

On its inaugural meeting, held on the 7th of July, 2003, the Initiator Board of the Szekler National Council welcomed in a declaration the Resolution 1334 (2003) of the Parliamentary Assembly of the Council of Europe, based on the Report of Andreas Gross. This document is featured prominently in all the subsequent decisions and argumentations of the Szekler National Council.

Before the Gross report, article 11 of Recommendation 1201 (1993) of the Council of Europe dealt with the topic of regional autonomy, stating, that *“In the regions where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state.”*

The Assembly recommended to the Committee of Ministers to adopt an additional protocol on the rights of national minorities to the European Convention on Human Rights based on this document. Instead, the Committee of Ministers initiated the European Framework Convention for the Protection of National Minorities, which among many positive traits, has one major deficiency compared to Recommendation 1201 (1993), namely that it does not include the right to autonomy.

After a decade of seemingly unending paralysis, the issue of autonomy has been revived by the well documented report of Swiss MP Andreas Gross (the result of several years of work), and by Resolution 1334 (2003) of the Council of Europe, adopted on the basis of this report.

The merit of the document is that it treats territorial autonomy not as a forced, tolerated solution, but as a tool to prevent conflicts in states that have national minorities. Even the title of the Resolution - “Positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe” - indicates this. The starting point is that crises emerge not between states but within the states themselves, and arise mainly from the conflict between the minorities who are seeking to preserve their identities and the states that fear for their territorial integrity. In this regard, the Resolution states that the recognition of territorial autonomy is not contrary with the principle of the indivisibility of the state.

It is the merit of Andreas Gross that beyond the perspective of human rights, he gives a new

## Statement of Principles on Resolutions 1334 (2003) and 1985 (2014) of the Council of Europe

Written by .Gazda Zoltan

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perspective to territorial autonomy, that of security policies, thus making territorial autonomy desirable not only for the national minorities, but for the international community as well. To refer to specific examples, the crises in Georgia and Ukraine could have been avoided if the member states of the Council of Europe would have taken Resolution 1334 (2003) more seriously.

For the Szeklers who act for their territorial autonomy by means of law and democracy, this Resolution offers specific arguments in the struggle for autonomy. For example, the draft law prepared by the Szekler National Council was rejected by the parliament of Romania, on grounds that the proposal is contrary to the principle of the indivisibility of the state, which is set in the first section of the constitution. This statement is contrary to Resolution 1334 (2003) of the Council of Europe, which stipulates that the one way for states to reconcile the principle of territorial integrity with their cultural diversity is to provide their minorities with competences in the management of their own affairs. Thus, Resolution 1334 (2003) of the Council of Europe offers Romania the possibility to choose between accepting the European values, the democratic principles provided by the Council of Europe, and the heritage of communist dictatorship.

Andreas Gross gives the definition of territorial autonomy, which is to this very day essential in the documents of the Szekler National Council, and in the definitions of its goals.

Accordingly,

territorial

autonomy

is a solution

through

which

the inhabitants of

a region within a

sovereign

State, according to their specific geographic circumstances, receive additional rights, which help them

protect their  
cultural  
and  
religious  
identity.

The other merit of the document is that it is not a one-sided approach to the issue, but also deconstructs the fears and suspicions which the states bare against their minorities, by stating that the benefits of autonomy may not undermine the internationally recognized borders of the states; interpretation, application and management of the autonomy falls within the competences of the state, the national parliament and its institutions. Thus, Andreas Gross's work is not only one of the most important documents about the protection of minority rights, but also about the democratic balance and international stability.

Over the past ten years, Resolution 1334 (2003) launched a process of creation and further thinking, mainly in the Council of Europe, on the subject of autonomy and the regionalisation. From this process we will now pick a single motif, Resolution 1985 (2014) based on the report by Ferenc Kalmár. Its most important element in terms of the current situation of the Szekler people, is section 10.3.2 : “

*The Assembly calls on the Council of Europe member States to take into account,*

***irrespective of economic motives***

*, the added value of historic regions in terms of culture, language, traditions and religions when defining/reforming the administrative and/or territorial structure/units of the country or of certain State institutions*

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. Section 10.5.2 is also important from the point of view of the administrative reform:  
*“In the spirit of Article 16 of the Framework Convention, refrain from adopting laws or administrative measures which may enhance assimilation, encourage migration or change the ethnic structure in a specific region”*

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The Gross Report and the Resolution adopted on its basis paved the way for a new form of European thinking, which expresses more deeply and effectively the fundamental values of democracy. It paved the way for the creation of a European convention on autonomy, while also laying down its conceptual base.

The Szekler National Council:

- Is interested in Resolution No 1334 (2003) receiving due attention and recognition in Romania, so that the principles and objectives set out within the Resolution are respected, and is also interested, along with other European communities, in the creation of a European convention on autonomy, mandatory for all member states.

- Wishes to be a part of this European process, and trusts that all affected European national communities will be their partners in this aspiration, along with all members of the Parliamentary Assembly of the Council of Europe committed to democracy, especially Hungary's national delegation, with which it has concluded a cooperation agreement four years ago.

The Szekler National Council is also counting on Andreas Gross' further work, expects that his personal  
prestige  
and  
commitment to  
a  
democratic  
and peaceful

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Europe

, his increased empathy for national communities seeking to preserve their identity will sooner or later help overcome the incomprehension or indifference of the European authorities.

Marosvásárhely/Tg-Mures, the 8<sup>th</sup> of November 2014

The Szekler National Council