latter does not receive sufficient attention in the general thinking of the world. It must be a part of the rapprochement between nations and countries that there is direct social participation, direct democracy, and evolution and succor of the various autonomies. Unification of the world must come from the bottom up and must rest on self-government. This must be the guiding principle in the way the future of the world is shaped.

So far as the autonomies are concerned it can be stated that in general parlance they are identified with self-government when in fact autonomies are many-layered structures. On the basis of the individual rights of man's autonomy means the independence of the individual. With Reference to community rights, it means they can govern themselves. Collective or national rights aim the self-government of an entire group of people or nation: in the name of supremacy

In the latter case it also means the operation of the various state agencies and establishments. Consequently, autonomy cannot be limited to the self-government of the state, a region or a community, because it must include the individual rights to freedom and civil rights. It must further include the organizations and structures of the community and the legitimacy of public life based upon community collective rights, within a given country and on the level of international cooperation.

It is an essential characteristic that the communities within society resolve their own problems within the overall social coexistence and cooperation. In order to do this they must have autonomy that assures independent authority for the organizations of the community. These are self-direction, self-organization, self-regulation, self-management and self-supervision, all within the comprehensive decision making rights of the community. In the various areas within society, economic, cultural and administrative, particular forms of decision-making formats will be manifested in public life. It should be noted that the participation of the members of society in decision-making and in every day activities depends on whether the form of government is democratic or dictatorial. It is in the democratic social order that it becomes a necessity that society takes an active part in the life of the community, in the independence of the self-governing structures and in the implementation of the collective human rights.

2. It is a somewhat neglected item in the discussions on social theories that society is the sum total of autonomous associations, meaning that it consists of communities. Why does this item not receive more profound study? Because social theory highlights society as being a function of governmental organization and pays less attention to the role of the communities and to the independence of the various levels and units within the state with their related functions of community participation and activity.

In the literature of social theories and public thinking it is an accepted point of view that the self-governments are the pillars of society on which the entire state structure is built. This interpretation is then narrowed it down by including only the elected local or regional bodies even though there are civilian self-governments along the official governmental ones. Consequently the earlier proposition must be modified to state that the pillars of society are the various self-governments. This then incorporates the entire public life and activity of the population and the implementation of direct democracy. Thus participation in public life, in the form of self-government, encompasses all religious, ethnic, professional, charitable and other activities, the resolution of the various communal concerns and problems, their initiation, evaluation, implementation and supervision. Such participation must also include the discussion and resolution of all new social problems.

It is a generally accepted concept in public opinion that the state represents the entire society and all its members. Logic would suggest that even where society consists of various communities the state is still represented by not only the majority groups but the entire population. Actually most states have the name of the dominant ethnic group, make this distinction in their constitution and consequently those who do not belong to the ruling majority and thus represent minorities, are considered to be second class citizens and live under considerable handicaps. Their community and civil rights and the management of their internal problems are seriously jeopardized. The absence of such distinctions is quite rare. It is for this reason that the right to

self-government for the minorities becomes a matter for international demands. The dominant leadership role of the majority nationality must become a matter of the past in the modern pluralistic societies because it is inevitably a violation of human rights and of the democratic principles.

There are views which believe that the concept of the dominant nationality rule can be in conformance with the majority principles of democracy and do not consider policies directed toward the assimilation of minorities and the limitations of community rights to be offensive, saying that the minority is always subordinate to the majority. An extreme stand of this position was taken by Romanian journalists who claimed that the majority was always in the right. Yet, it is clearly possible that the will of the majority prevails without oppressing the minorities and this ideal was already expressed well by Thomas Jefferson.

The problems of national majorities and minorities are of a different order than the simple principle of democratic majorities because a democratic state cannot belong to the majority alone. In the various states there are not only national minorities but ethnic, religious and traditional ones as well and the principles of self-government and of managing their own affairs must be applied to them also. In this context it must be stated that as far as the role and social position of the religious groups are concerned, these are usually regulated in democratic societies on a constitutional basis. It is primarily the self-government problems of the traditional, ethnic and national minorities, their participation in public affairs and their role in the country which cause concern and await a universal resolution.

2. The Ability of Minority Ethnic Groups to Create a Country

1. Minorities are frequently defined in the literature as groups of people who do not have a country. This is a generalization based on resolution of earlier historic conditions. The minority problem has taken on a completely new aspect in the framework of the modern democracies. Here the minorities have become active participants in government and it can be stated that they do indeed have the ability to form their own country. In the various areas of public life in modern democracies there has been free administrative authority and equality. Demanding community rights, their institutional guarantee and protection has become a specific subset of human rights with particular regards to religious, racial, national and traditional characteristics. Its highest manifestation is the recognition and guarantee of the ability of various communities to form governments and this is clearly not limited to minority groups.

It is one of the basic tenets of the new democratic state concept that every citizen is a creator of statehood, regardless when he became a member of the community or to which minority he/she may belong. The citizen is thus not just a humble and obedient taxpayer but is also a self-selected member of a community as a potential creator of statehood. It is a fundamental concept and requirement that there be no distinction between the majority and the minorities. The historian Ferenc Glatz has written about minorities, "Every nationality of a country, majority or minority are equally creators of statehood."

The principle and requirement that minorities create statehood is a change in the power-politics perspective that must be construed as evidence of social and international development and must accordingly be fixed in the constitution.

2. As far as the autonomy of minorities is concerned we can point to the democratic solution reached by a number of countries. Excellent examples can be found in the Swiss Federation and in the minority systems established in Canada

and in Finland. In Canada the Inuits and in Finland the Swedes have a constitutional position.

More recently the Belgian constitution has shown an exemplary solution to this problem. The 1980 amendment states that in Belgium there are three national communities, the Walloon, the Flemish and the German and all three communities are equally entitled to all rights pronounced by the constitution and by the laws.

The Czech constitution must also be mentioned which recognized the Hungarian, German, Polish and Ruthenian nationalities as creators of statehood, in addition to the Czechs and the Slovaks.

The Hungarian constitution of 1989, states that, "The national minorities are components of the national power and are factors in the creation of statehood."

In addition the 1981, San Jose Declaration should be mentioned which states, "The Indian ethnic group is a political and administrative unit, that exerts full authority in its own territory, has the right to make decisions concerning its own development and will achieve this by extending its own autonomy and self-administration."

3. Autonomy and self-government varies from continent to continent and racial, religious and traditional minority problems play different roles in the position of the minorities and as far as their problems are concerned. In Europe, because of the survival of the French national state concept, the problems of the national minorities are in the foreground and it is primarily in Central-Europe where there are serious concerns. Even matters of basic principles are still not clarified.

The democratic legal literature takes the stand that the existence of the minorities must be recognized in the constitution and that they, together with other communities, must participate in the exercise of power without any discrimination. This is the official Hungarian public policy. It seemed that the same principle was followed by Romanian policy which announced the principle of self-determination at the time when Erdély, the Partium and one part of the Bánság were attached to Romania. The first point of the Gyulafehérvár resolution on national minorities stated, "Total nationality freedom for all nationalities living here. Each nationality may govern itself in its own language and with its own administration selected from its own membership"

Romanian political practice ignored this resolution and even today denies the national minorities the right to self-government and even denies the minorities their community rights. This political stance, the rule of the majority nation over the minorities is an accepted practice in Central and Eastern Europe. Solzhenitzyn's assessment of the events after 1989, is as follows, "Grusia impatiently expects its national independence, but the Abhasians and the Ossetians are oppressed and the Messhets are not permitted to return to their native soil."

As it can be seen from the above, there is much left to be done as far as recognition and implementation of the self-government and statehood creation of the minorities are concerned.

3. The Conditions of Minority Self-Government and Power

1. The highest form of the exercise of minority power is minority self-government. In this respect reference must be made to some broader and more encompassing relationships which bear the stigmata of the power structure and cannot exist independently from the characteristics of the power structure regardless

whether it emerges from the bottom up or from the top down. The characteristic of evolution from the bottom up is the independence in managing their public affairs in the framework of the minority self-government. When the power structure originates at the top, minority structures are initiated and operate by the central powers structure. It might be called self-government, but it lacks the intensive community participation and activity.

The structure of minority self-government is naturally many-layered. One can distinguish between the self-government based on a territorial concept and self-government on a personal basis. If the minorities live in separate territorial units or in a number of adjacent administrative units, their self-government can develop on the basis of territorial units or districts. If, however, the majority and minority populations are intermingled then self-government must be founded on and operated on the principle of personal independence, similarly to the autonomy of the religious, denominational organizations. It is another possible solution that the rights of the minority are grounded on the principle of personal independence, but within the framework of the self-government of the territorial unit. All of the above require constitutional and legal definition and protection.

The security of the minorities demands that the democratic principles be consistently enforced and that their public life - power position be institutionalized. In fact, the recognition and protection of the public life - power characteristics of minority self-government is manifested by the fact that they are recognized as public bodies and thus have their own sphere of legal authority and see to the needs of the minority as legal functionaries. This also ensues from their characteristics as the creators of statehood.

In general, the democratic constitutions define the principle of self-government for the minorities in the management of their affairs. A significant component of this is the preservation of their own culture and traditions and the resolution of their common problems on the basis of their own customs, standards and language. It is for this reason that they guarantee the use of their native tongue, a fundamental human right. Such constitutional language is frequently only a political statement or a formal text cast in legal language. This is particularly true in Central and Eastern Europe. In general, the language of the ruling majority is accepted as the official language, as shown in the language laws, and largely because there is really no democratic minority policy. Minority self-government, within a given power structure, has an essential component, the supervision of the implementation of community rights, the consistent application of these laws and the remedy of any problem that might arise from the infraction of these laws. There is no internal or international control of the minority rights as yet, although there are several ways of achieving this. These include the expansion of the authority of the European Court of Human Rights to include the protection of community rights, or the establishment and functioning of an elected international court. There are political impediments to their acceptance. The community laws and the positive distinction with its internationally based legal defense system are in conflict with the prejudices about the absolute nature of national sovereignty and the selfishness of the governments representing the majority and who are distinctly anti-democratic in their orientation.

Because of the restrictions of the minority-community rights the question of the international legal standing of the minorities must be examined under international supervision. It is a recent achievement of international development

that international law is no longer limited to the countries, but also extends to the regional units and to the communities. This makes it necessary that international law is developed in this direction and the trend that recognizes minorities as autonomic units in legal documents under the law be strengthened. This is also based on internal legal rules that give them the right and the legitimate opportunity to be in contact with other domestic or international legal subjects. The right of the minority structures to make international connections must be emphasized in connection with the community rights of the minorities. In the Hungarian legal system Par. 19 of Public Act LXXVII of 1993 states, maintain wide-ranging and direct international contacts."

As far as the true position of European development and of the minorities is concerned there are some major discrepancies. There are two distinct subsets. In one of them the minority rights are ignored because the civil "Minorities and their organizations have the right to establish and rights are denied on the basis that the management of minority rights was a domestic affair, in general. They were incompatible with the survival of the national state. The policies of the present day democracies are oriented so that they accept the public affairs rights of the minorities based on free power structures. The minority policies and laws of several democratic countries recognize the rights of minorities to state-like autonomy and even incorporate this in their constitution. These countries also recognize the minorities as subjects to international law.

3. The protection of minority rights is strongly influenced by the definition of the democratic contents of the countries' minority policies. In this respect Istvan Bibó's conclusions and tenets are particularly significant and these can be found in his writings on governmental theory.

Bibó grasps the essence of this matter when he writes that clear-sighted, courageous and democratic policy can, "give maximal opportunity to the minority to achieve its most sovereign minority demands, on their own initiative, within the existing framework, even though by doing this they might take the risk of an eventual secession." [10]

This requirement must be laid down and followed as a political-moral mandate of democratic policy, not only in this region but in general international democratic thinking and in international public opinion. It must be the requirement for the decisions made in international politics, for political-power structure coexistence and in everyday practice. It must become the international standard and as such it must be followed and supervised.

In view of the above, it can be stated that the national minority rights are of several types and that there is a peculiar catalog of community rights as well. G. Heraud, the French political scientist defines the following five rights:

- 1 The right of self preservation,
2. The right to establish the national boundaries,
3. The right of self-determination,
4. The right of organization and
5. The right to self-government.

And the means to accomplish them.

In connection with these rights Istvan Bibó emphasizes the fact that the right to self-determination of the minorities is up in the air since there are no institutional mechanisms for its realization.

4. The establishment of minority rights and self-government is a world policy

problem. It cannot be ignored in this world there are approximately three thousand nationalities that live in about two hundred countries and this clearly requires a humane institutional and legal solution for the national minorities. In addition the problems of the religious, racial and traditional minorities also need to be resolved.

In this regard, the responsible leaders of humanity must view this matter as a universal human problem. Protecting the survival of the minorities, their culture, their dignity and, first and foremost, their independence and self-government must be the highest and universal human priority.

The democratic management and humane resolution of this world problem might lead the XXIst Century to the point where racial prejudices and discrimination, racism, nationalism, chauvinism, the arrogance of power, religious and political impatience, ruling pride and the inhumanity ensuing from the abuse of power could all disappear. They would be replaced by humanism of the safety and protection of human, individual and community rights. Racial or national origin, tradition, affiliation, mother tongue, self-determination and self-government in their broadest terms will no longer be a problem in every-day life.

[1] Quoted by Henry Pozzi: "The War Returns", Budapest 1935. p. 13.

[2] Cited by Péter Kovács: International Law and Protection of the Minorities, 1996, p. 46.

[3] Cited by Géza Herczegh: From the Sarajevo Murders to the Potsdam Conference, Bp. 1999, p. 87.

[4] Human Rights in International Law. Collection of Basic Documents, Budapest, MTA, 1994, p. 378.

[5] See Par. 19. of Act LXXVII of 1993, The Hungarian Minority Act. Constitution, part. 3, section 6.

[6] Tibor Cseres: "Cold Days"

[7] Tibor Cseres: " Titoist Atrocities in Voivodina" and Marton Matuska: "Retaliation"

[8] Géza Herczegh: >From the Sarajevo Murders to the Potsdam Conference, Magyar Szemle Könyvek, 1999.

[9] Sándor Balogh: Autonomy and New World Order

[10] Istvan Bibó: "The Miseries of the Small Eastern-European Countries"