

7. EVENTS IN GOVERNMENT, POLITICS AND SOCIETY

“... A review of the activities of the new government to date shows that ambitious plans are being drawn up, but we are awaiting concrete actions. It therefore seems fair to call 2002 a year of change and expectations,” was how we ended last year’s report. One had been expecting to see some major breakthrough or results in 2003, but it has to be admitted that those expectations have been disappointed. The initial momentum ran out, and with nothing happening that was backed by genuine vision or political will, one can speak only of idling or marking time.

Embroidments around the National Gypsy Minority Self-Government

January 2003 started with the electoral assembly of the National Gypsy Minority Self-Government (NGMS) and the associated scandal. That scandal was not to be imputed to the Roma themselves, as many would have liked to believe, but to the inherent explosiveness of the legislation and electoral arrangements relating to Hungary’s national and ethnic minorities. The fact that they surfaced now for the first time, however, was a product of genuine political rivalry. This was the first occasion on which a political force that looked capable of replacing the Roma leaders who had dominated the body over the first two parliamentary terms was offering itself for election to the NGMS council. Naturally, that did not go down well with the group that had been enjoying undivided authority up till then. That in itself would not have been a particular problem. What compounded the situation was the absurdity of the regulations, which required those who were entitled to vote in the elections—more than 4,000 electors—to be herded together into a single venue and, if possible, kept together until the elections had been completed in a process that lasted the best part of a whole day. Most of the electors had set off from their rural homes at dawn and, not surprisingly, began to flag after a while, with verbal sparring and political dissension descending to roughly the same low level as was seen during the campaigns for the country’s general election in 2002. When it became clear to the coalition group that had been holding power that they were not going to win this time round, they walked out of the election venue. The election itself went ahead, of course, and the

National Electoral Commission declared that the members of the Democratic Roma Coalition had been victorious.

The losing Lungo Drom coalition under Flórián Farkas lodged a protest. On paper, there was little chance of this being accepted, as everything had taken place by the same procedure, not so much laid down in law as sanctified by custom, as had been adopted during the previous two terms. Nevertheless, the Supreme Court allowed the appeal and ordered a rerun of the election. The principal argument in the reasoning behind this judgement was that by the time the final vote was taken there were no longer the requisite 50% of electors present as prescribed by the relevant rule. The relevant rule, however, merely stipulates that this quorum must be present when the electoral assembly commences, making no reference to final votes—and that was indeed how both the NEC and the Supreme Court itself had previously interpreted the rules. Given the new interpretation—under which elections to the previous two NGMS councils must equally have failed to comply with the law—it seemed necessary to announce a new electoral assembly for early March. The lack of rules, coupled with this approach to interpreting what rules did exist, had placed a powerful weapon in the hands of political groups that are about to lose, because they were able to invalidate an election simply by walking out of it. Thus, there was every reason to fear that a NGMS might not be formed at all. It is typical of the continuing legal uncertainties that the various parties kept on appealing to various forums to request that a ministerial commissioner or government commissioner be ordered, or international observers be sent, to scrutinise the new election. Given that, the members of the Democratic Roma Coalition won a surprisingly smooth rerun election by a huge majority, with only two members of Lungo Drom gaining seats in the new national body.

This was far from marking an end to the shenanigans that had arisen from the lack of clear rules, as for a good three quarters of the year the NGMS provided the public with a talking point that pushed any other issue relating to the Romas into the background. ‘Ructions’ continued already at the inaugural session of the new NGMS, but now they were between members of the newly elected Democratic Roma Coalition. With several individuals aspiring to chair the body, the candidates persistently questioned any steps taken by their rivals, because the rules, as they stand, fail to specify who is authorised to call an inaugural session of the NGMS, and when. At the inaugural session which was eventually convoked, where still more rough stuff was on display to the press, the NGMS elected Aladár Horváth, a Roma politician with a reputation as something of a radical, as their chairman, which prompted one

of the parties within the Democratic Roma Coalition to withdraw from participating in NGMS business. Mr Horváth's election not only surprised more than a few but even caused a fair amount of consternation, because in the past he has roundly condemned the entire system of minority self-governments as backward, a form of 'institutionalised segregation', and thus ripe for abolition. Whether that is the direction in which he would actually have pushed matters we were never to find out. After three months, during which Mr Horváth had been endeavouring, if anything, to assess and consolidate the situation in which the NGMS found itself, Orbán Kolompár, the body's dissatisfied deputy chairman, along with representatives of the organisation that had walked out of the inaugural session, made use of a motion of no confidence to turn Mr Horváth out of the office he had only just taken on. The chairmanship was taken by Mr Kolompár. The ensuing months were characterised by proceedings that the two rivals instituted against one another to bolster or query legal interpretations, and then by Mr Kolompár's efforts to consolidate his position, rather than by any substantive progress.

In summary, then, the evolution of events in connection with the NGMS can be seen as a perfectly natural process, with nothing happening other than the deposal of an 'old guard' leadership followed by the deposal in turn of Aladár Horváth, a person with support mainly among the Roma (and non-Roma) intelligentsia of Budapest, by Orbán Kolompár, a successful entrepreneur, whose base of support was among Roma politicians and leaders of areas outside the capital. The only trouble is that it all took place at the cost of extraordinary antics that detracted from Roma politics, and hence the Roma community as a whole. The underlying reasons for that are surely to be sought in something that has long been evident: the inadequacy of the legislation that covers minority group rights. Amending that, however, is a matter for the 'grand politics' of the National Assembly.

Governmental Roma policy

The government's programme gave space to ambitious plans for improving the living conditions of Hungary's Roma population, while the activities of the Office for Roma Affairs that began work in 2002 promised a fundamental shift in ways of thinking as well as genuine changes. Those fond hopes were soon dashed, however. For the first time ever, four representatives of Roma origin had been returned to parliament, and the expectation was that they would at last be drawing attention, compellingly and often, to the hard and des-

perate situation of so many Romas in the country. There was even a fleeting thought that they might be able to set party-political differences aside to push, in an eye-catching way, for the interest's of Hungary's Romas. That did not happen. Two of the four representatives have still (in late 2004) to make their maiden speech to the National Assembly, whilst of the other two, Flórián Farkas has taken the floor on five occasions, László Teleki on three, to burden the attention of their fellow representatives on the subject of Roma problems for a sum total of 22 minutes. Commentators—and possibly Romas too—had counted on more than that. Party discipline may be important for their personal futures, but in knuckling in to it these representatives are letting a historical opportunity slip.

László Teleki, for his part, was given the chance to do something in his government position. His sphere of authority as a political under-secretary of state was constitutionally more than a little suspect from the start, considering that he was given the task of giving shape and definition to the government's Roma policy by guiding and influencing ministerial commissioners and Roma rapporteurs appointed by the various spending departments. It rapidly became apparent that this was a trick that was going to be near-impossible to accomplish in practice. For one thing, the process of appointing people with departmental responsibilities trickled to a stop, and even in departments where ministerial commissioners and Roma rapporteurs were appointed, this was to civil service posts under the control of the ministry concerned, leaving Mr Teleki with no real say in their work or their sphere of authority. However good their intentions might be, the young Romas who were appointed to the positions turned out to be essentially powerless: as beginners, with only slight administrative experience, they were at the bottom of bureaucratic apparatus, which meant that they were at best onlookers rather than actual movers when it came to their department's Roma-related programmes. A sole exception to this was Mrs Viktória Mohácsi Bernáth, whom the junior government party, the SZDSZ, nominated as ministerial commissioner in the Ministry of Education. She encapsulated the SZDSZ's ideas on Roma policy and was given both the support and chance to put a plan for integrated education into practice. It is premature to pronounce on the yields of this undoubtedly forward-looking intention, but among commentators and interested circles there are already serious debates about the basic principles and practicalities of the programme (as discussed in earlier sections of this Report).

The objective that led to the Roma Affairs Council being set up met a similar fate. This was originally intended as an advisory body of outstanding Roma and non-Roma figures,

chaired by the prime minister himself, but a substantial number of those who sat in the body were looking to have a say in the shaping of Roma policy. It gradually turned into little more than a ritual body.

The greatest expectations were placed in the Office for Roma Affairs. A body that was conceived as concerning itself fundamentally with strategic planning, its administrative and managerial status were placed on a shaky footing. Like László Teleki's post, this body came under the purview of the Office of the Prime Minister, headed by Elemér Kiss, with its direct running being overseen by Judit Berki as a deputy under-secretary of state. The links between the two, however, were unclear from the start, resulting in some curious situations.

A typical instance of this was the matter of the revision of the government's package of medium-term measures. Experts and officials within the Office for Roma Affairs—picking up on a policy decision that was also being pushed by the under-secretary of state—were among those who considered the matter, and they concluded that a totally new programme was required. The programme that emerged in the course of strategic planning was one that promised a quantum leap ahead if it were to be implemented. Whilst the interministerial reconciliation process was going on, it became clear that it would be impossible to carry out the new programme: as a rule, such comprehensive plans can only be realised by a whole-hearted concentration of resources, but in this case the political will did not stretch that far. The regular ministries wished to continue with their earlier practice of deciding for themselves what sort of Roma-related programme they wished to implement, and how much of their budget they wished to devote to this. Decades-old and ineffective as it is (as research has all too vividly displayed), this procedure is still the easiest to operate and is what continues to receive political support. No one had the will to produce real changes in the circumstances that Gypsies have to deal with through a programme of targeted and concentrated measures. Indeed it would be fair to say that increasingly, even at government level, a notion that 'there is no longer a Gypsy Question' has gained currency, which more or less condemns any institution or programme that is specifically aimed at Romas, since that is seen to be a form of segregationism. More and more this is being replaced by so-called equal-opportunities policies in which there is no separate programme involving Gypsies, but the Gypsies are included as part of some wider target group that needs to be addressed. This policy switch has made the Office for Roma Affairs totally redundant: it has been in no position to implement its strategic programmes and has increasingly been going through the administrative motions, with most of

its staff's time being spent dealing with irrelevant issues. They might just as well be giving their opinions about proposed changes to the Highway Code or Animal Protection Act.

Given all this, governmental Roma policy is defined by issues that look spectacular but do not actually affect the mass of Romas. The cause of demolishing the country's slum colonies, still not embarked on to this day, sprang up like an underground stream, with committees being formed and then wound up. The real successes, as with the previous government, were those achieved by distributing subsidies and other not particularly large sums of money, not least of them that perennial 'hit' of scholarships.

Contributing to a gradual worsening of the situation was an inability to take decisions coupled with constant changes. First Elemér Kiss was replaced by Péter Kiss at the head of the Office of the Prime Minister, then in the middle of 2003 Katalin Lévai was appointed Minister without Portfolio with Responsibility for Equal Opportunities. Each and every such change would mean time waiting to find out what ideas the new person had on a given issue, and whether the programmes elaborated to that point could be implemented or would need to be revised. The biggest change was undoubtedly the one that ensued from Ms Lévai's appointment, given that it represented the definitive triumph of the line of thinking that denies the existence of a 'Gypsy Question'. According to its adherents, programmes of this kind merely intensify the isolation of Gypsies, since they primarily address social issues and thus should be dealt with as a part of general social policy. Anything that is 'left over' can be handled by equal-opportunities policies, the current targets of which are women, the disabled and the Romas. The present author considers that this is a fundamentally flawed approach. Putting together groups that are struggling with very different types of problems, and consequently require different solutions, and calling these a 'community' is to condemn the policy to fail from the outset. It will still not avoid setting the groups, each with its own peculiarly disadvantaged situation, against one another when it comes to the budget spending round.

This is the school of thought that gave rise to Law CXXV/2003: Promoting Equal Treatment and Equality of Opportunity, the long-missing anti-discrimination measure that the EU has been expecting to see enacted. The legislature has now defined the types of discrimination that are to be recognised in Hungary's legal system. That said, however, there has been much criticism of the way in which the widespread discriminatory practices that afflict Romas are again lumped together with the totally different kinds of problems of the physically disabled, gender identity, etc., which many found offensive—to say nothing of

the fact that no institutions have been established to uncover and deal with cases of discrimination. This, then, is yet another case of a necessary piece of legislation being enacted without the backing of an effective system of sanctions.

If anything, the new approach to the Ethnic Minorities Act came off even worse. The gaping flaws in the election procedures for minority self-government bodies, as well as the frequently insoluble tangles that have been experienced during the operation of those bodies, prompted the legislature to speed up reforms. Questions of registering members of minorities and passive or active eligibility to vote, however, were just the opening shots in a series of protracted debates. A new draft bill was produced, but nothing has been heard since then about its presentation for parliamentary approval. Instead, those who cared to were able to celebrate the tenth anniversary of the feeble Ethnic Minorities Act that currently operates and the absurd situations to which it has given rise.

By the end of 2003, the fate of the Office for Roma Affairs had been sealed. Following Katalin Lévai's appointment, the question of whether it would remain within the Office of the Prime Minister or whether it might be bundled up with the areas over which Ms Lévai had surveillance, and thereby create a quasi-ministry, was left in abeyance for a long time. The decision finally came down in favour of the latter solution. A Government Office for Equal Opportunities was established, with Roma affairs being adjudged a full-blown department within that. As subsequent events have shown, this seems to be every bit as misguided a move as the previous government's decision to delegate the 'Gypsy Question' to the Ministry of Justice, but it is entirely of a piece with idea that there is no such thing as 'Roma affairs'. Mr Teleki is now left even more in a constitutional vacuum, whereas Judit Berki, having no wish to be part of this set-up, resigned from her position. This has left the Roma cause, which started off so encouragingly after the change in government in 2002, effectively in limbo.

To sum up, the events of 2003 can only be viewed as a great disappointment. Progress was seen at most only on the much-discussed matter of student scholarships; in every other area one can only speak of 'stagnation' at best. The demotion of the self-standing Office for Roma Affairs, in our view, represents a major setback. The positive signals that were sent out after the change in government having died away, with the best will in the world one can only call 2003 a year of standing still.