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# Ukraine–Hungary: the intensifying dispute over the Hungarian minority's rights

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**For nearly one year relations between Hungary and Ukraine have been plunged in the worst crisis since the collapse of the USSR. The main cause of the tension has been the Education Act passed by the Ukrainian parliament in September 2017 which envisages a comprehensive reform of the education system and at the same time imposes serious restrictions on the use of the languages of national minorities, including Hungarian, in school education. In response to this, Budapest severely criticised Kyiv and took measures to block the establishment of closer relations between Ukraine and NATO, insisting that the act be changed. In turn, Ukraine took steps to soften Budapest's stance and asked the Venice Commission to evaluate the act and then declared that it would follow the recommendations provided in the evaluation. The deficit of trust which has existed for years and the fact that neither of the parties had taken real steps to reach a compromise prevented them from reaching an agreement that had seemed close in May and June this year. The conflict was escalated further when the Hungarian government appointed a ministerial commissioner for the development of Zakarpattia Oblast (in Ukraine), which met with a harsh reaction from Kyiv and was interpreted as interfering with Ukraine's internal affairs.**

**The dispute over the Hungarian minority's rights in Ukraine is about historical and identity related issues that are very important to both sides, and it is highly unlikely that it will be resolved in the coming months. While these issues have always been at the core of Budapest's foreign policy, especially with regard to the countries where the Hungarian minorities live, Kyiv neglected them until 2014. However, since the Russian annexation of Crimea and the aggression in the Donbass, Ukraine has been taking comprehensive measures aimed at decommunisation and derussification. The consequences of this include on the one hand a Ukrainisation of the public space, the media and the education system, and on the other restricting national minorities' rights in Ukraine as regards the use of their language in the education system. For those reasons, both sides are likely to firmly stick to their stances and to be looking for current political benefits resulting from the conflict rather than taking action to reach a compromise.**

## A protocol of discord

Since the early 1990s, a certain dose of distrust has invariably been present in Ukrainian-Hungarian relations. Even though economic and political co-operation between them has been normal, issues concerning the rights of the Hungarian minority (150,000 people, according to the Ukrainian census conducted in 2001) who form a dense group in some areas of Zakarpattia Oblast, accounting for 12% of its population, would periodically cast a shadow over bilater-

al relations[1]. Ukrainian law has vested this minority with extensive freedoms, including a *de facto* autonomous education system with Hungarian as the language of instruction from primary school to university[2]. However, Hungarian schools in Ukraine are chronically underfunded and therefore receive financial and material support from Budapest. This, coupled with the proximity of the Hungarian border, makes this minority poorly integrated with the Ukrainian community, and many representatives of the young generation are not advanced speakers of Ukrainian[3].

**The new version of the Education Act passed in September 2017 by the Ukrainian parliament was severely criticised by Budapest. The new tension in bilateral relations is a consequence of the unresolved dispute over this act.**

The new version of the Education Act passed on 5 September 2017 by the Ukrainian parliament was severely criticised by the Hungarian minority in Zakarpattia and the government in Budapest. This criticism was partly justified since the new law, and above all article 7, which has provoked the greatest controversies, includes an entry that lessons in minority languages can only be taught in selected classes and only at the initial phase of education (pre-school education and grades I–IV)[4].

Under the influence of criticism from Hungary and Romania, on 29 September 2017 the Ukrainian government asked the Venice Commission to pass an opinion on the compliance of the controversial article 7 with Ukraine's legal commitments regarding national minority rights. The opinion passed by the Venice Commission last December was ambivalent. On the one hand, it was indicated that article 7 did not guarantee the fulfilment of Ukraine's constitutional and international commitments as regards the protection of minority rights, and its provisions would severely affect national minorities' rights as regards the use of national languages in secondary school education. On the other hand, the Venice Commission concluded that article 7 was formulated so imprecisely that it was possible to interpret and implement it in a manner that would not infringe upon national minorities' rights. In the recommendations part of the opinion, the Venice Commission suggested enabling teaching as many subjects as possible in national minorities' languages, postponing the date of full implementation of the regulations of the act and excluding private schools from provisions of the act.

Further disputes that have been provoked or escalated over the past year are a consequence of the conflict over the Education Act. The most painful sanction for Kyiv is the fact that Budapest has been impeding its co-operation with NATO. Hungary has blocked meetings of

[1] According to the vast research conducted by the Geography Institute of the Hungarian Academy of Science, the Transcarpathian Hungarian Institute in Berehove and the National Policy Research Institute in Budapest in 2017, around 131,000 ethnic Hungarians, including 5,000-6,000 Hungarian-speaking Roma people, live in Zakarpattia at present; http://bgazrt.hu/npki/kutatasok/summa_2017/

[2] According to official data, 71 Hungarian schools operate in Ukraine and are attended by 16,000 pupils. In turn, according to the Hungarian minority's estimates, the number of schools in Zakarpattia is 107. A private Ferenc II Rákóczi Transcarpathian Hungarian Institute (II. Rákóczi Ferenc Kárpátaljai Magyar Főiskola) has also operated in Berehove since 1996. In compliance with the licence granted by Ukraine's Ministry of Education, the institute's graduates receive master's diplomas. The institute had 1,210 students in the academic year 2017/2018; http://kmf.uz.ua/uk/%D1%96%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D1%96%D1%8F/

[3] For more information see: J. Groszkowski, T. Iwański, A. Sadecki, *A neighbour discovered anew. the Czech Republic, Slovakia and Hungary's relations with Ukraine*, 'OSW Report', August 2017, https://www.osw.waw.pl/en/publikacje/osw-report/2017-08-03/a-neighbour-discovered-anew-czech-republic-slovakia-and-hungarys

[4] For more information on this Act, see: T. Dąborowski, T. Piechal, A. Sadecki, *Ukraine: a blow against the national minorities' school system*, 'OSW Analyses', 27 September 2017, https://www.osw.waw.pl/en/publikacje/analyses/2017-09-27/ukraine-a-blow-against-national-minorities-school-system

the Ukraine-NATO Commission on several occasions on the ministerial level, and also on the level of the heads of state during the NATO Summit in Brussels in July this year.

**The harsh rhetoric the Hungarian government has used with regard to Kyiv is provoking increasing outrage in Ukraine because it fits in with Russian propaganda.**

As the dispute continues, the number of anti-Hungarian incidents has increased in Zakarpattia Oblast. The office of KMKSZ[5], the main party of the Hungarian minority in Ukraine which closely co-operates with Hungary's governing party Fidesz, was set on fire in February 2018 in Uzhhorod[6]. Before that, in November 2017, Ukrainian nationalists attempted to remove the Hungarian flag from the building, and in September the Ukrainian police arrested two men who were reportedly attempting to blow up the Hungarian memorial at Verecke Pass.

The harsh rhetoric the Hungarian government has used with regard to Kyiv is provoking increasing outrage in Ukraine also because it fits in with Russian propaganda. The Hungarian government has emphasised on numerous occasions that nationalism and extremism are gaining strength in Ukraine, that minorities' rights are not respected, and has questioned the Ukrainian government's ability to maintain control within its territory. On 23 May, during the first session after the election, the Hungarian government passed a memorandum appealing for a change in NATO's policy with regard to Ukraine. It was pointed out in the memorandum that Ukraine failed to comply with its international commitments, and that the state had become so weak that it could not perform its basic functions. It was emphasised that Ukraine posed a challenge to the security of its neighbours, including Hungary, while the context of Russian aggression on Ukraine was not mentioned at all. The Hungarian minister of Foreign Affairs, Péter Szijjártó, accused Ukraine of waging an 'international campaign of lies' against Hungary[7]. He also appealed for sending OSCE observers to Zakarpattia (he made this appeal for the first time during a panel discussion with the Russian minister of Foreign Affairs, Sergey Lavrov)[8].

## The inconclusive search for a compromise

Over the past few months a number of attempts to reach an agreement between Hungary and Ukraine have been made[9]. The United States played important role in convincing both sides to start negotiations; it began treating an improvement of Hungarian-Ukrainian relations as one of the conditions for warming its relations with Budapest. The US diplomacy managed to convince the ministers of Foreign Affairs of Hungary and Ukraine to meet several times, but no breakthrough was achieved. The chances that a compromise might be achieved were the greatest ahead of the NATO summit in Brussels on 11–12 July, when Kyiv wanted Hungary to cancel its objection to the meeting of the Ukraine-NATO Commission, and Budapest

[5] The first unsuccessful attempt was made by Polish nationalists from the organisation Falanga on 4 February 2018, and the second, successful, one was made by citizens of Ukraine.

[6] S. Panyi, A. Moroz, K. Szczygieł; *Western Ukraine burning. How Russia sets fire to the EU's external border*, 27 June 2018, https://vsquare.org/zakarpattia-western-ukraine-burning-how-russia-sets-fire-to-the-eus-external-border/

[7] Representing cross-border Hungarians will remain one of the important tasks of foreign policy, 16 May 2018, http://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/representing-cross-border-hungarians-will-remain-one-of-the-important-tasks-of-foreign-policy

[8] Hungary's FM: OSCE should deploy observers to Ukraine's Transcarpathia region, 8 December 2017, http://abouthungary.hu/news-in-brief/hungarys-fm-osce-should-deploy-observers-to-ukraines-transcarpathia-region/

[9] The dispute with Poland and Romania was mitigated because Warsaw and Bucharest agreed that the Ukrainian act could remain in the present form and that relevant regulations should be introduced on the level of executive acts.

started to view this as an option apparently as a consequence of the talks on 30 May between Minister Szijjártó and Secretary of State Mike Pompeo. However, neither the meeting on 22 June – with the participation of the Ukrainian and Hungarian ministers of Foreign Affairs and Education – nor the consultations on 11 July in which representatives of the Ukrainian ministry of education and the Hungarian minority took part (in the presence of EU, OSCE and Council of Europe observers), caused either of the parties change their stance.

**Budapest has taken the stance that rights acquired by Hungarian minorities cannot be restricted and supports their efforts to expand their autonomy.**

In addition to this, tension further escalated in late July/early August this year. A speech given by the Hungarian prime minister, Viktor Orbán, on 28 July provoked outrage in Ukraine. In the speech, he practically ruled out Ukraine's accession to the EU and NATO, and at the same time criticised the 'primitive' policy adopted by Brussels with regard to Russia which, in his opinion, is wrongly based on sanctions and which emphasises the Russian threat rather than focusing on economic co-operation. The tension was further escalated when the Hungarian government appointed the ministerial commissioner for the development of Zakarpattia. This position had already existed for two years and had been held by the same person but it had had a different name, which was not provocative towards Ukraine: commissioner for coordinating co-operation between Szabolcs-Szatmár-Bereg county and Zakarpattia, i.e. the regions on the Hungarian-Ukrainian frontier. Kyiv announced that unless this was cleared up, the commissioner might be banned from entering Ukraine. Shortly after this, on 1 August, information appeared that a Ukrainian army battalion might be deployed in Berehove, a city inhabited predominantly by the Hungarian minority.

## The Hungarian context

Supporting Hungarian minorities is traditionally one of the key areas of Hungary's activity on the international arena. Right-wing and left-wing governments alike have all defended Hungarian minorities' rights. Budapest has taken the stance that rights acquired by minorities cannot be restricted and supports their efforts to expand their autonomy. Furthermore, over the past few years, the Hungarian government has caused an escalation of bilateral disputes with neighbours and, whenever it can, it brings these disputes to the international level (for example, blocking Croatia and Romania's membership in the OECD) to thus apply pressure on the partner. Budapest also readily gives priority to individual interests before strategic issues. Even though the Hungarian government wants Ukraine to maintain sovereignty and strengthen its bonds with the EU (also in the interest of the Hungarian minority), it will not refrain from moves that may make it more difficult for Ukraine to integrate with Western structures and that at the same time can be used to make pressure on Kyiv as regards the Hungarian minority's issues.

The deficit of trust in relations with Ukraine has greatly affected Hungary's stance on the Education Act. Hungary is accusing Ukraine of waiting to pass the controversial regulations until the Association Agreement with the EU had come into force. The Hungarian side most likely fears that possible concessions would encourage Ukraine to make further steps to restrict national minorities' rights.

The tough stance on Ukraine is also aimed at strengthening voter perception of Fidesz as an uncompromising defender of the national interests and of compatriots living outside Hungary.

Over the past few years, Budapest has stood up especially firmly in defence of the Hungarian minority of Romania. However, since Hungary is currently trying to improve its relations with Romania, the dispute with Kyiv will most likely be presented to voters as proof of the uncompromising stance taken by the government led by Fidesz. Therefore, it cannot be ruled out that Hungary has intentionally stoked the dispute, especially given the fact that it will inflict only minor political losses on Hungary in the short run.

**Russia will stoke the Hungarian-Ukrainian dispute because its strategic goal is to isolate Ukraine and halt its rapprochement with Western structures.**

Nor can it be ruled out that Hungary's extremely critical opinions about Ukraine have been aimed at winning the Kremlin's favours ahead of Orbán's official visit to Moscow scheduled for mid September this year. There has been a certain degree of tension in Hungarian-Russian relations over the past few years: concerning the development of the Paks nuclear power plant (for example, the participation of Hungarian subcontractors, the launch dates of construction), due to the expulsion of a Russian diplomat from Hungary and Orbán's statement during the NATO summit in Brussels when he admitted in public for the first time that Russia is a threat to the alliance.

## Kyiv's stance

From Kyiv's perspective, the main goal of the act adopted in September 2017 was to strengthen the role of the Ukrainian language and to weaken that of the Russian language in school education in the south-eastern regions of the country. The regulations adopted by the parliament fit in with the policy of Ukraine's decommunisation and derussification that has been consistently pursued since the annexation of Crimea and the Russian aggression in eastern Ukraine. The accusations from Hungary, Romania and Russia (amongst other countries) concerning restrictions on teaching in national minorities' languages have been disregarded and deemed hysterical and groundless. In the case of ethnic Hungarians, Kyiv has emphasised on numerous occasions that it is unacceptable for some of its citizens, even if they have a different ethnic background, not to know the official language of the country they live in. It has been argued that improving the command of Ukrainian will help representatives of minorities integrate with the Ukrainian state for example, for employment purposes.

The opinion passed by the Venice Commission in December 2017 was viewed as fair in Ukraine. The Ukrainian Ministry of Education agreed with most of the recommendations from the Venice Commission and expressed its readiness to adopt specific regulations of the secondary school education act being prepared to make the provisions of article 7 more precise. Regardless of these conciliatory statements, the most prevalent stance in Ukraine is that expressed by the speaker of the Verkhovna Rada (Ukrainian parliament), Andriy Parubiy, who has stated that article 7 will remain unchanged[10]. No real moves to put the Venice Commission's recommendations into practice have been made for months. The direct meetings of Orbán and Poroshenko have also failed to result in any breakthrough, even though in July 2018 Poroshenko reportedly promised Orbán that the dialogue concerning article 7 would continue between the ministers of Education and Foreign Affairs and that the Venice Commission's recommendations would be promptly implemented.

The Ukrainian government's unwillingness to put the Venice Commission's recommenda-

[10] *Жодних змін до мовної статті закону „Про освіту" не буде, - Парубій*, Censor.net, https://ua.censor.net.ua/news/3038458/jodnyh_zmin_do_movnoyi_statti_zakonu_pro_osvitu_ne_bude_parubiyi

tions into practice results from the belief that ethnic Hungarians in Zakarpattia know the official state language to an insufficient degree and that provisions of article 7 are right.

**In the coming months, tension in relations between Budapest and Kyiv will continue, and a systemic resolution of the dispute over the Hungarian minority's rights seems impossible without both a compromise on the top political level and US mediation.**

Furthermore, the unfriendly rhetoric employed by Budapest (which is viewed as revisionist in Ukraine: the statements concerning the need to establish a Hungarian autonomy outside the country, the appointment of the commissioner for the development of Zakarpattia Oblast and the Hungarian prime minister's appeals for lifting the sanctions imposed on Russia) also makes Kyiv unwilling to take further steps towards a compromise. It is believed in Ukraine that Orbán and Putin have similar views on certain issues. Therefore, accepting Hungary's demands would be viewed as yielding to the Kremlin's blackmail.

The escalating conflict in the diplomatic sphere is also reflected in the mass media. Even moderate commentators in Ukraine admit that Hungary is interfering with Ukraine's internal affairs[11]. Opinions suggesting that even preparations for annexation of Zakarpattia are being made are increasingly widespread[12]. Hungary is viewed as an unfriendly state, and nationalist circles brand the Hungarian minority as 'Budapest's fifth column', which is expressed in growing numbers of demonstrations held by Ukrainian nationalists from the organisations Svoboda, Carpathian Sich and National Corps in cities across Zakarpattia. Such actions are criticised by local governments, while attempts to set offices of the Hungarian minority's organisations or memorials on fire are interpreted (at times not unreasonably) as Russian provocations aimed at escalating the conflict between ethnic Ukrainians and Hungarians on the local level. Hennadiy Moskal, the governor of the oblast (since July he has also been the head of the local structures of the Petro Poroshenko Bloc) is a staunch supporter of mitigating the disputes. He has openly criticised the Education Act and has consistently pursued a policy of co-operation with Budapest (ensuring supplies of chlorine and measles vaccines to Zakarpattia), which seems to be aimed at maintaining the coalition of the Hungarian and the presidential parties in the oblast's council.

## Outlook

The most likely scenario in the coming months is the continuation of Hungarian-Ukrainian tension. Proposals of new acts concerning citizenship and language are waiting to be considered in the Ukrainian parliament. Already at the present stage they are viewed by Hungary as aimed at further restricting national minorities' rights. It is difficult to state which bills will finally be put to the vote, but it should be expected that stricter requirements for holding more than one citizenship will be introduced and minorities' rights concerning the use of their languages will be restricted. Thus the dispute with Ukraine over minorities' rights will continue, especially given the fact that the presidential and parliamentary elections in Ukraine in 2019 and the European election in Hungary in May 2019 may encourage politicians to capitalise on the conflict to achieve their goals on the political scene at home.

[11] С. Сидоренко, Д. *Тужанський, Уповноважений на конфлікт: Будапешт дав старт новому загостренню з Україною*, 3 August 2018; https://www.eurointegration.com.ua/articles/2018/08/3/7085170/

[12] М. Розумний, *Нескромні амбіції Угорщини: чи повторить Закарпаття долю Криму чи Донбасу*, 6 August 2018; https://www.unian.ua/politics/10215419-neskromni-ambiciji-ugorshchini-chi-povtorit-zakarpattya-dolyu-krimu-chi-donbasu.html

The deficit of trust between Ukraine and Hungary makes both sides extremely cautious about any possible concessions. Hungary claims that the only solution is to amend article 7 of the Education Act and does not agree to ensuring education in the native language on the level of executive regulations or a separate act on secondary school education. On the other hand, Ukraine, despite numerous promises, principally has not fulfilled any of Budapest's demands, including postponing the implementation of the provisions of the Education Act until 2023 or excluding private education from the provisions of the act. Thus an improvement of Ukrainian-Hungarian relations will also depend on the effectiveness of external mediation and pressure from third-party countries to resolve the dispute, above all the United States. Russia will most likely aim to escalate the Hungarian-Ukrainian dispute because its strategic goal is to isolate Ukraine and halt the process of its integration with Western structures.

A durable resolution of the conflict seems impossible without a compromise on the top political level. Over the past few years, Hungary has only been able to improve its relations with other neighbours with whom it also has disputes over national minorities after Prime Minister Orbán had reached a compromise with the leaders of these countries. In the case of Slovakia this was the deal struck in 2012 with the then Prime Minister Robert Fico despite restrictions of minorities' rights that were more serious than those introduced in Ukraine (for example, a ban on holding dual citizenship). Similarly, in the case with Romania, the process of rebuilding bilateral relations really began only after Orbán and the leader of the parliamentary majority in Romania, Liviu Dragnea, had made relevant arrangements. However, in both of these cases Hungary saw tangible benefits of the compromises, such as strengthening the Visegrad Group (Slovakia) or energy co-operation (Romania). Hungary does not see such benefits in a compromise with Ukraine. Nor does the uncertain future of President Poroshenko's power in the context of elections scheduled for next year encourage Hungary to strike a deal with the present Ukrainian authorities.

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