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Reconstructing Political Order: The High Commissioner on National Minorities in Transylvania

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ABSTRACT

This article intends to analyse involvement in managing the identity of the OSCE High Commissioner on National Minorities in the inter-ethnic crisis between Romanians and Hungarians in post-socialist Transylvania. I will show how the HCNM developed a specific approach, as a means to an end, that aimed at changing societal identity in order to permanently resolve the inter-ethnic crisis and to permanently regulate conflict situations. The study focuses on the last stage of the HCNM's involvement in Transylvania, in which he identified the Hungarian University case in Cluj as the "core conflict". Often, core conflicts can be identified in identity-related fields. I will explore several different levels of identity-building in the case of the University. Moreover, I will examine the attempts of the HCNM to regulate this conflict as well as its implications and outcomes.

Introduction

The High Commissioner on National Minorities of the OSCE (HCNM) is an instrument of crisis prevention concerning minority issues. It was founded in 1993 and has had two office holders so far: the Dutch diplomat Max van der Stoel from 1993 until June 2001, and since then, the Swedish diplomat Rolf Ekéus. The founding conference defined his objectives as "early warning" and "early action" at the earliest possible stage "in regard to tensions involving national minority issues that have the potential to develop into conflict within the CSCE area" (CSCE 1992: Part I, No. 23). In other words, his main objective is

not the protection of minority or human rights but rather to ensure the peaceful handling of minority issues within the CSCE/OSCE area.

At the founding conference, the HCNM was given a mandate by the CSCE States which provide general principles and objectives of the office's work (CSCE 1992: Part II). It allows the HCNM to decide highly independently from other OSCE institutions about which conflicts to intervene in and the timing of its involvement. The main guideline of his work is preventative diplomacy, and to ensure its effectiveness, he often needs to work confidentially with the parties involved. Performing his work, he is authorized to (a) visit any participating state, (b) "collect and receive information regarding national minority issues" in a given case and (c) assess "the role of the parties directly concerned, the nature of the tensions […], recent developments therein and […] the potential consequences for peace and stability within the CSCE area". He may promote dialogue, confidence and co-operation between the parties concerned (CSCE 1992: Part II, No. 11a-12). However, there are two cases in which he is generally not allowed to intervene: those involving a minority the High Commissioner itself is part of and those involving acts of organized terrorism (CSCE 1992: Part II, No. 5a & 5, 25).

The parties to the conflict are urged to cooperate with the HCNM. If they fail to do so or if the HCNM is denied access to a country or to travel and communicate freely, he may resort to sanction this behaviour in either reporting to the OSCE official bodies or in issuing an early warning, i.e. to make the case public and open to further action. He may as well ask for a separate mandate to authorize himself for further action (CSCE 1992: Part II, No. 13, 16, 20).

In the following I will argue that this mandate is based on two qualitatively different pillars intertwined in the founding document, partly excluding each other and therefore, paving the way for Max van der Stoel, as the first office holder, to develop his own approach to dealing with conflicts - one focusing on specific identity related issues.

One of these pillars is located in the traditional range of activities following the CSCE-process and is characterized by consent-oriented, cooperative working procedures, operating on a basic agreement to be part of a community that shares a specific system of values. The approach of preventive diplomacy and confidential talks belong to this pillar. Some components of this pillar, laid down only in side aspects of the mandate were taken up by Max van der Stoel and extended into prior instruments for the HCNM. This is true especially for the appointment of experts to study certain elements of the conflict and the issuing of non-binding recommendations to the parties (CSCE 1992: Part II, No. 31, 34). On the other hand, the second pillar allows him to sanction misbehaviour. This is a logical outcome of the new commitments that the CSCE took on after the fall of the Iron Curtain. These commitments went beyond the guiding principles of the Helsinki Decalogue of 1975.[1] The restructuring of the CSCE/OSCE in the 1990s focused on more concrete commitments and particularly on the operational capability of the Organization in conflict prevention, crisis management and post-conflict rehabilitation. Nevertheless, this

also considered the possibility that members of the CSCE/OSCE community might disregard norms which were agreed upon in specific policy fields. Consequently, pressure was added to develop instruments to counteract such occurrences. The sanctions of the second pillar, i.e. the issuing of an early warning and the forwarding of cases to OSCE structures, accompanied with the advice to take further measures, belong to such instruments. These sanctions, however, are rather weak. Had Max van der Stoel drawn upon this pillar, the HCNM would have probably degenerated into a marginal, ineffective side-instrument within the OSCE. Consequently, Max van der Stoel hardly used any of these measures, instead developing the HCNM as a low key-instrument of conflict regulation.

The Identity Management Approach

Regarding the eight years Max van der Stoel was in office and taking into account his programmatic speeches, it can be said that there were two main guidelines leading the office holder through his tenure: (1) the view that conflict regulation is a process with ongoing communication to all sides, and (2) the belief that there exist certain fields of conflict which are more significant than others.

During the course of his work in various countries, Max van der Stoel's activity not only intensified, but he also developed specific methods of work in order to expose the actual roots of the conflicts. Although he continually pointed out that each country had developed its own specific problems within a unitary context and therefore a case-by-case approach was the most functional way of dealing with them (van der Stoel 1999: 71), there are some topics on which he issued general recommendations that were not bound to a particular country. Namely, these were education, linguistic rights and participation in public life.[2] According to these recommendations, it is always similar patterns of conflict which the HCNM has been confronted with. Questions regarding the access to educational institutions did matter in Macedonia, Romania and during his early work in Albania. During these periods, difficulties concerning the language laws and new regulations continuously appeared to be thrown onto the agenda. They were the focal point in the HCNM's work in the Baltic republics, Estonia and Latvia. On the explicit wish of some OSCE member states, the HCNM studied the language rights of minorities in the OSCE area by sending a questionnaire to the members in 1996.[3] In view of these facts it can be stated that the HCNM's activities in most countries began on a wide-ranging level on which the HCNM firstly tried to identify the conflicts as well as the parties to it. But it can also be stated that in the course of his work, it was some few core conflicts or conflicting fields on which he concentrated his efforts and intensified his work on.

These core conflicts result directly from the “root causes” (van der Stoel 1998d: 300) and influence themselves - as a consequence of the interdependent networking of conflicts in a dynamic system – the possibility to regulate other minority-related conflicts.[4] This chain of mutual influence works due to the

central position of these fields of conflict. At the same time, however, the peculiar emphasis on such a conflict leads to additional iteration-effects, which contribute to redirecting the situation in the respective country towards these conflict fields.[5] In this occasion, perception is of great weight and even seen as a key factor in the eyes of Max van der Stoel.[6] Against this background, Steven Ratner, professor of law at the University of Texas School of Law, sees Van der Stoel's activity as a "process of conflict resolution where the parties to a dispute voluntarily utilize the services of an outside party to change their perceptions, positions, or behavior" (Ratner 2000: 669). Following this logic, it is the players who receive the proactive role, within which they redefine themselves and cease to conserve further conflicts within the framework of rigid methods of handling. Instead they search for solutions along what Peter Häberle prescribed as "Möglichkeitsdenken" (thinking in possibilities) (Montada 2000: 56-7).

Another aspect drawn upon conflict research points out that it is much less important to find solutions to the seemingly manifest conflicts, since often they are only symptoms. They leave unarticulated the demands and normative ideas behind them, and therefore, frequently disregard the *actual* conflicts (Montada 2000: 56-57). The symptoms are often objects of argumentation, but finding solutions remains impossible as long as the core of the problem is not touched and worked on (Schwarz 1990: 41). In line with this, the HCNM emphasized that even in cases where forms of violence could be silenced, "very often the underlying causes which led to the conflict have not been removed" (van der Stoel 1998d: 310). He tried to deal with this problem by concentrating on these conflicts/conflicting fields that he, during his many years in office, discovered as vital to a minority.

This, however, does not mean that he would disregard the multidimensional, whole-societal character of ethno-political conflicts. On the contrary, he always drew attention to them by indicating the dangers for the new democracies "which are caused because they have to carry such excessively heavy burdens" during their transformation period from centralized command "to a marked-oriented economy – a process which is about as easy as changing the wheels under a moving train" (van der Stoel 1999: 37-38). Though these economic factors may not be the direct reason for the conflicts, they contribute to the worsening of the situation by the Habermasian colonization of society through the economy.[7] Hence, in countries in which social tensions increase due to strong economic recession, minority conflicts can be seen as "scapegoating" (van der Stoel 1999: 56), following modernization delays.[8] For that reason, Van der Stoel disagrees with those who expressed hope that nationality conflicts would only be side products of transformation processes and automatically cease to exist with further integration into European and international structures (van der Stoel 2000b). Since he did realize that minority problems are interwoven into a complex network of conflicts "intimately connected to issues which go to the heart of the existence of states" (van der Stoel 2000b), and was simultaneously aware of his scarce financial means (which is only a fraction of the anyhow small OSCE-budget), he continued appealing to the international community to provide

more means for transformation and conflict prevention purposes (van der Stoel 2000b).

Based on the assumption of a network of conflicts, the High Commissioner requested support for his work and farther-reaching conflict prevention on the international level. He considered the support gained by the OSCE community and other international actors like the Council of Europe as extremely important: "Without this commitment, the actions of the High Commissioner would not amount to much more than the efforts of one man operating in isolation and would, therefore, probably be of very little significance" (van der Stoel 2000b). At the interstate level he tried to implement a pattern of regulation for the core conflicts that would lead to further regulation of conflicts on an independent basis.

Basics of the Conflict in Transylvania

The region of Transylvania is located in the western and northern part of Romania. Until the end of the First World War, when Hungary lost 70% of its territory, it was part of the Hungarian Kingdom. During the entire interwar period, this loss of territory and the resulting irredentist claims to it were the leading issues in Hungarian political discourse. Even today, although none of the serious political actors call for the repatriation of territory, these regions are in Budapest seen as former Hungarian and in some ways closely associated with Hungary. This is especially true for those territories where there still lives a considerable amount of ethnic Magyars, i.e. Upper Hungary in Slovakia with about 600 000 Magyars and Transylvania in Romania with about 1.7 Mio ethnic Hungarians.[9] Although having belonged to Hungary for a long period of time, Transylvania has never in history been ethnically homogenous, quite the contrary: during the Reformation it was a renowned symbol for peaceful "nations" of different religious beliefs living side-by-side. With the rise of nationalism, Hungary tried to redefine its multinational kingdom, to which Transylvania had been part of since the beginning of Hungarian statehood - the so called "honfoglalás" -, into a Hungarian nation state; the Romanians, meanwhile, tried to construct a (at that time nonexistent) Romanian nation-state on the basis of the ancient roman province Dacia. Each side claimed to have settled earlier, "originally" on Transylvanian land.[10]

After Transylvania became part of Romanian territory, the Romanians pursued, in order to create their own nation state, a strategy of nationalizing the huge newly gained territories to such an extent that "Romania in the interwar period displayed a meaningful articulation of […] racial ideas in the cultural discourse" (Barkey 2000: 530). After the Second World War, there was a short period of recovery in the inter-ethnic relations. Until 1968, there was even a Hungarian Autonomous Region existing within Romania. Nonetheless, during the Ceauşescu period, the leading dogma was the assimilation of Hungarians into Romanian society, thus paving the way for a policy of homogenisation –blind to the differences by closing down Hungarian educational institutions, abolishing

the autonomous region and largely settling ethnic Romanians into communities with significant parts of Hungarian population. Since this policy was accompanied by emigration of ethnic Germans and Jews it resulted in a significant change of the population structure (Takács 1998).

In the aftermath of the breakdown of the Eastern block, the inter-ethnic relations seemed to improve. The newly formed government promised to introduce individual and collective minority rights for the Hungarian community. Prime Minister Petre Roman announced the reopening of the Hungarian state university in Cluj/Kolozsvár (Bolyai University), which had been merged with its Romanian counterpart (Babeş University) in 1959. Nevertheless, the elections in 1990, as well as the Hungarian claims for educational and linguistic rights, restoration of expropriated real estates, decentralization, equality of religious denominations, employment of members belonging to minorities and others (RMDSZ 1990), worsened relations. After calming down the revolutionary atmosphere, some civil liberties were again restricted, the reopening of the Hungarian Bolyai-University was not authorized as it was seen as being a "measurement of segregation"[11], and for the election, campaigning using the xenophobic and nationalistic rhetoric of the Ceauşeascu regime was rediscovered by Romanian parties. Mine workers were carried to the capital to intimidate opponents and critical newspapers and destroy their offices. On the anniversary of the Hungarian revolution of 1848 this ended in a 'mass battle between Romanians and Hungarians' (Hausleitner 1990: 150) in Tîrgu Mureş on 15 March 1990. On that day, eight people were killed and more than 300 injured (Gallagher 1995: 86-96; Zellner 2001; Dunay 1998: 245). The situation culminated in 1994 when the two nationalistic parties PRM and PUNR[12] officially participated in government. In February 1995, international mediators, including former US President Jimmy Carter saw the issue of Hungarian minorities as one of "East Europe's most intractable and long-running ethnic dispute[s]" (Khan).

Most problematic in political terms was the debate concerning autonomous rights for the Hungarian minority. Three types of autonomy can be distinguished: (1) territorial, (2) personal or cultural and (3) administrative autonomy. Territorial autonomy refers to an external dimension with a maximum extent of collective rights, whereas personal or cultural autonomy belongs to an internal dimension with a minimum of collective rights; administrative autonomy, with its focus on decentralization, exists between the two. With its spotlight on territory instead of persons, territorial autonomy – although explicitly not including it – may operate as a forerunner of secession. Therefore, Ruth Lapidoth points out that "autonomy is not a panacea, but only a tool or a framework that can constitute an adequate compromise if the parties are looking for one" (Lapidoth 1997: 204), i.e. if the protagonists are not willing to find a solution, the concept of autonomy is very unlikely to work. This was the case in Romania with the Hungarian party (RMDSZ[13]) incessantly demanding all three forms of autonomy in their programme and public speech[14], whereas the Romanians on the other side feared autonomy as leading the way towards

disloyal citizens and representing a threat for the territorial integrity of the state. Sticking to the concept of autonomy in this way worsened the situation. The Hungarians were seen as disloyal group, who 'voted against the country'.[15] With the law 69/1991, minority rights in public administration were diminished. The new constitution defined Romania – a country with a more than 10% share of minority population - as a homogenous nation state on the basis of the "unity of the Romanian people" in which minority rights had to conform with the "principles of equality and non-discrimination in relation to the other Romanian citizens" (Constitution of Romania 1991: Art. 4,6). Although various drafts for a separate minority law had been prepared by the different minorities, a parliamentary committee in 1995 came to the conclusion that there was no need for a minority law (RMDSZ 1996 p. 5f.).

Besides the quest for autonomy there was a second area under discussion which pointed towards the cultural identity of the Magyars: minority education. The establishment of Hungarian educational institutions was one of the major demands and was met to some extent after the revolution. In May 1990, however, the educational law of 1978 was suspended and the whole policy field remained without legal basis until 1995. These five years created a vacuum which gave radical actors a playground to successively undermine minority education. Only in 1995 was a new law passed which triggered off a storm of protest since it limited rather than broadened native language education. Minorities mainly criticized those parts which generally prescribed Romanian as the language for education (Art. 8), ordered Romanian geography and "History of Romanians" to be taught in Romanian at the secondary level (Art. 120), instructed that "admission and graduation examinations [on all levels] are taken in Romanian" (Art. 124), restricted public university education in the mother tongue "in order to train the necessary staff for teaching and cultural-artistic activities" (Art. 123), allowed tuition on vocational and post-secondary level only in Romanian (Art. 122) and which finally prohibited the opening of Hungarian state universities (Art. 122, 123) (Parliament of Romania). In some aspects, the new law was below the level that had been guaranteed even by Ceauşecsu's law of 1978. Minority representatives were concerned about enforced assimilation. Inter-ethnic relations reached a low level in the autumn of 1995.

The Involvement of the HCNM

The High Commissioner on National Minorities, who started mediating efforts in Romania in 1993, began to narrowly focus his activities on educational issues in late 1995. He recognized the struggle over educational rights as the root conflict, excluding almost completely topics like restoration, religious equality or questions of autonomy. The table below shows that in a third stage of his involvement, beginning in1998, he concentrated even more attentively on one single educational issue: the efforts concerning the Hungarian state university in Cluj.

Although the struggle for autonomy was at least as pressing, the HCNM concentrated on a field that had a high impact on the identity of societal groups: minority education, which he had already identified as one of the core problems in minority related conflicts. Through education, the fundamental characteristics of societal groups are reproduced and the identities of national minorities are secured. Socialisation processes in educational institutions therefore determine basic, precognitive essentials, values and norms of a state. Hence, "education is the key to cultural development and perpetuation, but it is also the key to the larger social integration necessary in the State" (Packer 2000: 173). Since education is mostly operating under the auspices of the state, it tends to sustain national myths and specific views on historical events. In regions like Transylvania, where national group identity is closely connected to territory, and where two different nation-states are claiming the same region as part of their "core-territory" (White 2000), education is a highly politicized issue.

PHASE	TIME	MAJOR FIELDS OF INTERESTS	MAJOR CONVERSATION PARTNERS
I	18-19 August 1993	minority policy of the government	Government, RMDSZ, Council for National Minorities
I	14-18 August 1994	educational policy, Council for National Minorities, Basic Document between Hungary and Romania, minority law, autonomy conceptions	Government, RMDSZ, minority representatives, local actors from Cluj
I	22-24 February 1995	educational law, minority law, Basic Document between Hungary and Romania, autonomy conceptions	RMDSZ, Government
II	2 August - 1 September 1995	educational law, (seminar)	RMDSZ, Government, Parliamentarians
II	14-18 January 1996	educational law	local actors, RMDSZ, Government
II	25 July 1996	Basic Document between Hungary and Romania	Minister of Foreign Affairs
II	[22-23 November 1996]	[minority education (seminar in Vienna)]	[Government]
II	1-3 April 1997	reforms of new government, educational law	Government, Parliamentarians, minorities
II	4-6 February 1998	educational law	Government, Parliamentarians
III	31 Aug-2 Sept 98	higher education	Government, (RMDSZ)
III	15-18 June 1999	higher education	Government, (RMDSZ), Babeş-Bolyai University-Officials, local politicians
III	28 November –1 December 99	Babeş-Bolyai University, Hungarian private university	Government, (RMDSZ), BBU-Officials, students
III	1-4 March 2000	Babeş-Bolyai University	Government, BBU-Officials
III	19 May 2000	Babeş-Bolyai University	BBU-Officials

III	4-6 July 2000	law on local administration, Babeş-Bolyai University	Government, (RMDSZ)
III	7 October 2000	seminar on higher education	BBU-Officials, educational experts
	9 May 2001	Roma minority	Roma, NGOs, Government

Table: Visits by Max van der Stoel (HCNM) to Romania (1993-2001)

Within the policy field of education, in Romania higher education was an especially decisive item. The university in Cluj was traditionally the central institution for Hungarian higher education and the only full scale Hungarian university. Since it had been merged with the Romanian institution, the number of Hungarian students at the Babeş-Bolyai University (BBU) fell from 2470 in 1959 to 661 in 1989. Whereas in 1965 90% of students graduated in the Hungarian sections and 10% in the Romanian, this share exactly reversed in 1994 (RMDSZ 1994: p. 2; Government Office for Hungarian Minorities Abroad). In 1994, the share of higher education in the Hungarian population was 3.6% compared to a countrywide average of 5.1%. Considering that this share had still been 4.5% in 1991, it can be assumed that the deterioration of Hungarian higher education was particularly strengthened by the nationalistic discourse in the 1990s: During these years, the nationalist forces around the PUNR and PRM demanded that granted rights be withdrawn from the Hungarian minority. They continuously accused the Hungarian minority of threatening the existence of the state and, by doing this, were backed by the Romanian press and other leading elites. Gheorghe Funar, mayor of Cluj and president of PUNR, claimed that there were only 300,000 Magyars living in Transylvania, those being "descendants of barbaric peoples, living in Europe for only 1000 years, this period not being long enough for them to acquire the rules of a civilized, European-like behavior" (PUNR 1995: 5). An official communiqué of PUNR labelled the Hungarian RMDSZ as "Nazi-type organization" and "nest of potential killers" (Partidul Democrat (1995: 5). In January 1995, PUNR demanded that a state of emergency be declared in cities with a significant Hungarian population (Partidul Democrat 1995: 4). At the same time, the government had issued a statement declaring that "all the existing constitutional and legal means" against the "dangerous utopia of 'territorial autonomy on ethnic basis" be used (Government of Romania 1995). Even the oppositional social-democratic PD affirmed it as immoral and not acceptable that 'members of a minority opt for using their mother tongue in all circumstances, but deny this right to the Romanian majority' (Partidul Democrat (1994: 2). Consequently, freedom of assembly and the cultural activities of Hungarians in Cluj had been restricted in April 1991. Gheorghe Funar voted for renaming the Babeş-Bolyai University to "Dacia Superior". The University's director, Andrei Marga, who resisted the nationalistic tones, became a victim of a smear campaign by the unprofessional Romanian press.[16] In terms of education, the government directive of 1991 denied minority educational rights to a large extent. Parliament refused to discuss the legislative motion for an educational law initiated by the RMDSZ; and Liviu Maior, minister of education, announced that

a state Hungarian University would not be appropriate (Horváth/Scacco 2001:267; Határon Túli Magyarok Hivatala).

One more aspect seems to be taken into consideration when talking about BBU. The Bolyai University was not only the key institution of Hungarian higher education, located in the city which Hungarians perceived as the capital of Transylvania and Hungarian culture there (Kolozsvár). Its expropriation in 1959 was also seen as the epitome of historical injustice. It was an expression of the politics of assimilation started during the Ceauşescu period, since after the merger, Hungarian sections were successively closed. Furthermore, the expropriation of this central Hungarian cultural artifact which provided a home to those persons who preserve, protect, and cultivate the characteristics of the nation's identity, destroyed the University' character White (2000: 39). Therefore, the case of the Bolyai-University not only concerned educational issues, but – as the Hungarians put it – 'the basic right to develop a complete educational system that secures the national identity of a community of two million people' (RMDSZ 1998). At no time until recent days had Romania ever sent a symbolic gesture of regret for the expropriation in 1959. This circumstance made standpoints even more non-negotiable. The Hungarian Alliance never ceased to emphasize how extremely important this university is for Hungarian identity and that 'Hungarian university education only is to realize with the support and inclusion of the city of Cluj/Kolozsvár' (Tonk 2000). For these reasons the Bolyai University, as Enikő Magyari-Vincze indicates, became a political aim of key significance. A century-old cultural competition between Romanian and Hungarian elites was reflected in this arena (Magyari-Vincze 1999). Because of this central character, concessions to the other side would have implied a structural change in inter-ethnic relations and would automatically have modified interstate resource distribution. Accordingly, László Tőkés discussed the blockade on some issues with the argument that a progress in those areas would necessarily be followed by progress in others, too (Hungarian Minorities Monitor 2000). Especially in the years until 1996 the public discourse on autonomy was linked with the discourse on issues of higher education. As an exemplar of this discussion, József Csapó, one of the leading figures in the Hungarian programmatic debate, combined the possibility to study in the Hungarian language with the quest for autonomy. Both being a precondition for the rule of law and the survival of the Hungarian community (Csapó and Székely 1996).

The HCNM soon realized the outstanding character of the university issue. His first intervention that was solely concentrated on education took place during the heated debate on the newly passed educational law. At this time, he tried to calm down the actors by emphasizing that the law was not first and foremost unfavourable, not contradicting per se international standards but very much depending on its implementation. For that reason, he submitted a “number of clarifications and explanations” to the government on how the law should be enacted (van der Stoel 1995). He too pleaded for a total revision of the law. In 1996, the nationalistic government was elected out of office and the inter-ethnic relations somehow improved in the beginning. Nevertheless, the decisive issue of

Hungarian higher education remained unsettled. After initially announcing the reopening of the Bolyai-University, Prime Minister Ciorbea subsequently retracted on this issue (Soma 2001). Ethnic tensions increased again in 1998. At this point, Max van der Stoel decided to commence a more proactive role. He suggested the establishment of an expert commission in order to analyse whether there would be a need for an independent state-funded university for one or more minorities (van der Stoel 1998a). At this time, the HCNM itself did nor favour any particular solution, but summarized his position that international standards did not oblige Romania to found a state Hungarian university, though they did not prohibit it either. Importance should be given to cultural and social factors along with the requests from the minorities (van der Stoel 1998c). Throughout his work, Max van der Stoel's aim was to keep inter-ethnic dialogue going and by doing this, de-politicize educational issues (van der Stoel 2000b). Institutional structures like the launching of a commission were one possible way of communication. An expert committee was later initiated but due to a governmental crisis, could not finish its work. Although not all of the HCNM's recommendations were implemented to a sufficient degree, he succeeded in keeping the dialogue about the University case going.[17] This not only objectified discourse insofar as the parties had to present concrete proposals, but it also separated the debate from the autonomy issue.[18]

After parliament voted against a revised version of the educational law in September 1998, the RMDSZ (who took part in government since 1996) issued an ultimatum and threatened to leave the coalition. The government then agreed on founding a German-Hungarian multicultural university immediately. Max van der Stoel directly indicated that he welcomed this decision but at the same time correctly realized that this university could not function as solution to the Hungarian needs and therefore could only be a complement, not an alternative to the restructuring of BBU (van der Stoel 1998b). The German-Hungarian multicultural university has never been established.

In 1998 there were three different models in discussion for restructuring BBU:

(1) the *monocultural* model based on the assumption 'Romanian territory, Romanian university – Hungarian territory, Hungarian university';
(2) a model of *consensual separatism* based on the difference between the two cultures;
(3) a model of *institutional assimilation* which indicates one dominant group with a hegemonic position (Magyari-Vincze 2001: 3).

Whereas the majority of Romanian actors favoured models (1) or (3), the Hungarian actors preferred the second model. Since autumn 1998, the HCNM itself began to proactively opt for a third possibility in between the two radical positions: multiculturalism. This choice was also the preferred model of Andrei Marga, Minister of Education and former President of BBU. For Max van der Stoel, this model took into regard his insight that pure nation-states do not exist and only very few things in a state actually require uniformity. Multiculturalism,

in his view, had social policy impact, aiming at transforming exclusive, monocultural access to societal resources towards a more open structure.

At this time, however, the four main groups of actors had come to a point of firmly insisting on their fixed opinions: (1) The vast majority of ethnic Romanian officials within BBU rejected all forms of establishing Hungarians sections and at best would consent to a restrictive multicultural model. (2) The RMDSZ tried to move towards a solely Hungarian university or at least create separate faculties within BBU. A private Hungarian university started to operate in Oradea in 1999. (3) The Hungarian kin-state with a newly elected government of populist centre-right parties in 1998 announced its financial support of the founding of a Hungarian university in Transylvania, thereby strengthening radical positions within the RMDSZ. (4) The fourth group was a small circle around Andrei Marga who promulgated multiculturalism and within this framework allowing Hungarian higher education. The HCNM backed this last group although there were considerable differences in detail. As it became clear that solving the University issue was receiving strong backing by the HCNM, public discussion again intensified.[19] After bargains in Bucharest and Cluj, the HCNM, accompanied by three experts from European multicultural universities, his personal adviser Walter Kemp and three Romanian representatives examined the situation at BBU in order to outline recommendations of a charter for a multicultural restructuring of the university. In February 2000, the HCNM issued detailed recommendations to the university senate on how to restructure the university. The recommendations consist of five major parts (van der Stoel 2000a):

(1) an explicit embedding of *multiculturalism* in the charter
(2) a restructuring of *decision processes* with a stronger autonomy of separate sections
(3) a stimulus of multiculturalism in the *curricula* and harmonization with European standards
(4) change of *staff recruitment* with favouring a multilingual teaching body
(5) propositions on *financing* and initiation of a chair on multiculturalism.

The following month, the HCNM visited the BBU in order to coordinate the numerous views and mediate between the different positions. In July 2000, the university senate voted on the new charter. The Hungarian members abstained.

Conclusions

The share of Hungarians in the higher education in Romania has significantly increased, especially at BBU. The number of Hungarian sections has increased: 13 of 17 faculties at BBU offer education in Hungarian language. The decision making process has been restructured and more strongly enables the Hungarian lines to address their needs. Yet, the multicultural character of the university still shows substantial defects. Only 22 of 101 seats in the senate are held by Hungarians, the opening of three independent Hungarian faculties has

been blocked until today and some issues remain without regulation.[20] The different sections at BBU stand side by side rather than work together on a basis of a common concept. In autumn 2001, the Hungarians started to operate a Hungarian private university in Cluj.

From a conflict regulation viewpoint, however, the HCNM was highly successful. Tensions within BBU have disappeared. Moreover, the inter-ethnic relations between Magyars and ethnic Romanians today have reached a level at which the likelihood of crisis is extremely low. Both the struggle for autonomy as well as the educational issue have lost their devastating impact on the Romanian political scene. With the law on local administration in 2001[21], substantial issues which some years earlier had been the subject of political hostility were resolved. In the same year, the Hungarian private university in Cluj obtained accreditation from the official bodies. With this institution, the Hungarians acquired their own tertiary educational body in Cluj, a fact that may produce positive effects for the multicultural character of BBU. Laws have been issued allowing the return of confiscated property. The present governing coalition of the social democratic successor party of the former communists and the RMDSZ is probably the most stable and successful in post-socialist Romania.

Although the HCNM was not the only actor relevant to the change of attitudes and conflict transformation, he had very significantly contributed to it.[22] His approach of crisis prevention by regulating central identity related issues can be definitively evaluated only in the long run. Nevertheless, with regard to this approach, some aspects which characterized his way of dealing with conflicts and which supported his effectiveness as international actor can be summarized as follows: (1) The HCNM did not just urge Romania to conform with international norms but showed possible ways of achieving this under specific circumstances; (2) by putting much weight on cooperation and solidarity, he avoided stigmatising actors and acted without paternalistic attitudes and therefore did a challenging tightrope walk using 'outside intervention' and potentially being labelled as having a 'lack of legitimacy'; (3) his work was always close to the events and as a result allowed him to intervene at any time as a well informed actor who, at the same time, monitored behaviour; (4) his recommendations were never solely abstract norms, issued by a far away institution, but became more and more specific and were bound to his person and the agreements he had reached in talks with the relevant actors; (5) with the exception of the university, charter he always evaluated the implementation of political documents/agreements to ensure that cheating was impossible; (6) finally, he tried to state examples on how to put into practice the opportunities of a given law (new charter) and how to deal with political opponents. This last aspect of political communication and always helping to find solutions in crisis situations greatly contributed to the success of his work and the improvement of inter-ethnic relations in Romania.[23]

Endnotes

[1] For the principles see OSCE 1999: 10.
[2] Hague Recommendations regarding the Education Rights of National Minorities, Oslo Recommendations regarding the Linguistic Rights of National Minorities, Lund Recommendations on the effective Participation of National Minorities in Public Life.
[3] The results of the questionnaire were put together in a report: OSCE: Report on the Linguistic Rights of Persons Belonging to National Minorities in the OSCE Area.
[4] A similar approach was thought of at the 8th ministerial council of the OSCE in order to resolve protracted regional conflicts. See Zellner 2001; OSCE 2000: Annex 2: "They stressed the need to intensify the efforts of the OSCE with regard to the resolution of regional conflicts, in particular those unsettled conflicts where for years no tangible progress had been achieved".
[5] For a more detailed analysis of this de facto broadly constructivist approach of the HCNM's perception of conflict and its possibility to regulation see Simhandl 2002: Chapter 4.
[6] "Perceptions play a key role even if they are incorrect" (van der Stoel 1999: 111).
[7] In addition to Habermas, see Vogt 1997: 26, who conceptualises a loss of social relationships in societies caused by overegulation, which he sees as major reason for a growing reversion to violence; in the HCNM's words, see van der Stoel (1998d: 308).
[8] The oppositional thesis by Max Weber is opposed by Nicklas (1997: 223); Supper (1999: 37) differentiates this argumentation by locating the problem in the gap that appeares when modernization lags behind in parts of society and thereby generates conflict potential; the deterritorializational aspekt of modernization and globalization is stressed by Väyrynen (1999: 137).
[9] For a detailed analysis of Hungarian population in Transylvania, see Varga.
[10] For the Romanians, see Boia (1997); for the Hungarians see Szűcs (1997).
[11] Ion Iliescu to the president of the Bolyai-Society, Sándor Balázs, 12 May 1993 in Határon Túli Magyarok Hivatala.
[12] Partidul România Mare / Greater Romania Party (PRM), Partidul Unității Naționale Române / Party of Romanian National Unity (PUNR). For a more detailed differentiation of Romanian nationalistic parties see Shafir (1994), Bugajski (1994: 212-217). For the evolution of nationalism in Romania after 1989 see Gabanyi (1992).
[13] Romániai Magyar Demokrata Szövetség / Democratic Alliance of Hungarians in Romania (RMDSZ).
[14] The conception of autonomy within the RMDSZ developed over the years and is to be found in the most detailed official version in their 4th programme of 1995: RMDSZ 1995: No. 4b.
[15] Valer Suian, vice-president of the Romanian Senate (Buchwald 1996).
[16] Interview with Anca Elisabeta Ciucă, President of the Foundation for Democratic Change, in Bucharest on 19 July 2001.
[17] Ferenc Asztalos, educational expert of the RMDSZ, saw this aspect as the central, valuable contribution by the HCNM (*Szabadság* 1996: 1).
[18] It is notable that this change can be followed in the shift, which the Hungarian newspapers *Szabadság* and *Romániai Magyar Szó* undertook from discussing both topics until 1996, and strongly focusing on the educational issue since 1998.
[19] See, for example, the debate in the journal Magyar Kisebbség in the year 2000.

[20] Interview with Zoltán Kása, Vice President of the Babeş-Bolyai University, in Cluj on 16 July 2001; Borbély (2003).
[21] Law (215/1995) concerning the general working of local autonomy and organizations of the local public administration, 23 April 2001.
[22] For a broad evaluation of the HCNM's involvement in Romania and the advantages of this institution compared to other international actors see Fürst (2001: 88-104).
[23] Interview with Zsolt Nagy, Executive Vice President of the RMDSZ, in Cluj on 16 July 2001.

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