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About the Hungarian Autonomous Territoriality of Szeklerland

*The Autonomous Enclave Within Romania:
A Second Territorial Entity Where the Hungarian
Ethnic Group Is Concentrated*



Summary

The fact that after World War II, during a historical period internationally considered as fully legitimate, a Hungarian autonomous entity was established in Transylvania that has not been possible to be eliminated by any fair and legal means, should be the focus of an ongoing fight for Hungarian territorial autonomy in Romania. This autonomous entity is able to provide the necessary structural, administrative and political framework for the Hungarian ethnic group and can also ensure security in the region. The structural build-up of Szeklerland as an autonomy is an important priority task. The option of depriving the Szekler region of its national and ethnic autonomy must be rejected and the boundaries of the entity should be modified and finalized in agreement with the Romanian nation.

Keywords: Szeklerland, territorial autonomy, Trianon

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Not more than five years after the Paris Peace Treaty of 1947 which confirmed that Szeklerland¹ would remain attached to Romania with borders similar to those before 1940, an autonomous area named Hungarian Autonomous Province (HAP) was established within the borders of the Romanian state. The Hungarian Autonomous Province was established in accordance with the political statutes in effect in the region at the time, in a legalised manner not contested internationally. In 1960, however, a unilateral Romanian ‘amendment’ was introduced concerning the territorial scope of the HAP, and then Ceauşescu took it all away in 1968. This action was not legitimate to any extent. For this reason, the current demand for the territorial autonomy of Szeklerland is not some sort of new-fangled pure ‘endeavour’, but rather the re-securing and release from blockade of a state of legitimate territorial autonomy which cannot be unilaterally revoked, but has, nevertheless, been *de facto* ‘revoked’.²

After World War I, Szeklerland was taken from Hungary; not only by the agreement of the international community, but also in the Hungarian constitutional law. The secession did not take place at the time the documents were signed at the conference table in the Grand Trianon Palace, but rather when – after the legislative bodies of other states affected by the treaty had done so – the Hungarian legislative body also ratified it and made it into a constitutional Hungarian legal act in the summer of 1921. Little bit more than four years after the region had been re-attached to Hungary in 1940, the re-attachment was invalidated on 15 October 1944, upon the proclamation of Hungary’s governor, and the region legally became Romanian territory again in line with Moscow’s conditions of truce.

The ratification of the treaty in 1921 and the peace treaty of 1947 were essentially inequitable, but lawful as to their form and the international law. The unilateral 1968 annexation and purloining of the subsequent Hungarian autonomy covering Szeklerland, on the other hand, was not sufficiently legitimate even in terms of form.³ Similar to the sovereignty of a state, the granting of ethnic and national territorial autonomy is not some sort of a loan or “temporary deposit” which the ‘grantor’ may take back arbitrarily, with or without some false excuse. For this reason it is this annexation and seizing of autonomy, executed by Ceauşescu, which must first of all be countermanded and corrected today; and the lawfulness of the Hungarian demand for such correction must be understood and made understood. Szeklerland, as well as Hungary as the ‘parent country’ of the Hungarian minority, and even Romania at the time of the fall of Communism and ever since, should have put and kept on the agenda the reversal of the unlawful annexation of autonomy, fabricated by the dictator in 1968. One of the criteria for the change of regime in Romania to have been accepted as meaningful would have been – and still is – a universal *ex post* refusal of the seizure of autonomy in 1968, which would have become possible with the fall of Communism. The failure to raise this issue after the fall of Communism was a case of gross negligence.

Naturally, the granting of territorial autonomy of a national nature is *not the same* as granting independence (as was done in the case of other states in post-colonial times). It is still *similar*, however, and the granting of autonomy could even be construed as a kind of in-between status in that direction. The relationship arising between the gran-

tor and the grantee on account of the granting of ethnic and territorial autonomy is one between nations rather than one between states; therefore the nexus between the grantor and the grantee includes components of international law and politics relevant between nations and not between states. Any change thereto – and especially its abolishment – cannot therefore be interpreted and executed as an issue purely within a state or a nation state. Szeklerland, with its Hungarian majority; but also South Tirol and the Åland Islands, each was granted autonomy lawfully by a power of decisive might in the respective region. The so-called ‘revocation’ of only one of them – the Hungarian autonomy of Szeklerland – violated and still violates the international law, and indirectly possibly even the legal principles underlying the autonomy of South Tirol and Åland, as the autonomy of these latter two was raised and granted to a major extent by external great powers. What is more, ‘changing’ the territorial autonomy of Szeklerland to ‘Mureş Hungarian Autonomous Province’ in 1960, and changing its territory, was – and still is – in itself unlawful on account of being unilateral.

In the case of the autonomy of South Tirol, Austria, where the area belonged until 1919, acts as a protective power. As pointed out above, the autonomy of South Tirol (a kind of internal quasi state within Italy, which is, of course, more than just a ‘stripped-down state’) was established against the same background: motivation, and the approval of a great power – of a Western one here and of an Eastern one there – as the Hungarian Autonomous Province in Szeklerland. The HAP has links to Hungary in the same way that South Tirol has links to Austria. More recent reports indicate that the picture of South Tirol as a model for autonomy is fading as they “want to belong to Vienna again” – which shows that even the affluence they enjoy does not make the differences in language and culture disappear. Mayors in South Tirol in the north of Italy are asking for their self-determination rights to be reinstated. The Hungarian autonomous entity, on the other hand, does not pursue any kind of reunification – which can be linked to the absence of territorial continuity and due to the geographical separation of the two blocks of Hungarian population.

Naturally, the Romanian governmental elite does not deny that Romanians are a minority in Szeklerland (they make up one fourth of the population). Romania might argue, however, that national majorities are local minorities in many places and minorities often constitute a majority locally, as is the case with Romanians in the Hungarian village of Méhkerék or with Russians in East Ukraine, and therefore there is nothing extraordinary about this fact.

A notion of relevance to our topic is that “one’s awareness of national identity is often associated, not only with people, but with various forms of living and physical reality. To landscapes; geography; the countryside and to the abstractions of the countryside, such as maps and drawings of the country [...] Analyses of the Hungarian national identity mention that for some Hungarians with strong emotional attachment to the drawing of historical Hungary, the beauty of this map of the country is strongly associated with the drawing. We might add: also, perhaps, the image of a well-baked Hungarian loaf of bread: the top curvature and arch of that image. Bread, then, is the symbol of life; the fresh hotness of which is associated with ‘home’. To be satisfied, the

soul somehow needs all of this together: a home, the warmth, the flavour, the homeland with its wooded hills that is shaped like an arched loaf of bread. Still, in addition to being all of the things listed above, one's homeland is primarily a community of people. [...] The territory of the Roman state is shaped like some sort of a disc, an irregular circle. The pre-Trianon Romania was not so; today's Romania is. Between the two world wars, with its borders at the River Dniester and the wider Dobruja region, it was even more so; and 'Romania of myths', possessing also Transnistria and stretching to the River Tisza, is probably the most so. Did the Romanian people settle in a country-sized homeland universe shaped like a circle, a disc? Not quite, of course. Rather, it was a relatively wide circular strip, a ring. Szeklerland, small in comparison, is located at the centre of this ring. While it is located in the middle of this ring, the 'country of the Szeklers' is not part of the ethnic 'Romanian globe' where Romanians dwell – as evidenced in the drawing of Romania fifty years ago, when Romania still officially included the Hungarian Autonomous Region, and has since never been fully abrogated. Should Romanian patriotism disregard such 'central but still outside' location as immaterial? Should it be uninterested in the actual location of the Romanian nation? With some pathos: should it be uninterested in its national inclination as manifest in the movement of the people and in the patterns of settlement? One can hardly say Yes to that question... [...] When a European nation attempts to assimilate culturally another European nation or even only a portion; or by destabilising its self-governance and autonomy, then it is somehow treading a path that is neither noble nor acceptable. If a large nation is doing this to a small fraction, then – let it be said – it is also petty, and such pettiness can make it pitiable and fallible" (Kolozi, 2010).

The affairs of the Hungarians living in Szeklerland, and the territory itself, are not regarded by Romanian official entities to be of a scale that is unmanageable within the current political and administrative framework and necessitating the establishment of territorial autonomy. Therefore if autonomy does, indeed, have to be created right now, the Romanian official entities could defend and represent this view better than if they had to defend the seizure of territorial autonomy that once used to exist, including defending it from the criticism of annexation.

Going back in time, it should be pointed out that the peace treaty signed in 1947 in the Luxembourg Palace in Paris was, similar to its predecessor in Trianon, lawful under international law. According to Hungarian misinterpreters, the process has only one step leading up to the current situation which is not certain to be fully legitimate internationally. People who think this way tacitly accept the unilateral elimination of the Hungarian Autonomous Region by Romania, as what they condemn is the existence of the one-time autonomous area, having been, they say, "created by Stalin and a foreign great power". Why, wasn't Trianon brought on by the great powers, and then Paris by Stalin? All this was decided by the great powers, not only the autonomy granted to Szeklerland in 1952 – and of course, this was done the way everything else was done in the area at the time. The unilateral revocation of the territorial provisions by Romania was, however, the worst of all of these. The Hungarian side should keep protesting that the subsequent revocation by Romania was unlawful, as something

once granted cannot then be unilaterally withdrawn. Say, for example, the independence of Algeria could not have been revoked by France by saying later that as it had been granted by France, why could France not revoke it if it saw fit to do so? We should not be begging for autonomy for Szeklerland as the demand is legitimate for the same reason: its revocation was unlawful.

In the Trianon Palace, in Vienna Belvedere, in Paris; then finally in Moscow and ultimately at the Communist Party headquarters in Bucharest when the revocation was decided; areas were passed back and forth between Hungary and Romania, between the Hungarian and Romanian nations, truly without any kind of international participation. Apart from the states of Hungary and Romania, Moscow was the last place where issues were actually decided. There, the designation of status took place between the nations, although not between the states. There we were given something, as some kind of a compromise, which in terms of territory was more than we currently have.

By the way, the stability of the territory of states is of important international value and interest which should be safeguarded, even by the winner of a war.

When Hungary was still a winner of the war in the fourth year of World War I, it did not attempt to annex Csángóföld (Ceangăii) in the peace treaty of Bucharest of spring 1918, through which Hungary emerged as a winner, even though that area was contiguous with Szeklerland and was populated by Hungarians. In the spring of 1918, Romania was “forced to sign the peace treaty of Bucharest with its head bowed. Hungary, which was one of the winners, was magnanimous, unlike Bucharest a little while later, when it coasted in alongside the then winning Allies. Yes, coasted, as Romania’s separate peace agreement caused it to lose favours with the Allies, Romania was no longer party to the Entente, nor a combatant in any meaningful sense. Two years later in the Trianon Palace, Romania secured for itself not only the areas along its former borders, which were populated by Romanians but – as we know – also plenty of regions with a Hungarian population. Hungary, however, at the time of its victory, which later proved fleeting, refrained not only from trying to appropriate areas with Romanian population in the peace treaty of spring 1918, but did not even claim for itself the areas directly outside its borders at the time, which were populated by Hungarians. Even though there were such areas: namely, as mentioned earlier, the Csángóföld (Ceangăii), which directly adjoined the Hungarian Szeklerland in Hungary. The Hungarian border could have been moved easily (and not at all unfairly) in terms of ethnicity, not excluding from the Hungarian state the directly adjoining areas which supported Hungarian populations. The leaders of the Hungarian government, however, considered historical traditions and long-term stability more important. Was such Hungarian restraint born of a nobility of spirit? In the context of the end of the Great War, one should not only remember Trianon, but also this peace treaty and the fact that Hungary did not, even when winning, grab the Csángó lands with its Hungarian population makes it evident how unfair the panicky, mean-spirited, chauvinistic Romanian politics is when it pants for the removal of Hungarians from Csángóföld, claiming danger” (Kolozsi, 2011).

The granting of independence as well as of autonomy is a non-symmetric act, a non-revocable action. Once granted, independent status – or in the case of autonomy, greater independence – may not be withdrawn by applying the same logic as when it was granted, only in reverse. If the Hungarian party were to accept the seizure of its territorial autonomy, it would make any future struggle for autonomy meaningless from the outset, as even the winning of such internal self-determination would intimate, as “part of the package”, that it might be revoked at a later time. This is why we *must* not accept with indifference and in an implicit and self-destructive manner the expropriation of our autonomy that took place in the previous century in a stealthy manner (under the pretext of transformation of the public administration system).

It is obviously unacceptable for an entity with territorial self-determination to lose its identity or its right to exist just because – similarly to its immediate international environment – it used to have a bad dictatorial political structure forced upon it during a previous political regime. It is easy to see that if anyone wanted a fully sovereign state to cease to exist due to a former unacceptable political structure, it would not only be outrageous but anarchistic or downright comical. Nothing like this has ever happened. Would it then be acceptable to seize even a part of the territory of a country or an autonomous entity because, in the era of ‘ugly regimes’, it, too, had an ‘ugly regime’ forced upon it, similar to its neighbours? Just as a state will not lose its sovereign territories due to its former political fallacies, an autonomous entity must not lose its territory for such reasons either. National territorial autonomy, which is derived from nations’ right to self-determination, can obviously not lose its existence rooted in the same right.

Territorial autonomy promotes good relations between nations formerly engaged in territorial conflicts. In this respect the relationship between Germany and France is often interpreted as a model of some kind. In the context of the improvement of the relationship between Germany and France, let us not have illusions with respect to the relationship between Hungary and Romania: we must take note of the differences, both permanent and temporary. Such differences are manifold. Hereunder, let us address only two of them. One difference concerns the ratio of the minority group living in the autonomous territory to the total population, and the magnitude of the land that changed hands in the course of history along the River Rhine and in Romania. The other concerns the attitude of the ethnic groups involved towards compromise, which can be considered historical even though it only goes back a few decades.

After the end of World War II, the Saarland, located along the French border of Germany and in the French sphere of interest, could not join Germany right away as peace came – its status was kept uncertain for years. Alsace and part of Lorraine were permanently joined to France, but France authorised referendums to be held on joining the adjacent Saar to Germany on 23 October 1954 and on 23 October 1955. The voters chose Germany, and this province has been a stable part of Germany and one of the German ‘Lands’ ever since. Shouldn’t something have occurred just like

this in the second half of the 20th century between Romania and Hungary? Nothing of the sort did. Some form of minimal compromise, which was later made to ‘evaporate’, also came into being here in the same decade as the plebiscite on the Saar was held: namely, the establishment of the Hungarian Autonomous Province in Szeklerland. A region with deep-rooted traditions of autonomy and supporting a largely Hungarian population of the same magnitude as that in the Saar. Its establishment was stipulated in the Romanian constitution. Although a relatively small area and with only partial ‘sovereignty’, this still was proclaimed as a Hungarian autonomous area, and an act like this – the granting of sovereignty elsewhere or the proclamation of autonomy here – is not reversible simply by the will of the ‘grantor’. As stated above: after autonomy is granted, its perpetuance or ultimate dissolution is subject to the very same autonomy.

Due to the peculiar, enclave-like geographical position of Szeklerland, an option similar to that of the Saar, i.e. its joining to the nation state, was not and is not feasible for the region. On account of its enclosed geographical position and relative self-sufficiency within the state, Szeklerland should have remained *de facto* autonomous; naturally after undergoing a democratisation process as the majority nation, the entire country and the whole region. Szeklerland could and should be functioning in that way in that era of “shared sovereignties” of Europe.

The social and political structures changed around 1990 along with the political regime, but rule of law – being more subtle than institutionalisation –, legality, legitimacy and real self-governance is only now starting to take root among the principles defining the region. That is for this reason that a genuine, deep and organic reconciliation of the German-French type has remained here a task requiring great efforts, a “Herculean” task, one might say. But it must be achieved, however, together with a functioning territorial autonomy (Kolozsi, 2009a).

It is worth bringing up an international example of ‘rights are retained despite annexation’. For approximately five decades, since 1967 to be precise, territories occupied by a very significant power in the Middle East, the State of Israel, have been subject to a very peculiar international interpretation and treatment. Over these five decades, it has not been possible to legalise or find legitimacy for any kind of removal of these areas from the lawful status that these areas legitimately held 50 years ago and still held today. No such legitimacy has been pursued by any party, either. In 1967 the Hungarian autonomous region of Szeklerland was still in existence in the “territorial sense” of the word, according to the political and administrative framework of autonomy in line with the political conditions at the time. As in the Middle East, *de facto* territorial changes were made here as well one year later. Bucharest quasi annexed the autonomous status of the area; but doing so could not have changed the legitimate conditions here either – nor could it have done so ever since, similar to the situation in the Middle East. With respect to the territories occupied by the State of Israel, the United States of America and the great European powers have recently declared – being pressured by the Palestinians and other stakeholders as well, naturally – that the legitimate conditions have not changed. This principle should also be

asserted in a more determined manner with respect to Szeklerland, as the two situations are similar and have existed for the same length of time.

To really argue for the comparability and similarity of the territories occupied by the State of Israel that are recognised to have maintained their status with the annexation of the Hungarian autonomy; Hungary and Szeklerland must sufficiently convince themselves as well as others that the Hungarian autonomy for Szeklerland is still lawfully valid today and that it is the revocation of such autonomy and the implicit tolerance of such revocation that are invalid. Quite a few have been bamboozling the Hungarian audience by saying that the territorial autonomy was decreed under communist rule, making self-destructive statements to the effect of “Hungarians don’t want this territorial autonomy, because it is a bad communist autonomy!” This is nothing but a bluff. Territorial autonomy has not been declared and implemented only within communist countries; but only in a communist country has it ever been ended by the stroke of a pen.

A concern is sometimes raised that territorial autonomy might be harmful to Hungarians living outside such an autonomy as they could become some sort of second-rate Hungarians, even in their more immediate world, on account of being excluded from areas with partial self-determination. One should not fear that Hungarians outside the autonomy would be disadvantaged, as the existence of Hungary itself is obviously not harmful to them, even though it does not share their existence and pain as a minority. Quite the contrary, the existence of the mother country offers them benefits, support and strength. In addition to Hungary, the Autonomous Territorial Entity of Szeklerland could assume the role of a partial mother country and offer more effective support to the Hungarian population living elsewhere, often sporadically, in the historical region of Transylvania.

When Széchenyi⁴ and Wesselényi⁵ talked about “our two homelands” and the double identification of all Hungarians, they meant Hungary and Transylvania; the latter being detached then as well. Today, by two homelands, we should mean two disjointed territorial entities: a country (Hungary) and an autonomy (Szeklerland), both of which are incomplete when compared to the historical country – but we should mean no less than that! This is also the heritage of the two classical patriots mentioned, and of the notion of two homelands.⁶ Hungary, or more accurately, the area covered by predominantly Hungarian settlements belongs not only to the major continental region of Central Europe, but in many respects also to Southeast Europe. For some years now, all Southeast European nations that live scattered like Hungarians (Serbians, Croatians, Romanians, Albanians, Bulgarians, the Turkish, the Greek) have been living in two entities – all except Hungarians, as the second Hungarian entity has been annexed by Romania, the state providing the framework for its autonomy (Kolozsi, 2009b).

The possibility of continued divestiture from national and ethnic autonomous territoriality must be resolutely refused. Optimally, once the blockade on Hungarian autonomous territoriality, in place for nearly five decades, is lifted, the borders of the new entity may be finalised by common agreement.

NOTES

- ¹ In our interpretation, after territorial autonomy is restored to Szeklerland, another alternative name such as (East) Transylvanian Hungarian Autonomous Region is also possible.
- ² The analysis aims at interpreting the issue of autonomous second Hungarian identity not solely from the aspect of Szeklerland but also as a pan-Hungarian issue.
- ³ Indeed, neither international law nor the standards of international relations are a unified, wholly codified law – they could be the paradigm and theory of just a few participants and interested parties. It should be treated accordingly and considered an argument in a dispute rather than absolute truth. International law is not clearly deducible or applicable to all parties anyway, but is rather a multitude of proposals in negotiation and dispute. All of internal law is not clear, either – if it were, we would not need judges and courts to deliberate on and decide between different interpretations. This “disputational law” is what we find on the topic of autonomy. As a rule of thumb, something that used to work once, something that already existed – such as the reference to the Hungarian Autonomous Region, which used to exist with a specific territorial scope and was then appropriated – is better than something we might “come up with, find out just now”.
- ⁴ István Széchenyi (21 September 1791 – 8 April 1860) was a Hungarian politician, theorist and writer, honored with the epithet “the Greatest Hungarian”.
- ⁵ Miklós Wesselényi (20 December 1796 – 2 April 1850), was a Hungarian statesman, leader of the upper house of the Diet, member of the Board of Academy of Sciences.
- ⁶ Perhaps we should avoid calling the smaller entity a province. The term province carries some kind of “feudalistic”, paternalistic, subservient notion, as if it was “provided” by the centre, the greater power, just like the process of the great antique empire that used the equivalent of this word involved some sort of lack of emancipation, and as does the Hungarian designation of the Austrian patrimonial lands, as well as the (incorrect) Hungarian term used for the member countries (Land) making up today’s state of Germany. Neither is the term acceptable to denote autonomy in Transylvania, in Szeklerland; rather, the term autonomy or entity should be used to refer to a constituent area, a “member country” within a fully sovereign state.

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