



The Székelyland Autonomy

By Dr. Csapó József

(Székelyföld – Terra Siculorum – Tinutul Secuiesc)

The Székelys or Seklers are a special group of Hungarians. Most of them live in one ethnic block on a territory of about 10.000 square kilometers called Székelyföld or Seklerland, located in Tansilvania, Romania. Currently, it is populated by 808.739 people, of whom 609.249 (75.33%) are Székelys and 175.787 (21.73%) are Romanians. We, the Hungarians, having always constituted the vast majority here, are devoted to our centuries-old autonomy traditions. The first official reference to the Székely regions' autonomy dates back to the year 1200 in the written documents. This autonomy was in effect throughout most of our history, but has not been recognized since Transilvania became part of Romania following word war I.

In 2003, the local Székely communities established the Székely National Council, which declared an unanimous demand for Székely autonomy. The Székely National Council's delegates, turned to the Romanian Parliament, the European Council and the European Parliament asking them to consider our claim for territorial autonomy that is in accordance with the European states' practice and with the regulations of the international documents protecting the national communities' identity. We request the Romanian Parliament and Government, the country's political powers, the representatives of the civil sphere and the country's historical churches to consider and support our just claims with all democratic means.

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The Székelyland has the right to be acknowledged in the integration process as an autonomous region, its citizens to become the citizens of a united Europe with full and real equality. The autonomy of the Székelyland does not affect Romania's territorial integrity and national sovereignty. The regional self-governing is in accordance with the principle of self-determination of national communities within a state. We are convinced that Székelyland Autonomy, the recognition of the additional authority serves the protection of the Hungarian national community's life in the self-governing regions. We ask the European Union member countries and the European Parliament members to support the Székelyland, the Székely community's efforts for autonomy, and request that it be a condition for Romania's integration into the European Union.

The Székelyland has the right to be acknowledged in the integration process as an autonomous euro-region, its citizens to become the citizens of a united Europe with real and total equality before the law.

History and International Conditions

The Székelys/Szeklers, the inhabitants of the Székelyland for well over a millennium claim the rights for territorial Autonomy, which have been formulated in international documents and are part of the procedures in European Union States.

The authority embodied in historical Székelyland was based on the organization of the Székely Székek, "Sedes" in Latin, — meaning territorial self governing units - the existence of which is referred to in official documents in the 13th century. The autonomy of the Székely Sedes functioned as territorial self-administration with its own administration and particular mechanism of social and governmental setting with particular rights and special status, similarly to the Saxon self-governing territorial units, the Saxon Sedes. The citizens of these historical self-governing territorial units - Sedes - today expressed their wish for territorial self governing through their elected representatives. They formulated their demands within the statutes and the frameworks of lawful self-administrations which guarantee the autonomy of Székelyland. The implementation of the autonomy, the transfer of authority ensures the real and full equality between the citizens. History and the practice of the European States governed by real democratic laws proved that minorities within the states can be protected only by specific laws.

International documents

The document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), in/35. affirms: the participating states (with Romania among them) note the efforts undertaken to protect and to create conditions for the promotion of ethnic, cultural, linguistic and religious identity of certain national minorities by establishing appropriate local autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities.

In the Report of the CSCE Meeting of Experts on National Minorities, Geneva document (1991), which was also signed by Romania, the participating states accepted the importance of these steps and agreed that special attention to these measures should be paid by the states mostly affected by the problems mentioned earlier. The signatory states acknowledged and paid special attention to the positive results obtained with democratic solutions. These are among others as follows: local and autonomous administration, as well as autonomy on territorial basis, including the existence of consultative-, legislative- and executive bodies chosen through free and periodic elections.

The Recommendation No.1201/1993 of The Council of Europe, paragraph 11, refers to the rights of persons belonging to a national minority, that in the regions where they are in a

majority, they shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state.

Paragraph 3 of the 1991 Nov. 21 Resolution of the European Parliament Union citizenship declares that the Union and its constituent States encourage the preservation of the identity of the existing historical, ethnic communities, promote their peaceful coexistence and guarantee the real equality of the citizens, ensuring the specific local, regional or group-forms of self-administration, the cooperation between the regions across national boundaries.

The No.2003/1334 Resolution of the Parliamentary Assembly of the Council of Europe, makes, regarding the positive experiences with autonomy as a conflict-solving method, among others the following conclusions:

- the resurgence of tensions in Europe, are partly due to the territorial changes and the emergence of new states which followed the two world wars and the collapse of the former Communist system in the 1990s,
- these tensions also reflect the inevitable development of the concept of the “nation-state”, which viewed national sovereignty and cultural homogeneity as essential. Nowadays, particularly in view of developments in the practice of democracy and international law, the states are faced with new requirements,
- States must prevent the growth of tensions by introducing flexible constitutional or legislative arrangements to meet their expectations. By giving minorities powers of their own, either devolved or shared with central government, the states can sometimes reconcile the principle of territorial unity and integrity with the principle of cultural diversity.
- many European states have already eased internal tensions, or are now in the process of doing so, by introducing various forms of territorial or cultural autonomy, embodying a wide range of principles and concrete measures which can help to resolve internal conflicts,
- autonomy, as applied in states respectful of the rule of law which guarantee their nationals fundamental rights and freedoms, should rather be seen as a “sub-state arrangement”, which allows a minority to exercise its rights and preserve its cultural identity, while providing certain guarantees of the state’s unity, sovereignty and territorial integrity,
- the term “territorial autonomy” applies to an arrangement, usually adopted in a sovereign state, whereby the inhabitants of a certain region are given enlarged powers, reflecting their specific geographical situation, which protect and promote their cultural and religious traditions,
- autonomous status may be applied to various systems of political organizations, ranging from straightforward decentralization in unitary states to a genuine division of powers, either symmetrically or asymmetrically, in regional or federal states.

The Autonomy Statute of Székelyland — Terra Siculorum — contains the decrees referring to self-administration, which if accepted by the Parliament of Romania would ensure and guarantee the framework in which the people of the Autonomous Region would create more wealth, whilst their national identity and the specific interests of the communities would be protected.

General Stipulations

To express its historical national identity, to guarantee equal opportunity to its citizens and to safeguard its Hungarian identity, Székelyland’s population will be transformed into a self-governing community. The administrative order of Székelyland is built on geographical, economic, social, cultural circumstances and on the historical desire of the people to be granted Autonomy. The endeavor of the population of the region towards Autonomy aims at the democratic participation of the citizens in the life of Society, the economic and social progress, the effective promotion and protection of territorial interests. Regional Self-Government denotes the right and the ability of the highest territorial authorities within the State, having elected bodies, being administratively placed between central government and local authorities and enjoying prerogatives either of self-organization or of a type normally

associated with the central authority, to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of subsidiarity.

Székelyland is an Autonomous Region within the State of Romania. The competences of the region shall be acknowledged or determined by the statutes of the region, national law or international law. The regions' own competences may not be affected or limited except by the Constitution, by national law or by international law. The region shall have decision-making and administrative powers in the areas covered by their own competences. These powers shall permit the adoption and implementation of policies specific to each region. Within the limits of the law, it is desirable that the implementation at regional level of tasks which fall within the competence of national government should be assigned to regional bodies. The regions shall be provided with the necessary resources to this end. The Autonomy of the region does not infringe on the territorial integrity and sovereignty of the Romanian State.

The Bill of the Autonomy Statute of the Székelyland in the Romanian Parliament has been refused (30.03.04)

The negative report of the Legislative Council

In the official communication No.102 from 11. March 2004. the Legislative Council expressed its opinion to the Parliament regarding the Bill of the Autonomy Statute of the Székely Land. The Legislative Council formulated a negative recommendation about the Autonomy Statute of the Székely Land. The negative report of the Council it is unacceptable because of a great number of reasons. The Council formulates its objections by referring to the Constitution, to the existing laws, but even more: to international law. These objections are in contradiction with the documents of the O.S.C.E., the Council of Europe and the practice of the constitutional states within the European Union. The Legislative Council claims:

– the Bill practically promotes the creation of a separate state entity, parallel with the homogenous Romanian national state, – the Statute of Székely Regional Autonomy is diametrically opposed to the constitutional order of the Romanian state. Argument: the motion ignores Romania being a national, sovereign, independent, homogeneous and indivisible state, – (gives reference once again to the Constitution) the Romanian people is entitled to national sovereignty. This sovereignty is infringe-able and indivisible, cannot be expropriated by either individuals or groups. According to the Council, the Statute claims specific spheres of authority, which eventually prevent the Romanian state from controlling its "supreme power"! – that the "right to national identity" in Székelyland will bring about the discrimination of the majority population living in Romania. (We believe that this is the most unfair accusation possible.) – that alongside with the autonomy of Székelyland, Romania's population and territory would not have uniform political and legal structure any more, would not have homogeneous state apparatus or state structure, either. Also, this territorial division will infringe on the sovereignty of the country.

All in all - according to the version of the Council - the autonomy of Székelyland will infringe on the state-territorial sovereignty of Romania. (!) This is in contradiction with the European Charta on Regional Autonomy, which states:

- The idea of subsidiarity is determinant in building democracy.
- A region means the suitable authority level of real fulfillment of subsidiarity, which during the European integration and the specific inner organization of the participating countries must be taken into consideration.
- The acknowledgment of regional autonomy includes loyalty towards the state whose regions will develop in acceptance of sovereignty and territorial integrity.
- The region as an essential component of the state through its identity is a proof of the multiculturalism of Europe.

Local elections were prevented

The Legislative Council of the Romanian state determines as a condition to the creation of Székelyland as an autonomous region that local elections be held in counties waiting to belong to such a region. The Székely National Council accordingly initiated local plebiscite in those counties and settlements belonging to the historical Székelyland. The subject of the local plebiscite is the creation of Székely autonomous administrative region. Covasna county authorities threatened the Hungarian mayors and the counselors with legal action in case they decide on the plebiscite. So far legal actions have been taken against two such decisions by mayors. The justification given was that the articulation of a civil initiative cannot be the subject of a local plebiscite, only that on national level.

This means that 600.00 citizens are not able even give voice to their wish concerning an issue determining their own future, or make use of the democracy and express their will in a local plebiscite concerning Székelylands autonomy. The prevention through administrative means amounts to a violation of basic human rights and freedoms and to a total disregard of the rule of law³ and the principles laid down in the European Charter of Local and that of Regional Autonomy.

The Hungarians of Székelyland have the right to self-determination and to self-administration.

The aspiration for autonomy is an irrevocable decision of the majority population of Székelyland. We will not give up our peaceful fight for the autonomy. We want to be part of the European Union as an autonomous community enjoying equal rights. In order to achieve this we ask the support of all democratic minds and democratic states.

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