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PAUL ROBERT MAGOCSI

on his 70th Birthday

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ЮВІЛЕЙНИЙ ЗБІРНИК НА ЧЕСТЬ ПРОФЕСОРА ПАВЛА-РОБЕРТА МАГОЧІЯ

До 70-річчя від дня народження науковця

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Збірник уміщує півсотні статей провідних науковців з різних країн світу, чії дослідження перетинаються з науковими темами визначного канадського історика, спеціаліста з проблем історії України П.-Р. Магочія. Збірник підготовлений з нагоди важливого ювілею вченого та є проявом поваги до його наукової спадщини.

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Some Aspects of Hungarian-Ukrainian Relations in Our Time*

Csilla Fedinec

After a referendum confirming Ukraine's independence was held on December 1, 1991, Hungary was one of the first foreign countries to recognize Ukraine as an independent state, whereby an important consideration was to assist in strengthening the position of the Hungarian minority in the country. The Hungarian-Ukrainian Basic Treaty was the first international agreement signed by Ukraine, and it was also the first basic treaty to be signed by Hungary with a neighboring country in the post-Communist era. For Ukraine, the particular significance of the treaty was the recognition therein of the inviolability of Ukraine's borders.

Hungary's Euro-Atlantic integration and its accession to NATO, to the European Union, and to the Schengen Area have not resulted in greater distance in the relations between the two countries. Rather, the process has tended to be accompanied by a search for solutions. For Hungarian-Ukrainian relations, the touchstone has not been Euro-Atlantic integration but rather changes in Hungarian government policy towards the Hungarian minority communities outside Hungary.

In its relations with Ukraine, the first Orbán government, which took office in 1998, linked all issues to the matter of the Hungarians in Transcarpathia. Ukraine, however, took the view that this was just one—albeit important—area of bilateral relations. Locations in Transcarpathia have been emphatically included among the venues for high-level bilateral meetings, or such meetings have been linked with events of symbolic significance to Hungarians in Transcarpathia. A key measure taken by Hungary during the period was the adoption of the so-called Status Law (2001), which—thanks to the Basic Treaty—did not cause the diplomatic bilateral complications that it did in the case of Romania and especially in the case of Slovakia. In

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Ukraine, the legal backdrop to the positive attitude was provided by the Act on National Minorities (Articles 15 and 17), intergovernmental and inter-agency agreements, and the bilateral joint committees. Ukraine recognized that it must grant the possibility of contact between the country's minorities and their kin states in both intergovernmental and private relations.¹

Ukraine reacted less favorably to a measure taken by the second Orbán government, which took office in 2010, namely the amendment of Act LV of 1993 on Hungarian Citizenship. Under the terms of the amendment, as of January 1, 2011, Hungarians living outside Hungary's borders have been able to acquire Hungarian citizenship in a simplified and preferential procedure. Much misunderstanding arose from the impression given in Hungary's public discourse and media—which was then repeated abroad—that the legal act amounted to an “Act on Dual Citizenship,” whereas in reality dual or multiple citizenship was already an accepted legal institution in Hungary.

Article 4 of the Ukrainian Constitution states: “There is a single citizenship in Ukraine.” The current Act on Citizenship (2011) adds the following explanatory note: “If a citizen of Ukraine becomes a citizen of any other country or countries, then Ukrainian law shall recognize that person only as a Ukrainian citizen.” Despite differing theoretical interpretations, this means in practice that as long as the Ukrainian authorities do not encounter publicly acknowledged instances of dual or multiple citizenship, there is no procedure to detect and establish such a fact. Even so, it is advisable, particularly in view of the uncertainty of the future, for people to conduct themselves in accordance with the law and to refrain from public displays of dual or multiple citizenship, which is seemingly illegitimate under Ukrainian law. On several occasions in recent years, the issue of sanctioning has been raised in the Ukrainian Parliament, but to date no concrete decision has been taken. One might add that this is fortunate because at the moment there is no chance of legitimizing dual or multiple citizenship, even though the constitutional experts of the constitutional assembly established during the Yanukovich era did for the first time (and probably for the last time for a long period) give serious consideration to this possibility.

The Ukrainian media regularly publishes reports on how both Hungary and Romania are “handing out” passports through their diplomatic missions on Ukrainian territory. The Ukrainian media treats it as fact that members of the business elite in Ukraine, as well as many ordinary citizens, possess second passports, with the latter group being primarily motivated by eco-

conomic factors. Media reports indicate several hundred thousand people with dual citizenship, but even this figure accounts for no more than 1 percent of Ukraine's total population. Importantly, however, most of those who are believed to be affected have links with well-defined regions (e.g., Transcarpathia, Bukovina, and Crimea), all of which symbolize, at least from a Ukrainian perspective, the propensity for "separatism."

Representatives of Ukraine's minorities, including those of the Hungarian, Polish and Romanian minorities, foster close contacts with their kin-states. On the international stage, however, interest representation is limited mainly to the Crimean Tatars, and the problems of that particular minority are the only ones the international organizations are prepared to address in a serious manner.

For Ukraine's political actors, the events of late 2013 and early 2014—Russia's seizure of Crimea—affirmed the legitimacy of their concerns about "separatism." Consequently, administrative changes within Ukraine involving any kind of autonomy are now even less likely than before. The politicization of the issue over a period of two decades or more has resulted in the conflation of autonomy with secession. It seems that the events of recent months will conserve this situation. The change in government of February 2014 and the presidential election of May 2014 have clearly demonstrated that administrative reform can have only one aim: the decentralization of power by strengthening regional and local governments, but without granting autonomy (and federalization is also not an option).

In post-independence Ukraine, the idea of autonomy was broached not only in Crimea, but also in other areas. In the early 1990s, several attempts were made in this field, ranging from referendum initiatives to overt separatism. Demands for autonomy were made by the Hungarians and Romanians in Transcarpathia and the Bulgarians and Gagauz in Odessa Oblast. Meanwhile the Rusyns of Transcarpathia and the Romanians of Bukovina declared their intention to secede. At the same time, we should not forget the similar endeavors of Ukrainians and Russians.

At the advent of the 1990s, not even the most committed Ukrainian patriots believed that Ukraine might become independent, particularly while retaining the territory of the Ukrainian SSR. At the time, the maximum political goal was a federative Ukrainian state as part of a confederation of the Soviet republics. One actor in such a process of internal federalization would have been the Galician Association, which covered the western

Ukrainian oblasts, including Transcarpathia. However, circumstances in the aftermath of the failed Soviet coup of August 1991 presented an opportunity for Ukraine's full independence.² During subsequent planning for public administrative reforms, the possibility of merging four oblasts—Lviv, Ivano-Frankivsk, Ternopil and Transcarpathia—into a single oblast was raised but then dismissed. Opposition to this idea was particularly strong in Transcarpathia.

In addition to Crimea, “Russian separatism” also led to conflict situations in the eastern and southeastern oblasts on two occasions. At the time of the Orange Revolution in late 2004, a series of eastern and southeastern oblasts declared their separate regional status, and the idea of establishing an Autonomous Republic of Southeastern Ukraine was also raised. In 2014, conflicts arose in roughly the same parts of the country. Indeed, for several months now the Ukrainian Army has been waging an armed struggle in the Dombas region to prevent the formation of secessionist republics in Luhansk and Donetsk oblasts, thereby further destabilizing the situation in Ukraine.

In view of this context, it is worth examining the situation in Transcarpathia and the issue of Hungarian autonomy. Although Ukraine declared its independence on August 24, 1991, the country received international recognition only after the decision was confirmed in a referendum held on December 1, 1991. On the day of the national referendum, two local referendums were also held in Transcarpathia. At the initiative of the district council of Berehove, the district's inhabitants were asked to vote for or against the transformation of the district into “a Hungarian autonomous area.” With a voter participation rate of 81.5 percent, 81.4 percent voted in favor of this change. Meanwhile, at the initiative of the oblast council, the oblast's inhabitants were asked to vote on a “special self-governing status” for the oblast: with a voter participation rate of 82.7 percent, 78 percent voted in favor. In Kyiv, neither of these initiatives found support; indeed, the referendums were dismissed as mere public opinion surveys of no consequence. Some experts argued that the absence of the term “autonomy” from the referendum question on the status of the oblast meant that the local referendum had merely confirmed the status of Transcarpathia as a separate oblast within Ukraine, that is, as an entity that could not be merged with other administrative units. The two issues, the status of the district of Berehove and the status of the oblast, were on the local/regional agenda for some time, but they gradually became confined to the theoretical level.³

Almost concurrently with these referendums, the issue of Hungarian autonomy in Transcarpathia became an issue for Hungary with the signing of the Hungarian-Ukrainian Basic Treaty in December 1991. As early as August 1990, Hungarian Prime Minister József Antall told the Ukrainian foreign minister Anatoliy Zlenko, who was on a visit to Budapest, that while Hungary respected European borders, it also wished to see the granting of regional autonomy to Transcarpathia.⁴ The basic treaty formulated guarantees for ethnic Hungarians in Transcarpathia, but it did not mention the issue of autonomy. This omission led to a domestic political crisis in Hungary when several members of the governing party, the Hungarian Democratic Forum, rejected the terms of the basic treaty and formed the Hungarian Justice and Life Party. As Zsolt Németh, Fidesz's foreign policy expert, later pointed out, "It was through the rejection [of the treaty] that the Hungarian far right came into being".⁵ Though still disputed, the archival evidence shows that the Hungarian government involved the Cultural Alliance of Hungarians in Transcarpathia (still united at the time) in preparations for the basic treaty.⁶

After the Cultural Alliance (est. 1989) split into two parts, the issue of autonomy also divided the Hungarians in Ukraine. The Cultural Alliance became committed to the idea of establishing a district along the Tisza River comprising mostly Hungarian-inhabited towns and villages. This idea became a topic of debate in the 1999 and 2004 Ukrainian presidential election campaigns. As an important aside to this issue, it is worth mentioning that the 15th Session of the Hungarian-Ukrainian Intergovernmental Joint Committee on the Rights of the National Minorities, held in Budapest on December 19, 2011, ended with an unsigned protocol. This was an unprecedented development in the history of the Joint Committee, which was established on the basis of a declaration on the rights of the national minorities, signed by the ministers for foreign affairs of Hungary and Ukraine on May 31, 1991. The two sides declined to sign the draft protocol after both of them made proposals whose inclusion in the protocol was rejected by the other side. The Ukrainian side insisted that the protocol should contain the following: the parties will consult without delay "on the situation that has arisen in Ukraine in consequence of the implementation of the citizenship law amended by Hungary in 2010." For its part, the Hungarian side urged the inclusion in the protocol of a proposal made by the Cultural Alliance of Hungarians in Transcarpathia regarding the establishment of a district alongside the Tisza River. Here, it is worth recalling that the protocol of the 10th Session of the Joint

Committee (held in 2001) included the following sentence: “The Ukrainian side shall examine and support, on the basis of the initiative of the Cultural Alliance of Hungarians in Transcarpathia, the proposal for the establishment of a district alongside the Tisza River”.⁷

Meanwhile, the Hungarian Democratic Alliance in Ukraine, formed in the early 1990s from a splinter group that left the Cultural Alliance of Hungarians in Transcarpathia, saw a realistic chance of realizing autonomy by utilizing and developing the opportunities inherent in Ukraine’s system of local government. The Hungarian Self-Governance Forum in Transcarpathia, in operation since 1994, and its successor from 2000, the Association of Border Region Self-Governments in Transcarpathia, have been variously active over the years and have cooperated with the Alliance of Hungarian Self-Governments, the Association of Hungarian Mayors and the organizations of the other local minorities.

In 2014, Ukraine’s several conflict zones, all linked with “separatism” but not of a comparable scale, were as follows: Crimea, eastern-southeastern Ukraine, and, in a very limited form, Transcarpathia. The inclusion of Transcarpathia on the “map of conflicts” occurred in the context of the signing of a treaty between Hungary and Russia on the expansion of the Paks nuclear power plant and in connection with statements made by the Hungarian political party Jobbik, the Movement for a Better Hungary on Transcarpathia, a further statement made by a Jobbik representative legitimizing the Crimean Referendum held on March 16, 2014, and statements made at the end of March by Vladimir Zhirinovskiy, deputy speaker of the Russian Duma, calling for break-up of Ukraine—all of which repeatedly stirred up the debate in the media and led to reactions in the broader political sphere. The Ukrainian-language press was the scene of much of the media debate. The Hungarian-language media outlets have latent or manifest links with one or other of the Hungarian community organizations and generally provide reports and commentary on disagreements between these organizations, on the policies of Hungarian governments towards the Hungarian minorities abroad, and on public indignation concerning the “anti-Hungarian stance” taken by the Ukrainian press.

A special feature of the European Parliamentary elections of May 2014 from a Hungarian perspective was the inclusion of representatives of the Hungarian communities abroad on the Fidesz–Christian Democratic People’s Party joint list. Among these representatives from outside Hungary, we find a candidate from Transcarpathia and a candidate from Slovakia. Yet in

both these countries “dual citizenship” is not permitted. The candidate from Slovakia received only a symbolic place on the list, but the candidate from Transcarpathia—Andrea Bocskor, history lecturer and institute director at the Ferenc Rákóczi II. Transcarpathian Hungarian Institute (which has close connections with the Cultural Alliance of Hungarians in Transcarpathia)—was placed higher on the list and succeeded in winning a seat in the European Parliament. The public was not told, either before or after the election, how or why Bocskor was selected as candidate. Bocskor, who lacks experience in politics and public life, stated the following in the run-up to the election: “I consider it my important task to promote the realization of Ukraine’s European integration and to make the situation and efforts of the Transcarpathian Hungarian community visible in the Brussels arena”.⁸ The Cultural Alliance of Hungarians in Transcarpathia stated the following: “In the current difficult situation in Ukraine, it is extremely important that the matters and endeavors of the Hungarian community should be made visible to Europe’s politicians, that these politicians should know about the Hungarians in Transcarpathia and learn of their endeavors and their problems”.⁹ The representation of Transcarpathia in Brussels was also welcomed by the Hungarian Democratic Alliance in Transcarpathia. In the wake of the domestic political revolution in Ukraine in February 2014 and despite the fact that Bocskor has publicly acknowledged her dual citizenship, even the most radical nationalist political forces have so far refrained from raising the issue of revoking her Ukrainian nationality.

It is a fact that Hungarians are far more “visible” in Ukraine than one might infer from their population share. The attitude of intellectuals in the Hungarian community, which is based on the strong representation of political interests and an enhanced role in public life, gives rise to many conflicts even within the community. Even so, a general and constant feature is a desire to balance national (ethnic) identity with citizenship loyalty.

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ABSTRAKT

(Fedinec, Tschilla)

Einige Aspekte der Ungarisch-Ukrainischen Beziehungen in Unserer Zeit

Die Position der Ungarn in der Ukraine kann mit dem Begriff des Ethno-Regionalismus charakterisiert werden. Darunter versteht man einerseits eine politische Bewegung, deren Ziel die Stärkung der in dieser Region lebenden ethnischen Gemeinschaften beziehungsweise die Erreichung einer dominanten Position für sie ist; andererseits steht der Begriff für die Gesamtheit politischer Ansichten mit bestimmten Zielsetzungen (gebietsgebundene Ethnopolitik; Institutionalisierung ethnischer Zugehörigkeit). Die Studie analysiert einige Aspekte ungarisch-ukrainisch Verhältnis.