

ABSTRACT

Diaspora Laws – Theory, Legal Framework, Practice

SHEVEL, Oxana: The Post-Communist Diaspora Laws.

Beyond the “Good Civic versus Bad Ethnic” Nationalism Dichotomy 3

In the 1990s, a number of post-Communist states adopted diaspora laws that defined the target group ethno-culturally, thus seemingly confirming the continued relevance of Hans Kohn’s distinction between ethnic Eastern and civic Western nationalism. This article, however, posits that while Kohn’s dichotomy may be valid, its related implications are often not. The ethnic content of the diaspora laws, and the content of ethnic nationalism behind them, is much more nuanced, and not all ethnically tinted diaspora policies are discriminatory or otherwise contrary to international standards. Using the case of the 2001 Hungarian Status Law and the European organizations’ reaction to it, the first part of the article draws attention to the often neglected fact that international standards do not ban ethnically based policies altogether but allow for some distinctions in treatment based on ethno-cultural criteria. The second part of the article focuses on the case of Ukraine and further challenges the accuracy of the civic-ethnic dichotomy by showing how the politics of the Ukrainian diaspora law was driven not by a clash between civic and ethnic nationalism but by a more complex tension between different variants of ethnic nationalism, a neo-Soviet imperial vision, strategic bargaining, and changes in electoral fortunes for unrelated reasons. The Ukrainian case also shows how, in addition to international norm diffusion, another – and rather counterintuitive – path towards internationally compliant diaspora legislation may be the presence of substantial domestic divisions on the national issue, which forces the elites to compromise on a less ethnic law.

CsÁSZÁR Melinda: The Experiences of the Hungarian Status Law

in Romania 38

The article analyses one segment of the national identity which, gaining visibility in an environment structured by legal frameworks, can be measured and tested empirically.

For the analysis of the profile of the applicants for Hungarian Certificate from Romania the author relied on two distinct data sources. On one hand, the database-extract from the Hungarian Ministry for Internal Affairs, Department for Hungarian Certificate, which contains data from nearly 500,000 applicants from Romania, at two levels: at individual and at settlement levels. Following this, based on the 2002 Census township-level data were the sources of various indicators. Next to generating insight on the applicants’ demographic charac-

teristics the article seeks to investigate the effect of religious and educational institutions, civil organisations and political representations on the number of applications for Hungarian Certificate in different regions and settlements.

SZELE Áron – TÓLFALVI Zselyke: Fashioning the Nation.

Citizenship and Nationhood in contemporary Romania 61

The present essay presents and analyzes the main episodes of Romania's policy of citizenship, from 1991 to the present day, in order to show how a juridical vehicle has come under the control of the political factor, which seeks to format its policy toward Romanians living abroad. The essay succinctly presents two of the main legal tools for this transformation, the electoral and citizenship laws, their original forms and subsequent modifications. The main actors, grouped according to Brubaker's triadic nexus, are also identified and detailed, alongside their actions within the web of interconnected relationships. The change between a political toward an ethno-national conceptualization is identified in both the legal transformations and the discourse of the political factor. The conclusions point to some possible legal and international outcomes of this recent mutation in Romania's domestic policy toward its citizenry.

KÁNTOR Zoltán – PÁSZKÁN Zsolt: Romanians living abroad

and the Romanian Status Laws 70

The article presents the major problems regarding the Romanians living abroad. The Romanian state has to deal with the problems of Romanians living in the neighboring states, especially in the Republic of Moldova, and the - new and old - Romanian diaspora living all over the world. Since the first years of the millennium, millions of Romanians choose to migrate to Western Europe, especially Spain and Italy. The first Romanian status laws, passed in 1998 by the Romanian parliament focused foremost on the Romanians living in the neighboring states, while the new law - passes in 2007 by the parliament - tries to find an answer for the new tendency that led to the fact that many Romanians decided to settle in other countries.

OROSZ Sándor: Law and Protection Program of Kin-state/Homeland Status

for Ukrainian Kin Minorities 82

The author analyses the causes of and interrelationship between the Law on the Status of Foreign Ukrainians and the National Concept on the Principles for the Cooperation with Foreign Ukrainians, its starting point being the definitions of the term 'foreign Ukrainian' under the 2004 Law. An overview is presented on the evolution of the consecutive waves of immigration from the territory of Ukraine and the current demographic tendencies among them affecting the policy-thinking in the home country. A review of the debates surrounding the adoption of the law and a detailed account of the provisions of the

Law itself as well as the said National Concept serves as the basis for answering the question whether the policies developed with regard to foreign Ukrainians correspond to the civic or the ethnic state- and nation-building strategies.

Minorities in Visegrad Countries

KOVÁCS Orsolya Zsuzsanna: Opportunities for Polish-Hungarian cooperation in the spirit of cultural diversity 98

The year 2011 is a special one for Central Europe as two countries from the region, Hungary and Poland, hold the rotating presidency of the European Union. This is a good opportunity for rethinking the common challenges in the policy towards minorities, i.e., what assistance can Poland provide for Polish communities in neighboring countries – the minorities belonging to what is called “Polonia”. This article aims at summarizing Polish policies towards these communities in the past two decades. It focuses on minorities in two countries: EU member Lithuania and Belarus, a country outside the Union. The choice of these two countries is explained by the fact that nowadays, special attention is being paid in Poland to Polish minorities living in Lithuania and Belarus.

HALÁSZ Iván: Elections and Minorities in 2010. The 2010th Central European elections experience in a minority perspective 111

The article makes an attempt to summarize the experiences of the 2010 election year in the Visegrad States, from the perspective of minority communities. In 2010 parliamentary elections took place in Hungary, the Czech Republic and Slovakia, while in Poland unexpectedly it was the time for the presidential elections. The first part of the article offers an introduction to the constitutional frameworks in these countries, over viewing the electoral regimes and the conditions for the participation of minority representatives. In the second part the article evaluates the successes and failures of Hungarian minority parties between 1992-2010 in Slovakia. As a consequence at the 2010 elections a new dilemma emerged, as the openly ethnic Hungarian representative Hungarian Coalition Party did not meet the threshold and only the self-proclaimed multi-ethnic Hid/Most party was able to gain seats in the Slovak parliament. Many of the new MPs elected on the Hid/Most list have been prominent politicians in the Hungarian Coalition Party not long time ago which raised some concern in the Hungarian electorate. The article tries to find the main problematic issues in this new political situation arguing for a more complex approach in understanding the Hungarian minority community’s electoral preferences.

**KATONA Flóra: The Hungarian-Slovak Basic Treaty
in a Half Decades Perspective 122**

The so-called "Basic Treaty" on Good Neighborly Relations and Cooperation between Hungary and Slovakia was signed in March 1995. The ratification of the document by the Slovakian Parliament happened only a year later. The article seeks an answer to the question, how much was the Treaty helpful regarding minority protection, in light of the developments of these two years, 1995 and 1996, and most importantly attempts to examine certain factors, that might have foreshadowed the gloomy results at the signing conference. We want to have a deeper look at the Slovak-Hungarian relations through analyzing three factors. First, the political will concerning the implementation of the Treaty, both at the moment of the signing and later on. Secondly, if the parties had carried out their respective treaty obligations. And third, the awareness and attitude of the societies of the two countries. Our question is simple: "how much the Treaty was well-grounded, and in what way was it unsubstantiated?"

Artefact

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