

THE AUTONOMY STATUTE OF SZEKLERLAND

(Székelyföld - Terra Siculorum – Tinutul Secuiesc)

Preamble

Considering that the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe and that regions further the exercise of that right;

Convinced that the existence of region governed by representatives elected by universal suffrage and endowed with real responsibilities can provide an administration which is both effective and close to the citizen;

Convinced that the principle of subsidiarity is a major contribution to the development of democracy in Europe,

Aware that the region is an appropriate level of authority for effective implementation of subsidiarity, which is considered one of the basic principles to be observed with regard both to European integration and to the internal organization of States involved in this movement;

Asserting that regionalization must not be achieved at the expense of the autonomy of local authorities but must be accompanied by measures designed to protect such authorities and fully respecting what has been achieved through the European Charter of Local Self-Government;

Affirming that recognition of regional self-government entails loyalty towards the State to which the regions belong, with due regard to its sovereignty and territorial integrity;

Considering that the region, as an essential component of the State, bears witness to Europe's diversity, contributes to the enrichment of its culture with due regard to its traditions and in keeping with its history,

Aware that interregional and trans-frontier co-operation makes a valuable and indispensable contribution to European construction;

Affirming that the creation of appropriate European institutions should take account of the existence of regions within European States as regards the framing and execution of policies implemented at European level and should encourage regions to participate in such institutions,

Asserting that these principles presuppose the existence of a level of regional authority endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for the fulfillment of their tasks;

Affirming that the term "territorial autonomy" applies to an arrangement, usually adopted in a sovereign state, whereby the inhabitants of a certain region are given enlarged powers, reflecting their specific geographical situation, which protect and promote their cultural and religious traditions,

Asserting that the autonomy of Szeklerland (Székelyföld – Ținutul Secuiesc -Terra Siculorum) does not infringe on the territorial integrity and national sovereignty of Romania, and the self-government at region is based on the principle of sub state self-determination, of subsidiarity,

The Parliament of Romania will pass a Law to adopt the Autonomy Statute of Szeklerland.

Chapter I. General Stipulations

Article 1

- (1) To express its historical self-identity, to guarantee equal opportunity to its citizens and to safeguard its Szekler-Hungarian identity, Szeklerland's population will be transformed into a self-governing community.
- (2) The administrative order of Szeklerland is built on geographical, economic, social, cultural circumstances and on the historical desire of the people to be granted Autonomy.
- (3) The endeavor of the population of the region towards Autonomy aims at the democratic participation of the citizens in the life of Society, the economic and social progress, the effective promotion and protection of territorial interests.
- (4) Regional Self-Government denotes the right and the ability of the largest territorial authorities within each State, having elected bodies, being administratively placed between central government and local authorities and enjoying prerogatives either of self-organization or of a type normally associated with the central authority, to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of subsidiarity.

Article 2

Szeklerland is an Autonomous Region within the State of Romania.

- a) The competences of the region shall be acknowledged or determined by the statutes of the region, national law or international law.
- b) The regions' own competences may not be affected or limited except by the Constitution, by national law or by international law.
- c) The region shall have decision-making and administrative powers in the areas covered by their own competences. These powers shall permit the adoption and implementation of policies specific to each region.
- d) Within the limits of the law, it is desirable that the implementation at regional level of tasks which fall within the competence of national government should be assigned to regional bodies. The regions shall be provided with the necessary resources to this end.

Article 3

The Autonomy of the region does not infringe on the territorial integrity and sovereignty of the Romanian State.

- a) Competences may, within the limits of the law, be delegated to the region by other levels of government.
- b) Delegation of competences shall, in so far as is reasonable, be clearly defined. The resources, in particular material and financial, for the effective exercise of these additional powers shall be properly provided for in the instrument of delegation.
- c) The bodies responsible for exercising such competences shall, as far as is possible within the limits of the law, be allowed discretion in adapting their exercise to the conditions specific to the region and to their organizational structures, in the interests of efficiency and in accordance with the wishes of the region's inhabitants.

Article 4

(1) The territory of the autonomous region contains the present territory of Kovászna and Hargita county and the historical Maros Szék (Sedes) now part of Maros County. Appendix No.1 contains the territorial borders of Szeklerland and the names of the Szekler Sedes (Lat) - Székek (Hun) meaning: Districts

(2) The Sedes are traditional Szekler administrative territories.

- a) Kézdi Sedes, with Kézdivásárhely as its local administrative centre;
- b) Orbai Sedes, with Kovászna as its local administrative centre;
- c) Sepsi Sedes, with Sepsiszentgyörgy as its local administrative centre;
- d) Csík Sedes, with Csíkszereda as its local administrative centre;
- e) Udvarhely Sedes, with Székelyudvarhely as its administrative centre;
- f) Gyergyó Sedes, with Gyergyószentmiklós as its administrative centre;
- g) Maros Sedes, with Marosvásárhely as its administrative centre;
- h) Miklósvár and Bardoc Sedes, with Barót as its administrative centre.

Article 5

(1) The Self-Governmental Council elected four-yearly through equal, direct, secret and free elections and the Self-Governmental Committee appointed by the Council will exercise the decision making and executive responsibilities of the Autonomous Region.

(2) The provision included in the previous paragraph (1) shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by the law.

Article 6

The elected local governments of the autonomous region of Szeklerland will select the administrative centre of the Szekler Institutions.

Article 7

(1) The Self-Governmental Council is the institution through which the self-administration of Szeklerland is established.

(2) The authority of the Self-Governmental Council is defined by the present Autonomy Statute and the electing citizens of the Szeklerland, and this authority will be exercised according to the conditions drawn by the Council, determined by the statute of the region, according to national and international laws.

Article 8

(1) Based on the present Autonomy Statute and in harmony with the general laws of the State, every Romanian citizen who possesses a permanent abode in any locality of Szeklerland is entitled to political status in Szeklerland

(2) Those who were born in Szeklerland, and are Romanian citizens living abroad at present will also possess the rights which are defined in the present Autonomy Statute if their last legal place of abode was in any Szekler settlement in Szeklerland.

Article 9

(1) Every citizen is granted genuine, total, real equality in the Autonomous Region.

(2) The Self-Governmental Council as public authority ensures the equality of the citizens, and of the communities made up of these citizens, has the task to find where the participation in political, economic, cultural and social life is unhinderedly guaranteed to all.

Article 10

(1) In Szeklerland the Hungarian language has the same right as the official language of the State.

(2) The local councils of the Autonomous Region and the public authorities of the Sedes ensure, that both languages are treated equally in official dealings and where necessary provide the appropriate conditions to achieve this.

(3) In the Autonomous Region, where the number of permanent residents, who belong to an ethnic group or a minority speaking a language other than the official state language, whose number exceed one hundred in villages, one thousand in towns, five thousand in municipalities and ten thousand in the territory of the Sedes, the language of the minority will have the same rights as the official language.

Article 11

The Self-Governmental Council will establish the symbols of Szeklerland

(1) The present Autonomy Statute recognizes the right to the free usage and showing of the flags and emblems of the various Sedes in Szeklerland.

(2) The present Autonomy Statute guarantees the free usage and showing of the Hungarian national flag and emblems, and also the flags and emblems of other minorities in Székelyland.

(3) Legal regulations and laws are applicable to the usage and showing of the emblems of the State.

Chapter II

The establishment and cessation of an Autonomous Region

Article 12

Szeklerland autonomous region it is set up by freely, directly and secretly elected ballot on the basis of universal suffrage by the Self-Governmental Council, based on Section no.117. paragraph 3 of the Constitution.

Article 13

The Autonomous Statute of Szeklerland may be eliminated only by a referendum organized in the region.

Section 14

(1) The present Autonomy Statute is passed by Parliament to become law.

(2) The process of enacting the Autonomy Statute into Law applies to its legality and not to its justification.

(3) The legally accepted Autonomy Statute of Szeklerland will be confirmed by a plebiscite of the citizens of the Region.

Article 15

In case the Statute of Autonomy will be modified the process defined in Section 129. should be followed.

Article 16

Through the process of general and secret election by the people with permanent abode in the region, the Self-Governmental Council, the self-rule of Szeklerland comes into existence.

Article 17

The self-rule and Autonomous Statute of Szeklerland may only be terminated by a plebiscite in Szeklerland.

Chapter III

The Self-governmental Institutions of Szeklerland

Article 18

(a) The Institutions of the Autonomous Region:

Self-Governmental Council;

Self-Governmental Committee;

President of Szeklerland;

(b) The Institutions of the Sedes:

Sedes Council;

Sedes Committee;

President of the Sedes;

(c) The self-ruling Institutions of the villages, towns and municipalities:

Village Council;

Town Council;

Municipality Council;

Mayor.

Section I.

The Self-Governmental Council of Szeklerland

Article 19

The Self-Governmental Council is invested as the public authority of the Region.

Article 20

(1) The Self-Governmental Council is made up of Councilors, elected for four years, by free, direct, and secret ballot on a proportional basis.(2) There are seventy seven Self-Government Councilors in the region. The numbers allotted to each electoral district is calculated on the basis of the last census returns.

(3) The President of Szeklerland, the Presidents of the local Sedes., the local Councilors and Mayors are elected at the same time as the members of the Self-Governmental Council.(4) The revised Decree No. 70/1991. dealing with local elections applies to the election of the President of the Region, The Sedes Presidents, Mayors, and Councilors.

(5) The election of the President of the Region and The Election of the Sedes' Presidents, is based on the regulations regarding the election of Mayors.

Article 21

The operating principles of the Self-Government Council:

- a) The Council represents, protects and defends the rights and interests of the citizens of Szeklerland and exercises civil authority in the Region;
- b) Applies the principle of decentralization;
- c) Ensures the openness of the Council meetings;
- d) Guarantees to publish the budget of the Region;
- e) Enforces and ensures the rule of Law.

Article 22

The responsibilities of the Self-Government Council:

- a) Organizing its own Self-ruling institutions;
- b) Enact legislation which have the force of Law based on the special Legal Status of the Autonomic Statute of Szeklerland regarding:
 - c) Culture;
 - d) Education;
 - e) free use of the mother tongue, in this case the Hungarian language;
 - f) historical, artistic, archaeological, scientific heritage,
 - g) social issues;
 - h) information;
 - i) administration of the State possessions of the Region;
 - j) introducing local taxes and duties;
 - k) the independent financial affairs of Szeklerland;
 - l) the representation of Szeklerland.

Article 23

Within its own authority, and in harmony with the laws of the State and according to the Special Status of the Region, the Self-Governmental Council makes regulations which are applicable in the Region:

- a) by-laws and Statutes regulating the work of the administrative offices,
- b) the rules of the Sedes' Institutions in Szeklerland,
- c) the drawing and defining of the borders of local settlements, establishing new settlement communities,d) expropriations of public interest, which do not affect the State directly and do not infringe on the authority of the Sedes,
- e) creating a Land Registry,

- f) fire protection,
- g) public health,
- h) supervising the Chamber of Commerce,
- i) establishing and supervising commercial companies,
- j) credit cooperatives and insurance,
- k) public utilities of the region,
- l) maintain public order and cooperate with the Police,
- m) mining and energy,
- n) development and use of local energy sources,
- o) agriculture,
- p) forestry,
- q) protection of the environment,
- r) public and commercial transport of regional interest,
- s) public information.

Article 24

The sphere of authority of the Self-Governmental Council includes the management of social care, social security and insurance, for the implementation of which it may enact laws and create autonomous Institutions.

Article 25

The Self-Governmental Council may establish an independent Police Force within the law and within its own authority in cases which are not regulated by the Constitution.

Article 26

The Self-Government Council has the responsibility of supplementing the radio and television broadcasting regulations with regulations arising from the special requirements of the Region.

Article 27

(1) In the territories which are under the authority of the Self-Governmental Council the laws of Szeklerland enjoy priority.

(2) In situations where there are no regulations issued by the Self-Government Council within its own authority, the laws of the State will be applied.

Article 28

The Self-Governmental Council may request the transfer of power or authority from the Government which are not covered by the present Autonomy Statute.

Article 29

Within 30 days of coming into existence, the Self-Governmental Council will work out and agree upon its House Rules. During this period of time the work of the Council is being chaired by the President of Szeklerland.

Section II

The Self-Governmental Committee of Szeklerland

Article 30

(1) The Self-Governmental Committee is an executive body, which exercises the public authority of the Autonomous Region of the Szeklerland within its own sphere of authority.

(2) The President of the Self-Governmental Committee is appointed by the President of Szeklerland.

(3) Members of the Self-Governmental Committee are selected through a process of secret voting for four years at the recommendation of the President of the Committee within thirty days of his appointment. During this period of time, as a result of a valid vote of "No confidence" any member of the Committee may be relieved of his post by the President of the Region.(4) Members of the Self-Governmental Committee are appointed by the President of Szeklerland.

Article 31

The Self-Governmental Council works out the organizational structures and set of rules of the Self-governmental Committee, and it is approved at the same time as the members of the Committee are voted upon.

Article 32

The executive power of the Self-Governmental Committee extends to:

- a) the enforcement and supervision of statutes created by the Self-Government Council which have the force of law;
- b) the working and managing of its own Self-rule Institutions;
- c) to initiate laws and regulations, which have the force of law;
- d) to manage the officials of the Institutions and their advancement;
- e) to supervise the work of public utilities, institutions and state-owned commercial companies;
- f) to manage publicly and privately owned wealth which is of regional interest;
- g) to manage the affairs of State, Public and Private wealth;
- h) the establishing and managing its own commercial companies;
- i) to collect taxes;
- j) the planning and executing the independent budget of the Region;
- k) the planning and helping the economic development of the Region;
- l) to execute the tax, monetary and commercial policies of the Region;
- m) to establish or wind up the official Institutions of the Region;
- n) to ensure the safety of the public, cooperate with and supervise the Police force;
- o) to deal with international treaties and agreements concerning the Region, to further the cooperation between the Regions;
- p) to ensure the free use of different languages of equal rank in the Region;
- q) to manage the network of the state schools and within the framework of the state schools the Hungarian language schools;
- r) to deal with problems affecting the communities of the Region;
- s) to apply the Laws of the State.

Article 33

The Self-Governmental Committee has the right to own, establish, maintain its own audio and television broadcasting stations, press, and all other means of public information which help to promote its objectives.

Article 34

(1) It is within the authority of the of the Self-Governmental Committee to appoint the Public Notaries, the officials of the Land Registry, the Official Archives, and the higher ranking Civil Servants.

(2) The same conditions will apply to candidates for all the vacant Public Notary, Judge, Public Prosecutor and other positions and the applicants may come from any other part of Szeklerland or Romania. In the Civil Service Exams for the above positions it is an advantage to speak both the Romanian and Hungarian languages fluently. Ethnic origin or permanent place of abode may not be considered as a disqualifying condition in any circumstances. The officials of Szeklerland must speak both the Hungarian and Romanian languages. After the present Autonomy Statute will have the force of Law Hungarians with the appropriate qualification will be employed for the above positions, until the principle of proportionality will be achieved. This principle must be respected and adhered to later as well.

Article 35

To perform its public obligations the Self-Governmental Committee may within its own authority may make cooperative agreements with other self-ruling communities and may also cooperate in cultural, economic and social activities with other regions. The Romanian Government will be informed about these agreements.

Article 36

The Self-Governmental Committee is accountable to the Self-Governmental Council without being diminished the personal official responsibility of the members of the Self-governmental Committee.

Section III

President of Szeklerland

Article 37

(1) The president of Szeklerland represents the Region.

(2) The president of Szeklerland is elected by the citizens of Szeklerland, for four years through a process of general, secret and direct voting according to paragraph 20 of the present Autonomy Statute.

Article 38

In no circumstances may the mandate of the president exceed two periods of four years.

Article 39

The President of Szeklerland may resign his post by presenting his resignation document to the Self-Governmental Council. The resignation becomes effective when the Self-Governmental Council accepts it.

Article 40

(1) In case the interests, rights and freedom of the community of Szeklerland are infringed upon and the duties as contained in the present Autonomy Statute are neglected, the Self-Governmental Council of Szeklerland may initiate the recall of the President of Szeklerland

from his office with a two thirds majority of the votes.

(2) On the basis of the accepted vote of “No Confidence” The Self-Governmental Council of Szeklerland will request the Government of Romania, that within 30 days of this motion, the Government of Romania will decree the date for the election of a new President.

(3) In case the office of the President becomes vacant before the next elections are due, the new President is elected for a full term.

Article 41

The newly elected President of Szeklerland will be sworn in at a meeting of the Self-Governmental Council during the last day in office of the retiring President. In case this procedure is not possible to follow, the new President will be sworn in ten days after the results of the elections will have been announced.

Article 42

During the swearing in Ceremony the newly elected President will be sworn in by repeating the following words:

“I swear by my honor, that I will carry out the duties of my office to the best of my abilities, I will represent and defend the interests of the people of Szeklerland, I will respect the laws of the region and the state and will confirm and adhere to the Constitution of Romania. So may God help me!”

Article 43

In case of temporary incapacity of the President of Szeklerland, or when the position becomes vacant, the duties of the President will be taken over by the President of the Self-Governmental Council. In case he is also incapable to take over the job, the duties will be carried out by his deputy, until the newly elected President is sworn in.

Article 44

The President of Szeklerland is entitled to the same immunity as members of the Romanian Parliament.

Article 45

The President of Szeklerland may not hold any other, public or private position during his term in the office.

Article 46

The sphere of authority of the President of Szeklerland includes:

- a) To propose the date of regular and other elections in the Region to the Government of Romania;
- b) To convoke any extraordinary meeting of the Self-Governmental Council;
- c) To appoint the President of the Self-Governmental Council;
- d) To appoint or relieve of their office members of the Self-Governmental Committee, as selected by the Self-Governmental Council;
- e) To preside over the meetings of the Self-Governmental Committee when requested to do so by the President of the Self-Governmental Committee;
- f) To sign and make public the decrees of the Self-Governmental Council within 20 days of their

enactment, which have the force of Law in the Autonomous Region of Szeklerland. Without the above mentioned, the decrees are not valid;

g) To verify the legality of the decrees of the Szekler Council, in case he considers a decree to be illegitimate, he may refer it to the Court of Public Administration within 15 days of the Bill being passed, the decree will not have the force of Law until the final Judicial decision;

h) To request from the Constitutional Court an evaluation of the Constitutionality of the Laws and Decrees in advance;

i) To request a decision from the Constitutional Court regarding the Constitutionality of the Judicial norms;

j) After consulting the Self-Governmental Council, initiate the plebiscite regarding cardinal questions of the Region based on Statute No. 2000/3 regarding local plebiscites.

Chapter IV

The Sedes Institutions

Section I

Sedes Council

Article 47

(1) The Sedes Council is the decision making body of the Szekler Administrative Region.

(2) The Sedes Council is elected according to Section 20. of the present Autonomy Statute.

(3) Within 30 days of coming into existence the Sedes Council will work out and agree upon its House Rules, during this time the work of the Council is being chaired by the Sedes President.

(4) In the Szekler Sedes the number of councilors it is 33 or 1 councilor for every 3000 Sedes residents.

Article 48

The Szekler Council may enact decrees and regulations regarding the following:

a) Maintaining the Institutions and the officials of the Institutions;

b) Compulsory use of the names of towns, villages, street names, road signs, company sign boards, advertising boards in both, the Hungarian and Romanian languages;

c) The protection of historical, cultural and ethnographic values;

d) Local customs and traditions;

e) Activities of Sedes -centered cultural Institutions;

f) Country planning, resettlement planning;

g) Organizing the Institutions of the Self-rule Authority;

h) Changing of the settlements borders at the initiation of the Self-rule Authority;

i) The protection of public order;

j) The right of public usage;

k) Handcraftsmanship;

l) Assisting and helping the building of dwellings;

m) Social care and well being of the people;

n) Schooling, Building of schools;

o) Vocational training;

p) Commerce;

q) Local fairs and markets;

- r) Industrial production work of local interest;
- s) Forestry, forestry workers;
- t) Hunting, and game management;
- u) Agriculture;
- v) Water management;
- w) The use of mineral and medicinal waters and spas;
- x) Promoting tourism in their areas;
- y) Village tourism;
- z) Managing common grazing lands;
- aa) Animal and plant protection;
- bb) Protection of the environment;
- cc) Health protection;
- dd) Local road, gas and waterway network;
- ee) Local telecommunication and transport;
- ff) Railways and highways crossing the territory of the Sedes, local railways and roads, cable laying;
- gg) The managing of public utility services;
- hh) Managing of Civil Servants and Public Utility employees;
- ii) Expropriation in the interest and use of the Sedes;
- jj) Public works of local interest;
- kk) The general managing of economic activities, taking into consideration the principles of the free market;
- ll) Support of sport activities.

Article 49

The Sedes Council may enact decrees regarding the supervision and cooperation with the Police Force, the appointment and dismissal of Police Officers, the establishment of its own Police Force within the framework of the Law. Within 3 years of this Statute having the force of Law, every member of the Police Force of the Sedes must be able to speak both the Hungarian and Romanian languages, in addition Police Officers must speak at least one world language as well. The composition of the Police Force must mirror the ethnic proportions.

Article 50

The Sedes Council may offer preferential treatment to citizens living in its territory regarding employment, it is forbidden the discrimination on the basis of language (ethnicity).

Article 51

It is within the authority of the Sedes Council to enact decrees and regulations regarding preliminary, secondary and higher education.

Article 52

It is within the Authority of the Sedes Council to approve regulations dealing with general Public Information.

Article 53

It is within the Authority of the Sedes Council to plan and accept its local territorial Budget.

Article 54

In cases outside the Authority of the Sedes Council, the rules of the Self-Government Council of Székelyland, or the laws of the State may apply.

Section II.

Sedes Committee

Article 55

(1) The Sedes Committee is the executive body of the Szekler Administrative Region.

(2) The president of the Sedes Committee is appointed by the Sedes President.(3) The members of the Sedes Committee will be selected at the recommendation of the President of the Committee, by the Sedes Council within 30 days of the appointment of President of the Committee, for four years through secret ballot. During the mandate as contained in the House Rules members of the Sedes Committee may be recalled, or new members appointed through secret ballot.

(4) Based on the decision of the Sedes Council, the members of the Sedes Committee will be appointed or relieved of their post by the Sedes President.

Article 56

The Sedes Council prepares the organizational structures and working manual of the Sedes Committee and it will have the force of Law from the same time as the members of the Committee are selected.

Article 57

The executive power of the Sedes Committee extends to:

- a) The enforcement and supervision of the decrees and regulations enacted by the Szekler Self-rule Council, and by the Sedes Council;
- b) The management and overseeing of the work of its own Self- Governing Institutions;
- c) The planning and initiation of legislation;
- d) The management of the officials of the Institutions and their advancement;
- e) The supervision of the work of public utilities, institutions and state-owned commercial companies in the territory of the Sedes;
- f) The management of publicly and privately owned wealth which is of Sedes territorial interest;
- g) The establishment and management of its own commercial companies;
- h) The collection of taxes;
- i) The planning and executing the independent budget of the Sedes territory;
- j) The planning and helping the economic development of the Sedes territory;
- k) To execute the tax, monetary and commercial policies of the Sedes territory;
- l) To establish or wind up the official Institutions of the Sedes territory;
- m) To ensure the safety of the public, cooperate with and supervise the local Police Headquarters, appoint and recall police officers;
- n) To ensure and protect the independence of the Local Authorities;
- o) To ensure and guarantee the free use of different languages of equal rank in the communal territories of Székelyland;
- p) To manage the network of the state schools and within the framework of the state schools the Hungarian language schools;

- q) To manage the affairs and Institutions of Sedes Cultural Interests;
- r) To manage and supervise the Cultural Heritage, the work of Museums and other Cultural Institutions;
- s) The general supervision of the Economy;
- t) Harmonizing the work for the protection of the Environment;
- u) Sedes Local water management, irrigation, land drainage, flood protection and Reclamation;
- v) The promoting of foreign tourism;
- w) Social care;
- x) Health care, the establishment and supervision of pharmacies, hospitals orphanages and social homes;
- y) The management of public and private wealth in the Sedes;
- z) Other factors which may have an effect on the life of the Community of the Sedes;
- aa) Applying the laws of the State;

Article 58

The Sedes Committee has the right to establish and maintain its own radio and television stations, which help to promote its objectives.

Article 59

The Sedes Committee may make within its own authority cooperative agreements with other Sedes Committees and may also participate in cultural, economic and social activities of other Regions.

Article 60

The Sedes Committee has its own administrative apparatus, makes decisions about the status of the positions, how they are divided and appoints the officials.

Article 61

The Sedes Committee is answerable to the Szekler Council, without the direct official responsibility of the members of the Committee being diminished.

Section III

The Sedes President

Article 62

- (1) The Sedes President represents the Sedes Administrative Region.
- (2) The Sedes President is elected for four years by the citizen with voting right in the Sedes, through a process of general direct, secret ballot, according to paragraph 20 of the present Autonomic Statute.

Article 63

- (1) The Sedes Council may initiate the recall of the Sedes President from his office by a two thirds majority of the vote.
- (2) On the basis of, and within 30 days a motion of "No confidence" the Government of Romania will decree the date for the election of a new Sedes President. In case the office of the Sedes President becomes vacant before the next elections are due, the mandate of the new Sedes

President is valid for a full term.

Article 64

The newly elected Sedes President will be sworn in at a meeting of the Sedes Council during the last day in office of the retiring Sedes President. In case it is not possible to follow this procedure, the new President will be sworn in 10 days after the results of the election will have been announced.

Article 65

During the swearing in Ceremony the newly elected Sedes President will be sworn in by repeating the following words:

“I swear by my honor, that I will carry out the duties of my office to the best of my abilities, I will represent and defend the interests of the people of the Sedes, I will respect the Laws of the Region and the State and will confirm and adhere to the Constitution of Romania. So help me God!”

Article 66

(1) The Sedes President may resign his post by presenting his resignation- document to the Sedes Council.

(2) The resignation becomes effective when the Sedes Council accepts it.

Article 67

In case the Sedes President is temporarily incapacitated, or the position becomes vacant, the duties of the Sedes President will be taken over by the President of the Sedes Council. In case he is also incapacitated the duties will be carried by his deputy.

Article 68

The sphere of authority of the Sedes President includes:

- a) To propose the date of regular and other elections in the territory of the Sedes;
- b) To order an extraordinary meeting of the Sedes Council;
- c) To appoint the President of the Sedes Committee;
- d) To appoint, or relieve of their post members of the Sedes Committee as selected by the Sedes Council;
- e) To preside over the meetings of the Sedes Committee when requested to do so by the President of the Committee;
- f) To sign and make public the decrees of the Sedes Council within 20 days of their enactment, which have the Force of Law in the territory of the Sedes. Without the above the decrees are not valid;
- g) After consulting the Sedes Council, initiate the holding of a Plebiscite regarding Cardinal questions of the Sedes;
- h) To represent the Sedes within the State.

Chapter V

Local Governments in the settlements

Section I.

The special legal status and authority of the Local Governments

Article 69

The local Governments in all the settlements of Szeklerland, the local Governments of villages, towns, municipalities, function on the basis of the amended No. 2001/215 Local Administrative Law, the present Autonomic Statute and also the European Charter of Local Autonomy.

Article 70

Due to the unique historical, territorial characteristics and the requirements of the local communities of Szeklerland, the Local Governments have special Legal Status. This special Legal Status is manifested and guaranteed in additional Administrative Powers to those mentioned in Local Administrative Law No. 2001/215 and their unhindered practice.

Article 71

On the basis of local Autonomic Right and as defined by the present Autonomy Statute, the Local Governments is the possessor of special administrative and executive powers delegated by the State.

Article 72

In the Local Government the language of the Hungarian community and the languages of other ethnic minorities, as defined by Section 10 of the present Autonomy Statute possess equal rights with the official language of the State.

Article 73

The basic principles of the Local Self-rule Government:

- a) The Local Authorities have complete discretionary powers in the spheres of official functions transferred to them.
- b) The communal duties are performed by the nearest administrative Institution to the citizens.
- c) The powers of the Local Self-rule Government may only be curtailed by the relevant Statutory Provisions of the Regional or Central Authority.
- d) The adaptation of powers transferred from the Central or Regional Authorities to local conditions.
- e) To participate in the planning and decision making processes which have a direct impact on the work of the Local Authorities.

Article 74

The special legal status and authority of the Local Governments extends to:

- a) To ensure that the language of teaching is the mother tongue in the schools of the community and to establish, protect and promote these schools.
- b) To support and develop cultural and educational Institutions using the mother tongue.
- c) To broadcast information to the community in their mother tongue and to guarantee the freedom of these broadcasts.
- d) To ensure the use of the mother tongue of the community in public and private life, in public Institution and in the Courts.
- e) To deal with social problems.
- f) To promote development in the community and the area.

- g) To promote economic development.
- h) To manage communal, State and private wealth.
- i) The establishment and management of communal Institutions.
- j) The protection of general human rights and freedoms.
- k) To prevent the intentional and forcible alteration of the ethnical composition of the community.
- l) To prevent the arbitrary alteration of the borders of the territory.
- m) To initiate the creation of new settlements and villages.
- n) To guarantee Public order and security with a Police Force subordinated to the Self-Government.
- o) To work out and manage the local Budget and allocate resources.
- p) To make decisions regarding the name, symbols and badges of honor of the settlement.
- q) To decide the dates of National Holidays and organize the events.
- r) To look after and protect Historic Buildings and shrines.
- s) Make the arrangements for tenders.
- t) Offer grants.
- u) To establish and manage Institutions, commercial, tourist, economic organizations, banks, insurance companies and other undertakings.
- v) To make expropriations of communal interest according to the Law of the Land and within the framework of the present Autonomy Statute.
- w) To look after and protect libraries, museums, records, archives and other institutions dealing with the heritage of the mother tongue.
- x) To deal with all forms of teaching and education of the young generation and adult education as well.
- y) To deal with Forestry and Water management.
- z) To look after and supervise the communal forests and ensure their advantageous utilization.
- aa) To supervise, look after and make advantageous use of the communal grazing lands.
- bb) To protect, look after and utilize the mineral wealth, hot water springs, spas, etc. belonging to the settlement.
- cc) To look after and protect the habitat of wild game in the territories owned by the settlement.
- dd) To retain 90% of the income tax generated by the citizens of the settlement.
- ee) To retain 80% of all other taxes and duties generated in the territory of the settlement.
- ff) To look after the estates and other possessions returned by the State.

Article 75

The Local Government guarantees equal rights and treatment to Romanian citizens and citizens of other nationalities residing in its territories.

Article 76

It is not allowed to alter the borders of the settlement without the agreement of the communities involved and/or a local plebiscite.

Article 77

- (1) The authorities of the Local Government will draw up their own code of internal work structure as needed, and to ensure their effectiveness.
- (2) The supervisory authority may only examine their activities from the point of view of Legality.

Article 78

The Local Government and its various organs to ensure the effectiveness of their work, and in their mutual interests may cooperate with other Local Governments.

Article 79

The Local Governments and its administrative organs may be members of Regional and International Treaty organizations to protect and promote their mutual interests.

Article 80

The Local Government and its administrative organs may within the provision of Law cooperate with Local Governments of other States.

Article 81

The Local Government may ask for the protection of the Law to freely perform its duties and to protect the Autonomy Statute.

Chapter VI

The free use of the mother tongue in the Educational System

Article 82

(1) The citizens of Szeklerland have the right to study in their mother tongue, in state or private Institutions on all levels, types and forms of education.

(2) Private persons, Churches, Organizations and Societies may have the right to establish Schools using the language of the Community.

Article 83

The Mother tongue and Church Educational Institutions are financed by the State and in the appropriate proportions by the Local Government, the privately established Educational Institutions are also supported.

Article 84

In the case of minors the parents or legal guardians will decide the language of education.

Article 85

A separate Educational System will work in the Mother tongue of the citizens as desired and needed:

- a) in independent kindergartens or in independent groups within the kindergarten, as needed;
- b) in independent elementary schools, school sections, classes, or groups as needed;
- c) in secondary education in independent grammar or secondary schools, lyceums, in vocational or trade schools, in school sections, classes, groups as needed;
- d) in vocational or trade schools in independent school sections, classes, or groups as needed;
- e) in independent Universities, High Schools, and Colleges, Faculties, sections, classes and groups as needed;
- f) in post-graduate education as needed.

Article 86

In the Educational Institutions of Szeklerland where teaching is done in the Mother tongue, the history, geography, ethnography, cultural heritages and values of the Communities and the Mother nation should be included.

Article 87

(1) In the Hungarian Educational Institutions the availability and possibility of learning the Romanian language must be ensured.

(2) In the Elementary, Grammar, or Secondary Schools, and Lyceums, the teaching of Romanian language and Literature is arranged taking into consideration their special requirements.

Article 88

In the Vocational or Trade schools the Romanian equivalents of technical terms and terminology must be included in the Curriculum.

Article 89

In the Schools, Universities, High Schools and Post-Graduate Institutions of Szeklerland it is guaranteed that the admission exams can be in the Mother tongue of the applicant.

Article 90

The training of teachers for the Kindergartens, Elementary Schools, Universities and High Schools is the duty of the Local Governments of Szeklerland.

Article 91

In the teaching of the Mother tongue, the employment of foreign guest teachers is guaranteed.

Article 92

Separate School Inspection Directorates will be established in the Region and the Sedes for the various ethnical groups. In Szeklerland the Chief Educational Inspector and the Chief of Sedes Educational Inspectorate will be Hungarian. These positions will be allocated proportionately between the various nationalities on the basis of the census returns.

Article 93

The Denominational and Church Schools function within the framework of the Church Autonomy, the High Schools and Universities within the framework of the University Autonomy.

Chapter VII

The use of mother tongue in cultural life

Article 94

In the territory of Szeklerland the use of the Mother-tongue is free and unhindered:

- a) in cultural life,
- b) in the areas of artistic creativity, criticism, research and bibliography special literature,
- c) in the areas of translation, synchronization and subtitles,
- d) in the areas of recognition of special national cultures,
- e) in the dissemination of knowledge in every fieldan all levels.

Article 95

The different ethnic communities may carry out educational and research work in their mother tongue and have the right to establish Institutions and maintain international connections.

Article 96

The Self-Government of Szeklerland supports:

- a) the opening up and making available to the public the historical places of different ethnical groups, collecting their artifacts, establishing and maintaining collections and museums,
- b) the publishing of books and periodicals in the languages of the ethnic minorities,
- c) the maintenance of theatres and other cultural establishments functioning in the mother tongue of the local communities,
- d) to broadcast articles of common interest in the languages of the different communities.

Chapter VIII

The use of mother tongue in administration and public life

Article 97

In their official dealings with the local and regional administrative authorities the citizens must have the right and must be able to use their mother tongue. Members of the national communities, who speak the appropriate languages, must be employed in these offices in their true proportions based on the census.

Article 98

The authorities of Szeklerland are obliged:

- a) to display the names of settlements, towns, villages etc, streets, squares, institutions and public places in the official language of the state, in the language of the majority population of the region, and if there is a demand for it, in any other minority language as well,
- b) to publish legal and other resolutions, declarations in the official language of the state, in Hungarian and, conforming to Article 10, paragraph 3., of the present Statute, also in the languages of any other, ethnical communities,
- c) to print documents and forms used in administrative procedures, in different languages, conforming to paragraph b). The cost to be born by the respective authorities.

Article 99

In Szeklerland's administrative units

- a) The Romanian and Hungarian languages, and the language mentioned in Article 10. paragraph (3) must be treated as equals by the administrative authorities,
- b) The administrative and legal documents must be published and printed in the languages described in Section 103. paragraph a)

Article 100

The unhindered use of the languages of the different national communities living in Székelyland, in the fields of public information, social and economical life, and any other activity is guaranteed by the present Autonomy Statute.

Chapter IX

The use of mother tongue in the jurisdictional system

Article 101

The citizens of Szeklerland are entitled to use their mother tongue freely in the Judiciary system.

Article 102

(1) The citizens of Szeklerland are entitled to use their mother tongue freely in criminal, civic and administrative procedures.

(2) The procedure is to be conducted in the citizens mother tongue, documentation must be recorded in the citizens mother tongue and also in the official language of the state.

Chapter X.

Financial matters

Article 103

The Regional, Sedes and Settlement Self-governments of Szeklerland, in the interest of securing their internal development and sphere of authority, have financial autonomy, but, while exercising it, they adhere to the principle of harmonizing with the state's financial policy.

- a) The funding system for the regions shall provide them with a foreseeable amount of revenue commensurate with their competences and allowing them to conduct their own policies.
- b) The regions' sources of funding shall be sufficiently diversified and buoyant to enable them to keep pace, as far as possible, with the real evolution of the cost of exercising their competences and with general economic development.
- c) As regards the exercise of their own competences, the regions' financial resources shall consist mainly of own resources, which they may use freely.
- d) The principle of solidarity necessitates the introduction, within each State, of a financial equalization mechanism taking account of both the potential resources and the tasks of regions, with the aim of harmonizing the living standard of inhabitants of the different regions.
- e) Transfers and grants shall as a rule be made on a non-earmarked basis. Financial transfers to regions and sharing of taxes shall be governed by predetermined rules based on a few objective criteria corresponding to the regions' actual needs.
- f) Regions shall, within the limits of the law, have access to the capital market in order to cover their capital expenditure by borrowing, provided they can demonstrate their ability to service the debt throughout the repayment period from their own income.
- g) A statutory obligation to comply with certain budgetary rules or a standardized accounting system shall not constitute an encroachment on the regions' financial autonomy.

Article 104

The Self-Governments of Szeklerland, collect state and local taxes and also administer measures regarding tax matters.

Article 105

Taxes and charges are regulated by State law, and also by Self-Government edicts.

Article 106

The Local Governments are entitled to their own financial sources, which are regulated by edicts and utilized on the basis of their own budget.

Article 107

The financial sources of the Self-Government:

- a) taxes transferred partially or totally by the state,
- b) charges after taxes,
- c) a certain fraction from the states revenues,
- d) own taxes, charges, additional taxes,
- e) income from own property,
- f) income from private property,
- g) donations,
- h) proportionate money transfers from the state budget for the services and duties taken over from the central government.

Article 108

The extent and limit of financial authority described in the Article 110 is regulated by law.

Article 109

The proportion of financial resources from their own sources at the disposal of the Self-Governments is defined in the present Autonomy Statute and in No. 2001/215 Local Administration Law. It is proportionate with the duties and spheres of authority.

Article 110

- (1) To guarantee the unhindered functioning of Self-Governments the state budget allocates proportionate financial means; the purpose of which is to eliminate the effects of disproportionate distribution of financial resources and the correction of resulting burdens.
- (2) Measures like these, cannot diminish the freedom of action of the Local Governments in the territories under their own responsibilities.

Article 111

The use of monies, transferred from the State Budget to the Local Governments is decided by the Sedes, Regional and Settlement authorities.

Article 112

Monies, transferred from the state budget, cannot be used for financing special projects.

Article 113

In the territories of the Self-Government, 90% of the legally determined income tax is part of the budget of the Local Government.

Article 114

In the territory of the Self-Government, 80% of the taxes and charges determined by Law is part of the budget of the Local Government.

Article 115

The budget of the Sedes Self-Government is made up as follows:

- a) from the territorial proportionate budget equalization;
- b) the equalization of the transfers from the state budget;
- c) own income;
- d) donations;
- e) other legal financial resources.

Article 116

The budget of the Szeklerland Self-Government is made up as follows:

- a) the budget income of the Self-Governments settlement comes from the equalization of the proportionate transfers;
- b) from the appropriate proportion of the State Budget;
- c) own income;
- d) donations;
- e) other legal financial resources.

Chapter XI.

Common or public property and its management

Article 117

(1) The condition of Szeklerland's public property is regulated by No.2001/21 Local Public Administration Law; the handling of it is executed by law as well as the Self-Government authority regulations.

(2) The Wealth of Szeklerland consists of publicly and privately owned real estate and chattels.

(3) The publicly owned wealth of the Region consists of items which according to law and by their nature or intended purpose are for the common good, can be found in the territory of the Region and are not the property of any Sedes Town, Settlement or Local Authority.(4) The natural wealth and resources of the Region, the mineral wealth, the rivers and thermal waters which are potential sources of energy, the road and water ways are the publicly owned property of the Region.

(5) Szeklerlands commonly or publicly owned wealth is non transferable, the right of ownership is inalienable.

(6) The compliance with the regulations in the first paragraph, the legal position of the Region and Sedes are identical with that of the Regional public Administration Authority.

Article 118

(1) Within 60 days from the formation of the Self-Government Authority of Szeklerland, a government decree designates the national and common properties which are in the national interest.

(2) The territorially competent Authorities will decide about ownership and management of Regional, Sedes, State, Public and private properties, taking into consideration the territorial interest.

Chapter XII

The relationship of State and Region

Article 119

(1) A Government Commissioner looks after the supervision of lawfulness in the Region.(2) In controversial questions The Government Commissioner mediates between the Central Government and the Region.

(3) The edicts and regulations of the Romanian Government and Parliament which are applicable in Szeklerland will be implemented taking into consideration the specific requirements of the Region, or may be vetoed by a 2/3 majority of the Self-governing Council.

Article 120

The legal edicts of Szeklerland are exempt from 'the administration's appeals and from the Constitutional point of view, can be examined only by the Constitutional Court.

Article 121

Against the documents and resolutions issued by the executive and administrative authorities and offices, appeals can be made to the respective administrative authority.

Article 122

In the Region, the work of the Judiciary is conducted by the legitimate, Constitutional Authorities.

Article 123

The following bodies are entitled to supervise the Autonomic Institutions of the Region:a) the Constitutional court, regarding the normative constitutional rules;
b) the Government, with reference to the practice of the jurisdiction of nation-wide interest;
c) the Public Administration Court regarding the by-laws and the activities of the organs of the Self-government;
d) the Public Auditor's office concerning the nation-wide economy and the use of monies transferred from the State budget.

Article 124

The President of Szeklerland based on the decisions of the Presidents of the Sedes, the Self-Governmental Councils or the Sedes Councils can protest against laws concerning the traditional use of the Hungarian and other languages in the Region, in case of violation against the prescribed rules.

Chapter XIII

Closing regulations

Section 125

The modification of the present Autonomy Statute may take place according to the following procedure:

- a) 1/5th. of the members of the Autonomy council may initiate modifications;
- b) the modification is ratified by a two-third majority vote of the Self-governmental Council;
- c) the modification accepted by the Self-governmental Council is validated by the Romanian parliament;
- d) within 60 days, dated from the decision of the Parliament, the citizens with voting rights in the

Region ratify the modified, statute by plebiscite; the ratification is valid even if the parliament refuses to validate the previously accepted amendments; however, under such conditions, the modification may not have the force of Law and may only be applied internally;

e) in case the Autonomy Council or the plebiscite, rejects the proposed amendments, a similar one can be initiated, but only a year later.

Article 126

The present Autonomy statute complements the state's lawful regulations.

Article 127

At the time of the present Autonomy Statute becoming Law, all other edicts, contrary to this, lose their validity.

President of the Senate

President of the Chamber of Deputies

[Appendix No.1](#)