

Organization for Security and Co-operation in Europe
High Commissioner on National Minorities

His Excellency Mr László Kovacs
Minister for Foreign Affairs
of the Republic of Hungary
Bem rkp. 47
H-1027 Budapest
HUNGARY

The Hague, 2 March 1998

Ref. 714/98

Dear Mr Minister,

May I thank you once again for the kind reception you gave me when I visited Budapest on 24 and 25 February.

Please permit me to return to the question of the direct representation of minorities in the Hungarian National Assembly. On the basis of Article 68 of the Constitution of Hungary, Article 20(1) of the Act on the Rights of National and Ethnic Minorities of 1993 provides: "Minorities have the right to be represented in the National Assembly in a manner determined by a separate law". As you know, I have in several conversations with you and also in my recommendations expressed the hope that this law would be adopted at such a time that the elected representatives of the minorities could take their seats in the new National Assembly to be elected in 1998.

However, recently I was informed that various complications might make it uncertain that a solution could be found in time for the 1998 elections. Though I do realise that, considering the differences of views regarding the way to implement Article 20(1) of the 1993 Law, it is far from easy to find a solution which would be assured of the required two-third majority in the National Assembly, I trust you will agree with me that it would be highly regrettable that the direct representation of the minorities in the National Assembly would only be realized during the elections of 2002. In case this would happen, I would strongly recommend that the search for a solution will be resumed urgently immediately after the elections. If this matter would remain unresolved much longer, this could even have undesirable consequences for the relationship between Hungarians and the various minorities which would have valid reasons to complain about the length of time needed to ensure the implementation of a right which parliament already granted them in 1993 pursuant to the Constitution adopted in 1990.

Yours sincerely,

M. van der Stoel
OSCE High Commissioner
on National Minorities

**MINISTER
FOR FOREIGN AFFAIRS**

REPUBLIC OF HUNGARY

His Excellency
Mr. Max van der Stoel
OSCE High Commissioner
On National Minorities
The Hague

Budapest, April "2", 1998

Dear Mr. High Commissioner,

Thank you for your letter of March 2, 1998, touching upon the need for direct representation of national and ethnic minorities in the Hungarian Parliament. I am deeply appreciative of your specific recommendations made there which attest to your continued attention regarding this important matter.

I find it deeply regrettable that the uncertainty surrounding the ways and means to achieve direct representation by minorities in the Hungarian Parliament as of 1998 has not been dissipated. You may have been informed that on March 16, on the last day of its shortened spring session the National Assembly failed - being short of three votes - to adopt the necessary amendments to our Electoral Law.

The bill, presented by the Government, would have facilitated the election of minority deputies concurrently with local elections due in October this year. However, such a proposition would have entailed an amendment to our Constitution which did not receive the qualified majority of votes. Consequently, the Parliamentary Committee on Constitutional Matters drafted and submitted another proposed amendment designed to commit, in a legally binding manner, the new Parliament to devise and implement the constitutional and legal framework for the parliamentary representation of minorities by the year 2002 that is, the year of the next general elections. As I mentioned above, this bill could have been passed but for a few votes. As a result, I consider it rather unlikely that the new Parliament will have been able to settle this issue by the time of the local elections to be held in October of 1998.

However, I am inclined to consider it a hopeful sign and an important development that in the course of the exhaustive yet inconclusive debates all the parties in the current Parliament had repeatedly expressed their support for the principle of minority representation. Nonetheless, there are a number of political, legal and constitutional concerns that make its realization somewhat difficult. By the way of example, may I call your kind attention to the apparent contradiction between the unconstitutionality of any official registration of ethnic affiliation on the one hand, and the guaranteed representation of minorities in Parliament on the other. At this point it appears somewhat difficult to overcome this problem without doing harm to the principle of equal suffrage.

May I also point out, however, that even our current legislation allows for persons representing national and ethnic minorities to obtain seats in the National Assembly in May either by signing on to the lists of candidates of political parties or forming their own political parties and associations.

Although having been achieved in a few European states, it is my understanding that there is no European norm or uniform practice to be followed when guaranteeing direct parliamentary representation for minorities. Nor has the European Commission in its *avis* made a specific recommendation in this respect. It has, however, referred to the fact that "the Constitutional Court ruled in 1991 that this shortcoming was a violation by default of Hungary's Constitution". In light of this, may I reiterate Hungary's commitment to remedy this shortcoming and to join the company of the above countries as soon as possible.

Mr. High Commissioner, you are aware of the continued support on the part of the Government of Hungary for the self-organization of national minorities, and its full commitment to their cultural and political autonomy, as well as their enhanced participation in public life. The relevant principles are enshrined in the Act on the Rights of National and Ethnic Minorities of 1993. The implementation of these principles may be credited for, inter alia, the creation of the unique institution of minority local self-governments. In the spirit of this Act, the Government also took on the responsibility to facilitate constant dialogue with, and build an institutional framework for the involvement of the representatives of national minorities in the work of the National Assembly. These measures, as you may recall, were all included in the in the Government Program of 1994.

I fully share your concerns on the potential undesirable consequences, should the current situation and the related issues remain unsettled for long. Personally, I have repeatedly called upon the concerned parties to seek the earliest possible resolution of this issue, emphasized time and again the benefits of a timely solution not only to Hungarian democracy but to the efforts to guarantee the rights of minorities in the OSCE region as a whole.

By way of conclusion, may I reassure you, Mr. High Commissioner, that our commitment to this important issue and our resolve to settle it remains strong. I am convinced that the new Parliament will, also in line with your recommendation, urgently resume the search for a satisfactory solution. I will continue to lend all my support to achieve this goal.

Yours sincerely,

(Kovács László)