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## The Role of Elections in Minority Contexts: The Hungarian Case

Elections are a major component of democratic political systems. According to the main theories of democracy, no system can be considered democratic in the absence of elections (or some form of direct democracy, like a referendum) held under universal suffrage. There seems to be an agreement that in every democratic political setting, the function of elections goes beyond filling posts with candidates. Elections, furthermore, may play a key role in non-territorial autonomies (NTA), the general model of which (with its strong focus on individual participation) may be suitable for territorially dispersed minorities in particular. Since this kind of autonomy arrangement aims to cover those who belong to a certain group irrespective of its place of residence and size, there needs to be at least one institution that unites and organizes members of the group – an institution established in public or private law.

As an inevitable consequence of the dissolution of the former dynastic and multi-ethnic empires and communist multi-national federations, a considerable number of such minority communities live in central and eastern Europe despite the homogenization policies of the last century. In creating their autonomy frameworks several countries in the region, most prominently Russia (Osipov 2010), refer to the notion of NTA in their legislation, and in public opinion this implies that special associations must be endowed with such public functions as maintaining educational and cultural institutions. In practice, this idea has been barely implemented. Besides, since membership in an association is voluntary, such an approach immediately poses the question of legitimacy in at least two ways: for a voluntary organization it is more difficult to reach the less active and committed members of the group; furthermore, the great number of associations

might easily undermine the potential for the autonomous organizations to represent the minority in interactions with the state authorities (Brunner, and Küpper 2002: 27).

Other countries, such as Estonia, Hungary, and some of the former Yugoslav republics, namely Croatia, Serbia, and Slovenia, represent a different model, whereby registered minority voters are granted the right to establish new types of institutions by direct or indirect elections. These minority bodies, unlike appointed representatives or voluntary organizations, are more accountable to the people; thus, they are deemed to be more democratic. For the Austro-Marxist theorists – both Otto Bauer (2000: 281) and Karl Renner (2005: 26) – elections were central to the process of establishing non-territorial cultural autonomy. Both in theory and in practice, however, this kind of institutional setting raises questions about, firstly, who belongs to the given minority and who does not, and, secondly, how this should be appraised. Although it is evident that the formal electoral procedure itself lends some legitimacy to the elected bodies (and the need for a legitimate leadership was an important concern in choosing this institutional form), the term ‘legitimacy’ nevertheless gains an additional meaning in its application to community legitimacy in the minority context. This also relates to how and whether minority constituents perceive their representatives as legitimate.

Other than their importance in providing legitimacy, little is known about the role played by elections in intra-community relations. Yet electoral systems and rules are far from neutral; all of them have a political or social bias, favouring certain groups over others at a given time. The issue is particularly important, since many scholars have pointed out that choosing an electoral system is not only about the electoral process, but also about competing normative values. As such, the decision is one of the most important in a democracy. A recurring question is whether the logic of regular parliamentary and municipal elections is reflected in minority elections and how this can be conceptualized in minority contexts. Concerning the existing elected NTA systems, very little research has been carried out to explore the logic and process of candidate selection, the relationship between minority constituents and representatives, the impact of the electoral system on intra-community dimensions and dynamics.

Moreover, there is a significant lack of research data on how the electoral system and its incentives shape voting behaviour, on voters' perceptions of the electoral system, on whether it generates a more stable or divided leadership and moderates or encourages competition and internal rivalry. Future areas of research also need to address the issue of whether proportional electoral systems are more representative and can more effectively reduce intra-community rivalries or whether, on the contrary, they foster differences among subgroups.

Moving from a general perspective to a more specific one, following a brief overview of other relevant NTA cases, the present study narrows the focus to the elections of minority self-governments (MSGs) in Hungary, one of the first and classic examples of autonomy arrangements in the region following the fall of the communist regimes. It uses the major functions of elections (Katz 1997) as an analytical tool to assess whether and to what extent the minority elections between 1994 and 2010 met the requirements of democratic elections. The article, by presenting data based on electoral statistics, examines whether and how the main functions of elections – legitimating, installation of officials, selection and choice from alternatives, representation, and increasing participation – can be conceptualized and understood in special minority elections. Taking the types of elections into account, I address the question of how and to what extent the minority elections increased legitimacy and contributed to the channelling of debates, to the creation of effective representative structures, and to the selection of representatives. I also examine whether they encouraged voter participation.

## Minority Elections in East Central Europe: The Situation in Other Countries

In all the countries studied, there are direct elections, albeit in Serbia the national minority councils were elected indirectly until 2010. Another common feature is the compilation of electoral registers of minority voters.

These are administered either by the minority organizations themselves (Estonia, Slovenia) or by state authorities (Croatia, Serbia). To a varying extent, they all take into account the census data concerning the local sizes of minority populations. Autonomous bodies in Estonia and Serbia are elected only at the national level by proportional electoral systems,<sup>1</sup> while Croatia and Slovenia adopted majoritarian systems even at the local level. At the same time, each of them faces different challenges depending on the domestic institutional context and the circumstances of the minorities.

In Estonia, the only country that could allegedly build upon precedents dating from the interwar period, the detailed rules on the elections of minority cultural councils were finally adopted ten years after the enactment of the 1993 minority law,<sup>2</sup> and their legal status still needs to be defined. However, thus far, only small minorities, such as the Ingrian Finnish and Swedish communities, were able to elect their own autonomous bodies in 2004 and in 2007, respectively.<sup>3</sup> Mainly due to the debates about citizenship, other minorities eligible for NTA have been limited to civil society roles (Smith 2010: 96). Since 1993, Russian organizations have made several attempts to establish cultural autonomy for the country's largest national group by far, but these attempts have all failed (Aidarov and Drechsler 2011: 45).

In the various former Yugoslav countries, the rise of NTA structures could be partially explained by the tradition of Yugoslav self-management. Despite the lack of a comprehensive minority law, Slovenia was the first to create such a system, in which cultural autonomy was confined to certain territories. Slovenia's 1994 law on self-governing ethnic communities

- 1 Both countries use the highest averages method, the d'Hondt method for allocating seats.
- 2 Vähemusrahvuse kultuurinõukogu valimise eeskiri [Regulation of the Election of Cultural Councils of Minorities] (6 May 2003). <<https://www.riigiteataja.ee/akt/578630>> accessed 22 April 2013.
- 3 ACFC/SR/III(2010)006. Third Report Submitted by Estonia Pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities (Strasbourg, 13 April 2010). <[http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_SR\\_Estonia\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Estonia_en.pdf)> accessed 22 April 2013.

applies only to small and territorially well-defined non-Slavic communities, namely to Hungarians and Italians. Within the Slovenian model, it is highly remarkable how the community dimension of ethnic belonging was reinforced when the Constitutional Court ruled that ‘membership in the autochthonous Italian or Hungarian ethnic community is not a matter of the will of the individual but the autochthonous community itself’ (de Villiers 2012: 179). Registered minority voters thus have the right to elect their local self-governing national communities through direct and majoritarian elections (Block Vote electoral system) in those municipalities where they reside autochthonously. At the upper level, each minority has an umbrella organization that consists of the delegates of the local communities.

In Croatia, pursuant to the 2002 constitutional law on the rights of national minorities, minority self-governments can be elected through direct and majoritarian elections in those local administrative units where the number of minority members reaches a certain threshold, but if they fail to meet the criteria they still have the opportunity to elect minority representatives. Still, as shown by the results of the 2003 and 2007 minority elections, the 2004 by-elections, and the most recent 2011 minority elections, the number of elected minority bodies has consistently been below their possible number. This fact, which highlights the unwillingness of minority members to vote for or run as candidates, is probably due to the limited capacities and simple consultative roles of minority self-governments as well as their high dependency on local sources (Petričušić: 2–7).

In the same year (2002), Serbia adopted a law on the protection of the rights and freedoms of national minorities, stipulating that national minority councils were to be formed by assemblies of delegates from certain minorities until a new law on their election was passed. Such a law was finally approved in 2009 (Tolvaišis 2012). The indirect nature of the elections added a new dimension to the rivalry among the Hungarian ethnic parties – the Hungarian minority is the largest in Vojvodina. In the internal debates, some argued that the elections needed to be held directly, based on registers of minority voters. This was how they were organized later on (in 2010). In that year, direct and proportional elections were held for most of the recognized minorities.

## The Challenge of Drawing Community Boundaries: Minorities and their Autonomy in Hungary

Similarly to most of the aforementioned countries, Hungary, in accordance with the 1989 amendments to its constitution, adopted a law on the rights of national and ethnic minorities in 1993. The legislation created a system of elected MSGs, but due to various problems and deficiencies arising during the implementation of the law, it was later amended several times. Among these amendments, the 2005 legislation proved to be the most relevant, introducing crucial institutional changes.<sup>4</sup>

Aside from the increasing number of minority civil associations that operated after 1989, the creation of legitimate self-governing bodies was closely associated with the challenging issue of defining community boundaries in Hungary. While the official figures have consistently been lower than the estimates of the minority organizations, the results of the latest 2011 census do show an unexpected growth of the minority population. Indeed, the total ratio of persons belonging to the thirteen officially acknowledged minorities increased from 5 per cent (approx. 420,000 people) to 6.5 per cent (644,000) between 2001 and 2011. In addition, the fact that the estimated number is almost twice as high reveals the extent of uncertainty surrounding minority identities in Hungary.

4 See Act 77 of 1993 on the Rights of National and Ethnic Minorities (as of 25 November 2005). <<http://www.kisebbségiombudsman.hu/data/files/128317683.pdf>> accessed 22 April 2013. Since 2010 the minority-related legislation has been replaced by the new constitution (Fundamental Law) and in accordance with its provisions, by the new 2011 law on the rights of nationalities.

Table 1 The 2011 census data for the various national and ethnic minorities, and the number of registered minority voters at the 2006 and 2010 MSG elections

Minority	Native language	Nationality (ethnicity)	Language used among friends or in the family	Registered MSG voters	Registered MSG Voters
	2011	2011	2011	2006	2010
Bulgarian	2,899	3,556	2,756	2,110	2,088
Roma	54,339	308,957	61,143	106,333	133,492
Greek	1,872	3,916	2,346	2,451	2,267
Croat	13,716	23,561	16,053	11,090	11,571
Polish	3,049	5,730	3,815	3,061	3,052
German	38,248	131,951	95,661	45,983	46,629
Armenian	444	3,293	496	2,361	2,357
Romanian	13,886	26,345	17,983	4,404	5,277
Ruthene	999	3,323	1,131	2,729	4,228
Serb	3,708	7,210	5,713	2,143	2,432
Slovak	9,888	29,647	16,266	15,049	12,282
Slovene	1,723	2,385	1,745	991	1,025
Ukrainian	3,384	5,633	3,245	1,084	1,338
Total	148,155	555,507	228,353	199,789	228,038

*Note.* 2011. évi népszámlálás. 3. Országos adatok (2013), Budapest: Központi Statisztikai Hivatal. <[http://www.ksh.hu/docs/hun/xftp/idoszaki/nepsz2011/nepsz\\_orosz\\_2011.pdf](http://www.ksh.hu/docs/hun/xftp/idoszaki/nepsz2011/nepsz_orosz_2011.pdf)> (accessed 22 April 2013), and for the minority elections: <<http://www.valasztas.hu>>.

The minorities in Hungary are scattered throughout the country: according to previous census data, around 2,500 municipalities (from a total of 3,200) have minority inhabitants, but they form local majorities in only fifty settlements. These distributions, as well as the rapid growth of small diasporas, preclude almost any possibility of territorial autonomy arrangements. The traditional minorities are mostly at an advanced stage

of linguistic assimilation (Bartha, and Borbély 2006); minority members tend to give multiple responses to census questions, often self-identifying as Hungarian too. Therefore, clear-cut ethnic boundaries can hardly be drawn, while ethnic affiliations may involve various group-based attributes whose presence and strength vary among minority individuals. Such vague ethnic identities have given rise to debates over the nature of ethnic affiliation and so-called 'ethnobusiness'.

Given the uncertain nature of ethnic identities, the differences between census data and estimates, and the claims of various ethnic groups, one of the most difficult tasks in the minority rights field has been to define the personal scope of the law, namely the class of persons and communities to whom the law was to be applied. The relevant constitutional provision had established the right of the national and ethnic minorities to found MSGs. Yet, even after the 1993 enactment, it was unclear who should be entitled to vote or be a candidate in the minority elections. As the minorities originally rejected any kind of registration of persons with minority background, in view of the negative historical experiences (the resettlement of Germans and the Hungarian-Slovak population exchange after WWII, as well as the discrimination suffered by Southern Slavs and Roma during the Communist era), every adult Hungarian citizen had the right to vote for and be elected to the MSGs, while non-citizens established in Hungary also had the right to vote until 2006, but they could not be elected. Minority elections took place in the same polling stations and on the same days as local elections. Until 2005 the law distinguished three types of MSGs at local level, including the districts of the capital city. The most prevalent type was directly elected through a majoritarian system in which voters had as many votes as there were candidates to be elected. The candidates with the highest vote totals won the seats. Similar electoral systems were chosen for both the territorial and national levels.



Table 2 Major elements of the Hungarian system of NTA

	1994–2006	2006–2014
Personal scope	Freedom to choose identity Minority definition and expandable lists of recognized minorities and their native languages Elections: every Hungarian voter, and de facto non-citizens	Freedom to choose identity, registration Minority definition and expandable lists of recognized minorities and their native languages Elections: minority Hungarian citizens, at least 30 registered voters. Additional requirements for candidates
Local level	Three forms of MSGs Direct, majority system, <i>Block Vote</i>	One form Direct, majority system, <i>Block Vote</i>
Territorial level	Only in Budapest Indirect, majority system, <i>Block Vote</i>	Every county and Budapest Indirect, proportional, <i>List PR</i> , d'Hondt method
National level	Indirect, majority system, <i>Block Vote</i>	Indirect, proportional, <i>List PR</i> , d'Hondt method

The number of MSGs has increased over time; this may be due to growing minority consciousness as manifested in the 2001 and 2011 censuses. On the other hand, it may reflect another phenomenon. At the elections, difficulties were encountered in implementing and enforcing those provisions that declared the minorities' right to establish MSGs and that minority rights should only apply to Hungarian citizens. As a result, the number of votes cast often exceeded even the estimated figures for the minority populations. 'Sympathy votes' cast by members of the majority population – often preferring those candidates whose last names started with the first letters of the alphabet – resulted in serious distortions in minority public life (Szabó 2005: 225). An even more serious problem – a threat to the entire model – was that persons who presumably or obviously did not belong to that specific community were even elected to the MSGs. Since local minority representatives also elected indirectly the MSGs in Budapest and at the national level, these too were affected by abuses and the preferential manner in which minority candidates obtained mandates

in local municipalities. This phenomenon and accusations concerning ‘ethnobusiness’ assumed importance in intra-community conflicts and in the debates between local municipalities and MSGs. The problems underscored the necessity for a further comprehensive amendment.

Table 3 The elections of minority self-governments, 1994–2010

Minority	1994–1995	1998	2002	2006	2010
Bulgarian	4	15	30	38	41
Roma	477	768	1,004	1,118	1,248
Greek	6	19	30	34	37
Croat	57	75	100	115	127
Polish	7	33	50	47	49
German	162	272	318	378	424
Armenian	16	25	30	31	39
Romanian	11	33	43	46	71
Ruthenian	1	10	31	52	75
Serb	19	35	43	40	48
Slovak	51	76	108	116	122
Slovene	6	10	12	11	11
Ukrainian	0	5	12	19	23

*Note.* National Election Office, <<http://www.valasztas.hu>>.

Pursuant to the 2005 law, at the subsequent minority elections in 2006 and 2010 the right to vote was limited to those Hungarian citizens who belonged to recognized minorities and who had declared their affiliation by registering in minority electoral rolls. The system was simplified by reducing the number of local types of MSGs. The election of the remaining form could be held if the number of registered voters of a given minority in a municipality reached thirty by the established deadline. As another element in the struggle against ethnobusiness, only minority associations that met the prescribed criteria had the right to field candidates. This meant that independent candidates could not run for election to MSGs. Candidates,

furthermore, were obliged to make statements on their knowledge of the language, culture and traditions and on whether they had previously been members of MSGs in any other communities. The comprehensive amendment created the county-territorial level that had formerly existed only in Budapest. The electoral system at that level, as well as at the national level, shifted from a majoritarian to a proportional type, whereby each minority presented list(s) of candidates and received seats in proportion to their overall share of the vote. The d'Hondt method was used for allocating seats.

Despite these restrictions, the election results in 2006 and 2010 and some local scandals called into question the success of the comprehensive amendment. When one compares the 2001 census results with the 2006 and 2010 lists of municipalities with at least thirty registered minority voters, one finds that, according to the census data, the criterion of thirty persons belonging to the same community was not met in 31 and 34 per cent of cases, respectively.

## The Main Functions of Elections in Practice

*Legitimizing.* Besides the need for legitimate negotiation partners for governmental actors, additional factors justifying an elected system of MSGs were rivalry among minority civil organizations and the legitimacy deficit.

In view of the subsequent increase in 'ethnobusiness', the legitimacy of MSGs was doubtful where they had been established in part by non-minority voters or where their elected members were not affiliated to the minority. This was true even though the elections may have been formally legitimate in procedural terms. Accordingly, in many cases, the authentic minority organizations did not recognize their MSGs as legitimate, even though the elections had been legal. According to regional research data, the term 'ethnobusiness' is understood in a broader sense in minority contexts; it refers not only to elected 'representatives' who do not belong to the specific community, but also to instances in which MSGs are controlled by one local family (Pach 2006: 316).

*A choice from alternatives.* In every democratic political system, elections are about choosing among different alternatives, ideas, candidates, parties and strategies. Prior to 2010 the number of candidates to be elected was five at local level. An examination of the average number of candidates fielded in local minority elections reveals that only in divided communities was there some form of real competition among organizations and/or candidates.

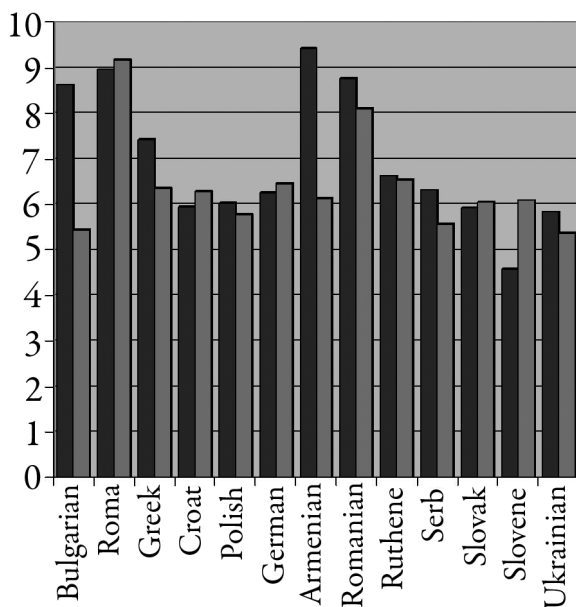


Figure 1 The average number of candidates for local minority self-government elections, in 2002 and 2006

In this respect, one might ask whether competition is a reasonable expectation of minority elections or whether their purpose is simply to affirm candidates that have already been selected by the minority organizations. Put differently, should disputes be an inherent aspect of minority lives? Can they result in more vitalized communities or do they, on the contrary, erode unity and weaken legitimacy, as is often the fear in Hungary?

In 2010, when the number of candidates that could be elected was reduced to four at local elections, the overall picture did not change: in most cases there were no more than five candidates – although once again, some divided communities like Roma and Romanians presented the highest number of candidates. In sum, the choice was rather limited, as it was only among divided minorities that the number of candidates was much higher than the number of representatives. Moreover, since electoral success was not dependent on a certain number of valid votes, the system did not really foster participation. Concerning the latter aspect, a rather mixed picture has emerged: the level of participation was above the national average but registration in minority electoral rolls did not mean that registered voters actually voted.

Table 4 Voter turnouts at the elections of local minority self-governments, 2006–2010 (in percentage)

Minority	2006	2010
Bulgarian	48.16	41.09
Roma	60.48	58.62
Greek	65.18	58.35
Croat	70.30	66.04
Polish	60.90	58.12
German	72.16	70.05
Armenian	62.40	54.22
Romanian	59.19	57.05
Ruthenian	57.75	55.62
Serb	61.99	56.12
Slovak	61.83	64.07
Slovene	75.36	64.78
Ukrainian	47.92	45.36

*Note.* National Election Office, <<http://www.valasztas.hu>>.

*The type of electoral system.* The choice of an appropriate electoral system and the manner in which the majoritarian type in certain cases resulted in serious distortions and inequalities at national level are of particular importance in minority contexts. At stake is whether minority elections were able to channel intra-community conflicts effectively and achieve peaceful shifts of power, since especially within divided communities, in the course of the elections, prominent opposition forces could win only a few seats or none at all. Moreover, organizations on the losing side tended to call for the elimination of the entire system of MSGs.<sup>5</sup> This issue is underlined by further examples of significant distortions caused by a majoritarian system.

The election of the National Roma Self-Government in 2003 proved to be the least proportional of all national minority elections. After the victory of the coalition of left-wing and liberal parties at the parliamentary elections in the previous year, there was an important shift in Roma public life. Organizations opposed to Lungo Drom, the largest Roma NGO, strengthened. Lungo Drom had made a pre-election agreement with the governing right-wing Fidesz and its allies. The two sides had seemed to be more or less equal, but in the end the Democratic Roma Coalition won the national elections and Lungo Drom won only three seats.

Table 5 The election of the National Roma Self-Government, 2003

Roma NGO	Votes	Mandates
Democratic Roma Coalition	66,544	49
Lungo Drom	51,855	3
Independent candidate	1,121	1

As already noted, the 2005 comprehensive amendment introduced a proportional-type system with a view to ensuring the representation of diverse interest groups in such divided communities as the Roma,

5 Those Roma and Romanian organizations that were excluded from national MSGs demanded the abolition of autonomy.

Armenians or Romanians. A second goal was to ensure that the national MSGs would serve as the 'parliaments' of minorities by fostering discussion and mutual understanding. As a result, the Loosemore-Hanby index – the most widely used measure of disproportionality – had decreased in most cases. Further, the introduction of a new system had rendered the national Roma elections more balanced.

The Armenian minority represents another and more complex example, one that illustrates the importance of selecting the appropriate electoral system. The small Armenian community has had a presence in Hungary since medieval times. The largest wave of immigrants settled in Transylvania in the seventeenth century, subsequently becoming highly assimilated. In the twentieth century, especially after the two world wars, during the final stages of communism, and in the post-transition period, many Armenians moved to Hungary from Romania. Accordingly, the Transylvanian Armenian Roots Cultural Association was formed in the late 1990s as an umbrella organization for those who self-identify as Armenians and those who have Armenian cultural ties but do not speak the language. This predominantly Hungarian-speaking group constitutes the majority of Armenians living in Hungary. In the past, it has made serious efforts to have Hungarian officially recognized as the native language of the Armenian community, doing so even at the expense of the Armenian-speaking group. Those who belong to this latter group arrived in the twentieth century, mostly from the Soviet Union during the latter part of the Communist era. Evidently, they speak the modern Armenian language, continue to have links to the community, and maintain close ties with the kin-state, Armenia. While the Hungarian Armenians proclaim their right to be the authentic representatives of Armenians in Hungary, others argue that they are in fact engaged in ethnobusiness. The 2007 election of the national Armenian MSG had a more balanced result, with the organizations of both groups gaining representation in proportion to their votes.

Table 6 The election of the National Armenian Self-Government, 2007

Armenian NGO	Votes	Mandates
Transylvanian Armenian Roots Cultural Association	56	9
Hungarian Armenian Spjurk Diaspora Association	52	9
People of Armenia Cultural Association	43	7

Similarly, in the recent past the national MSG of the Romanians tended to be governed by representatives coming from highly assimilated, mostly Hungarian-speaking Romanian municipalities despite the proportional system. Native Romanian speakers were outraged when, in 2007, at the inaugural session of the national body, most of the elected representatives took the oath in Hungarian, and they also made Hungarian the official language of that session. As a consequence, various minority NGOs and institutions questioned its legitimacy and opposed efforts to develop cultural autonomy by taking over educational and cultural institutions. Even so, the proportional mechanism meant that representatives of authentic Romanian associations could also win seats.

## Conclusion

In selecting political representatives, as a general rule, the elected systems of NTA increase legitimacy, and may result in more accountable, effective, transparent and potentially more visible organizations that have the potential to unite and mobilize communities as much as possible. In practice, the different east central European cases, however, show a much more complex picture. Despite the lessons to be drawn from both theoretical dilemmas and specific practical problems, relatively little is known about how choosing an electoral system and the different aspects of NTA elections – most notably voter registration – influence intragroup relations, the effective participation as well as the future prospects of the communities,



as it is not a well-researched area. The present Hungarian case illustrates in particular how legitimate and representative structures can be formed, while taking into consideration the sensitive nature of ethnic data, high levels of linguistic assimilation, and the internal democracy of the minority communities.

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