

Korka seems to have forgotten is to place an exclamation mark after so bold a statement.

The UDMR threatened that it would quit the government coalition. Radu Vasile, the new prime-minister, launched the idea of a commission investigating the question of a Hungarian university. No sooner was this idea advanced that the House Education Commission came up out of the blue with a report on the education act (on September 2, 1998). According to the Commission, the most that could be accepted were groups and departments teaching in the minority language. Autonomous state universities with teaching in the mother tongue were unacceptable. The Commission's statement looked as if it had been drafted to get the UDMR out of the coalition.

The UDMR Council of Representatives called for an emergency meeting. Its decision was that, unless Ordinance no. 36/1997 were accepted in its initial form until September 30, the Alliance would leave the government. On September 8, the leaders of the CDR-USD-UDMR coalition turned up with a new offer: a Hungarian-German university. The proposal made the most of the fashionable concept of "multiculturality", which CDR and PD leaders had been demagogically invoking in order to curb the project of a Hungarian-only institution. As a compromise, it was accepted that any references to universities teaching in the mother tongue should be erased from the education act. In other words, their establishment was neither guaranteed, nor prohibited.

Bela Marko had not been empowered by the Council of Representatives to negotiate the latter's resolution. At the last moment, on the night of September 30 to October 1, the cabinet adopted a Decision establishing the Petofi-Schiller University with teaching in Hungarian and German. On October 4, the UDMR Council of Representatives convened in an extraordinary session and resolved that the UDMR should remain a member in the government coalition. It is this succession of facts that the Introduction recounted in more detail.

Nevertheless, the madness did not stop here. On October 15, the National Council of Rectors stated vehemently that the latest government decision was unconstitutional. The statement itself read even worse than its main thesis: the decision

was alleged to be contrary to the national interest and international law, and to “harm, among others, national security”. The SRI’s hand had left its unmistakable imprint on the document.

As if to confirm the impression that the plan to resist the university at all costs had been put together by some intelligence officer, the deans of the law schools in Bucharest, Cluj-Napoca, Timișoara and Sibiu publicized their own analysis of the case. Viorel Ciobanu, Liviu Pop, Radu Motica, and Ioan Santai argued that “the establishment of a Hungarian-German university constituted a form of discrimination against Romanian ethnics, as well as against the other [i.e., not Hungarian and German] minorities.” With a passing reference to Art. 6 of the Constitution²⁴⁹ they immediately concluded that “the organization and contents of education may not be determined in accordance with exclusivist and discriminatory criteria such as ideology, politics, religion, or ethnicity.”

So here were four law school deans who innocently mistook teaching language for nationality and special measures for discrimination. As it has been suggested, they also disputed the principle of governmental discipline and incited others to refuse to enforce government decisions.

The pressures against the university, whether professional or otherwise, were immense and scrupulous. As a consequence, neither the Bolyai University nor its bilingual sibling Petofi-Schiller ever saw the light of day. The majority coalition did manage to adopt in 2000 a decent bill amending provisions in the education act concerning minority language education, even though the eventual terms differed from those desired by the Hungarians (i.e., the terms of Ordinance no. 22/1997). Eventually, this long and troublesome development generated some positive effects. The struggle to achieve it was all the more worthwhile.

The debate surrounding the question of an independent state university deserves a deeper look, from the perspective of a culture adapted to a pluriethnic world. I would

²⁴⁹ “(1) The State recognizes and guarantees the right of persons belonging to national minorities, to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity. (2) The protecting measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens.”

therefore reprint below the September 4, 1998 statement of APADOR-CH on the question of a Hungarian-language university. It provides a comprehensive analysis free of the bias of which Hungarians have been accused.

[...]

32. THE CSANGO

In 1971, Szilagyi Sandor published in the *A Het* journal an article on a small minority in Moldova – the Csangos. Although the article was mostly concerned with linguistic matters, its author was promptly called by an “officer of the Ministry of Internal Affairs” for a conversation on the issue. He was also told to be “careful” about what he is writing on.

Not long thereafter, the word “Csango” was prohibited in the communist press. A book signed by a certain Dumitru Mărtinaș was published in 1985, most probably financed with propaganda funds.²⁵⁰ It was the work of a dilettante, popularizing the thesis of the Romanian origin of the Csango population, which had allegedly been Hungarianized. In a dark era of religious oppression, when almost any religious image was banned from public display, the cover of Mărtinaș’ book flaunted the image of an imposing Romanian church.

That the personal IDs of Csangos had been changed in 1960 (it would be difficult to imagine an act more overtly aimed at assimilation) I found out only much later. It was obvious that the Securitate had a keen interest in the existence of this small minority. So did, in fact, the Romanian Intelligence Service (SRI), as suggested by the following story. Folklorist and anthropologist Tanczos Vilmos, a well-known specialist in the field and at the time still a university lecturer, visited Moldova in 1995 in order to conduct some research work. He was carrying out an investigation of traditional religious culture and was mostly interested in Csango identity in terms of its sociological and socio-linguistic aspects.²⁵¹

In Oituz (Gorza), the local priest got angry when Vilmos photographed from atop a roof the two old church bells inscribed in Latin and Hungarian. He grabbed the researcher’s camera and asked the latter to accompany him to the police station in order to see what the photographs were about and clarify the purpose of the anthropologist’s presence in the area. “Do you or do you not have a permit to carry out research?” he

²⁵⁰ Dumitru Mărtinaș, *Originea ceangăilor din Moldova*, București: Ed. științifică și Enciclopedică, 1985.

²⁵¹ He published the materials in his 1999 PhD thesis which earned him a *Summa cum laude*.

asked. Tancsoz Vilmos was quick enough to grab his camera back and leave the local priest wondering aloud.

On August 11, however, he was not so lucky anymore. Upon leaving the Căiuți village (on the Trotuș river), the road was blocked by a truck parked sideways and by a red car with five individuals, both policemen and civilians, inside. The priest in the neighboring village of Pralea, with whom Vilmos had unsuccessfully attempted to discuss and who had seen him taking photos in the cemetery, had called the police. The police officers immediately confiscated his stuff (a dictaphone, a camera and a recorded tape) and asked him to follow the truck to the Căiuți police station. They followed from behind.

At the station they got the car key, let out a few curses, checked the car and took the folder with notes and questionnaires. The officers did a thorough job, searching all possible places as well as some of the impossible ones. There followed a detailed interrogation – “like in the old days”, Vilmos recounted – which lasted for more than four hours. He was asked about the purpose of his trip, they listened to the tape and carefully translated everything. They even asked how the demographic data in the folder (taken from the 1992 population census) came into his possession. After reading a couple of fragments on the everyday life of Csangos and their past, the policemen triumphantly offered a verdict: “This is hardly folklore, professor!” Vilmos was then requested to sign a ten-page report that he had not seen. He refused. They offered to read it for him. He declined again.

A month and a half later, on September 26, the confiscated goods were returned together with some “evidence” signed by the witnesses. Vilmos was hardly surprised because he had had several similar experiences during previous field escapades. “In the case of researchers venturing to the area, it comes with the territory,” he noted.²⁵²

²⁵² The story was recounted in detail and with a good measure of humour in Vilmos’ book [title]. It was presented in the form of a study of communication sociology – an analysis of the conversation between the author and a Csango policeman. While at first the latter denied understanding the spoken material on tape, the fragments about his own village immediately brought to mind stories about his childhood. So the policeman eventually confirmed what he listened to and even added a few details of his own. The case was brought to my attention by Szilagyi Sandor, who also provided an insider’s take on the story.

33. INVESTIGATIONS IN MOLDOVA

The scant information on the Csangos provided above, which is premeditatedly based on the notes of a Hungarian researcher, remains largely unknown among Romanians. The Csango community in the areas of Bacău and Neamț, with its well-defined identity and cultural profile, is almost nonexistent for the Romanian mind.

It was on this background of ignorance that we received at the Helsinki Committee, in the summer of 1997, a request to look at the condition of this community in the Bacău region. We contacted the Department for the Protection of National Minorities and the UDMR but came up with little information of real value. More substantial was our meeting in Miercurea Ciuc with Ciceu Anton (Csicso Antal), the president of the Association of Hungarian Csangos in Romania. He provided us with a large number of cases. We also got in touch with Szocs Janos, the curator of the Szekler Museum in Ciuc. What ultimately threw some light on the issue was, besides some historical documents, a set of articles published between 1990 and 1994 in the newspapers *Deșteptarea* of Bacău and *Ceahlăul* of Piatra-Neamț. It was fairly easy to connect the dots of a campaign mounted against the Csango community, or rather against anyone who referred to their ties to the Hungarians. In terms of its intensity and vulgarity, the operation vastly surpassed our expectations.

A field investigation was in order. We only needed a couple of days (August 22 and 23) to uncover the essentials. We left by car and arrived in the Bacău area. Crammed with poor villages alternating with sun-burnt open spaces, it had nothing of the vegetational intensity of agricultural regions. We had some pieces information, but not much. We knew that on the issue of the origin of Moldovan Csangos, Romanian and Hungarian historiography (as well as the works of some Italian clerics) were at odds. The former touted Csangos' Romanian roots, the latter their Hungarian origins. We also knew that the Csangos in Moldova were Catholics. We had found out that their priests and religious authorities were highly regarded by the members of the community and were closely monitored by the village police. We were also armed with a list of

addresses, mostly of local leaders: Zediu Ștefan, Olaru Ioja and Marian Fekete in Lespezi; the retired teacher Beța Ioja in Pustiana.

What mattered to us and was relevant to human rights commitments was less the ethnic origin defined in anthropological terms and rather what the people thought about themselves. This was a basic, well-established principle. What took us by surprise was the Csangos' heightened interest in defining their own identity. We discovered a range of options: some declared themselves Romanian and were speaking Romanian in their daily lives; others saw themselves as Hungarians, although they spoke the old Csango language (which, depending on the place where it is spoken, has several dialects). But there were also Csangos who defined themselves as *stricto sensu* Csango, emphasizing their difference from Hungarians both in terms of their archaic language and their traditions (songs, dances etc.).

Anyway, the reality in the field was in serious disagreement with the census data. In Lespezi and Pustiana over 90 percent of the inhabitants (several tens of thousands) are Csangos who use their old mother tongue in daily life. Where, then, came the 2,000 figure in the 1991 census from? We were told about the interviews and about how interviewers scribbled down figures with easily erasable graphite pencils, about the open misrepresentations of the "Csango" identity. It was easy to see that the census had been falsified just by going through the villages and asking around.

In the case of most minorities, the main identity questions revolve around the issue of language. In the case of the Csangos, it was somewhat different. All inhabitants of the area spoke Romanian very well. In schools, all subjects are today taught in this language. Romanian is also the language of communication with religious authorities, the language of religious service, sermons, prayers, and confession.

On the other hand, Csangos have been constantly requesting the Roman-Catholic Diocese in Iași and the Roman-Catholic Dean in Bacău for at least some minimal religious service in their own language. They were refused, although between 1947 and 1959 Hungarian Csangos had been widely using their mother tongue for religious activities. The Diocese provided a standard answer: Csangos are Romanians and they speak Romanian. We also met Dean Ștefan Erdeș, who had given several

interviews on the matter in which he kept repeating the same line: “Csangos are Romanians just like you and me.” And yet, we replied telling him of our experience, “we’ve kept hearing the Csango language”. He eventually admitted that many did indeed speak the language, and that even he himself did, and sometimes even held the service in that language.

To the Association of Hungarian Csangos in Moldova it was also quite clear that Csangos did not wish to receive instruction in Csango in schools, any more than they wished to be taught in Hungarian. They preferred Romanian: most people we interviewed agreed that it was essential for their children to speak Romanian well. They were living and would continue to live in an area where Romanian is spoken almost exclusively. They even taught their kids Romanian first, so as to make sure the latter would understand what they were taught in school. Kids would start be taught their “mother tongue” only after a couple of years in school.

It was no less true, however, that many wished to be taught literary Hungarian in school, perhaps as a foreign language (two classes a week). Several requests to this effect had been addressed to the Bacău County School Inspectorate, but each and every one had been rejected.

Under the circumstances, some families sent their school-age children and especially high school-age children to study in Hungarian in Harghita county. One of the schools in Miercurea Ciuc had welcomed many such children over the past few years in its boarding house. (The *Deșteptarea* newspaper in Bacău promptly qualified this as attempts to Hungarianize Moldovan children.)

As the requests were not matched by official solutions, private initiatives were bound to emerge. In the village of Lespezi, Olaru Ioja organized for a while a Sunday school in his own backyard. He would bring together about 40 kids. With the assistance of organizations from Hungary, he sent some of them on trips to Hungary and Slovakia. The children participated in poetry, dancing and folk song competitions and even won a few prizes.

Over the few years in which his initiative worked Olaru Ioja had troubles with the catholic church and the local authorities. Minister Fekete criticized him in the

church and the head of the police station paid him several visits. He was even invited to the station, where he was “advised” to abandon his Sunday school. We were impressed with his attitude: he took out the Constitution and read Article 6. This was, apparently, how the head of the local police found out that the Romanian state guarantees to its minorities the right to affirm and develop their identity.

The involvement of the police in the lives of Csangos was an unavoidable issue which the previous chapter announced through the story of Tanczos Vilmos. Two of the persons we interviewed had witnessed in 1995 the events in Cleja. The Association of Hungarian Csangos had scheduled one of its meetings in the village but the meeting was prevented by a mob armed with pitchforks. The violent welcoming party tipped over the participants’ bus and burnt the books found inside. Interestingly additional police forces had been brought to Cleja a short while before the violent clash. They did not move a finger.

We included these details in our Report which we publicized in Romanian and English. But we had to leave out precisely the most intense moments of our trip: the smarmy smile of the catholic priest next to whom we sat down uninvited after having been kept waiting for too long and whom we asked “Why do you refuse to accept Csango language in your church?” On his thriving figure, which reminded us that his parish house contrasted sharply with the modesty of his parishioners’ abodes, the lips remained impassive, as if expecting something. “If we have to choose between language and love, we choose the latter”, he then retorted with a Jesuitic answer that left us gaping at one another in amazement.

Another momentous experience involved the presence of the Securitate – and in the last years of its heir, the SRI – in the area. “What business could they have with Csangos?”, a high-ranking cleric forced to report on his parishioners must have asked himself with some superior irony. The Securitate had been surveying the area carefully – one more confirmation that Csangos’ Hungarian ties were among its important assignments.

The APADOR-CH communiqué argued that Hungarian Csangos who desired to study Hungarian language should address their petitions to the Ministry of Education.²⁵³ There was no good reason under the law to refuse these requests. Parents were wary of such gestures and we knew they had been pressured not to make them. School principals, the school inspectorate, and the police had made thinly veiled threats as late as the mid-nineties. But we were also aware of the fact that one could not simply ignore the mobilization of the Csangos. People had to take risks. If the consequences were dire, outside interference and support were mandatory.

Some Csango leaders were also well aware of the necessity of local mobilization. Among them, anthropologist Tinca Nistor probably understood this best. She had done all she could. She told us that after the involvement of the Helsinki Committee the brutal pressures from the authorities subsided. For the first time, she said, people no longer felt alone. Anyway, our 1997 investigative expedition had helped us define the main coordinates of the problem and its solutions. From that moment on, the Csangos and their leaders had to take matters in their own hands.

The Csango issue also became a topic for Budapest. Nemeth Jolth visited the area and turned the Csangos into the subject of a Council of Europe resolution. By 1999, a sufficient number of signatures had been gathered on requests that three classes with teaching also in Hungarian be created in the Csango villages. Under the concerted pressures of the Bacău School Inspectorate, which resisted orders coming from the Ministry of Education, and local principals, some families were persuaded to withdraw their signatures. As a result, the minimum number of students necessary for Hungarian classes (seven) could not be mobilized. Today, we are still at the peak of the affair.

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The Csango issue is a good point to return to Valentin Stan. Freshly elected to the board of an international foundation,²⁵⁴ he was invited to write a study on the Csangos. The material was to be the first ample document in English and was designed

²⁵³ Religious service in the mother tongue was a more complicated issue since it could not be provided by the Romanian state but by the Roman-Catholic Church. The latter had already cooperated with the communist authorities in the assimilation of Csangos and it proved difficult to renege on the past practices. But even in this case the way out was for the parishioners to mobilize.

²⁵⁴ The International Foundation for Promoting Studies and Knowledge of Minority Rights (Hungary).

to be used as an international reference. Valentin contacted Renate, and they split their subject: Valentin was to deal with history and identity, Renate with minority and human rights issues. The document was readied in several months. It was published by the Foundation and was launched in Budapest with a lot of pump. None other than then President Arpad Goncz spoke at the event.

In the Hungarian capital, the study created a lot of sensation. It irritated Hungarian researchers, including Vilmos,²⁵⁵ because of the ambiguous (to use an euphemism) words in which it couched the data. Of course, the latter said, the part on minority rights (the one drafted by Renate) is OK. But where did these theories about the Csango origins come from? How is it possible to quote Dumitru Mărtinaș? How can somebody who does not speak Hungarian, and hence does not have access to many of the fundamental studies, theorize about the language and identity of Csangos?²⁵⁶

Valentin had indeed quoted Dumitru Mărtinaș. He first referred to the views advanced by Hungarian historians, then to similar arguments by renowned historians such as A.D. Xenopol and R. Rosetti. He summed it all up with statements by Nicolae Iorga (who considered Csangos to be of Turkish origin) and Mărtinaș, who “identifies Csangos as an ethnic group of Romanian origin.”²⁵⁷ The choice of words was telling: Mărtinaș *had identified* the Csango as an ethnic group of Romanian origin. Valentin concluded: “The question of the origin of Csangos is still awaiting an answer.” To buttress this statement, he referred to a Hungarian author who wondered rhetorically in 1941 “Who are the Csangos?”

Competent scholars know that some degree of rigorousness is indispensable in research. One of the basic rigors of research is not to quote authors or experiments that are not respectable. A qualified scientist should at least be able to tell apart the genuine and the inauthentic. But were the falsifications in this text, unexpectedly published in 1997, caused only by scholarly incompetence?

²⁵⁵ He wrote a 12-page response in English (unpublished), complaining that with respect to the origin of Csangos, “the authors seem to accept – unfortunately without any criticism – the essence of the dillitante theses of D. Mărtinaș.”

²⁵⁶ A chapter in the study approached linguistic issues.

²⁵⁷ Valentin Stan, Renate Weber, *The Moldavian Csango*, The International Foundation for Promoting Studies and Knowledge of Minority Rights, Budapest, 1997, p. 9.

The study was discussed in Balvanyos later the same year. It generated another heated debate, but then the interest of scholars and of the public subsided.

34. THE CRISIS IN ODORHEIU SECUIESC AND THE LIMITS OF LOCAL AUTONOMY

In 1997 the press issued some vague allegations about discrimination against Romanians in Odorheiu Secuiesc. The 1990 propaganda fresh in my mind, I regarded the matter as another folkish tale about intolerant Hungarians on Romanian soil. But before long I was visited at our (old) headquarters by several nuns from the Pure Heart Congregation. Things looked more complicated than I had suspected.

I mobilized my colleague Renate Weber, whose competence was more necessary than ever, and we started work on the case. It was the autumn of 1997. We met with the Congregation nuns once more, then traveled to Odorheiu Secuiesc to see mayor Jenő Szász and the City secretary. From there we went to Miercurea Ciuc to discuss the matter with Gábor Kolumbán, the president of the Harghita County Council. We made copies of the relevant documents.

My colleague did her best to shed some light on the tangle of registry records, lease agreements, and various other legal documents that I found quite intimidating. In a nutshell, the issue was this: the Greek-Catholic Pure Heart Congregation nuns were forced out of the premises they had received by means of a donation; the eviction was carried out at the orders of the local authorities in Odorheiu Secuiesc. However, the long version of the story requires some additional introductory material.

Cyrrill Burgel, the Swiss executive officer of the Basel-based charitable foundation Basel Hilft, came to Romania in 1990 to help the children in need. He got in touch with the Harghita authorities who needed to build a special school in which to transfer children from a special institution in the village of Ocna. Since Basel Hilft was a Swiss legal person without Romanian subsidiaries, Burgel had to find a local partner through which to build the school. After sundry adventures I will recount here, S.C. ARIS INDUSTRIE S.A., represented by General Manager Aristide Roibu, was chosen as the contractor. On September 24, 1992, the Odorheiu Secuiesc local council issued to the latter company a construction authorization for a special school for handicapped children to be erected on a plot of land known as the “Cserehat heath”.

For a while, the relationship between the parties remained auspicious although it had become obvious as the building progressed that the edifice surpassed by far the needs of a special school. In the meantime, the institution in Ocland had been refurbished and the number of children in need of transfer had diminished accordingly. But then the relations between the Odorheiu Secuiesc Local Council and Basel Hilft deteriorated. Apparently, the size of the building determined the former to suggest that it ought to be administered by the municipality. Another suggestion was advanced to the effect that the initial destination of the building should be changed.

The local press published a number of articles accusing Basel Hilft of “Romanianizing” the Odorhei area by sheltering ethnic Romanian orphans in the Cserehat building. It was proposed that the building should be turned into an institution for children suffering of AIDS. The local press advanced and then encouraged the notion of a conspiracy against the city of Odorhei and the Hungarians in general. As a result, locals became overly suspicious.

In the meantime, Basel Hilft had started to look for a charitable organization willing to take charge of the premises’ administration. It approached the Pure Heart Congregation, a monastery of Greek-Catholic nuns under the Greek-Catholic Metropolitan of Alba Iulia, Blaj and Făgăraș. On June 7, 1996, S.C. ARIS INDUSTRIE S.A. donated to the Congregation “the unfinished building, with the destination Social Center (special school for orphans) located in the city of Odorheiu Secuiesc on the Cserehat heath ... in the condition recorded by delivery report ... of May 27, 1996.”

News of the donation generated commotion among the local authorities especially because the agreement quoted above referred to the destination of “Social Center”. The local council and the mayor argued that the initial destination of the building had been changed: the new destination referred to orphans in general without any mention of the place where would come from. The press immediately published article on the “colonization” of the city with Romanian children. The situation was deteriorating at an alarming pace.

On July 2, 1996, the City of Odorheiu Secuiesc concluded a report on an alleged misdemeanor offense and fined the construction company for its having infringed the

construction authorization. Later, on July 26, 1996, the local city council submitted a request for an injunction against S.C. ARIES INDUSTRIE S.A., the religious association of the Pure Heart Congregation, and the contractor, requesting that “all construction works for the special school for handicapped children in Odorheiu Secuiesc, the Cserehat heath, be halted”. The Odorheiu Secuiesc Court accepted the request and ordered that construction works be stopped. On March 4, 1997, the Târgu-Mureş Court of Appeals reversed the initial decision.

One of those who did their best to mitigate the conflict was the serving president of Harghita County Council, Gabor Kolumban, who had been accepted as partner by both Basel Hilft and S.C. ARIES INDUSTRIE S.A. An impressive exchange of letter followed but “reconciliation procedures” eventually failed.

In April 1997, Cyrill Burgel gave the conflict a larger political dimension by writing two letters to the President and, respectively, the Prime Minister wherein he complained about the intolerance of the local authorities in Odorhei. It is incredible, he noted, that under the guise of measures aimed at protecting minorities “Romanian citizens are driven away from Odorhei ... simply because they are speaking the Romanian language in their own country.” The phrasing of the complaint, which we had a hard time associating with a Swiss outlook on minorities, immediately alerted us.

The state of affairs at ground zero was worsening rapidly. The actors’ discourses became more and more aggressive. One day the local TV channel called on the citizens of the city, through the voice of local councilor Csaba Bardoczy, to defend the building in the Cserehat heath. On May 28, 1997, an excited group gathered near the building. Four men went inside and, proffering insults, used force to take the four nuns inside out of the building.

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This is, roughly, what we found out during our field investigation. We wrote our report fully aware that the matter was much more delicate than usual. Our verdict, we felt, would matter a lot to the parties involved. It was obvious to us that others were also warming up to join the fray later. But how far were we supposed to go? The report was important to us as a proof that we ourselves were not biased, that there was no

contradiction between commitment to minority rights and the principles of justice and truth.

The APADOR-CH communiqué was finalized on October 17, 1997 and disseminated right away. What mattered were less the “facts”, which the account above does not fully do justice to, or the legal intricacies of the case, which were rather hazy. The general assessment, which we summarized in a final section entitled “Conclusions: the human rights issue”, was in our view the crucial part of our report.

“1. The use of threat, insults, and force

The Greek-Catholic nuns were escorted out of the building in which they were going to establish a “special school for orphaned children” through a concerted action, masterminded by the local press and local leaders, among whom councilor Bardoczy Csaba. The angry mob that gathered near the building in the Cserehat heath on May 28, 1997 threatened and insulted the nuns inside. Several individuals entered the building and forcefully removed the members of the Congregation.

Interviews with the Greek-Catholic nuns and witnesses in Odorheiu Secuiesc indicate that no physical violence was used against the four Congregation members, as several journalists and commentators have speculated. Nevertheless, they have been taken out of the building against their will. The use of threats, insults and force as a means to resolving a conflict is unacceptable. The local press, the private individuals and the representatives of local authorities who participated in the forced eviction are all responsible.

In our opinion there is no argument powerful enough to justify the Odorhei acts whereby the Pure Heart Congregation nuns were forcefully removed from the Cserehat building.

2. Freedom of movement on Romanian territory

Both the public opinion and the local authorities in Odorheiu Secuiesc disputed, in press statements as well as in their actions, the right of the Pure Heart Congregation to set base in Odorheiu Secuiesc. Implicit in this view is a contestation of a universal human right recognized by and affirmed under the Romanian Constitution – the right of individuals to settle wherever they desire on the (entire) territory of the country,

irrespective of the ethnic, religious, or national structure of the area in question. Furthermore, in the case at hand no claim of an intention to forcibly change the ethnic composition of the region (which would indeed be prohibited under domestic and international law) can be substantiated.

3. The intolerance of the local community

The response with which the local community greeted the Cserehat health building is characteristic of closed communities eyeing intruders with suspicion. Among the notions advanced and actively promoted over the past few months is that of a plot targeting the city of Odorhei, the Szekler land and the Hungarians in general. It has been also suggested that the Basel Hilft foundation is trying to “Romanianize” the region. The several hundred individuals of Romanian descent which the local community feared might come to inhabit the region as a consequence of the activities of the “special school for orphans” were regarded as a threat to local identity. Press articles on the sheltering of orphans in the Cserehat edifice, on the transformation of the institution into a center for AIDS-infected children, or on the peopling of the region with handicapped persons betray the negative attitude within the local community toward underprivileged groups.

This closed-community mentality is visibly opposed to the habits and the rules prevalent in an accommodating Europe. During our investigations in Odorheiu Secuiesc we have had to acknowledge that this mentality had been fed by the anti-Hungarian propaganda orchestrated over the past decades by the authorities, as well as by the manifest bad faith of the post-1989 media. As a matter of fact, several central newspapers provided biased accounts of the events in Odorhei. One should also note that because of premeditated decades-long policies the Odorhei region is now isolated from the rest of the country chiefly but not solely due to its very poor communication and transportation network. We believe that in order to adjust the mentality of this closed community to the reality of a pluralist Romania efforts are required from both the community itself and from the Romanian state. In particular, it is the latter’s duty to all country regions with the conditions necessary for their development.

4. The abuses of local authorities

During our investigations representatives of the local authority made firm statements concerning their obligation to protect the local community and defend its interests. This has led to abusive behavior the implications of which have not yet been properly analyzed.

The argument advanced by the local authorities, namely that it is their duty to protect the community's views, is certainly respectable. Such an obligation would be relevant to the decision of whether to lease out public land such as the Cserehat heath. But respect for the views of the community cannot be invoked against applicable laws and general legal principles. Neither can it be used to default on decisions taken in the past; papers signed by the Odorheiu Secuiesc Local Council before 1996 have the same legal force as documents endorsed after the change in the council's membership.

The suspicion that the complicated case of the Cserehat building might conceal hidden interests, which the documents available to APADOR-CH do not entirely disprove, can only be confirmed by appealing to the legal means available in a state which complies with the rule of law. While it is true that the building destined to become a "special school for handicapped children from Odorheiu Secuiesc", as set out in the lease agreements, exceeded the expectations of the local community, this matter should be resolved by dialogue rather than open conflict.

In this context, initiating negotiations between the involved parties, the strategy chosen by County Council president Gabor Kolumban, was a salutary move. It is part and parcel of the responsibility of an elected official who has to answer before his community but needs to keep in mind the importance of peaceful cohabitation. The contents of the Statement of Intent (the use of the building exclusively for charitable purposes, cooperation with the local community, the instruction of children in the mother tongue irrespective of their nationality) show that appropriate solutions were available. Unfortunately, one of the parties, the Swiss investor, blocked negotiations through its representative Cyrill Burgel.

5. Ownership rights

The legal status of the land and the building was and still remains a disputed key element of the file. Irrespective of the final decision of the competent courts, one should note the following:

- the government could not lease the Cserehat heath plot to the Greek-Catholic Metropolitan while the land was a private property: the use of property is part and parcel of the ownership right;
- the local council should comply with its obligations in good faith; these obligations concern the lease, the ownership right, and the administration and use of the school for the benefit of children.

We believe that the events in Odorheiu Secuiesc were generated by an emotional and instinctual approach to the questions raised. Rationality and the rule of law should have guided the actors instead. We are awaiting with interest the court sentences in the pending suits. The situation in Odorheiu Secuiesc lays bare the mentality problems of local communities. The Romanian state should take steps to protect local communities from feeling threatened. However, the latter should also strive to adapt to the realities of a democratic and pluralist Romania.

October 17, 1997”

While the report made allowance for further developments, it had already defined APADOR’s position on the relevant human rights issues. In cases such as the one in Odorhei the complex interactions between individual and collective rights, or between domestic laws and local autonomy, were experienced in the most direct way possible.

Before finalizing our report but after our trip to Odorhei, I was paid a visit by Vlad Vâlcu from the daily *Adevărul*. He inquired about our position. I told him roughly the same thing that we put in the communiqué. I also insisted as a response to some of his comments that the nuns had not been not beaten up. Not only had we been told this, but we had corroborated the information on site. “So let us not exaggerate details of the affair, Mr. Vâlcu,” I replied in my mind. But Val Vâlcu (and other colleagues of his at *Adevărul*) couldn’t care less about facts. He wrote that the nuns had been “pummeled out”. These lines reconfirmed my impression that many of these journalists were doing

a mercenary's job. An informed look at what went on at *Adevărul* behind the scenes would probably clear out a lot of the occult politics of the post-revolutionary period.

35. NEGOTIATIONS AND CONFLICT MANAGEMENT IN ODORHEIU SECUIESC

What followed was downright fascinating. To cope with the tensions, Remus Opriș, then Secretary General of the Government, needed a display of power. Instead of finding an appropriate target in the person of, say, Gheorghe Funar, who treated Cluj as his autonomous fiefdom, he proceeded to Odorhei with the backing of the nationalist majority (this ally that would have been absent in Cluj). Accompanied by the Pure Heart Congregation nuns, he went to the Cserehat building, asked the local authorities to let him in just to take a look, and entered the building. Afterwards the nuns refused to leave. Instead of insisting on the importance of complying with the laws, which admittedly takes time because decisions have to be first made and then enforced, the government's Secretary General merely wanted to stress that he was a government big shot. The tension immediately surged. In order to get the nuns out, the City cut off the running water and the electricity, and mobilized the law enforcement. It looked like the whole affair was going to explode.

The solution was to ask the parties to negotiate so as to give the courts some additional time to defuse the time bomb. The nuns and the local leadership should be invited to sit around the same table and should eventually announce that a solution has been found. So Renate and I planned a new trip to Odorhei. I contacted Opriș and observed that he had made matters worse and arranged a meeting at the government's headquarters with the Congregation nuns, Aristide Roibu, and Cyrill Burgel. The meeting went on as planned. We agreed on the principles of mediation and asked Smaranda Enache to deploy the same strategy in the Szekler region.

What followed was humorously described in a report by Dan Oprescu²⁵⁸ subtitled "Concerning the involvement of a representative from the Department for the Protection of National Minorities in the signing of the Odorhei Protocol on December 15, 1997". I find the wit and irony of the report impossible to match, so I reprint below the full text:

²⁵⁸ Dan Oprescu had been appointed by Tokay Head of the Roma Office in the Department for National Minorities.

“Report. Concerning the involvement of a representative from the Department for the Protection of National Minorities in the signing of the Odorhei Protocol on December 15, 1997

Below is my humble account to my Superiors:²⁵⁹

On December 15, 1997 I participated in the negotiations which led to the signing of a Protocol in Odorheiu Secuiesc, Harghita county, concluded between the following: (1) the mayor of the Odorheiu Secuiesc municipality, (2) local councilors, (3) the Pure Heart Congregation, (4) Aris Industries S.A., and (5) Basel Hilft. The meeting was organized by APADOR-CH and the Pro-Europe League. Upon the invitation of the organizers and with the approval of Minister Tokay Gyorgy, I participated in the meeting as an observer (which is not to say that I was a bystander during the negotiations).

Our story starts on the day of Sunday, December 14, 1997, at 14:00 hours, as I left Bucharest in a Dacia 1300 automobile belonging to the Romanian Helsinki Committee, together with Renate Weber and Gabriel Andreescu (plus APADOR driver Cristescu). We reached Odorheiu Secuiesc at around 20:00 hours and checked in at the Târnava hotel downtown. At 21:00 hours, several of us convened in a preparatory meeting. The participants were Gabriel Andreescu, Renate Weber, Smaranda Enache, Szokoly Elek and the undersigned. We outlined the schedule for the following day, the tactics to be adopted in case senator George Pruteanu requested to participate in the negotiations, the agenda of the meeting etc. We went to bed at 02:00 hours.

On the morning of Monday, December 15, the group above visited the Cserehat building. Senator Pruteanu, accompanied by two TV crews, was already there. If I may interject a few personal observations: the building is huge, situated on a hill that looks over the city, and the landscape is superb. My other impressions were as follows:

²⁵⁹ The text was sent on the Ministry fax machine. Most government members lacked the fine humor and adaptability of Tokay, whose way of asserting his authority varied with the type of employee he was dealing with, so this line triggered a small scandal inside Victoria Palace. Dumitru Tinu, the General of the anti-Hungarian group at the daily *Adevărul*, sent Tokay a letter (March 27, 1998) wondering “how it is possible to have a government employee participate in the actions of organizations which monitor the activity of the government.” Here is one subtle final sentence: “Please analyze therefore whether Mr. Oprea participated in an action of propaganda directed against, among others, the Government, and whether the authors of the action have actually capitalized on his having acted beyond the call of duty.”

(a) that the building is much too large (ground floor plus 2 floors) no matter how you look at it (broad and spacious hallways, rooms are very large and also very high, a lot of aesthetic and architectural effort has been put into the stairways etc.);

(b) I find it hard to believe that the plans of the building were designed with the destination set out in the agreement in mind, namely that of a shelter for handicapped children. For instance: (i) there are no elevators, although the rooms allegedly designed to accommodate the children are situated on the second floor; (ii) there are no cart ramps, only stairs with high steps which only a healthy adult person would use without difficulty; (iii) special rooms for medical treatment or recovery are absent, and there is only a single room allegedly destined to be the physician's office; (iv) no special security items are in place (i.e., stairway rails are very low, the windows and doors are not secured etc.); (v) the toilets have been obviously built to be used by healthy adults rather than by children, and even less by children with physical or mental handicaps;

(c) in my opinion, the building is suitable for a Greek-Catholic seminary, perhaps with a small enclosure for orphaned (rather than handicapped) children; should such a destination be regarded as plausible, the building would appear in a completely new light and would justify to a considerable extent the frustrations of the local community as expressed by the mayor, counselors etc.;

(d) armed protection inside and around the building can only compound the tension between the Congregation and the local community.

After visiting the building, we proceeded to the local council meeting hall, where the negotiations were scheduled to take place. The persons invited were supplemented by representatives of the central media (TVR1, Mediafax etc.) accompanying senator George Pruteanu. In order to compel the rest of the participants to accept the senator's attendance, the Pure Heart Congregation announced that George Pruteanu is a member of their delegation, which the local counselors found unacceptable. To defuse the new crisis, the organizers decided that only the interested parties should participated in the meeting, while the senator, the central media,²⁶⁰ and

²⁶⁰ The TVR team from Târgu Mureş reacted miserably. I wrote a letter to my GDS colleague Stere Gulea complaining about the nationalism of his reporters. It remained unanswered.

the local press (which had all been initially invited)²⁶¹ should stay outside the room. The senator's reaction was furious (but ultimately toothless), and Gabriel Andreescu is due the credit for having escorted him out of the meeting hall.

The meeting itself started at 11:00 hours with a statement of intention delivered by Cyrill Burgel, the representative of Basel Hilft and the man who paid for the building. His statement was conciliatory, as he even excused himself for the inconveniences he might have caused to the local community by building the shelter. In response, mayor Jenő Szász replied abruptly that he would not accept any solution other than that of purchasing the building and transferring it to the Odorhei local council.

This response was followed by a large number of (almost impossible to describe) arguments and counter-arguments, which hinted to: (i) a real lack of communication among the parties; and (ii) the fact that no compromise could be reached with respect to ontological issues such as who owned the land. At around 14:30 hours, when the spirits had already become excessively heated and most of the participants were visibly tired, I allowed myself to suggest that a minimal protocol be concluded with the following terms:

- (1) the mother tongue and religion of children in the shelter should not be changed;
- (2) employees should come predominantly from Odorhei and the neighboring areas;
- (3) children with handicap from Odorheiu Secuiesc should enjoy priority in being taken in;
- (4) the number of nuns should be between 10 and 20;
- (5) a contact group (consisting of the nuns, a local councilor, physicians, accountants etc.) should be at once established and empowered to monitor the shelter.

The proposal was welcomed by the parties with a measure of enthusiasm, so we proceeded to draft the text of the Protocol. Personally, I hoped it would be ready within

²⁶¹ They were invited as participants in the hostilities to follow rather than as the local press.

half an hour's time and would be followed by a press conference, so that we should return home at a reasonable hour. But my hopes remained vain.

The first draft of the Protocol was discussed over and over until nothing was left of the initial proposals. Smaranda Enache confessed (around 16:30 hours) that she did not believe anything would be signed, especially since the atmosphere resembled closely that in Târgu Mureș, where negotiations had failed. Gabriel Andreescu and Renate Weber tried to persuade the rest to drop the sterile arguments. As if to compromise any attempts at reaching a common ground, the mayor then handed out to the financing party (Cyrill Burgel) and the representative of Aris Industrie (Roibu) a letter officially announcing that the City would start the necessary procedures to purchase the building. For the second time, the representative of Basel Hilft responded by declaring himself deeply insulted (and blackmailed); he had done so the first time when the mayor had produced a deplorable and ultimately offensive protest signed by the parents of handicapped children in Odorhei. Eventually, it became impossible for us (Gabriel Andreescu, the nuns and myself) to prevent Cyrill Burgel from leaving the room. In leaving he also made a statement to the press (which had been waiting since noon and would continue to wait until around 18:30 hours) to the effect that he would not finance the building to the end (finalizing it would require an additional 1 million dollars).

I then noticed a change in the attitudes of the mayor and the local councilors. Up to that point they had inflexibly stood by their earlier positions; they insisted, for instance, that the future shelter employees should come from Odorhei and surroundings alone, rather than from the entire region as the nuns suggested. It then became clear to me that, rather than being afraid of "Romanization", they wanted to avoid the involvement of persons (whether Hungarian or not) from Miercurea Ciuc. It took the entire range of negotiation and acrobatic skills of Gabriel Andreescu, Renate Weber and Smaranda Enache to calm the spirits, which had heated up again.

After seven hours of exhausting negotiations I advanced a final, desperate proposal: the issues in the minimal platform that were conflicted should be erased and the existing reservations should be formulated upon the signing of the final version of

the Protocol. After another period of agony (devoid of any complementary ecstasy), my proposal came to life. The Protocol is attached to this report as an appendix. One should note the following in connection with point 1: there have been several variants of it

(a) The beneficiaries are children with difficulties and handicaps from Odorheiu Secuiesc and the Odorhei area (preferred by the local council);

(b) The beneficiaries are children with difficulties. Children with handicaps from Odorheiu Secuiesc and its surroundings shall enjoy priority (preferred by the Congregation);

(c) The beneficiaries are children with difficulties. Children with handicaps from Odorheiu Secuiesc and its surroundings shall enjoy priority. The percentage of handicapped children shall be decided on at a later date by a specialized commission (physicians, social assistants, nuns, local and county authorities etc.). This was the variant I preferred.

None of the variants was acceptable to all the parties involved; at this point, Gabriel Andreescu proposed the final version of point 1, which was eventually (but not without efforts) accepted unanimously.

Also worth mentioning is that at various moments the moderators had to raise their voices at the negotiating parties. I have also allowed myself to hammer the table with my fist once (half jokingly, of course). The Protocol was eventually signed (it was past 18:00 hours) and was followed by a short press conference delivered before some very tired and frustrated journalists.

We then slouched to lunch and parted with the Pro-Europe League people (who left for Târgu Mureș). We then headed for Bucharest where we arrived, after sundry adventures, on the morning of Tuesday, December 16, 1997, at 4:00 hours.

There are many details that have not made it into this report, but which I can recount should a real interest in this respect be manifest.

Besides the events narrated in the report itself, I would humbly allow myself a number of observations:

The community in Odorheiu Secuiesc consists of mostly Szeklers, who account for 95 percent of the population; it is very conservative and very much focused on local

interests. The locals are very suspicious of outsiders. As a matter of self-defense, they are also very proud of the status enjoyed by them and their city, notwithstanding the fact that such status is conditioned by their isolation from the outside world. They still hold a grudge against Miercurea Ciuc ever since the latter became the capital of the county.

On the other hand, the Pure Heart Congregation has still not come to grips with the specificity of the local community in which it might have to operate and live. My rookie feeling is that both parties in the conflict have made serious errors, including legal ones; but the mistakes of the ex-mayor and of the former local council were more serious. To what extent these errors were caused by ignorance, ill-management or corruption (money, trips to Western countries etc.) I cannot presume to say.

I do also believe that the Congregation is, at this point, on a more solid footing than the local council. I cannot foresee what will happen within the next 5 or 6 years, after the legal issue will have been hopefully resolved once and for all. What I can say, though, is that such events may prove contagious for the society at large and may thus compromise – in a manner similar to the 1990 events in Târgu Mureș – Romania's integration efforts for another decade.

Several hours spent amid the Szeklers may contaminate you with a passion for scenarios; so let me indulge in a few speculations of my own:

An essentially local, parochial and even insignificant matter has been turned – by professionals, apparently – into an issue threatening to compromise the image of the Szekler and Hungarian communities in Romania (and even of Romania itself). The purpose seems to be that of blocking the ongoing efforts aimed at Euro-Atlantic integration, as well as a rapprochement to the sphere of interests, influence, and domination of the former Soviet Empire. The tragedy (but I grant to you that sometimes it is more of a comedy) in Odorheiu Secuiesc is that of a community centered on strictly local problems which is used by groups on interests as an image of the Hungarians in Romania.

My gut feeling is that the nuns serve as a very convenient front line. The whole picture is approximately this: the Szekler brutes will not let the poor nuns take care of orphaned handicapped children because the Szeklers and the Hungarians are

chauvinistic, which is to say anti-Romanian and generally heartless (after all, they are trying to drive out the seraphic nuns of the Pure Heart Congregation).

Solving these tensions is not a matter of laws or morals, but of politics. It does not concern the UDMR only, but all democratic forces in Romania. In my view, the situation in Odorheiu Secuiesc is extremely serious and its resolution should not be delayed. Also in my view, all the Protocol did is buy some additional (but not very much) time. Certainly not three months – perhaps three weeks (that is, until after the winter holidays).

I believe it is urgently necessary to provide the Szeklers with assistance for an expedite resolution of the issues (legal, psychological, political etc.), especially since my feeling is that on the other side we are dealing with highly trained professionals (who obviously also have some large sums of money available).

Therefore please consider the modest proposals below:

(1) One should immediately make available to the local council and the mayor, for a period of at least 90 days, two experienced professionals: (a) an experienced legal adviser, perhaps accompanied by a team; and (b) a conflict resolution specialist. Expenses could be covered from external sources, which I have also taken the liberty to identify.

(2) One should request an audit of the finances of the Odorhei municipality, as well as an investigation of the financial condition of former council members and the former mayor.

(3) One should request an audit of Aris Industrie, primarily (but not exclusively) in connection with the building. I should emphasize that Mr. Roibu seemed open to rational arguments, which could also suggest that he was apprehensive that his balance sheets might be looked at in detail. At the same time, and given my belief that we are dealing with professionals, the chances of finding anything compromising are slim.

(4) One should notify the competent authorities (such as the Revenue Guard) with respect to irregularities concerning the Cserehat building.

(Non-Science Fiction) Scenario

It am imaginative enough to suggest that ex-Securitate are involved in this affair, or that the latter is a matter of money laundering etc. Let us say that the money that came from Switzerland and the papers indicate that 7 million dollars were spent for the building. But let us assume that it only cost 5 million. This would mean an immediate profit of 2 million. Let us further assume that the building was built not to shelter handicapped children but a Greek-Catholic seminar. Perhaps the Vatican is willing to pay 5 million dollars for the building provided Greek-Catholics become the rightful owners (which is what has actually happened under the guise of a donation by Aris to the Congregation). Money is laundered and a few additional million dollars are pocketed.

Dan Oprescu

Bucharest, 12.16.1997”

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Not even this remarkable account can do justice to the dramatic nature of the meeting, at least before the proposal was made to draft a final document. There were five of us negotiating, each leading in his or her turn the discussions and doing our best to find arguments acceptable to all of the obdurate parties. Meanwhile, the latter were belligerently stoking the controversy. Every time a few steps were made in the right direction somebody would throw us back to the starting point. Then, when one of us seemed to have reached a dead-end, the next would step in. The hours passed. We were really lucky there were five of us.

Looking back I can imagine nothing as mentally exhausting as that Sisyphean negotiation. Dan Oprescu’s proposal played a decisive role. When nothing seemed to work, he went to the blackboard and started writing down the points of a common statement. His sharp wit dominated the radical attitudes of people who were sometimes taking themselves and each other much too seriously.

An landmark moment was getting Pruteanu out of the room. His presence inside would have predictably rendered the meeting a failure. The Hungarian-hating senator put up some serious resistance and refused to leave the room although he had been clearly explained that he should not have been there. The nuns, however, pleaded with

him to stay. We needed to all the intransigence we could muster to persuade him to change his mind and leave the hall.

The result of the negotiations was a brief document that had suffered more amendments than it could take. It was hardly worth calling an agreement, as it failed to reach a solution accepted by all parties. But the negotiations initiated by the Pro-Europe League and APADOR were not any less significant because of this failure. The peaceful separation of the litigants was a shovel of sand thrown upon sizzling embers: the nationalist hysteria slowly died out thereafter. As of this writing, the conflict in Odorheiu Secuiesc is still unresolved. But now it is only one among thousands of other similar cases.

I have also reprinted the “non-science fiction” scenario advanced by Dan Oprea. In the original investigation a few months prior to the events recounted here I had included in my report several details that were suspicious. Some concerned the size and blueprint of the building and seemed to challenge the declared destination. I had also mentioned the fact that the owners had been constantly inflating the cost of the building: the contractor evaluated it at USD 4.8m, while Basel Hilft came up with a figure of 4m in 1996, 5m in March 1997, and 6m in May of the next year. (An expertise performed at the request of the local council placed the investment at USD 3,322,023.)

No less suspicious was the resignation of Basel Hilft president Martin H. Bruckhardt, whose May 9, 1997 letter noted that “there are numerous reasons which compel me to renounce all legal responsibility for Basel Hilft.” And, to save the best for last, entrepreneur Aristide Roibu was later elected deputy on a PDSR list and became in a few years’ time the president of the House’s Legal Commission.

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A friend who is very familiar with the context told me that the story as told above is silent on several events which had paved the way for the (otherwise disgraceful) response of the local actors: the issue of the Orthodox Diocese in Miercurea Ciuc, the Odorhei Gendarmerie barracks etc. Also missing from the story is the denouement: the current condition of the Cserehat building has done nothing to allay the locals’ fears. The recipe of deliberate demographic alterations, my friend