



**Doctoral School
of International
Relationships**

A COLLECTION OF THESIS

by Endre Domonkos

**International autonomy models and minority question
The Catalan regional autonomy and its experiences**

Ph.D. dissertation

Consultant:

Dr. László J. Kiss
University Professor

2010, Budapest

Department of International Relationship

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Introduction

My research field is the evaluation of the international autonomy models especially the experiences of the Catalan regional autonomy. As a scholarship holder university student I had the possibility to perceive personally the functioning of the Catalan Autonomous Community institutions in the European Union.

Since 1970's we are the witnesses of strengthening the regionalism and regional tendencies in the EU. Instead of the centralized economic and political models the main endeavor of regionalism is to establish decentralized administrative units to be laid down the territorial development and planning on regional level. During the last decade different ethnical and language movements became strong and they wanted to achieve the representation of their own interests. Because of these tendencies it was necessary to be built up appropriate political and administrative structures and to be decentralized the administration and the economy on regional level as well. The main task of the „regionalization” of administration is to improve the functioning of administrative units and to provide the participation of citizens in decision-making. Decentralization means to enlarge the added administrative competences and functions so that certain competences will be transferred by the central state to the local councils. The level of the competences will be laid down by the central state in constitution or in basic rules. The competences will be shared between the central state and local councils so that local units have got certain independencies against the central state.

The question of autonomy is correlated tightly with the decentralization of administrative structures and with the principle of subsidiarity because in every modern state autonomy can be fulfilled through power-sharing. In this case the competences of the central government and the local units are fixed in basic rules or in constitution.

One of the main accomplishments of the 1978 adopted Spanish Constitution was inter alia to establish democratic political system that recognized Spain's multinational characteristics while the country was divided on 17 different autonomous communities. The Constitution recognized the Basques, the Catalans and the Galician's as historical nationalities in the framework of Spain and it provided wide-range autonomy for the Basque country and Catalonia as well. The Spanish democratic transition linked to the adequate handling of the nationality question. The Spanish constitutional model could be a good example because the country joined the European Union without having internal national conflicts.

My dissertation wants to analyze behind the notion of autonomy the experiences of the

Catalan regional autonomy and its applicability in Central and Eastern-Europe.

I think that the Spanish constitutional solution and the Catalan regional autonomous system have got important relevancies for preserving the identities, linguistic-political and historical traditions of the Hungarian minorities that live in Central and Eastern Europe. The national and international bibliography didn't cope detailed with the applicability of the territorial autonomy in the Central European region - as the best way for preserving the linguistic-cultural and political rights of minorities - that's why I thought it was necessary to highlight this topic.

1. The conceptualization of the notion of autonomy

According to the national and international bibliography we have to state that autonomy doesn't have a unified accepted interpretation. The international law doesn't explain exactly what autonomy really means that's why the notion of autonomy can be seen as a complex and mould phenomenon.

Etymologically autonomy is derived from the Greek word "autos" and "nomos", which means autonomous decision, jurisdiction, sovereignty and independency. It reveals both the state and the judicial-institutional form of the notion as well. Generally we can interpret the definition of autonomy as a decentralization of central power in a rule of law and the transferring of certain competences of the central governments to the local administrative units so that the different functions can be fulfilled in a best way.¹

Ruth Lapidoth emphasizes in her book "Autonomy –flexible solutions to ethnic conflicts" that autonomy is an important tool to eliminate ethnical tensions and it's based on self-determination. The autonomy can be seen as a flexible solution and the added situation will determine which model should be applied among the different self-determination forms.²

If we want to draft the notion exactly we have to say that autonomy is an institution for protecting the self-interests of autonomous racial, ethnical, linguistic, religious and cultural groups or territories inside states.

One of the crucial lack's of the above mentioned definition is that it doesn't answer the characteristic of the institution of autonomy.

¹ Domonkos Endre: A katalán regionális autonómia és tapasztalatai Kelet-Közép-Európában (The Catalan regional autonomy and its experiences in Central and Eastern Europe). In: Valóság, 2009/3 Edition, pp. 72-86.

² Lapidoth, Ruth [1997]: Autonomy – flexible solutions to ethnic conflicts. US Institute of Peace Press, Washington D. C. pp. 9-16.

Hans-Joachim Heintze, an international law expert emphasizes that autonomy can be interpreted as certain degree of self-governance and the accomplishment of subsidiarity of those groups that have common identities. The extent of autonomy is changeable; it hasn't got a generally accepted dimension. According to the international law's definition the content of autonomy can be summarized in a convention, in there the minority group is capable to realize the self-governance by itself without establishing a new state.³

As far as Péter Kovács concerned "the autonomy is an endowment of representative and administrative competences for those communities that belong to the whole or by chance to one part of the territory and includes all members of the individuals having a common identity."⁴

The above mentioned definition shows a much more acceptable conception of autonomy because it encompasses both the block and sporadic characteristics of the institutions of territorial and personal autonomy and covers the administrative competences as well.

Autonomy is set on the highest level of the hierarchy of minority rights, which can be achieved by a minority group inside a state.

The autonomy's most important element is the self-governance that includes the economic-social and cultural administrative competences and in some cases international scope of activities.

The main aim of autonomy is to preserve the identity of minority groups and assumes the following rights: the right to learn his/her mother tongue in private life, in public education, administration and jurisdiction, to set up and manage their own schools, educational and training establishments, to participate in public life actively and to dispose the natural resources freely.

I think it's crucial to explain the different notions (such as state, minority, collective rights and self-determination), which are linked to the concept of autonomy.

State can be defined as a certain entity (organization) that exercises a supreme power over the inhabitants living in a specified territory. In international law statehood has got four criteria: territory, population, government and effectiveness. The state as a subject of international law has got permanent inhabitants, specified territory and self-government and it's capable to get in contact with other states (effectiveness).

³ Heintze, Hans-Joachim [1994]: Selbstbestimmungsrecht der Völker und Minderheitenrechte im Völkerrecht; Herausforderungen an den globalen und regionalen Menschenrechtsschutz. Baden-Baden, pp. 180.

⁴ Kovács Péter [1994]: Területi autonómiák, speciális státusok nemzetközi jogi és diplomáciatörténeti összefüggései (Territorial autonomies, special status in the context of international law and diplomacy) In: Magyarország és Európa, 1994/2. Edition, pp.77.

For the notion of national and ethnical minorities we have to state that there aren't generally accepted definitions. Because of the different forms of national and ethnical groups in Europe it's absolutely impossible to find a universal definition for the minorities that covers all characteristics of them. Francesco Capotorti explained the concept of minority in the followings: "a group of citizens numbering less than half the population of a State and in a non-dominant position, whose members, have a community of interests, are motivated – albeit implicitly – by a collective will to survive, and possess ethnic, religious or linguistic characteristics which differ from those of the majority of the population, and whose aim is to achieve equality with that majority in fact and in law."⁵

Jules Deschènes tried to outline precisely the notion of minority to avoid the problems occurred by the definition of Capotorti. He emphasized that minority is "a group of citizens of a State, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law."⁶

Hans-Joachim Heintze in his lecture "Autonomy and Protection of Minorities under International Law" gave an interpretation for the concept of minority that was based on the Permanent Court of International Justice advisory opinion in connexion with the Greco-Bulgarian community's affairs.

"By tradition ... "the community" is a group of persons living in a given country or locality, having a race, religion, language and traditions of their own and united by this identity of race, religion, language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children with the spirit and traditions of their race and rendering mutual assistance to each other."⁷

To be given an exact definition for the minorities we have to mention the Recommendation 1201 (1993) that was adopted by the Parliamentary Assembly of the Council of Europe. "For the purposes of the European Convention on Human Rights, the expression "national minority" refers to a group of persons in a state who:

⁵ Francesco Capotorti [1979]: Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities, UN DOC E/CN.4/Sub.2./348./Rev.1. (1979).

⁶ Jules Deschènes [1985]: Proposal concerning a Definition of the Term "Minority". UN DocE/Cn.4./Sub2./1985./31., 181.

⁷ Heintze, Hans-Joachim [1997]: Autonomy and Protection of Minorities under International Law. In: Günther Bachter: Federalism against Ethnicity? Verlag Rüegger, Zürich, pp. 17.

- a) reside on the territory of that state and are citizens thereof;
- b) maintain longstanding, firm and lasting ties with that state;
- c) display distinctive ethnic, cultural, religious or linguistic characteristics;
- d) are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state;
- e) are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language.”⁸

According to the above mentioned definitions we have to say that they give overwhelmingly an objective approach for the interpretation of minorities. Defining the notion of minorities exactly it's important to take into account that minorities should meet objective and subjective requirements. The objective requirements are the followings:

1. Persons that belong to the minority groups have to be smaller in number than the rest of the population of the country and they haven't got dominant positions.
2. Minorities are the citizens of those states in there they live and have ethnical, religious or linguistic characteristics markedly different from those of the rest of the population.

The subjective criteria include preserving the solidarity and inherence of culture, tradition, religion and language.

The notions that are drafted by international law provide only guidelines for the states and aren't compulsory legally. In this situation it can be an essential viewpoint to find a generally accepted definition inside the state in accordance with the request of the position of minorities. This definition should be extended for all members of the minority groups that can be named as a national or ethnical minority. It should be excluded all kind of groups that don't belong to national or ethnical minorities.

The main endeavor of the minority rights is to preserve the existence and identity of the community. Related to this topic we can ask the following question: is it possible to protect the identity as individual rights or should be recognized by collective rights as well? The

⁸ Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights. Rights on national minorities, Council of Europe Information and Documentation Centre, Budapest, 2002.

international law interprets the communities as beneficiaries of the protection and not a subject of them. The minority rights are exercised by other individuals of the minorities inside a community. The minority autonomy is interpreted as a collective right exercised by the majority of the European states' legal systems.⁹

The collective rights – in there the community is the subject of its own – mean in the international law self-determination of nations, which is recognized by the Covenant of Human Rights of the United Nations.

According to the interpretation of Pentassuglia Gaetano, self-determination can be perceived as form of independence for the peoples concerned and choices for integration or association with an established state.¹⁰

Snežana Trifunovska makes a distinction between the internal and external self-determination in her essay “Self-determination for minorities and indigenous people”. “External self-determination is a right of people to choose their own sovereignty and to be free from external coercion or alien domination, which might end up in independence and creation of sovereign state. Internal self-determination means the right to meaningful participation in the political process within a state. This implies the right of people to decide freely on its own political system and development within the borders of the existing state.”¹¹

Self-determination has got a crucial role in practice. “Today, a pluralistic democratic state tends to include and develop various mechanisms at the national level for protection and exercise of the rights of both minorities and indigenous peoples.” In the field of protection of minorities Trifunovska emphasizes three different categories:

1. “Constitutional and legislative arrangements, effective political and economic participation;
2. conciliation mechanisms;
3. various inter-ethnic governmental and non-governmental bodies and agencies, establishment of administrative agencies to deal with issues of concern for these groups, like health, housing, education, employment etc.”¹²

⁹ Hofmann, Rainer [1998]: Minority rights: Individual or Group rights? A Comparative View on European Legal Systems. German Yearbook on International Law 40. Dunker and Humboldt, Berlin, 1998. pp. 357-382.

¹⁰ Pentassuglia, Gaetano: State Sovereignty, Minorities and Self-Determination. A Comprehensive Legal View. International Journal on Minority and Group Rights, 2002. Vol. 9, pp. 305.

¹¹ Snežana Trifunovska [1997]: Self-determination for minorities and indigenous people. International Journal on Minority and Group Rights, 1997. Vol. 5, No. 2. pp. 182.

¹² Snežana Trifunovska [1997]: i. m. pp. 192.

As far as the standpoint of international law concerned it's quite doubtful that minority group has got self-determination. In accordance with the practice of states the subjects of self-determinations are "people" that are equivalent to the inhabitants of the countries.

The United Nations Human Rights Committee and the Covenant of Political and Human Rights emphasize the participation of minorities in the democratic decision-making process for fulfilling the internal part of self-determination.¹³

As we experienced the definition of self-determination was a crucial problem because any other minority groups or indigenous people could set up a claim to be recognized as "people". Because of the wide range interpretation it's impossible to determine who has right to the self-determination and who hasn't.

Another problem can occur if we want to interpret the notion of autonomy in the international law because in international documents (see European Charter of Local Self-Government, Document of the Copenhagen meeting of the conference on the Human Dimension of the CSCE and the Recommendation 1201 (1993) adopted by the Parliamentary Assembly by the Council of Europe) the rights of autonomy are defined as recommendations and they aren't compulsory for the states.

1.1. The security policy's perception of autonomy

Because of the changement of interstate relationships the notion of security policy was reevaluated at the end of XXth century. The perception of security policy as an exclusively military-diplomacy issue was relegated to the background and the importance of non-military (for example ethnical conflicts) factors were pushing into the spotlight.

As far as I'm concerned it's a crucial question to analyze the behavior of the international community about autonomy. While the standpoint of the international community is unequivocal in the field of human rights, democratization process and market economy, its viewpoint in the question of autonomy can be seen quite ambiguous. The international community doesn't support frankly the autonomy as a complex institutional form of the minority question.¹⁴

The ambivalent behavior of the international community can be experienced if the

¹³ HRC Concluding Comments regarding Canada, Mexico and Norway. UN Doc. CCPR/C/79 add. p. 105., 109, 112.

¹⁴ About the security of the national minorities see: Kardos Gábor [2007]: Kisebbségek: konfliktusok és garanciák (Minorities: conflicts and warranties): In: A nemzeti kisebbségek és a biztonság (National minorities and security). Gondolat Kiadó, Budapest, pp. 24-35.

institution of autonomy is treated as a security policy issue. If a minority group revolts and strives on secession – see the case of Albanians in Kosovo – autonomy can moderate the claims of the minorities and can promote the stability in the region.

In accordance with this phenomenon we can assume that the main aim of autonomy is to promote the stability.

Hypothesis: If autonomy is supported by the majority and minority groups of the society inside a state, it can contribute to moderate the demands of them and can preserve the stability as well.

The security policy's definition of autonomy

Respecting the security policy's notion of autonomy we have to state that autonomy plays a crucial role in handling the ethnical conflicts in a peaceful way and in promoting the stability of the region. The establishment of autonomy means an acceptance of mutual concessions. On one hand the majority of the population resigns to create a homogenous national state and on the other hand the minority group renounces any form of secession and accepts that he/she lives as a national minority within the framework of the state.

For establishing the provided linguistic-political and cultural rights of the minority communities autonomies the fears of the majority of population should be eliminated completely. The majority of the society should understand that its identity and the ethno cultural characteristics of the state won't be jeopardized by another cultural community. If a cultural identity is endangered this will hit the members of the minority group and not the majority of the population.

Minority cultures are jeopardized principally by the assimilation. It's absurd to claim that the majority of the population will be assimilated by the minority group. The best solution can be if "desecuritization of minority rights involves the telling of the stories of the majority and minorities in such a way that those groups do not exclude each other from the political community."¹⁵

"The majority culture – known as national culture – should be separated from the historically based fusion of the general political culture so that every citizen could identify him/herself with the political culture of its country. The solidarity of citizens that is based on

¹⁵ Jutila Matti: Desecuritizing Minority Rights: Against Determinism. Security Dialogue, 2006. 37. Vol. 2. Edition, pp. 180-181.

the abstract principle ‘constitutional patriotism’ depends on the successful separation of the political culture from the majority culture.”¹⁶

We have to emphasize that the establishment of autonomy is related step by step by a long process. The creation of autonomy is linked to political-legal (constitutional) reforms and continuous regulations. For every autonomy model it’s necessary to be built up a regular dialogue between the majority of the population and of the minority group as well. The competences belonging to ethnical minorities or shared by the central governments are fixed in documents in the framework of negotiations between the partners.

Autonomies that have got their own appropriate constitutional warranties and institutional systems of self-governances based on the negotiations (see the case of Spanish and Catalan autonomy) between the majority and the rest of the population can be capable to preserve the identities of national minorities.¹⁷

If autonomy-models enjoyed the implicit approval of the concerned groups we could ask that all types of autonomies could preserve the collective rights of the minorities completely. My assumption is linked to the correlation between the collective rights of the minorities and autonomy-models.

Hypothesis: All autonomy-models provide the preservation of collective rights of the minorities completely.

According to the experiences of the Hungarian (Balázs Gerencsér, Gábor Kardos, Péter Kovács, Zoltán Bognár Levente) and of the international bibliography (Markku Suksi, Keating Michael, Kimminich Otto, Lapidoth Ruth) we can state that all autonomy-models (territorial or personal and cultural autonomy) serve as the preservation of the cultural, historical traditions and national identities of the minorities. Autonomy can be perceived as the most important element to preserve the national identity of a minority group.

In case of autonomy it’s a crucial factor to have the self-governance so that the effective participation of the national minorities will be provided in the decision-making process. The effective representation of the cultural and political rights of the minorities is realized by institutional system.

¹⁶ Habermas, Jürgen [2001]: The Postnational Constellation: Political Essays. Cambridge, Polity Press, pp. 74.

¹⁷ For negotiated autonomy-models the best examples are the cases of Spain and Catalonia’s autonomies, in there the linguistic, political and cultural rights of the national minorities are provided by Constitution. The Spanish Constitution recognizes the Catalans, the Basques and the Galician’s as historical nationalities and provides them wide-range self-governance.

In order to establish autonomy it's important to pay attention to the interest of the central state as well because territorial integrity of a state can't be jeopardized by this form of self-determination either de iure or de facto. To be achieved autonomy special attention should be given to preserve the territorial integrity and sovereignty of the state and minorities' rights should be treated sufficiently.¹⁸

For testing the above mentioned hypothesis I would like to use the following statements analyzing the effects that are exercised by autonomy-models to the stability of the state and to the preservation of collective rights.

I.)

All autonomy-models promote the stability of the region within the framework of the state.

None autonomy-models promote the stability of the region within the framework of the state.

All autonomy-models promote the stability of the region within the framework of the state.

Some autonomy-models don't promote the stability of the region within the framework of the state.

None autonomy-models promote the stability of the region within the framework of the state.

Some autonomy-models promote the stability of the region within the framework of the state.

Some autonomy-models don't promote the stability of the region within the framework of the state.

Some autonomy-models promote the stability of the region within the framework of the state.

II.)

All autonomy-models provide the preservation of collective rights of the minorities completely.

None autonomy-models provide the preservation of collective rights of the minorities completely.

All autonomy-models provide the preservation of collective rights of the minorities completely.

¹⁸The human and political rights, the institutional system that preserve the cultural, linguistic and historical traditions of the minorities and their active participation in decision-making are provided by a constitution or basic rules.

Some autonomy-models don't provide the preservation of collective rights of the minorities completely.

None autonomy-models provide the preservation of collective rights of the minorities completely.

Some autonomy models provide the preservation of collective rights of the minorities completely.

Some autonomy-models don't provide the preservation of collective rights of the minorities completely.

Some autonomy-models provide the preservation of collective rights of the minorities completely.

I find it important to analyze the correlations among autonomy, the stability of the state and the collective rights of the minorities as well, but I wouldn't like to cope with those statements that start with the following words "all" and "none". My essay strives on evaluating the experiences of the Catalan autonomy, the stability of the state caused by different autonomy-models and the effects of collective rights of the minorities.

Some autonomy-models don't promote the stability of the region within the framework of the state.

Some autonomy-models promote the stability of the region within the framework of the state.

Some autonomy-models don't provide the preservation of collective rights of the minorities completely.

Some autonomy-models provide the preservation of collective rights of the minorities completely.

To handle and solve the minority problem depends on how extrovert and committed is the state in there the minority groups live. The reconciliation process is influenced by the political culture and consensual behavior of the minority group and the majority of the population as well. For establishing autonomy we have to emphasize four important factors: the geographical location, the population, the cultural differences and the existing institutions. The central government should be convinced by the minorities that they lived in the territory

of the state as a minority group, practiced their cultural, linguistic and religious habits and had existing institutions that were recognized by whole members of the minorities or by the central government or by an international organization.

If collective rights aren't recognized and fixed by the constitution or by basic rules completely, the operation of autonomy-models can be contested sharply. If collective rights of the minorities aren't provided by constitutional solutions the ethnical group (see the case of Albanians in Kosovo) can refer to self-determination to be found international solution in a way of secession or constitutional changes within the state. The territorial integrity of the state is jeopardized by the secession and this means a threatening not only for the security of the concerned state but also for the neighbour regions as well.

The different separatist endeavors will be avoided by guaranteeing the form of autonomy and by the constitutional fixed competences of the national minorities. The persons that belong to the national minorities will be capable to self-govern themselves by establishing the highest degree of self-determination. The separatist initiatives that jeopardize the sovereignty of the state will be senseless.

To be established autonomy it's a crucial question to find the right way that fulfill both the demands of the minority groups and the leadership of the central governments as well. The experiences show (see the Spanish constitutional solution in there the cultural, linguistic and political rights of the national minorities are fixed in constitution) that between the minority groups and the majority of the population negotiated autonomy-models serve as the best solution. The Spanish democratic transition can be a good example for "the negotiation model" and can be perceived as a "rational transition". This process was based not only on the necessity of creating a new political structure and the consensus of handling the minority question but also by the continuous compliance of the political elite as well. The case of Spain can be characterized as "a transitional model enforced by the modern elites."¹⁹ In this process the acceptation and recognition of the demands of national minorities played an important role. Thanked to the continuous institutional reforms and constitutional regulation it succeeded maintaining the "reign of law" and avoiding the dissolution of the legality.

Among the different autonomy-models the Spanish and Catalan autonomy-solutions (including their constitutional and institutional warranties) provide the most effective way to preserve the cultural, linguistic and political rights of the national minorities inside Spain.

¹⁹ Gunther, Richard [1992]: Spain: The very Model of Modern Elite Settlement. In: John Higley – Richard Gunther: Elites and Democratic Consolidation in Latin-America and Southern Europe, Cambridge University Press, pp. 38-80.

2. The achieved results of the dissertation

2.1. An European example: The Catalan regional autonomy and its historical background

The Spanish and Catalan autonomy-model that was accepted by constitutional way could be a good example in the world because it was based on the equilibrium of autonomous communities and the central government. In Spain democratic transition was linked to the overall handling of the situation of national minorities. Thanked to this process Spain was capable to join the European Union without having any national conflicts.²⁰

Straight correlation can be experienced between the form of autonomy as the main tool for preserving the national identity of minorities and the Spanish Constitution that provides the nationalities rights to autonomy. My assumptions are the followings:

Hypothesis: The Spanish Constitution, which was adopted in 1978, was based on autonomy as a form for protecting the collective rights of national minorities and had got important relevancies to the Central European region because it could promote the preservation of the national identity of the minorities.

One of the most important achievements of the Spanish Constitution – adopted in 1978 – was that it broke up with the centralized administrative system as a heritage from the Franco-area - and the country was divided on 17 autonomous communities. The Constitution emphasized the indissoluble unity of the Spanish nation but recognized the regions and historical nationalities rights to autonomy. Article 2 [National unity, Regional autonomy] describes that “The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of the nationalities and regions which make it up and the solidarity among all of them.”²¹

²⁰ About the Spanish democratic transition see more detailed: Andres de Blas Guerro [1989]: El problema nacional-regional Español en la transición. In: José Félix Tezanos – Ramón Cotarelo – Andres de Blas: La transición democrática española. Madrid, Systema and Josep Colomer [1997]: La transición a la democracia: El modelo español. Anagra, Barcelona and Simon János [1998]: Demokratikus átmenet Spanyolországban (Democratic transition in Spain), Villányi úti Könyvek.

²¹ Spain - Constitution <http://www.servat.unibe.ch/icl/sp00000.html> See more: La Constitución española, Constitución Española de 27 de Diciembre 1978, Título Preliminar.

“In the exercise of the right to autonomy recognized in Article 2, bordering provinces with common historical, cultural, and economic characteristics, the island territories, and the provinces with a historical regional unity may accede to self-government and constitute themselves into autonomous communities in accordance with the provisions of that Title and the respective statutes”.²² The Constitution doesn’t vindicate the difference between “nationality” and “region”. The notion of “nationality” isn’t mentioned in the text. One of the most often used expressions in the Constitution is the notion of autonomous community “comunidad autónoma”. In this case it’s crucial to initiate the complex autonomous process.

Despite the unified regulation of the Spanish Autonomous Communities the granting of autonomy can be exercised in two ways. We have to distinguish restricted (such as Aragon, Asturias, Balearic-Island, Cantabria, Castilla-La Mancha, Castilla and Leon, Extremadura, La Rioja, Madrid and Murcia) and immediate (such as Andalusia, the Basque country, Canary Islands, Catalonia, Galicia, Navarra and the Valencian Autonomous Community) form of autonomies.

In case of the restricted form of autonomy “the initiative for the autonomous process belongs to all the interested deputations or to the pertinent inter-island body and to two-thirds of the municipalities whose population represents at least the majority of the electorate of each province or island. These requirements must be fulfilled within a period of six months from the first agreement adopted on the subject by one of the interested local corporations”. Respecting the form of Immediate Autonomy the autonomous process is initiated “not only by the corresponding Provincial Deputations or inter-island bodies, but also by three-quarters of the Municipalities of each province concerned, representing at least the majority of the electorate of each one, and said initiative is ratified by means of a referendum by the affirmative vote of the absolute majority of the electors in each province, under the terms to be established by an organic law.”²³

We had to state that the Spanish Constitution – adopted in 1978 – established a decentralized administrative system in the country. The cultural and political rights of the Spanish national minorities – such as the Basques, the Catalans and the Galician’s – were provided by the Constitution completely.²⁴

The Constitution tried to concordance the notion of “unity” and “multinationalism” in such

²² Spain - Constitution http://www.servat.unibe.ch/icl/sp00000_.html See more: La Constitución española, Constitución Española de 27 de Diciembre 1978, Título Preliminar.

²³ Szilágyi István [1998]: Európa és a hispán világ (Europe and the Hispanic world). Veszprémi Egyetem Kiadó (University Press of Veszprém), Veszprém, pp. 113-129.

²⁴ Cotarelo, Ramón [1989]: La Constitución de 1978. In: José Félix Tezanos – Ramón Cotarelo – Andres de Blas: La transición democrática española, pp. 317-343.

a way that it recognized the cultural, historical and linguistic characteristics of the regions and nationalities in Spain.

2.2. The institutional system of Catalonia and its functioning

The institutional structures of the autonomous communities are determined by the Spanish Constitution laid down on Articles 151 and 152. According to the articles of the Constitution the institutions are the followings: the legislative power that is responsible for adopting normative rules and it's elected by universal suffrage; the governing council, which possesses executive and administrative tasks; and the president that is elected by the members of the parliament and represents the autonomous community in the international policy as a head of the government.

The Spanish democratic transition made it possible for Catalonia to be set up the institution of self-governance. According to the general elections that were held in 1977, transitory Catalan government was set up (called as Generalitat de Catalunya), whose competences were confirmed by the Spanish Constitution and by the Catalan Statute of Autonomy adopted in 1978 and in 1979. This process ended with regional legislative elections held in 1980 that transferred the exercising of power to the Catalan regional government.

The Catalan Statute of Autonomy, which was based on Article 151 of the Spanish Constitution, was accepted by paying attention to the cultural and political rights of the historical minorities entirely. For Catalans wide range autonomy was granted by the Statute of Autonomy that included the President, the Parliament and the Government named as Generalitat. The Preamble of the Catalan Constitution defined Catalans as “historical minorities and recognized their rights to self-governance”.²⁵

Article 149 of the Spanish Constitution and Article 9 of the Catalan Statute of Autonomy specified the exclusive competences of the Catalan Autonomous Community that were the followings:

- to set on the necessary institutions for self-governance;
- organising public work;
- to regulate the culture policy and maintaining public institutions such as libraries, museums and schools;
- tourism;

²⁵ See more: Estatut d'Autonomia de Catalunya, Prèambul. In: Parlament de Catalunya Direcció d'Estudis Parlamentaris, Oficina de dret Comparat Relacions interparlamentaires, pp. 7.

- handling social issues;
- providing public health activity;
- developing infrastructure and delivery;
- education and research policy and
- to provide the economic issues that are delegated to the region.²⁶

According to the Spanish Constitution the central government has discretionary right in the field of foreign affairs (international relationship), financial policy and justice as well.

We have to state that the competences of the central state and the Catalan Autonomous Community are determined by the Spanish and the Catalan Constitution in a detailed way. Thanked to the clear division of the competences in the Constitution it was possible to avoid any overlapping of authority between the central government and the Catalan Autonomous Community.

2.3. Catalonia's role and place in Europe

Both of the Spanish and the Catalan Constitution determined the competences circumstantially that were transferred to the Catalan nationality. Despite the sufficient regulation of the Catalan Statute of Autonomy the enlargement of autonomy was supported significantly not only by the Catalan political parties (Catalan Socialist Party, Catalan Republicans Left) but also by the public opinion as well.

Hypothesis: Despite the sufficient regulation of the Spanish Constitution and the Catalan Statute of Autonomy significant part of Catalans claimed the further enlargement of the Catalan Autonomous Community and the recognition of them as an independent nation, which was confirmed by the result of the referendum held on June 2006.

The reform of the Catalan autonomy and the enlargement of Catalonia's competences were put on agenda in 2003. Parliamentary commission was established by the participation of the political parties in order to evaluate the Statute of Autonomy. After the decision of the Consultative Council of the Generalitat and the agreement that was achieved by the Catalan political parties, the Statute of Autonomy was accepted by absolute majority of the Catalan

²⁶ Giró-Szász András: A katalán politikai és közigazgatási autonómia (The Catalan political and administrative autonomy). In: Kisebbségkutatás, 2004/3. Edition, pp. 446-466.

Parliament on 30 September 2005. To be modified the Catalan Constitution it was necessary to gain the absolute majority (120 yes votes from 135 MP's) of the MP's. Afterwards the draft of the Statute of Autonomy was ratified by 189 yes and 154 no votes by the Spanish Congress. On 18 June 2006 referendum was held about the Catalan Statute of Autonomy, in there the overwhelming majority (74 percent) of the participants voted yes and only 20, 7 refused the modification. The participation rate used to be 51 percent.²⁷

The competences of the Catalan Autonomous Community were enlarged by the modification of the Statue of Autonomy in three fields:

1. In the field of financial autonomy Catalonia's sharing was increased by the levied taxes more than the formal 33 percent of the central budget.
2. Independent judicial organization was created in the Autonomous Community. The Catalan Statute of Autonomy ordered the establishment of the Supreme Court and the Judicial Council that had decisive competences over the main administrative system of the judges called as Supreme Judicial Council. The public prosecutor would be nominated by the central government and his/her scope of activity would be settled by the Generalitat.
3. In the European Union's policy and institutions Catalonia got a much wider role as before (for example in the Committee of Regions and in regional offices behind the Spanish Permanent Representatives Committee (COREPER)).²⁸

The main political parties were divided significantly by the Statute of Autonomy. The draft Statute of Autonomy was supported definitely by the main Catalan political forces including the Convergence Union (Convergència i Unió; CIU), the Catalan Socialist Party (Partit dels Socialistes de Catalunya; PSC) and the Catalan Republicans Left (Esquerra Republicana de Catalunya; ERC) and they demanded to be recognized Catalonia as an independent nation inside Spain.

Because of the Statute of Autonomy broke into the constitution and had got nationalism reinforcing elements it was refused by the Spanish People's Party (Partido Popular, PP). The Spanish People's Party argued that the country was based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards. They thought it

²⁷ See more detailed: Domonkos Endre: Katalónia mint regionális autonóm közösség – egy európai példa – (Catalonia as a regional autonomous community – an European example -). In: Teleki László Intézet, Külpolitikai Tanulmányok Központja (László Teleki Institute Centre for Foreign Affairs Studies), TLI Tanulmányok, Foreign Policy Papers, 2006/78. Edition. In: <http://www.telekiintezet.hu/kulpol/kiadvany>.

²⁸ See more Proposta de reforma de l'Estatut d'autonomia de Catalunya. In: <http://www.parlament-cat.net> and www.gencat.net/nouestatut.

wasn't necessary to be enlarged the Catalan autonomy further because the equilibrium that was reached by the Constitution between the central state and the autonomous communities in a consensual way in 1978 would be broke up completely.

Providing the adequate constitutional warranties (the establishment of an independent Catalan tax office and the notion of "Catalan nation" associated with the conception of sovereignty were broken into the constitution by the experts of the Spanish Socialist Party) the draft Statute of Autonomy was supported by the Spanish Socialist Party (Partido Socialista Obrero Español; PSOE).

The discussion is related whether Catalonia accepts the recent regulation or wants to achieve a much higher degree of autonomy in the field of finance, justice and international relationship. The further enlargement of the Catalan autonomy, which was expressed by the referendum held on June 18 2006, was supported significantly not only by the Catalan political parties but also by the inhabitants as well. To be initiated the further enlargement of autonomy required not only the agreement achieved by the Catalan political forces but also the consent of the Spanish political parties and the modification of the constitutional system as well. According to the recent political situation we had to state that the modification of constitutional system and the enlargement of the competences of autonomous communities weren't put on agenda.

The foreign affairs policy is the main tool for preserving the national identity and enforcing the political and cultural influence of the Catalan Autonomous Community. However Catalonia's foreign affairs policy is limited by the Spanish Constitution, the Catalan Autonomous Community collaborates with the Spanish MP's at national level to evaluate the content of this policy. The Catalan political parties endeavor to be maximized their influences to the Spanish policy and to be increased their participation in the European Union's decision making-process.

The Catalan strategy was built on the tradition of divided and limited sovereignty emphasizing the Catalan identity powerfully, which was embedded in a new complex power system. The ideal background was provided by the European Union to follow a complex strategy for Catalonia. The Catalans thought that the European Union provided adequate economic possibilities for them and hoped support from the EU to be promoted the extension of their cultural, linguistic rights and self-governances in paying attention to the principle of subsidiarity and the conception of Regions in Europe.²⁹

²⁹ Michael Keating: Spanyolország új kisebbségi nemzetei és az európai integráció: új keretfeltételek az autonómia számára (Spain's new national minorities and the European integration: new framework for

The final point of the constitutional development would never be determined explicitly by them. They only said to be recognized the further enlargement of Catalan autonomy and the multinational form of Spain and those nations that hadn't got own states or regions for providing a wider space in European context.

The Catalan European's policy represents a considered and consensual solution to avoid any confrontation against the Spanish central government.³⁰

The foreign affairs policy depends on not only institutional factors, but also on "tactical alliances" between the political parties as well.

It should be noted that Catalonia and the Spanish autonomous regions haven't got the same influences to the community policies of the EU as the German provinces (Länder) but these circumstances don't keep back the Autonomous Community to fulfill an intensive international economic-cultural and political activity. In the following years the main endeavor of the Catalan diplomacy should be convince the European regions for broadening the principle of subsidiarity at regional level.

2.4. The Catalan regional autonomy and its experiences in Central and Eastern Europe

The Spanish and the Catalan constitutional models based on the recognition of linguistic, political and cultural rights of the national minorities have got relevancies for the Hungarian national minorities that live in Central and Eastern Europe because these models serve as the best solution for preserving the national identities of the Hungarian minorities.

We have to emphasize that more than two millions of Hungarian national minorities live in Slovakia and Romania and in absolute terms they are the second largest minority groups in the region.³¹

The Hungarian national minorities that live in Upper Hungary, Transylvania and in Vojvodina want to establish a territorial or personal autonomy, which is totally compatible with the principle of subsidiarity emphasized by the European Union.

All autonomy-conceptions in Transylvania, in Upper Hungary and in Vojvodina are based

autonomy)? In: Régió, 2003/3 Edition pp. 69-87.

³⁰ Domonkos Endre: A spanyol autonóm közösségek és Katalónia részvétele az európai unió politikában (The participation of the Spanish Autonomous Communities and Catalonia in the European Union policies). In: Külügyi Szemle, 2008/1. Edition, pp. 84-94.

³¹ Gyurgyík László – Sebők László [2003]: Népszámlálási körkép Közép-Európából, 1989-2002 (Population census in Central-Europe, 1989-2002). Teleki László Alapítvány, Budapest, pp. 186-223.

on the principle of personal and territorial autonomy in there the regular use of the mother tongue plays a key role as the main tool for preserving the identity of the national minority. The autonomy-models in Romania, Slovakia and in Vojvodina assume the following preconditions:

- the case of personal autonomy;
- local ethnical autonomy in there the majority of the population live in one settlement;
- territorial autonomy with the association of local autonomous settlements.

The following tasks should be done to fulfill the autonomy successfully:

- the regulation of the use of mother tongue and its education in the public and private life;
- to provide the preservation of national symbols (such as press, television, traditions, feasts and symbols);
- to solve the administrative tasks (such as administrative, judicial and social affairs);
- to realize the economic and financial competences (providing state budget framework, right to levy taxes, fees and other state service allowances).

The Hungarian national minorities compose organic communities in Romania, Serbia and Slovakia. The common characteristics of the Hungarian national minority's autonomy-conceptions are to realize them by democratic way paying attention to the rule of law. All Hungarian minority parties emphasize the importance of the dialogue between the minority groups and the rest of the population accepting the judicial codification of the negotiated agreements.

The autonomy-conceptions that are evaluated by the Party of Hungarian Coalition, the Democratic Alliance of Hungarians in Romania (DAHR) and by the Alliance of Vojvodina Hungarians are based on such models, which have three stages. These models have the following components:

- the case of personal autonomy;
- to establish local municipalities that have special status on those settlements where the majority of population live and
- to set up territorial autonomy with the association of settlements.³²

³² Beréti László [2005]: Magyar autonómia-törekvések a Vajdaságban és Romániában (Hungarian autonomy endeavors in Vojvodina and Romania). Zrínyi Miklós Nemzetvédelmi Egyetem, Budapest, pp. 149-166.

With the realization of the above mentioned three autonomy-models the identities of the Hungarian national minorities will be preserved even if they live in a block or in sporadic way. The personal autonomy belongs to those citizens that are Hungarians and they will decide independently to join the autonomy. The conditions for preserving the national identities of the minorities will be fixed by the model in a constitutional framework.

In the above mentioned three autonomy drafts that are worked out by the Hungarian parties special attention is given for using the mother tongue in the administration, justice and educative institutions.

It's important to emphasize that to be established the form of self-governance adequate economic and financial resources should be provided. Autonomy cannot function without appropriate financial tools. The different autonomy drafts include the resources that are provided by the state budget to the autonomies, the transferring of property to the community and other additional incomes.

In practice the realization of autonomy-conceptions are influenced substantially by the internal conflicts of the Hungarian national minorities' parties (see the case of Alliance of Vojvodina Hungarians and the Democratic Alliance of Vojvodina Hungarians or the Democratic Alliance of Hungarians in Romania).

If we want to realize the different autonomy-endeavors we should reach the support of the majority of population in the neighbour countries. We have to state that the majority of the Romanian, Serbian and Slovakian citizens think that autonomy jeopardizes the territorial integrity and sovereignty of their states. According to this statement we have to emphasize that the Hungarian national minorities don't jeopardize the territorial integrity of Romania, Serbia and Slovakia. The Hungarian national minorities are going to work out such constitutional and legal frameworks, by which they can be equal partner of the society in their countries and can preserve their national identities as well.

To fulfill the different conceptions of the Hungarian national minorities it is essential reach the support of the homeland. To provide the representation of national interests of the Hungarian minorities and to support their autonomy endeavors should be a constitutional commitment of the Hungarian cabinets.

When the autonomy was established in Catalonia the strong representation of national interests of the Catalans could be explained with the following conditions:

- the efficiency of the Catalan economy was stronger than the majority of the state;
- the inhabitants insisted consequently on the preservation of their national identities;
- the autonomy-solutions were based on consensual way achieved by the political and

social parties.³³

As far as I'm concerned the Hungarian national minorities should follow the above mentioned targets to realize their autonomy endeavors.

3. Conclusion

According to the effects to preserve the collective rights of the minorities and to the stability of the state exercised by different autonomy-models we can make the following conclusions:

Some autonomy-models don't promote the stability in the region within the framework of the state.

Some autonomy-models don't promote the preservation of collective rights of the minorities completely.

So we can state that some autonomy-models don't promote the stability in the region within the framework of the state and the preservation of collective rights of the minorities completely.

Some autonomy-models promote the stability in the region within the framework of the state.

All autonomy-models promote the preservation of collective rights of the minorities completely.

So we can state that some autonomy-models promote the preservation of collective rights of the minorities completely.

If cultural, political and linguistic rights of the national minorities that live within the territory of a state aren't recognized by a constitution or by basic rules the so called autonomous system will be unviable for a long term and separatist endeavors will become stronger by ethnical groups. The stability of the state is jeopardized by different separatist initiatives and this means a clear threat to its security policy.

We can state that comprehensive constitutional reform is absolutely a precondition in the establishment of all autonomy-models. The institutionalism of autonomy can be done in

³³ Domonkos Endre: A katalán regionális autonómia és tapasztalatai Kelet-Közép-Európában (The Catalan regional autonomy and its experiences in Central and Eastern-Europe). In: Valóság, 2009/3. Edition, pp. 72-86.

various ways. Its successes or failures depend on the added political context.

It's important to be adjusted the demands of the minority groups that strive on autonomy to the expectations of the state.

The experiences of the Spanish and Catalan autonomy-models show that continuous dialogue should be held between the minority groups and the majority of the population in case of all autonomy-solutions.

Spain's democratization process was linked to the adequate handling of the demands of the national minorities. Minority nationalism became stronger during the deepening of the democratic transitional period. In Spain the struggle for democratic rights was correlated by the achievement of cultural freedom and political autonomy.

The Spanish democratic transition was influenced by two dominant factors:

1. For gaining the power by the cabinet based on pragmatism, ideal framework was provided by the King Juan Carlos. The Monarchy was capable to represent the endeavors and changement of the society and to accept the different identities of the Spanish nationalities.
2. The consensus, which was achieved by the main political and social parties. The conditions of democratic transition and the institution of the rule of law were also built up and confirmed by the agreement of the partners. The Spanish way could be perceived as "a contractual transition".

The Catalan autonomy-model, which was accepted by constitutional negotiations, could be a good example for the Hungarian national minorities that lived in Central and Eastern Europe because this form served as the best solution for preserving their national identities.

It should be reached a compromise within the framework of the negotiations between the neighbour countries and wide range partners (including Hungarian minority organizations, civil society and governance's representants) so that the cultural, linguistic and political rights of the Hungarian minorities and the territorial integrity of the states would be guaranteed at the same time.

The exclusive and shared competences of the central government and of the national minorities should be fixed by a constitution or by basic rules through negotiations. With this solution the overlapping of authority can be avoided.

Another important factor is to provide the appropriate financing of the autonomous institutions. As far as I'm concerned all autonomy-models should have adequate financial backgrounds for representing their own economic policies. This can be fulfilled by levying

taxes but we have to emphasize if interest rates and tax systems are different from the rest of the country the risks of economic inequalities will be increased significantly. Better solution can be if the redistribution of the financial resources of central budget is guaranteed by constitution. In Spain the financial resources of the Catalan Autonomous Community were provided by the constitution. The problem with this manner is that the budget of the autonomous region is related inordinately to the central government.

The minority's issues and ethnical conflicts can be solved effectively by the establishment of autonomy. The wide range self-governmental competences and institutions that are provided by the Catalan Statute of Autonomy are the main tools for preserving the Catalan national identities and have important relevancies for handling the minority questions in peaceful way.

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