

AUTONOMY IN EUROPE
A REFERENCE BOOK OF
LAWS OF AUTONOMY IN FORCE IN EUROPE

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FOREWORD

After the fall of the Soviet Union, the Western Powers missed a wonderful opportunity to reshape the face of Europe. We remember all too well the Congress of Vienna after the fall of Napoleon, and the unbelievably shortsighted peace treaties after the First and Second World Wars. After these events the leaders of the states convened to reshape the borders of Europe. The Vienna Congress was very effective. Just or not, the borders drawn by the dancing diplomats lasted a century and Europe prospered. The other two did not fare so well. The first one inflicted unhealing wounds, the second put some salt into them.

In 1990 there was an opportunity the West failed to grasp. After the fall of the Soviet Union, they should have convened another "Vienna Congress" and redrawn the borders along ethnic and cultural lines. Where it was not possible, they should have obliged the states with sizable minorities to grant them autonomy along the lines of the South-Tyrol pattern.

Of course, there are obstacles: the Polish-German, the Russian-German borders. It would be hard to push back Poland some 150 kilometers to the East. East Prussia is the foothold the Russians would not part with easily. The rest of the problems, the Romanian, Yugoslavian, Czech and Slovakian would have been easier to solve. Yugoslavia and Czechoslovakia fell apart spontaneously, Romania is on the way to the same fate.

Some of the democratic states realized, that there is a price to pay for peaceful progress, and were willing to make amends. The Scots, Irish, Wells, South Tyrol, Swedes of Finland, Gagauzes of Moldavia (who have heard of them before?), Catalans, Basques, all had their autonomies. The Corsicans, Bretons and other minorities of the once "nation state" France are close to some sort of autonomy. The idea of self-government of the homogenous communities have no alternatives, but bloodshed. Even the French have realized it.

But what about the Hungarians? Presumably the West keeps the successive Hungarian governments on notice to "behave themselves" if they want to join the European Union. They are dangling the lure of a borderless European Union in front of them, neglecting to tell them, that Romania and Yugoslavia, where close to 3 million Hungarians live oppressed, haven't got a chance in hell to join in the next twenty years - if then... What happens in the meantime to our brethren? They will be forced to emigrate, or dissolve in the Rumanian, Serb and Slovak sea around them. We don't like this prospect. The West can not put up the real solution to this festering sore too long. The status quo can not be kept up any longer. The Balkan problem have to be solved soon, and without Hungary it can not be done.

The successor states too have to face up to the facts. If the leading Western Powers were willing to grant autonomy to their minorities, Slovakia, Ukraine, Romania and Yugoslavia can not buck the trend. They have a very limited choice: either adopt a friendly attitude toward Hungary and the minorities, or face much harder demands in the not to distant future.

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NOTES

1. PART ONE CONTAINS THE EXISTING LAWS IN SWEDEN, SPAIN, ITALY, THE REPUBLIC Moldavian, AND CROATIA.

2. PART TWO IS A COLLECTION OF PLANNED AUTONOMIES BY THE HUNGARIAN MINORITIES IN THE SUCCESSOR STATES. UNFORTUNATELY ALL OF THESE ARE THE SCALED-DOWN THOUGHTS AND DESIRES OF HUNGARIANS WHO ARE THE CITIZENS OF SLOVAKIA, RUMANIA, RUMP-YUGOSLAVIA AND UKRAINE. THEY ARE LIVING IN CONSTANT FEAR OF THE GOVERNMENTS HELL-BENT ON PRESERVING THE STATUS-QUO, AND ELIMINATING THE MINORITIES BY ALL MEANS AT THEIR DISPOSAL. UNDERSTANDABLY THEY DO NOT DARE TO GO AS FAR AS THEY WOULD LIKE TO.

THESE FEEBLE PLANS COULD NOT EVEN BE USED FOR NEGOTIATIONS, KNOWING ONLY TOO WELL, THE GREAT POWERS, ESPECIALLY THE UNITED STATES DEMAND COMPROMISE FROM THE TWO ADVERSARIES. WHAT KIND OF A COMPROMISE COULD THE HUNGARIANS EXPECT, IF THEY ENTER NEGOTIATIONS WITH THE MINIMUM DEMANDS THEY WANT TO END UP WITH?

THEREFORE WE STRONGLY SUGGEST TO OPEN NEGOTIATIONS WITH THE DEMAND FOR RETURNING TERRITORIES TO HUNGARY, WITH HUNGARIAN MAJORITY IN 1910. FROM THAT WE COULD POSSIBLY REACH A FAIR COMPROMISE.

WE HAVE RETAINED THE ORIGINAL TEXT OF THE PUBLICATIONS. ASIDE OF PLAIN TYPOS, SOME OF THE TRANSLATIONS ARE NOT THE BEST, TO SAY THE LEAST. BUT OF COURSE NO ONE SHOULD TAMPER WITH IT, RUNNING THE RISK OF ALTERING THE MEANING AND INTENTIONS OF THE AUTHORS.

3. Page numbers in the text refer to the original publications

PART ONE

FINLAND

THE AUTONOMY OF THE ÄLAND ISLANDS

WITH

SWEDISH MAJORITY

APPENDIX

ACT ON THE AUTONOMY OF ÅLAND

16 August 1991/1144.

(An unofficial translation by the Åland provincial Government and by the Finnish Ministry of Justice.)

Chapter 1

General provisions

Section 1

Autonomy of Åland

The Åland Islands are autonomous, as hereby enacted.

Section 2

Territory of Åland

Åland comprises the territory it has at the time of the entry into force of this Act and the territorial waters directly adjacent to its land territory according to the enactments in force on the limits of the territorial waters of Finland.

If the jurisdiction and sovereignty of the State are extended beyond the limits of the territorial waters the jurisdiction and sovereignty of Åland may be likewise extended, as agreed by the State and Åland.

Section 3

Organs of Åland

The Åland Legislative Assembly shall represent the people of The Åland Islands in matters relating to its autonomy.

The administration of Åland is vested in the Government of Åland and the officials subordinate to it.

Section 4

Governor

The Governor shall represent the Government of Finland in Åland. he shall be appointed in the manner prescribed in section 52.

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Section 5

Åland Delegation

The Åland Delegation shall be a joint Organ of Åland and the State.

Its composition, duties and expenses are as Provided by sections 5# 57.

Chapter 2

Right of domicile in Åland

Section 6

Right of domicile by virtue of law

The right of domicile in Åland shall belong to

- 1) a person who at the time of the entry into force of this Act had the right of domicile under the Autonomy Act for Åland (28 December 1951/670); and
- 2) a child under 18 years of age who is a citizen of Finland and a resident of Åland, provided

that his father or mother has the right of domicile.

Section 7

Right of domicile on application

The power to grant the right of domicile is vested in the Government of Åland.

Unless there are Persuasive reasons for not granting the right of domicile, it shall be granted on application to a citizen of Finland

- 1) who has taken up residence in Åland.
- 2) who has without interruption been habitually resident in Åland for at least five years; and
- 3) who is satisfactory proficient in the Swedish language. For a special reason the right of domicile may also be granted to a person who does not fulfill the requirement Of paragraph 2, Subparagraphs 2 and 3, subject to the Provisions of a Provincial Act.

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Section 8

Forfeiture of the right of domicile

A person who forfeits the citizenship of Finland shall likewise forfeit the right of domicile.

The forfeiture of the right of domicile of a person who moves his permanent residence from Åland shall be as provided by a Provincial Act.

Section 9

Participation in elections and eligibility for office

Only a person with the right of domicile may participate in the elections of the Legislative Assembly, the municipal councils and the other positions of trust in the Provincial and municipal administration. Only a person with the right of domicile shall be eligible for such positions of trust.

The right to vote and the eligibility for office in certain cases shall be governed by the provisions of section 67

Section 10

Right to acquire real property

The limitations on the right to acquire real property or property of a similar nature in Åland with full legal title or with the right to enjoy are as provided by the Act on the Acquisition of Real Property in Åland (3January 1975/3). The limitations shall not apply to a person with the right of domicile.

Section 11

Right of trade

The right of a person without the right of domicile to exercise a trade or profession in Åland for personal gain may be limited by a Provincial Act. However, such a Provincial Act may not be used to limit the right of trade of a person residing in Åland, if no person other than a spouse and minor children is employed in the trade and if the trade is not practiced in business premises, an office or any other special place of business.

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Section 12

Service of conscription

A person with the right of domicile may in place of conscription for military service serve in a corresponding manner in the pilotage or lighthouse services or in other civilian administration. Service in the pilotage and lighthouse services shall be as provided by a State Act after the

Legislative Assembly has been reserved an opportunity to submit an opinion on the matter. Service in other civilian administration shall be provided by a State Act with the consent of the Legislative Assembly. Until such service has been organized, the residents of Åland referred to in paragraph 1 shall be exempt from conscription for military service. Paragraph I shall not apply to a person who has taken up residence in Åland after having reached the age of twelve years.

Chapter 3
Legislative Assembly and the Government of Åland
Section 13

Election of the members of the Legislative Assembly

The members of the Legislative Assembly shall be elected by direct and secret ballot. The suffrage shall be universal and equal.

Section 14

Opening and closing the Sessions of the Legislative Assembly The sessions of the Legislative Assembly shall be opened and closed by the President of the Republic or, on his behalf, by the Governor. The Governor shall present the proposals and statements of the President to the Legislative Assembly.

Section 15

Dissolution of the Legislative Assembly

After consultation with the Speaker of the Legislative Assembly, the President of the Republic may dissolve the Legislative Assembly and order an election. The right of the Legislative Assembly to decide on a dissolution and the ordering of an election shall be provided by a Provincial Act.

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Section 16
Provincial Government

The Government of Åland shall be appointed as provided by a Provincial Act.

Chapter 4,
Authority of Åland
Section 17

Provincial legislation

The Legislative Assembly shall enact legislation for Åland (Provincial Acts).

Section 18
Legislative authority of Åland

Åland shall have legislative powers in respect of

- 1) the organization and duties of the Legislative Assembly and the election of its members, the Government of Åland and the officials and services subordinate to it;
- 2) the officials of Åland, the collective agreements on the salaries of the employees of Åland and the sentencing of the officials of Åland to disciplinary punishment;
- 3) the flag and coat of arms of Åland and the use thereof in Åland, the use of the Provincial flag on vessels of Åland and on merchant vessels, fishing vessels, pleasure boats and other comparable vessels whose home port is in Åland, without limiting the right of State offices and services or of private persons to use the flag of the State
- 4) the municipal boundaries, municipal elections, municipal administration and the officials of the municipalities, the collective agreements on the salaries of the officials of the municipalities and the sentencing of the officials of the municipalities to disciplinary

punishment;

5) the additional tax on income for Åland and the provisional extra income tax, as well as the trade and amusement taxes, the bases of the dues levied for Åland and the municipal tax;

6) public order and security with the exceptions as provided by section 27, subparagraphs 27, 34 and 35; the firefighting and

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rescue service;

7) building and planning, adjoining properties, housing;

8) the appropriation of real property and of special rights required for public use in exchange for full compensation, with the exceptions as provided by section 61;

9) tenancy and rent regulation, lease of land;

10) the protection of nature and the environment, the recreational use of nature, water law;

11) prehistoric relics and the protection of buildings and artifacts with cultural and historical value;

12) health care and medical treatment, with the exceptions as provided by section 27, subparagraphs 24, 29 and 30; burial by cremation;

13) social welfare; licenses to serve alcoholic beverages.

14) education, culture, sport and youth work; the archive, library and museum service, with the exceptions as provided by section 27, subparagraph 39;

15) farming and forestry, the regulation of agricultural production; provided that the State officials concerned are consulted prior to the enactment of legislation on the regulation of agricultural production.

16) hunting and fishing, the registration of fishing vessels and the regulation of the fishing industry;

17) the prevention of cruelty to animals and veterinary care, with the exceptions as provided by section 27, subparagraphs 31-

3;

18) the maintenance of the productive capacity of the farmlands forests and fishing waters; the duty to transfer, in exchange for full compensation, unutilised or partially utilized farmland or fishing water into the possession of another person to be used for these purposes, for a fixed period;

19) the right to prospect for, lay claim to and utilize mineral finds

20) the postal service and the right to broadcast by radio or cable in Åland, with the limitations consequential on section 27. subparagraph 4;

21) roads and canals, road traffic, railway traffic, boat traffic, the

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local shipping lanes;

22) trade, subject to the provisions of section 11, section 27 subparagraphs 2, 4, 9, 12-15, 17-19, 26, 27, 28, 34, 37 and 40, and section 29, paragraph 1, subparagraphs 35, with the exception that also the Legislative Assembly has the power to impose measures to foster the trade referred to in the said paragraphs;

23) promotion of employment;

24) statistics on conditions in Åland;

25) the creation of an offense and the extent of the penalty for such an offense in respect of a matter falling within the legislative competence of Åland;

26) the imposition of a threat of a fine and the implementation thereof, as well as the use of other means of coercion in respect of a matter falling within the legislative competence of Åland;

27) other matters deemed to be within the legislative power of Åland in accordance with the

principles underlying this Act.

Section 19

Supervision of legislation

The draft of a Provincial Act shall be presented to the President of the Republic. Before the draft is presented the Åland Delegation shall give its opinion on the matter. After having obtained an opinion from the Supreme Court the President of the Republic may declare the Provincial Act annulled in full or in part, if he considers that the Legislative Assembly has exceeded its legislative powers or that the Provincial Act relates to the external or internal security of the State. The President shall order the annulment within four months of the date when the decision of the Legislative Assembly was presented to him. For purposes of uniformity and clarity a Provincial Act may contain provisions on matters relating to the legislative powers of the State, provided that in their substance they agree with the corresponding provisions of a State Act. The inclusion of such provisions in a Provincial Act shall not alter the separation of the legislative powers of the State and Åland.

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Section 20

Entry into force of a Provincial Act

If the President of the Republic has annulled a Provincial Act, or if he has decided not to use his veto, the Government of Åland shall be so informed. where the Presidential veto concerns only a part of a Provincial Act, the Government of Åland shall decide, as provided by a Provincial Act, whether the remaining part of the Act shall enter into force or whether the entire Act is annulled. Provincial Acts shall be published by the Government of Åland. If the Legislative Assembly has not specified the day on which the Act shall enter into force the Government of Åland shall do so

Section 21

Provincial Decrees

By virtue of an authorization in a Provincial Act the Government of Åland may issue Provincial Decrees on the organization and activities of the Provincial administration, on the implementation and application of the Act and on other matters within the powers of Åland. The provisions of section 19, paragraph 3 on Provincial Acts shall apply correspondingly to Provincial Decrees.

Section 22

Initiatives of the Legislative Assembly and the Government of Åland

The Legislative Assembly may submit initiatives on matters within the legislative power of the State. The Government of Finland shall present the initiative for the consideration of Parliament of Finland. The Government of Åland may submit initiatives On matters referred to in paragraph 1 for the issuance of administrative provisions and regulations for Åland.

Section 23

Administrative authority of Åland

Provincial officials shall conduct the administration of matters within

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the legislative power of Åland, subject to the following:

- 1) statistical information that is necessary for the State and in the possession of Provincial

- officials shall on request be made available for State officials;
- 2) statistical information for the use of Åland shall be collected in cooperation with the State officials concerned;
 - 3) the Government of Åland shall obtain opinions from the State officials concerned before undertaking measures regarding a non-movable prehistoric relic;
 - 4) the Government of Åland shall obtain an opinion from the National Archives before the Provincial officials or the municipal or ecclesiastical officials render a decision on the destruction of documents in an archive located in Åland.

Section 24

Citizenship of officials

A citizen of Finland, Iceland, Norway, Sweden or Denmark may be employed as an official of Åland or of a municipality in Åland. The employment of other aliens for such service shall be as provided by a Provincial Act.

Only a citizen of Finland may be employed in the police force.

Section 25

Administrative procedure

An appeal may be brought to the Government of Åland against an administrative decision made by a body subordinate to the Government of Åland, provided that the decision does not concern a tax or dues. An appeal against a decision of the municipal authorities may be brought before a County Administrative Court, or another instance as provided by a State Act. Notwithstanding this, a Provincial Act may provide that an appeal against a decision by a municipal authority on a matter within the competence of Åland may be brought to the Government of Åland.

An appeal as to the legality of a decision of the Government of Åland may be brought before the Supreme Administrative Court. A decision of the Government of Åland relating to appointments shall

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not be subject to appeal.

Section 26

Establishment of an administrative court

An administrative court may be established in Åland by a State Act. Notwithstanding section 25 such a court may by a Provincial Act be granted jurisdiction over administrative matters within the competence of Åland.

Chapter 5

Authority of the State

Section 27

Legislative authority of the State

The State shall have legislative power in matters relating to

- 1) the enactment, amendment, explanation and repeal of a Constitutional Act and an exception to a Constitutional Act;
- 2) the right to reside in the country, to choose a place of residence and to move from one place to another, the use of freedom of speech, freedom of association and freedom of assembly, the confidentiality of post and telecommunications;
- 3) the organization and activities of State officials;
- 4) foreign relations, subject to the provisions of chapter 9;
- 5) the flag and coat of arms of the State and the use thereof; with the exceptions provided by section 18, subparagraph 3;

- 6) surname and forename, guardianship, the declaration of the legal death of a person;
 - 7) marriage and family relations, the juridical status of children, adoption and inheritance, with the exceptions provided by section 10;
 - 8) associations and foundations, companies and other private corporations, the keeping of accounts;
 - 9) the nationwide general preconditions on the right of foreigners and foreign corporations to own and possess real property and shares of stock and to practice a trade;
- 1) copyright, patent, copyright of design and trademark, unfair business practices, promotion of competition, consumer protection;

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- 11) insurance contracts;
- 12) foreign trade;
- 13) merchant shipping and shipping lanes;
- 14) aviation;
- 15) the prices of agricultural and fishing industry products and the promotion of the export of agricultural products;
- 16) the formation and registration of pieces of real property and connected duties;
- 17) mineral finds and mining, with the exceptions as provided by section 18, subparagraph 19;
- 18) nuclear energy; however, the consent of the Government of hand is required for the construction, possession and operation of a nuclear power plant and the handling and stockpiling of materials therefor in Åland;
- 19) units, gauges and methods of measurement, standardization;
- 20) the production and stamping of precious metals and trade in items containing precious metals'
- 21) labor law, with the exception of the collective agreements on the salaries of the Provincial and municipal officials, and subject to the provisions of section 29, paragraph 1, subparagraph 6, and section 29, paragraph 2;
- 22) criminal law, with the exceptions provided by section 18, subparagraph 25;
- 23) judicial proceedings, subject to the provisions of sections 25 and 26; preliminary investigations, the enforcement of convictions and sentences and the extradition of offenders;
- 24) the administrative deprivation of personal liberty;
- 25) the Church Code and other legislation relating to religious communities, the right to hold a public office regardless of creed;
- 26) citizenship, legislation on aliens, passports;
- 27) firearms and ammunition'
- 28) civil defense; however, the decision to evacuate residents of hand to a place outside hand may only be made with the consent of the Government of hand;

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- 29) human contagious diseases, castration and sterilization, abortion, artificial insemination, forensic medical investigations;
- 30) the qualifications Of persons involved in health care and nursing, the pharmacy service, medicines and pharmaceutical products drugs and the production of poisons and the determination of the uses thereof;
- 31) contagious diseases in pets and livestock;
- 32) the prohibition of the import of animals and animal products;
- 33) the prevention of substances destructive to plants from entering the country;
- 34) the armed forces and the border guards, subject to the provisions of section 12, the

actions of the authorities to ensure the security of the State, state of defense, readiness for a state of emergency;

- 35) explosive substances as to the part relating to State security;
- 36) taxes and dues, with the exceptions provided by section 18, subparagraph 5;
- 37) the issuance of paper money, foreign currencies;
- 38) statistics necessary for the State;
- 39) archive material derived from State officials, subject to the provisions of section 30, subparagraph 17;
- 40) telecommunications; however, a State official may only grant permission to engage in general telecommunications in Åland with the consent of the Government of Åland;
- 41) the other matters under private law not specifically mentioned in this section, unless the matters relate directly to an area of legislation within the competence of Åland according to this Act;
- 42) other matters that are deemed to be within the legislative power of the State according to the principles underlying this Act.

Section 28

State Acts of special importance to Åland

The amendment of a Constitutional Act or another State Act shall not enter into force in Åland without the consent of the Legislative Assembly, insofar as it relates to the principles governing the right

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of a private person to own real property or business property in Åland.

An opinion shall be obtained from Åland before the enactment of an Act of special importance to Åland.

Section 29

Delegation of legislative authority to Åland

In addition to the provisions of section 27, the following matters come under the legislative power of the State:

- 1) the population registers;
- 2) the trade register, the association register and the shipping register;
- 3) employment pensions and other social insurance's;
- 4) other alcohol legislation than that referred to in section 18, subparagraph 13;
- 5) the banking and credit services;
- 6) employment contracts and cooperation in enterprises. With the consent of the Legislative Assembly an Act may be enacted to the effect that the legislative authority referred to in paragraph 1 be delegated to Åland in full or in part. Such an Act shall contain provisions on the measures consequent on the delegation of authority.

A person whose contract of service with the State is affected by the delegation of authority referred to in paragraph 2 shall with his consent be transferred to the service of Åland to comparable duties and with his former benefits, as further provided by Decree.

Section 30

Administrative authority and procedure

State officials shall conduct the administration of matters within the legislative power of the State, with regard to the following:

- 1) when making an appointment to a State office in Åland, special weight shall be given to the fact that the appointee has knowledge of the local conditions in Åland or resides in Åland;

2) the word "Åland" shall be incorporated in a passport issued in Åland, if the holder of the passport has the right of domicile;

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3) the Provincial officials shall partake in civil defense, as provided by Consentaneous Decree;

4) a person with the right of domicile may be assigned only to civilian duties within Åland by virtue of the general obligation of the citizenry to work;

5) Statistics relating to the local conditions in Åland that are in the possession of State officials shall on request be handed over to the appropriate Provincial officials;

6) State officials shall ensure that Åland gain access to the necessary frequencies for radio and television broadcasts;

7) the Government of Åland shall decide on granting foreigners or foreign corporations permission to acquire ownership or possession of real property in Åland or to practice a trade in Åland; before making a decision it shall request an opinion from the State official concerned;

8) the duties that according to legislation on contagious diseases in humans or pets and livestock, legislation on the prevention of substances destructive to plants from entering the country and legislation on the production and use of poisons belong to State officials, shall in Åland be performed by the Government of Åland or by another official as provided by a Provincial Act;

9) the Government of Åland shall decide whether citizens of Finland, Iceland, Norway, Sweden and Denmark, who are qualified to perform duties within the health care, nursing or veterinary services in a Nordic country other than Finland and who have passed an examination by the Government of Åland on the relevant legislation in force in Åland, may be granted the qualification to perform the said duties in Åland;

10) the duties that in the State belong to the Consumer Complaint Board shall in Åland be performed by a special board appointed by the Government of Åland;

11) the duties that according to legislation counselling belong to a municipality shall in Åland be performed by Provincial officials, as agreed by Åland and the municipalities;

12) a new merchant shipping lane may only be opened in Åland with the consent of the Government of Åland, subject to the

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provisions of section 62;

13) a matter relating to the permission to conduct merchant shipping in Åland or between Åland and the rest of Finland in a foreign vessel shall be negotiated on with the Government of Åland;

14) the speed limits for merchant vessels on the lanes in Åland and the other matters relating to shipping that are of special importance to Åland shall be negotiated on with the Government of Åland;

15) matters relating to the right to practice air traffic in Åland shall belong to the Government of Åland; however, an opinion on such matters shall be obtained from a State official;

16) when considering matters relating to air traffic that are of special importance to Åland State authorities shall consult the Government of Åland;

17) archive material deriving from State authorities in Åland may be removed from Åland only after negotiations with the Government of Åland;

18) a decision of the Bank of Finland that may be presumed to be especially important for the economic life or for employment in Åland shall, if possible, only be made after negotiations with the Government of Åland

- 1)) the Government of Åland shall have the right to be represented together with the Council of State in the negotiations with the central organizations of the producers on income from agriculture and the fishing industry and on the regulation of agricultural production and the fishing industry;
- 20)the Government of Åland shall be heard before a decision is reached on changes in import regulations that maybe especially important to the agricultural production or fishing industry in Åland;
- 21)an opinion shall be obtained from the Government of Åland before granting a license to practice a licensed trade, if a State official has the competence to grant the license;
- 22)the Government of Åland shall be heard before a decision is reached on closing down an institution or permanent post of

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local administration of the State in Åland;

23)statistics on Åland that are necessary for the State shall be collected in cooperation with the appropriate Provincial officials.

Section 31

Obligation of State officials to aid the Provincial officials

On request of the Government of Åland, State officials are obliged as within their general competence to aid the Provincial officials in the performance of duties relating to autonomy

Section 32

Consentaneous Decrees

In agreement with the Government of Åland, duties belonging to State administration may be transferred by Decree (*Consentaneous Decree*) to a Provincial official for a fixed period or until further notice. Correspondingly, duties belonging to Provincial administration may be transferred to a State official.

If notice is given on the agreement, the Decree shall be amended or repealed as soon as possible and in any case within one year from the date of the notice. Unless the Decree is amended or repealed within the said time, the agreement shall be deemed to have been terminated one year after the notice. A Provincial Act contrary to a Consentaneous Decree shall not apply for the part contrary to the Consentaneous Decree while the Decree is in force. An opinion on a proposition for a Consentaneous Decree shall be requested from the Åland Delegation.

Section 33

Obtaining an opinion from the Government of Åland

Before the President of the Republic or the Council of State issue provisions that only concern Åland or that otherwise are especially significant to Åland, an opinion on the matter shall be obtained from the Government of Åland. The above provision shall apply also to regulations issued by other officials.

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Section 34

Decision and presentation

The President of the Republic shall make his decision on matters relating to the autonomy of

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Åland as provided by section 34 of the Constitution. Matters relating to autonomy shall be presented to the Council of State from the Ministry of Justice. However, matters relating to the economy of Åland shall be presented from the Ministry of Finance. The Council of State shall appoint persons with good knowledge of the autonomy of Åland as presenting officials for matters referred to in paragraph 2.

Section 35

Administration of the law

The administration of the law in Åland shall be conducted by the courts and officials as provided by State legislation, unless otherwise provided by section 25 or 26.

Chapter 6

Language provisions

Section 36

Official language

The official language of Åland shall be Swedish. The language used by the State and Provincial officials and in the municipal administration shall be Swedish. The official language of the Åland Delegation shall be Swedish. The Opinions and decisions of the Supreme Court referred to in this Act shall be written in Swedish. The provisions of this Act on the language used in State administration shall also apply, where appropriate, to the officials of the Evangelical Lutheran Church, unless otherwise provided by the Church Code.

Section 37

Right to use Finnish

In a matter concerning himself a citizen of Finland shall have the right

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to use Finnish before a court and with other State officials in Åland.

Section 38

Language of correspondence

Letters and other documents between Provincial officials and the State officials in Åland shall be written in Swedish. The same provision shall apply also to correspondence between the said authorities and the Åland Delegation, on one hand, as well as the Council of State, the officials in the central government of Finland and the superior courts and other State officials to whose jurisdiction Åland or a part thereof belongs, on the other hand.

However, a treaty referred to in section 59 that is submitted for approval of the Legislative Assembly may be sent to Åland in the original language, if the treaty by law is not to be published in Swedish.

The provisions of paragraph 1 on Provincial officials shall also apply to municipal officials in Åland.

Section 39

Translations

On the request of a party, the courts and the County Government in Åland shall enclose a Finnish translation in their documents.

If a document submitted to a court or another State official is written in Finnish, the official shall see to its translation into Swedish, if necessary.

A private party in Åland shall have the right to receive an enclosed Swedish translation with his copy of the document in matters that are considered by a State official in the State, referred to in section 38, paragraph 1, and on which the document shall according to general language legislation be written in Finnish.

Section 40

Language of education

The language of education in schools maintained by public funds or subsidized from the said kinds shall be Swedish, unless otherwise provided by a Provincial Act.

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Section 41

Proficiency in Finnish

A graduate of an educational institution in Åland may, as further provided by Decree, be admitted to a State-maintained or State-subsidized Swedish or bilingual educational institution and be graduated therefrom, even if he does not have the proficiency in Finnish required for admittance and graduation.

Section 42

Linguistic proficiency of State officials

Provisions on the linguistic proficiency of a State official in Åland shall be issued by Decree with the consent of the Government of Åland.

The State shall organize training in Swedish for the persons in its service in Åland.

Section 43

Information and regulations issued in Swedish

The Council of State shall take measures to have the necessary product and service information distributed to the consumers in Åland in Swedish, where possible.

The Council of State shall also see to the availability in Swedish of the regulations to be followed in Åland.

Chapter 7

Financial Management of Åland

Section 44

Budget

The Legislative Assembly shall confirm a budget for Åland. Every income and expenditure of Åland shall be incorporated in the budget. The Legislative Assembly may enact Provincial Acts for the establishment of reserves that are not incorporated in the budget. when confirming a budget, the Legislative Assembly shall strive to ensure at least the same level of social benefits for the people of hand as enjoyed by the people in the State.

The right of the Legislative Assembly to legislate on taxes and the

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bases of the dues levied in Provincial administration is as provided by section 18, subparagraph 5.

Section 45

Equalization

hand shall every year receive a sum of money from State funds to cover the costs of autonomy. The sum (*amount of equalization*) shall be determined in a special equalization procedure. The equalization shall take place retroactively for every calendar year. Advance payments of the amount of equalization shall be made every year-

Section 46

Calculation of the amount of equalization

The amount of equalization shall be calculated by multiplying the State income for the appropriate year, not including new State loans, as established in the State final accounts, by a certain index (*basis for equalization*).

Section 47

The basis for equalization and the alteration thereof

The basis for equalization shall be 0.45 per cent.

The basis for equalization shall be altered if the bases for the State final accounts change in a manner that has a considerable effect on the amount of equalization.

The basis for equalization shall be raised if

- 1) the expenditures of hand have increased because administrative duties of the State have been transferred to hand, or because hand by agreement with the State pursues in full or for a considerable part an activity that is in the interest of the State;
- 2) the realization of the purposes of autonomy causes substantial additional expenditures;
- 3) other significant expenditures which have not been taken into notice when enacting this Act are caused to the Provincial

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administration.

The basis for equalization shall be lowered if administrative duties of hand have been transferred to the State and the expenditures of hand have hence decreased.

The alteration of the basis for equalization shall be provided by a State Act with the consent of the Legislative Assembly.

Section 48

Extraordinary grant

An extraordinary grant may be given on the proposition of the Government of hand for particularly great non-recurring expenditures that may not justifiably be expected to be incorporated in the budget of hand. An extraordinary grant may only be given for purposes within the competence of hand.

Section 49

Tax retribution

If the income and property tax levied in hand during a fiscal year exceeds 0.5 per cent of the corresponding tax in the entire country, the excess shall be reattributed to hand (*tax retribution*).

Section 50

Loans

Bond loans may be issued and other loans taken out for the needs of hand.

Section 51

Special subsidy

hand shall be subsidized from State finds in order to

- 1) prevent or remove substantial economic disorders that affect especially hand;
- 2) cover the costs of a natural disaster, nuclear accident, oil spill or another comparable incident, unless the costs are justifiably to be borne by Åland.

The Government of Åland shall initiate the proceedings for a subsidy at the latest on the year following the emergence of the costs. A

decision on the matter shall, if possible, be made within six months of the initiation of the proceedings.

Chapter 5
Governor and the Åland Delegation
Section 52

Appointment of the Governor

A person who has the necessary qualifications for conducting the administration of hand well and for attending to State security shall be appointed Governor.

The President of the Republic shall appoint the Governor after having agreed on the matter with the Speaker of the Legislative Assembly. If a consensus is not reached, the President shall appoint the Governor from among five candidates nominated by the Legislative Assembly.

Section 53

Acting Governor

When the office of Governor is vacant or when the Governor is prevented from attending to his duties the President may, after having agreed on the matter with the Speaker of the Legislative Assembly, appoint a suitable person as Acting Governor.

Section 54

Dismissal of the Governor

The Speaker of the Legislative Assembly shall be heard before making a decision on a matter relating to the dismissal of the Governor

Section 55

Composition and competence of the Åland Delegation

The duties of the Chairman of the hand Delegation shall be performed by the Governor or another person, whom the President of the Republic has appointed after having agreed on the matter with the Speaker of the Legislative Assembly. when the Chairman is prevented from attending to his duties, they shall be performed by

the Vice Chairman, also appointed by the President after having agreed on the matter with the Speaker. The Council of State and the Legislative Assembly shall both elect two persons as Members of the Delegation and two Deputy Members for each Member The Delegation shall only have a quorum when all the Members are present.

The Delegation may hear expert opinions.

Section 56

Duties of the Åland Delegation

Upon request the Delegation shall give opinions to the Council of State, the ministries thereof the Government of hand and the courts.

The Delegation shall decide upon the matters referred to in section 62.

In addition, the Delegation shall

- 1) carry out the equalization referred to in section 45;
- 2) determine the tax retribution in accordance with section 49;
- 3) give the extraordinary grant referred to in section 48 and award the subsidy referred to in

section 51, and decide upon the possible conditions therefor

The Delegation shall determine the amount of the advance payments referred to in section 45, paragraph 2.

The President of the Republic shall confirm the decision of the Delegation on a matter referred to in paragraph 3. The decision shall within three months be confirmed unaltered or left unconfirmed. If the decision is not confirmed, the matter shall be returned to the Delegation for reconsideration.

Section 57

Expenses of the Åland Delegation

hand shall bear the expenses of the hand Delegation derived from the Delegates elected by the Legislative Assembly. The other expenses shall be covered from State funds.

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Chapter 9

International Treaties

Section 58

Negotiations on international treaties

The Government of hand may propose negotiations on a treaty with a foreign State to the appropriate State officials.

The Government of Åland shall be informed of negotiations on a treaty with a foreign State of the matter is subject to the competence of hand. If the negotiations On a treaty with a foreign State otherwise relate to matters of special importance to hand, the Government of hand shall be informed of the negotiations, if appropriate. For a special reason the Government of hand shall be reserved the opportunity to participate in the negotiations.

Section 59

Entry into force of international treaties

If a treaty that Finland has concluded with a foreign State contains a provision contrary to this Act, the provision shall enter into force in hand only if so provided by an Act enacted in accordance with sections 67 and 69 of the Parliament of Finland Act and section 69 of this Act.

If the treaty contains a provision that according to this Act is subject to the authority of hand, the Legislative Assembly must consent to the statute implementing the treaty in order to have the provision enter into force in hand.

The Legislative Assembly may authorize the Government of hand to give the consent referred to in paragraph 2.

Chapter 10

Miscellaneous provisions

Section 60

Legality of provincial Decrees, conflicts of authority

If a provision of a Provincial Decree conflicts with a Provincial Act or a State Act applied in hand, it shall not apply.

If a conflict of authority arises between Provincial officials and State officials on a given administrative function, a decision on the matter

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shall be rendered by the Supreme Court on the proposal of the Government of hand or the State official. Before rendering the decision the Supreme Court shall obtain opinions from the appropriate official and the hand Delegation.

Section 61

State land and State buildings

If the State requires land in hand for regular State administration, hand shall allocate suitable lots for the purpose. If hand does not allocate the lots, the State may acquire the required land without the cooperation of Åland.

If the land referred to in paragraph 1 is no longer required for regular State administration, the right of the State to the land shall pass to hand. hand shall also acquire the buildings and facilities rendered unnecessary, unless they are removed.

The allocation of land according to paragraph 1 and the transfer of land and other property to hand according to paragraph 2 shall be agreed upon by the appropriate ministry and the Government of Åland.

State legislation shall apply to the redemption, for full compensation, of real property for State needs.

Section 62

Controversy in certain situations

If controversy arises in situations referred to in section 30, subparagraph 12, or section 61, paragraph 1 or 2, the matter shall be resolved by the Åland Delegation.

Section 63

Right of Åland to inheritance

If a person habitually resident in hand dies without an heir, the inheritance shall pass to Åland. However, real property and comparable property inherited by hand not located in hand and not required to cover the debts of the estate shall be handed over to the State.

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Section 64

Degree earned in another Nordic country

A Decree may be issued to the effect that a degree required for a State office in hand may be substituted with a comparable degree earned in Iceland, Norway, Sweden or Denmark.

Section 65

Trade activity of the State and certain offices in Åland

If the right to practice a trade, regulated in State legislation according to section 27 or section 29, is reserved to the State, an independent State institution or a corporation where the State holds the power of decision, a Decree may be issued to the effect that hand or a corporation where hand holds the power of decision be entitled to practice the same trade in hand, unless there are substantial reasons for the contrary.

The provisions of section 30, subparagraph 1, section 42, paragraph 1 and section 64 on State offices shall apply also to service in independent State institutions in hand and, as further provided by a Decree, in corporations where the State holds the power of decision.

Section 66

Exemption from taxes

Åland shall have the same right of exemption from taxes and for comparable benefits as the State.

Section 67

Implementation of municipal suffrage in certain cases

A citizen of Finland without the right of domicile and citizens of Iceland, Norway, Sweden

and Denmark shall be awarded the suffrage and eligibility for office in municipal elections on the prerequisites provided by a Provincial Act.
A decision to enact a Provincial Act referred to in paragraph 1 shall require at least a two thirds' majority of the votes cast.

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Section 68

Electoral district

In Parliamentary and Presidential elections hand shall constitute an electoral district. Provisions on the said elections shall be enacted separate.

Section 69

Amendment Of the Autonomy Act and the enactment of a Provincial Act by qualified majority

This Act may be amended, explained, repealed or exceptions to it may be made only by consistent decisions of Parliament of Finland and the Legislative Assembly. In Parliament of Finland the decision shall be made as provided for the amendment, explanation and repeal of Constitutional Acts and in the Legislative Assembly by at least a two thirds' majority of votes cast.

A Provincial Act may be enacted to the effect that the Legislative Assembly is to enact a Provincial Act by at least a two thirds' majority of votes cast. A Provincial Act containing such a provision shall be enacted in the same manner

Chapter 11

Entry into force and transitory provisions

Section 70

Entry into force

This Act shall enter into force on 1 January 1993. This Act shall repeal the Autonomy Act for the hand (28 December 1951/760), as later amended (*the previous Act*), the Act on the Application of the Administrative Appeals Act in The hand Islands (16 February 1979/182) and the other provisions contrary to this Act. Measures required for the implementation of this Act may be undertaken before its entry into force. When enacting a Provincial Act, the Legislative Assembly may apply the provisions of this Act even before its entry into force. However, such a Provincial Act shall not enter into force before this Act has entered into force. ~m hand Delegation elected in accordance with this Act shall

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perform also the duties of the hand Delegation provided by the previous Act.

Section 71

Application of previous provisions

If an area of legislation that has previously been regulated by Provincial Acts has been transferred to the legislative power of the State or of an area previously subject to the legislative power of the State has been transferred to the legislative power of hand by this Act or on the basis of this Act, a Provincial Act or State Act enacted before the entry into force of this Act, relating to the said area of legislation, shall apply in hand until the Provincial Act has been repealed by Decree and the State Act by a Provincial Act.

Section 72

Right of domicile

A person habitually resident in hand at the time of the entry into force of this Act shall upon request to the Government of hand have the right to gain the right of domicile according to the provisions of the previous Act.

The right of domicile of an adopted child shall be determined according to the adoptive parents also in cases where the adoption has taken place before the entry into force of this Act.

Section 73

Trade

A person habitually resident in hand at the time of the entry into force of this Act shall, after having resided in hand for five years without interruption, have the right to practice a trade in hand in accordance with the provisions of the previous Act.

The private persons, companies, cooperation's, associations and other corporations and foundations that at the time of the entry into force of this Act practice a trade in hand in accordance with the provisions of the previous Act shall have the right to continually practice the said trade in accordance with the provisions of the previous Act.

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Section 74

Dealing with matters at transfer of authority

A matter, where the authority is transferred between officials in accordance with this Act, shall be dealt with by the officials with whom the matter was pending at the time of the transfer of authority. The matter shall be dealt with in accordance with the provisions of force before the transfer of authority

The previous Act and the other applicable former Acts shall apply to an appeal against an official decision made before the transfer of authority

Section 75

State officials

A person whose duties in a State office are in accordance with this Act transferred to the authority of hand shall, if he so consents, be transferred with equal benefits to corresponding duties in a Provincial office, as provided by Decree.

Until the issuance of the Decree referred to in section 42, paragraph 1, the previous Act and the legislation on the linguistic proficiency of State officials, in the form they were at the time of the entry into force of this Act, shall apply to the required linguistic proficiency of a State official in Åland.

A person in a State office in Åland at the time of the entry into force of this Act shall be continually qualified for the said office, regardless of the provisions of the Decree issued in accordance with section 42, paragraph 1.

Section 76

Impeachment

The provisions of the previous Act on the impeachment of the Chairman or a member of the Government of hand, a presenting official thereof or another Provincial official shall be continually applied, until otherwise provided by Decree.

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Section 77

*Regular equalization, extraordinary grants and the alteration
of the basis for equalization*

The regular equalization referred to in the previous Act shall be carried out for the last time for the year preceding the entry into force of this Act.

An extraordinary grant given before the entry into force of this Act may be supplemented on the two years following the entry into force of this Act.

The basis for equalization shall be altered if the bases for the State final accounts change before the entry into force of this Act in a manner referred to in section 47. paragraph 2.

Section 78

Land buildings and facilities

The provisions of section 61, paragraph 2 shall apply also to land, buildings and facilities used in regular State administration at the time of the entry into force of this Act.

A Decree may be issued to the effect that the State land, building or facility not referred to in paragraph I be handed over to hand.

Section 79

Movable property

When the duties of a State official are transferred to a Provincial official in accordance with this Act, the State movable Property in Åland necessary for the carrying out of the said duties shall pass to Åland without compensation.

SPAIN

AUTONOMY OF THE BASQUE COUNTRY

THE STATUE OF AUTONOMY OF THE BASQUE COUNTRY

PRELIMINARY TITLE

Article 1.-The Basque People or <<Euskal-Herría>>, as an expression of their nationality and in order to accede to self-government, constitute an Autonomous Community within the Spanish State under the name of <<Euskadi>> or the Basque Country. in accordance with the Constitution and with this Statute, which lays down its basic institutional rules.

Article 2.-1. Alava, Guipúzcoa and Vizcaya, and also Navarra, are entitled to form part of the Autonomous Commonly of the Basque Country.

2. The territory of the Autonomous Community shall comprise the Historic Territories which coincide with the provinces of Alava, Guipúzcoa and Vizcaya, respecting their present boundaries, and with the province of Navarra, should it decide to join, in accordance with the procedure laid down iii Transitory Provision Four of the Constitution.

Article 3.-Each of the Historic Territories which make up the Basque Country may. within the framework of the same. preserve or, where appropriate, re-establish and bring up to date their organization and such institutions as are exclusively concerned with self-government.

Article 4.-The designation of the seat of the common institutions of the Autonomous Community of the Basque Country shall be effected through a Law of the Basque Parliament and shall lie within the territory of the Autonomous Community.

Article 5.-1. The flag of the Basque Country has two crosses, a green diagonal cross and a superimposed white perpendicular cross, on a rod background.

2. The flags and banners of the Historic Territories which make up the Autonomous Community are also recognized.

Article 6.-1. <<Euskera>>, the language of the Basque People, shall. like Spanish, have the status of an official language in Euskadi. All its inhabitants have the right to know and use both languages.

2. The common institutions of the Autonomous Community, taking into account the socio-linguistic diversity of the Basque Country, shall guarantee the use of both languages, controlling their official status, and shall effect and regulate whatever measures and means are necessary to ensure knowledge of them.

3. No-one may suffer discrimination for reasons of language.

4. The Royal Academy of the Basque Language is the official advisory institution in matters regarding <<Euskera>>

5. Given that <<Euskera>> is the heritage of other Basque territories at-id communities, the Autonomous Community of the Basque Country may request the Spanish Government. in addition to whatever ties and correspondence are maintained with academic and cultural institutions, to conclude and, where necessary, to submit to the Spanish State Parliament for authorization, those treaties or agreements that will make it possible to establish cultural relations with the States where such territories lie and communities reside, with a view to safeguarding and promoting <<Euskera>>.

Article 7.-1. For the purposes of this Statute, the political status of Basque shall be accorded to all those who are officially resident, according to the General Laws of the State, in any of the municipalities belonging to the territory of the Autonomous Community.

2. Persons residing abroad, and their descendants, who specifically request it, shall enjoy the same political rights as those living in the Basque Country, if their last legal residence in Spain was in <<Euskadi>>. and provided they retain their Spanish nationality.

Article 8.-Other territories or municipalities situated entirely within the territory of the Autonomous Community of the Basque Country maybe added to it by fulfilling the following requirements:

a) Membership must be requested by the Town Council or a majority of the Town Councils concerned, and a hearing given to the Community or province to which the Territories or Municipalities to be added belong.

b) The inhabitants of the Territory or Municipality concerned must express their agreement by means of a referendum expressly called for this purpose. Such a referendum must be duly authorized beforehand by the competent authority and passed by a majority of validly cast votes.

c) It must be passed by the Parliament of the Basque Country and subsequently, by the Spanish State Parliament, by means of an Organic Law,

Article 9.-1, The fundamental rights and duties of the citizens of the Basque Country are those established in the Constitution.

2, The Basque public authorities. in the areas lying within their jurisdiction, shall:

a) Watch over and guarantee the proper exercise of the citizens' fundamental rights and duties,

b) Lay particular emphasis on a policy aimed at improving living and working conditions.

c) Adopt measures that will tie);) to promote higher employment and economic stability.

d) Adopt measures aimed at promoting favorable conditions and removing obstacles in such a way that the freedom and equality of the individual and of the groups of which he forms part may be effective and real,

e) Make possible the participation of all citizens in (tie political. economic and social life of (lie Basque Country,

TITLE 1

Concerning the jurisdiction of the Basque Country

Article 10.-The Autonomous Community of the Basque Country has sole jurisdiction in the following manors:

1. Delimitation of municipal territory, without prejudice to the powers corresponding to the Historic Territories iii accordance with article 37 of this Statute.

2. Organization, regime and functioning of its institutions of self-government in accordance with the rules of this Statute.

3. Internal electoral legislation affecting the Basque Parliament, <<Juntas Generales>> and Provincial Councils (<<Oiputaciones Forales>>), in the terms laid down in this Statute and without prejudice to the powers vested in the Historic Territories, in accordance with the provisions of article 37 herein.
4. Local Government and Statute for the Public Officials of the Basque Country and of its Local Administration, without prejudice to the provisions of article 149.1.18 of the Constitution.
5. Preservation, modification and development of the Traditional, Regional Law and Special Civil Law, whether written or common law, belonging to the Historic Territories which make up the Basque Country, and (the establishment of the territorial area of their applicability).
6. Procedural rules and rules concerning administrative and economic-administrative procedure arising from the special features of the substantive law and the peculiar organization of the Basque Country.
7. Public domain and property in the possession of the Autonomous Community, and public servitude in matters under its jurisdiction.
8. Woodland and forestry resources and services, livestock tracks and pastures without prejudice to the provisions of article 149.1.23 of the Constitution.
9. Agriculture and livestock farming, in accordance with the general planning of the economy.
10. Fishing in inland waters, the shellfish industry and aquaculture, hunting and river and lake fishing.
11. Hydraulic projects, canals and irrigation schemes when the waters flow, in their entirety, within the Basque Country; installations for the production, distribution and transport of energy, provided that such transport does not leave the territory and that its use does not affect any other province or Autonomous Community; mineral, thermal and subterranean waters. All this without prejudice to the provisions of article 149.1.25 of the Constitution.
12. Social welfare work.
13. Foundations and Associations of an educational, cultural, artistic, charitable, welfare or similar nature in so far as their activities are carried out mainly in the Basque Country.
14. Organization, regime and functioning of institutions and establishments for (the protection and guardianship of juveniles, prisons and social rehabilitation centers, in conformity with the general legislation on civil, penal and penitentiary matters).
15. Pharmaceutical control in accordance with the provisions of article 149.1.16 of the Constitution; and hygiene, taking into account the provisions of article 18 of this Statute.
16. Scientific and technical research in co-ordination with the State.
17. Culture, without prejudice to the provision of article 149.2 of the Constitution.

institutions concerned with the promotion and teaching of Fine Arts. The handicraft industry.

19. Historical, artistic, monumental, archeological and scientific heritage. The Autonomous Community shall comply with the rules and obligations to be established by the State for the protection of this heritage from export and spoliation

20 Archives, Libraries and Museums not in state ownership.

21. Agricultural and Property Chambers, Fishermen's Guilds. Chambers of Commerce, Industry and Shipping, without prejudice to the jurisdiction of the State in matters of foreign trade.

22 Professional Associations and exercise of the degree professions, without prejudice to the stipulations of articles 36 and 139 of the Constitution. Appointment of notaries public in accordance with the State Laws.

23. Co-operatives, Mutual Benefit Societies not belonging to the Social Security and other co-operative associations, in conformity with (the general legislation on commerce,

24. The Basque Country's own public sector. in so far as it is not affected by other rules in this Statute.

25. Promotion, economic development and planning of economic activity in the Basque Country in accordance with (the general planning of the Economy).

26. Institutions of corporate, public and territorial credit and Savings Banks, within the framework of the guidelines issued by the State concerning the control of credit and banks and in accordance with general monetary policy.

27. Internal trade, without prejudice to the general price policy, the free circulation of goods in the State territory and legislation on protection of competition. Local markets and fairs. Control of origin of goods and advertising in collaboration with the State.

28. Protection of consumers and users in the terms of the previous paragraph

29, Establishment and regulation of Commodity Exchanges and other centers for dealings in commodities and securities in conformity with the commercial legislation.

30. industry, excluding the installation, expansion and transfer of industries subject to special rules for reasons of safety, military or health interest and those needing specific legislation for such functions, and (those requiring prior contracts for the transfer of foreign technology. in the restructuring of industrial sectors, the Basque Country is responsible for the development and implementation of the plans established by the State.

31. Planning of inland territory and coastline. town planning and housing.

Railways, transport by land, sea, river and cable, ports, heliports, airports and the Meteorological Service of (the Basque Country, without prejudice to the provisions of article 149.1.20 of the Constitution. Hiring centers and loading terminals for transport matters.

33. Public Works not legally classified as being of general interest or whose execution

does not legally affect other territories,

34- As regards roads and thoroughfares, in addition to the powers contained in paragraph 5, n.º 1 of article 148 of the Constitution, the Provincial Councils of the Historic Territories shall retain in their entirety the legal regime and powers they already possess or which, as the case may be, they are to recover in accordance with article 3 of this Statute.

35. Casinos. gaming and betting, except for the national system of wagers for sporting charities.

36. Tourism and sport. Leisure and entertainment.

37. Basque Country statistics for its own purposes and jurisdiction.

38. Public performances.

39. Community development. Condition of women. Policy regarding children, youth and old people.

Article 11.-1. It is incumbent on the Autonomous Community of the Basque Country to provide further legislative development for, at- id to put into effect, basic State legislation on the following matters:

Environment and ecology.

Compulsory expropriation, government contracts and concessions, within the area of its jurisdiction and the system of liability of the Administration of the Basque Country.

1. Planning of the fishing sector in the Basque Country.

2. It is also incumbent on the Autonomous Community of the Basque Country to provide further legislative development for, and to put into effect, in the way therein laid down, the basic legislation, on the following matters:

a) Planning of credit, banking and insurance.

b) Reservation for the public sector of essential services, especially in the case of monopolies or the control of companies when demanded by the public interest.

c) Mining and Energy regime. Geothermal resources.

Article 12.-It is incumbent on the Autonomous Community to execute State legislation on the following matters:

1. Prison legislation.

2. Labor legislation, taking up the powers and jurisdiction at present held by the State in respect of labor relations; also. the power of organizing, directing and safeguarding, in conjunction with the State inspectorate, the State services for the implementation of labor legislation, ensuring that working conditions are suited to the level of development and social progress and promoting the acquisition of skills by workers and their full training

3. Appointment of Real Estate Registrars, Stock-brokers and Commercial Brokers, Intervention in the outlining of the corresponding demarcations where appropriate.

4. Copyright and patent rights.

5. Weights and measures, hallmarks.
6. International trade fairs held in the Basque Country.
7. Public and State sector within the territorial area of the Autonomous Community, which will participate in such cases and activities as are deemed appropriate.
8. Ports and airports classified as being of general interest, when the State does not reserve their direct management for itself
9. Planning of the transport of goods and passengers whose point of departure and destination lie within the territory of the Autonomous Community, even when such transport is effected on infrastructures belonging to the State referred to in number 21 of clause 1 of article 149 of the Constitution, without prejudice to such direct execution as the State may keep for itself
10. Rescue work at sea and dumping of industrial waste and pollutants in (lie territorial waters of the State off the Basque coast.

Article 13.-1. As regards the Administration of Justice, except military justice, the Autonomous Community of the Basque Country shall exercise, within its own territory, the powers which the Organic Laws of Judiciary and of the General Council of the Judiciary recognize as the Government's or reserve or attribute to it.

2. in accordance with the General Laws, the right of pardon and the organization and functioning of the Public Prosecutor's Office lie wholly with the State.

Article 14.-1. The jurisdiction of the judicial authorities in the Basque Country extends:

a) In civil suits, to all instances and degrees, including appeals for review and high-court appeals in matters of Traditional, Regional Civil Law pertaining to the Basque Country.

b) In penal and social cases, to all instances and degrees, except high-court appeals and appeals for review.

c) In administrative law cases, to all instances and degrees when the act involved lies been ordered by the Administration of (lie Basque Country in matters where legislation is incumbent solely on the Autonomous Community. and in the first instance, when the act involved has been ordered by the State Administration.

d) To questions of jurisdiction among the judicial organs of the Basque Country.

e) To appeals concerning the classification of documents referring, specifically. to Basque Law which should have access to the Real Estate Registers.

2. In other matters, appeals may he lodged with the Supreme Court in accordance with the laws. The Supreme Court shall likewise resolve conflicts of powers and jurisdiction between the judicial organs of the Basque Country and the remaining State organs.

Article 15.- It is incumbent on the Basque Country to setup and organize its Parliament by means of a law, and as regards (lie institution established by article 64 of the Constitution, to create a similar organ that, in co-ordination with the former, will exercise the functions to which the aforesaid article refers and any other with which the Basque Parliament may

entrust it.

Article 16.-In application of the stipulations in the First Additional Provision of the Constitution, responsibility lies with the Autonomous Community of the Basque Country for education in its entirety, regardless of what level, degree, kind or speciality it may be, without prejudice to article 27 of the Constitution and the Organic Laws which are to develop it, or to the powers assigned to the State by article 149.1.30 of the Constitution, or to the inspection necessary for its proper execution and safeguarding.

Article 17.-1. By means of the process of updating of the general system of Traditional, Regional Law provided for in the First Additional Provision of the Constitution, responsibility shall lie with the institutions of the Basque Country, in the manner set out in this Statute, for the general organization of the Autonomous Police Forces in respect of the protection of persons and property and the maintaining of public order within the autonomous territory; the State Security forces and Corps retaining in all cases responsibility for police services of an extra- and supra-community nature, such as guarding ports, airports, coasts and frontiers, customs, controlling the entry and exit from national territory of Spaniards and foreigners, general organization of alienage, extradition and expulsion, emigration and immigration, passports and national identity cards, arms and explosives, fiscal protection of the State, smuggling and tax fraud involving the State.

Supreme command of the Basque Autonomous Police Forces shall lie with the Government of the Basque Country, without prejudice to the powers that may be vested in the Provincial Councils and local Corporations.

The Judicial Police and Forces which perform these functions shall be organized in the service and under the vigilance of the Administration of Justice, under the terms which the laws of procedure stipulate.

For the sake of co-operation between the Autonomous Police Forces and the State Security Forces and Corps, there shall be a Security Council consisting of an equal number of representatives of the State and of the Autonomous Community,

5. Initially, the Autonomous Police Forces of the Basque Country shall comprise:

- a) The Corps of <<Minones>> belonging to the Provincial Council of Alava, currently in existence.
- b) The Corps of <<Minones>> and <<Miqueletes>>, dependent on the Provincial Councils of Vizcaya and Guipúzcoa which are hereby re-established. At a later stage, the Institutions of the Basque Country may agree to reorganize into a single group those mentioned in the foregoing paragraphs, or carry out whatever reorganization is needed for the proper fulfillment of the powers assumed.

All this without prejudice to the continuing existence, for representational purposes, of the <<Minones>> and <<Miqueletes>>.

6. Notwithstanding (the stipulations of the preceding numbers, the State Security Corps and Forces may intervene in the maintenance of public order in the Autonomous Community in the following cases:

a) When called upon by the Government of the Basque Country. Intervention shall cease at the request of the same.

b) On their own initiative, when they consider that the general interest of the State is gravely compromised. The approval of the Security Council referred to in number 3 of this

article shall be required. In cases of particular urgency and in order to fulfill the functions directly entrusted to them by the Constitution, the State Security Corps and Forces may intervene directly under the sole responsibility of the Government, which shall report to the Spanish State Parliament. The Spanish State Parliament, through constitutional procedures, may exercise the powers invested in it.

7. in the case of the declaration of a state of alarm, exception or siege, all the police forces in the Basque Country shall come under the direct orders of the civil or military authority, as the case may be, in accordance with the legislation regulating these matters.

Article 18.-1. The Basque Country is responsible for the legislative development and the implementation of the basic legislation of the State in matters of domestic health.

2. In Social Security matters the Basque Country shall be responsible for:

- a) The legislative development and the execution of basic State legislation, except the rules which govern the economic organization of the Social Security.
- b) The management of the economic organization of the Social Security.

It shall also be incumbent on the Basque Country to execute State legislation on pharmaceutical products.

4. The Autonomous Community may organize and administer, for these purposes, and within its own territory, all the services connected with the matters previously expressed and shall supervise institutions, organizations and foundations as regards Health and Social Security matters. The State shall keep for itself the inspection powers so as to ensure the fulfillment of the duties and powers contained in this article.

5. The Basque Public Authorities shall adapt the exercise of the powers they may take up in Health and Social Security matters to criteria of democratic participation on the part of all those involved, including the Employees' Unions and Employers' Associations in the terms the law may establish.

Article 19.-1. The Basque Country is responsible for the legislative development of the basic rules of the State in matters regarding the social communications media, always provided the stipulations of article 20 of the Constitution are respected.

2. Implementation in matters referred to in the previous paragraph shall be co-ordinated with that of the State, with respect to the specific regulations applicable to the media in State ownership.

3. in accordance with the stipulations of the first paragraph of this article, the Basque Country may regulate, set up and maintain its own television, radio and press, and in general, all the social communications media for the accomplishing of its purposes.

Article 20.-1. The Basque Country shall have legislative and executive powers in whatever other matters are transferred to it by Organic Law or which are delegated to it by the State in accordance with the Constitution, at the request of the Basque Parliament.

2. The Autonomous Community of the Basque Country may enact legislation in the terms of article 150.1 of the Constitution, when the Spanish State Parliament passes the basic laws which that provision refers to.

3. The Basque Country shall implement the treaties and agreements in everything affecting the matters assigned to its jurisdiction in this Statute. No treaty or agreement may affect the powers and jurisdiction of the Basque Country except by means of the procedure

of article 152.2 of the Constitution, save for the provisions of article 93 of the same.

The powers of execution which this Statute assigns to the Autonomous Community of the Basque Country in those matters which do not fall under its sole jurisdiction include the power of administration and that of issuing internal regulations for the organization of the corresponding services.

The Basque Government shall be informed of the concluding of treaties and agreements and of projected customs legislation, in so far as they affect matters of particular interest to the Basque Country.

8. Except in the event of an express provision to the contrary, all the powers and responsibilities mentioned in foregoing articles and others in this Statute, shall be understood to refer to the territorial area of the Basque Country.

Article 21.-The law emanating from the Basque Country in matters of its exclusive jurisdiction is applicable in preference to any other and only in its absence shall State law be applied to supplement it,

Article 22.-1. The Autonomous Community may conclude agreements with other Autonomous Communities for the management and provision of services falling under their exclusive jurisdiction. The concluding of such agreements must be communicated to the Spanish State Parliament before they become effective. If the Spanish State Parliament, or either of the Chambers, should express objections within the space of thirty days from the receipt of the communication, the agreement must follow the procedure provided for in the third paragraph of this article. If once this period has lapsed, no objections to the agreement have been expressed, it shall come into effect.

2. The Autonomous Community may conclude agreements with other Historic Territories that have particular regional or legal privileges for the management and provision of services in matters under its jurisdiction, it being necessary to communicate this to the Spanish State Parliament. Twenty days after such notification, the agreements shall take effect.

3. The Autonomous Community may also establish co-operation agreements with other autonomous communities, with the prior authorization of the Spanish State Parliament.

Article 23.-1. The State Civil Administration in Basque Territory shall be adapted to the geographical area of the Autonomous Community.

2. In conformity with article 154 of the Constitution, a Delegate appointed by the Government shall direct the State Administration and shall co-ordinate it, where appropriate, with the Autonomous Community's own Administration,

TITLE II

Concerning the powers of the Basque Country

PRELIMINARY CHAPTER

Article 24.-1. The powers of the Basque Country are exercised through the Parliament, the Government and its President or Lendakari.

2. The Historic Territories shall preserve and organize those institutions which are based on regional or legal privileges in accordance with the provisions of article 3 of this Statute.

CHAPTER ONE

Concerning the Basque Parliament

Article 25.-1, The Basque Parliament exercises legislative power, approves budgets and prompts and controls the action of the Basque Government, all of which it does without prejudice to the jurisdiction of the Institutions to which article 37 of this Statute refers.

2. The Basque Parliament is inviolable.

Article 26,-1. The Basque Parliament shall be composed of an equal number of representatives of each Historic Territory elected by universal, free, direct and secret suffrage.

2. The electoral district is the Historic Territory.

Elections shall be held in each Historic Territory in accordance with criteria of proportional representation.

4. The Basque Parliament shall be elected for a period of four years.

5. An Electoral Law of the Basque Parliament shall regulate the election of its members and shall determine the causes of ineligibility and incompatibility affecting posts or offices held within in territorial area.

6. The members of the Basque Parliament shall be inviolable in respect of the votes and opinions they may express whilst exercising their functions. During their terms of office, they may not be arrested or detained for offences committed in the territorial area of the Autonomous Community unless taken in the act of committing them, In all cases, it shall be incumbent on the High Court of Justice of the Basque Country to decide on their indictment, detention, prosecution and trial. Outside the Basque Country, penal responsibility shall be required in the same terms before the Criminal Division of the Supreme Court,

Article 27,-1. The Parliament shall elect from among its members a President, a Bureau and a Standing Committee. It shall function in Plenary Session and in Committee.

The Parliament shall establish its own Standing Orders which must be approved by an absolute majority of its members. The

Parliament shall approve its budget and a statute for its employees.

2. Ordinary sessions shall have a minimum duration of eight months per year

The Chamber may meet in extraordinary assembly at the request of the Government, the Standing Committee or one third of its members. Extraordinary sittings must be convened with a specific agenda and shall be closed as soon as it has been covered.

4. The right to initiate legislation is incumbent on the members of the Parliament, the Government and the representative Institutions referred to in article 37 of the Statute, in the terms established by the law. Members of Parliament may, both in plenary session and in committee, table requests, questions, interpellations and motions in the terms laid down by the standing orders. Popular initiative as regards the submitting of bills which are to be considered by the Basque Parliament shall be regulated by the same, through a law, in accordance with whatever is established by the Organic Law provided for in article 83 of the Constitution

5. The Laws of Parliament shall be promulgated by the President of the Basque Government, who shall order their publication in the Official Gazette of the Basque Country (Boletín Oficial del País Vasco) within fifteen days of their adoption and in the Official State Gazette (Boletín Oficial del Estado). They shall take effect on the date of their publication in the Official Gazette of the Basque Country-

Article 28.-It is also incumbent on the Basque Parliament:

a) To appoint the Senators who are to represent the Basque Country, in accordance with the provisions of article 69.5 of the Constitution, by means of a procedure to be stipulated in a Law adopted by the Basque Parliament itself which shall ensure proper proportional representation.

b) To request the State Government to adopt a bill or to refer to the Congressional Bureau a proposal for a bill, delegating the members of the Basque Parliament entrusted with the defense of the said bill.

c) To lodge appeals of unconstitutionality.

CHAPTER II

Concerning the Basque Government and the President or

Lendakari

Article 29.-The Basque Government is the corporate body which exercises the executive and administrative functions of the Basque Country.

Article 30.-The powers of the Government and its organization, based on a President and Councillors, and the Statute of its members, shall be regulated by the Parliament.

Article 31.-1. The Basque Government shall resign after the holding of elections to Parliament, in the event of a loss of parliamentary confidence or upon the resignation or death of its President.

2, The outgoing Government shall remain in office until the new Government takes office.

Article 32.-2. The Government is collectively responsible for its actions to the Basque Parliament, without prejudice to the direct responsibility of each member for the management of his respective area.

2. The President of the Government and its members may not be arrested or detained during their term of office for criminal offences committed in the territorial area of the Autonomous Community unless taken in the act of committing them. In all cases it shall be incumbent on the High Court of Justice of the Basque Country to decide on their indictment, detention, prosecution and trial. Outside the territorial area of the Basque Country, penal responsibility shall be required in the same terms before the Criminal Division of the Supreme Court.

Article 33.-1, The President of the Government shall be nominated from among the members of the Government and appointed by the King.

2. The President appoints and dismisses the Government Councillors, and directs their activity. He holds the highest representation of the Basque Country and the ordinary representation of the State in this territory.

3. The Basque Parliament shall determine by law the manner of electing the President and his functions and also the relations of the Government with Parliament.

CHAPTER III Concerning the Administration of Justice in the Basque Country

Article 34.-1, The organization of the Administration of Justice in the Basque Country, at the apex of which there shall be a High Court, with jurisdiction in the whole territory of the Autonomous Community. which shall be the court of last appeal. shall be structured in accordance with the stipulations of the Organic Law of the Judiciary.

The Autonomous Community, in accordance with the provisions of article 152 of the Constitution, shall share in the organization of the judicial demarcations below the provincial level and in deciding on their seat. It shall in all cases fix their boundaries.

2. The President of the High Court of Justice of the Basque Country shall be appointed by the King.

3, In the Autonomous Community, facilities shall be given for the exercise of popular action and for the participation in the Administration of Justice through the institution of the Jury, in the manner and in respect of those criminal actions as may be determined by procedural law.

Article 35.-1. The appointment of Judges, Magistrates and Secretaries shall be carried out in the manner stipulated in the Organic Laws of the Judiciary and of the General Council of the Judiciary. Knowledge of Traditional Basque Law and of the Basque language (<<Euskera>>) shall be qualifications for which preference shall be given. No exception shall be made because of origin or place of residence.

2. At the request of the Autonomous community, the competent body shall organize competitive examinations to cover vacancies for Magistrates, Judges and Secretaries in the Basque Country, in accordance with whatever the Organic Law of the Judiciary may stipulate. Any vacancies that are not filled by such competitions and examinations shall be filled by the High Court of Justice of the Basque Country, by applying the rules contained for this contingency in the Organic Law of the Judiciary.

3. It shall be incumbent on the Autonomous Community, within its territory, to provide personnel to serve in the Administration of Justice and the material and economic means necessary for its proper functioning, in the same terms as this power is assigned to the Government in the Organic Law of the Judiciary. In the systems for the providing of staff, preference shall be given to persons with a knowledge of Traditional Basque Law and of the Basque language.

4. The Autonomous Community and the Ministry of Justice shall maintain the necessary collaboration to ensure the orderly management of the jurisdiction assumed by the Basque Country.

Article 36.-The Basque Autonomous Police Forces, in so far as they act as Judicial Police, shall be in the service of, and dependent on, the Administration of Justice, in the terms laid down by the laws of procedure.

CHAPTER IV

Concerning the Institutions of the Historic Territories

Article 37.-1. The traditional legal institutions of the Historic Territories shall be governed by the judicial regime exclusive to each.

2. The stipulations of this Statute shall not entail any alteration of the nature of the specific legal regime based on Traditional. Regional Law or of the jurisdiction of the particular regimes of each Historic Territory.

3. In all cases they shall have sole jurisdiction within their respective territories in the following matters.

- a) Organization, regime and functioning of their own institutions.
- b) Drawing up and approval of their own budgets.
- c) Territorial demarcations of supra-municipal scope but not exceeding the provincial boundaries.
- d) System of provincial and municipal property. both public domain and heritage, or their own and community property.
- e) Municipal electoral system.
- f) All matters specified in this Statute or which are transferred to them.

4. They shall also be responsible for the development of regulations and for the implementation within their territory, of the matters entrusted to them by the Basque Parliament.

5. The election of the representative bodies of the Historic Territories shall be effected on the basis of criteria of universal, free, direct and secret suffrage. on the basis of proportional representation and with electoral districts that attempt to secure adequate representation of all areas in each territory.

CHAPTER V

Concerning control over the powers of the Basque Country

Article 38.-1, The Laws of the Basque Parliament shall be subjected to control for their constitutionality by the Constitutional Tribunal only

2. In the cases provided for in article 160,1 of the Constitution, the provisions of the said article shall be followed.

3. The acts and agreements and rules and regulations emanating from the executive and administrative bodies of the Basque Parliament shall be open to appeal before the administrative Law Courts.

Article 39.-Any conflicts of jurisdiction which may arise between the institutions of the Autonomous Community and those of each of the Historic Territories shall be referred, for a decision, to an arbitration committee, composed of an equal number of representatives freely nominated by the Basque Government and by the Provincial Council of the territory concerned, and presided over by (the President of the High Court of Justice of the Basque Country, in accordance with the procedure to be determined by a Law from the Basque parliament.

TITLE III

Finance and Property

Article 40.- For the proper exercise and financing of its powers the Basque Country shall have its own Autonomous Treasury.

Article 41.-1. Tax relations between the State and the Basque Country shall be regulated by the traditional system of the Economic Agreement or Conventions

2. The content of the Agreement regime shall respect and be adapted to the following principles and guidelines:

a) The competent Institutions of the Historic Territories may maintain, establish and regulate within their own territory, the tax system bearing in mind the general tax structure of the State, the rules contained in the Economic Agreement itself for co-ordination, fiscal harmonization and collaboration with the State. and those to be issued by the Basque Parliament for the same purposes within the Autonomous Community. The Economic Agreement shall be approved by law.

5) The levying, management demand, collection and Inspection of all taxes, except those included in the Customs Revenue and those currently collected by means of Tax Monopolies, shall be carried out, within each Historic Territory, by the respective Provincial Councils, without prejudice to collaboration with the State and its inspection service.

c) The competent institutions of the Historic Territories shall adopt the relevant agreements, with the object of applying within their respective territories whatever exceptional or provisional tax rules the State may decide to enforce in the ordinary territory. Such rules shall remain in force for the same length of time as in the ordinary territory

d) The Basque Country's transfer to the State shall consist of an overall quota, made up of the individual quotas of each of its Territories, as a contribution towards all State burdens that are not

directly taken up by the Autonomous Community.

e) In order to determine the quotas for each Historic Territory which make up the overall quota referred to previously, a Joint Commission shall be set up, consisting, on the one hand, of one representative of each Provincial Council and a similar number of representatives of the Basque Government, and on the other, of an equal number of representatives of the State Administration. The quota thus agreed on shall be approved by law at intervals to be determined in the Economic Agreement, without prejudice to its annual updating by a procedure likewise to be established in the Agreement.

f) The system of Agreements shall be applied in accordance with the principle of solidarity referred to in articles 138 and 156 of the Constitution.

Article 42.-The revenue of the General Treasury of the Basque Country shall consist of:

a) The sums paid in by the Provincial Councils, as the expression of the contribution of the Historic Territories to the Basque Country's budget expenditure. A Law of the Basque Parliament shall establish criteria for equitable distribution and the procedure whereby, in accordance with such criteria, the contributions to be made by each Historic Territory shall be agreed upon and paid.

b) The proceeds of the Autonomous Community's own taxes that may be established by the Basque Parliament, in accordance with the provisions of article 157 of the Constitution and as stipulated in the Organic Law on the financing of the Autonomous Communities

c) Transfers from the Inter-Territorial Clearing Fund and other allocations to be charged to the General State Budgets.

d) Revenues accruing from its own properly and private law income.

e) The yield from credit operations and public debt issues,

f) Any other income which may be established by virtue of the stipulations of the Constitution or of this Statute.

Article 43.-1. Tire rights and property of the State or other public agencies attached to services and functions assumed by the Autonomous Community shall be included in the latter's own resources.

2. The Basque Parliament shall decide to which of the agencies of the Basque Country ownership or use of such property and rights is to be transferred.

3. A Law of the Basque Parliament shall regulate the administration, defence and preservation of the Heritage of the Basque Country.

Article 44.-The General Budgets of the Basque Country shall contain the revenue and expenditure of general public activity, and shall be drawn up by the Basque Government and approved by the Basque Parliament in accordance with the rules it shall itself establish.

Article 45.-1. The Autonomous Community of the Basque Country may issue public debt to finance investment expenditure.

2. The size and characteristics of issues shall be established in accordance with the general planning of credit policy, and in co-ordination with the State.

3. Bonds issued shall be considered for all purposes as public funds.

TITLE IV

Concerning amendments of the Statute

Article 46.-1. Amendments of the Statute shall be effected according to the following procedure:

a) The right to initiate amendments shall lie with the Basque Parliament, at the proposal of one

fifth of its members, with the Basque Government or the Spanish State Parliament,

b) The proposal must be approved in the Basque Parliament by an absolute majority.

c) It shall be required in any case the approval of the Spanish State Parliament by means of an Organic Law.

d) Finally, the approval of the electors through a referendum shall be required.

2. The Basque Government may be empowered, by express delegation from the State, to hold the referendums referred to in this article.

Article 47.-1. Notwithstanding the provisions of the previous article, when the object of the amendment is a mere alteration in the organization of the authorities of the Basque Country and does not affect the relations of the Autonomous Community with the State or the exclusive system based on the Traditional, Regional Law of the Historic Territories, the following procedure may be adopted:

a) Drawing up of the proposed amendment by the Basque Parliament.

b) Consultation with the Spanish State Parliament and the Basque Parliament.

c) If within the space of thirty days after receipt of the consultation, none of the agencies consulted declare themselves to be affected by the amendment, a duly authorized referendum shall be held on the proposed text.

d) Finally, the approval of the Spanish State Parliament, through an Organic Law, shall be required.

e) If within the period laid down in letter c), any of the agencies consulted should claim to be affected by the amendment, the procedure stipulated in article 46 must be adopted. The stages outlined in paragraphs a) and b) of number one of this article 46 shall be considered to have been completed.

2. In the event of the contingency provided for in Transitory Provision Four of the Constitution arising, the Congress and the Senate, in joint session and following a regulation procedure to be determined by common agreement, shall establish, by absolute majority, which of the requirements laid down in article 46 are to be applied for the amendment to the Statute. These must, in any case, include the approval of the competent Traditional institution, approval through an Organic Law by the Spanish State Parliament, and a referendum of the affected territories as a whole.

3. The second paragraph of letter b) in number 6 of article 17 of the Statute may be suppressed by a three-fifths majority of the Congress and the Senate, and the approval of the Basque Parliament, with a subsequent duly authorized referendum held for this purpose.

ADDITIONAL PROVISION

The acceptance of the system of autonomy established in this Statute does not imply that the Basque People waive the rights that as such may have accrued to them in virtue of their history and which may be updated in accordance with the stipulations of the legal system.

TRANSITORY PROVISIONS

First. Once this Statute has been definitively approved, the General Basque Council shall call, within a maximum period of sixty days, elections to the Basque Parliament, which shall be held within four months of the date of their announcement.

For this purpose, each of the Historic Territories that make up the Autonomous Community shall constitute an electoral district. The political parties, coalitions of parties and electoral groupings may put up candidates in each electoral district in closed block lists. The distribution of seats shall be affected on the system of proportional representation. The number of members of parliament per electoral district shall be twenty.

Once the elections have been held, the General Council of the Basque Country shall convene the Parliament Elect within thirty days so that it may nominate the President of the Basque Government.

The election of the President shall require an absolute majority in the first ballot, and should this not be obtained, a simple majority in the succeeding ballot or ballots.

Should the President of the Government not have been elected within sixty days of the constitution of Parliament, the Chamber shall be dissolved and fresh elections called.

As a supplementary measure the rules issued to regulate the general elections of June 15th 1977, and the current Standing Orders of the Congress of Deputies shall be applicable.

Second. A Joint Commission, consisting of an equal number of representatives of the Basque Government and of the State Government, meeting within a maximum period of one month, after the constitution of the former, shall lay down the rules that are to govern the transfer to the Autonomous Community of the powers vested in it by virtue of this Statute and the personnel and material means necessary for their full exercise, and make the appropriate transfers. On the coming into force of this Statute, the powers and resources that have by that time been transferred to the General Basque Council shall be deemed to have been turned over definitively.

All acquired rights of any kind or nature held at the time of the transfer by civil servants and staff attached to state services or other public institutions due to be transferred shall be respected.

Third. 1. Transfers that are to be made in education matters whether of property or staff, currently used by the State in the Basque Country to perform its services, shall be effected in accordance with the programmes and schedules to be established by the Joint Transfer Committee set up in the second Transitory Provision.

2. The transfer of education services shall be made to the Autonomous Community or to the Provincial Councils, as the case may be.

Fourth. The Security Council to be set up by virtue of the provisions of article 17, shall decide on the Statute, regulations, staff, numbers and recruitment of the Autonomous Police Forces, whose positions of command shall be appointed from among the Chiefs and Officers of the State Armed Forces and Security Corps who, while serving in these Forces, shall be in the

administrative situation to be established in the Law on the Autonomous Communities' Police Forces, or in the situation that the Ministries of Defense and of the Interior may decide, and while in this situation shall be excluded from military law. Licences for arms shall in any case be the responsibility of the State alone.

Fifth. The Joint Transfers Committee to be established for the application of this Statute shall conclude the appropriate agreements whereby the Autonomous Community may assume management of the economic system of the Social Security, whilst respecting its unified nature and the principle of solidarity. in accordance with the procedures, time limits and arrangements contained in such agreements for the sake of orderly management.

Sixth. The co-ordination in execution provided for in article 19.2 shall be applicable in the event of the State's according to the Autonomous Community, on a concession basis, the use of a new television channel owned by the State and set up specifically for broadcasts within the territorial area of the Basque Country. under the terms to be laid down in the aforesaid concession.

Seventh. Until such time as the Spanish State Parliament draws up the basic or general laws to which this Statute refers and/or the Basque Parliament legislates on the subjects within its jurisdiction, the current State laws referring to such matters shall remain in force, without prejudice to their execution by the Autonomous Community in the cases provided for in this Statute.

2. The stipulations of article 23,1 of this Statute shall be interpreted without prejudice to the peculiarities which certain services of the State Civil Administration, by their very nature, may require, as regards the territorial area of their performance

Eighth. The first Economic Agreement to be concluded after the approval of this Statute shall draw its inspiration from the material contents of the current Economic Agreement with the province of Alava. without this implying any detriment to the province. State taxation on alcohol shall not be agreed upon therein.

Ninth. Once the Organic Law approving this Statute has been passed, the General Basque Council may agree to assume the title of Provisional Government of the Basque Country, whilst retaining its present functions and legal regime until the provisions of the first Transitory Provision of the same are put into effect.

THE REPUBLIC
MOLDOVA

AUTONOMY OF GAGAUZIA

LAW
On the special legal status of Gagauzia (Gagauz yeri)

Guided by the principles of the Constitution of the Republic of Moldova;
manifesting good will and aspiring to retain century-long good relations between peoples;
in order to satisfy the national necessities, to preserve the Gagauz national identity, their utmost and multilateral development, to promote their national language and culture, to provide for their political and economic self-dependency;
being aware of the fact that the initial bearer of the status of Gagauzia (Gagauz yeri is the place where the Gagauz are living) is the small Gagauz people which is compactly living in the territory of the republic of Moldova;
taking into account human rights priority, the necessity of a concord between general human and national interests;
conforming the equality of all the citizens inhabiting the autonomous territorial unit created notwithstanding their nationality or other indications,

The Parliament adopts the present Law.

Art. 1. - (1) Gagauzia (Gagauz yeri) is an autonomous territorial unit enjoying a special status as a form of the Gagauz self-determination, that is a component part of the Republic of Moldova.

(2) Within the limits of its competence, Gagauzia is free to solve the problems of its political, economic and cultural development in the interests of the whole of its population.

(3) In the territory of Gagauzia, there are guaranteed all the rights and liberties stipulated by the Constitution and legislation of the Republic of Moldova.

(4) In case the status of the Republic of Moldova as an independent state is subject to changes, the people of Gagauzia has the right to external self-determination.

Art. 2. - Gagauzia is administrated on the basis of the Constitution of the Republic of Moldova the present Law and other laws of the Republic of Moldova (with exceptions stipulated by the present Law), as well as the regulations on Gagauzia and the normative acts issued by the People's Assembly (Khalk Toplushu) of Gagauzia, that do not contradict the Constitution and legislation of the Republic of Moldova.

Art. 3. - (1) Official languages of Gagauzia are Moldovan, Gagauz, and Russian. Along with the official languages, in the territory of Gagauzia the functioning of other languages is guaranteed.

(2) Correspondence with public administration bodies of the Republic of Moldova, enterprises, organizations and institutions of the Republic of Moldova situated outside Gagauzia is carried out in Moldovan and Russian.

Art. 4. - Gagauzia disposes of its own symbolics which are used along with the state symbolics of the Republic of Moldova.

Art. 5. - (1) Gagauzia is comprised of localities with over 50% of the Gagauz population.

(2) Localities in which the Gagauz make up less than 50% of the population may be included in Gagauzia on the basis of free will of the majority of the electorate expressed in the course of referendum held on the initiative of no less than a third of the electorate of a given locality.

(3) The inclusion of localities referred to in paragraphs (1) and (2) of the present Article in the componence of Gagauzia takes place in accordance with the results of local referendum held by the Government of the Republic of Moldova in each locality.

(4) Localities that have entered in the componence of retain their right to secede by means

of a local referendum, held on the initiative of no less than a third of the electorate, but at least in a year's period since the moment of their inclusion in Gagauzia.

Art. 6. - The land, mineral wealth, water, flora, fauna and other national resources, movable and immovable properties situated in the territory of Gagauzia comprise the property of the people of the Republic of Moldova, simultaneously constituting economic basis of Gagauzia

Art. 7. - Representative authority of Gagauzia is the people's Assembly entitled to the right to adopt normative acts in the framework of its competence.

Art. 8. - (1) The people's Assembly of Gagauzia is elected in electoral districts on the basis of universal, equal, and direct suffrage, by means of free and secret ballot, with mandate valid throughout a 4-year period.

(2) The number of deputies of the People's Assembly is determined as follows: one deputy per each 5.000 electors under condition that each locality elects at least one deputy.

(3) A deputy to the People's Assembly is a citizen of the Republic of Moldova who has reached the age of 21 and is living in the territory of the area (locality) represented by him at the moment of the elections.

Art. 9. - The status of a salaried deputy in the People's Assembly of Gagauzia is incompatible with execution of any paid functions in other local bodies, public institutions and business structures.

Art. 10. - (1) At its opening session, the People's Assembly of Gagauzia elects the Chairman of the People's Assembly of Gagauzia (Khalk Toplushu Bashi), his deputies, the Presidium, and approves the Regulations of the People's Assembly.

(2) One of the vice-chairmen of the People's Assembly is elected from among deputies of other ethnic origin than the Gagauz.

Art. 11. - (1) Within the limits of its competence, the People's Assembly adopts local laws by the majority of votes of the deputies elected.

(2) The Regulations of Gagauzia are adopted by two-thirds of votes of the deputies elected.

Art. 12. - (1) The Peoples Assembly is competent to adopt normative acts to be obligatorily executed in the territory of Gagauzia, as well as the Regulations of Gagauzia.

(2) The People's Assembly adopts local laws in the following spheres:

- a) science, culture, education;
- b) housing and communal services, organization of public services and amenities;
- c) health care, physical culture and sports;
- d) local budgetary, financial and fiscal activities;
- e) economy and ecology;
- f) labour relations and social security.

(3) Besides, the People's Assembly is competent:

a) to solve, as prescribed by the law, the problems of Gagauzia's territorial organization, establishing and modification of categories of localities, borders of districts, towns and villages, their denomination and re-denomination;

b) to participate in the promotion of home and foreign policy of the Republic of Moldova as regards problems referring to the interests of Gagauzia;

c) to establish the mode of organization and activity of Gagauzia's local public administration bodies and citizens associations, with the exemption of parties and other socio-political organizations;

d) to fix, organize and hold elections of deputies to the People's Assembly and approve the composition of the Central Electoral Commission for the elections; to fix the elections to local public administration bodies of Gagauzia;

- e) to hold a local referendum on problems referring to the competence of Gagauzia;
- f) to approve a regulation on the symbolics of Gagauzia;
- g) to establish honorary titles and approve decorations;
- h) to consider the problem and bring forward in the Parliament of Moldova the initiative of declaring the state of emergency in the territory of Gagauzia, and introducing, in such a case, a special form of administration in the interests of security and protection of Gagauzia's population;
- i) to the right to submit, as prescribed by the law, an appeal to the Constitutional Court of the Republic of Moldova in order to annul normative acts adopted by legislative and executive authorities of the Republic of Moldova in case these violate the powers of Gagauzia.

(4) In case the Constitutional Court of the Republic of Moldova declares normative acts of the Republic of Moldova or their separate provisions null in the territory of Gagauzia, the Parliament or President of the Republic of Moldova would regulate legal relations arising as a result of these acts action.

(5) The action of the normative act contested is suspended until the Constitution Court adopts a corresponding decision.

(6) Normative acts of Gagauzia which appear in contradiction with the Constitution of the Republic of Moldova and the present Law are declared null.

Art. 13. - (1) An adopted local law is signed by the Governor (Bashkan) of Gagauzia within a period of 10 days. In case of disagreement with the law adopted the Governor returns it for revision.

(2) In case the People's Assembly repeatedly votes for a local law by two-thirds of all the votes, then it is considered adopted and the Governor is obliged to sign it.

(3) A local law is considered valid from the publication date if not indicated otherwise in the text.

(4) Laws and decrees adopted by the People's Assembly are forwarded to the Parliament and Government of the Republic of Moldova within 10-days' term from the date of adoption.

Art. 14. - (1) The supreme official of Gagauzia is its Governor (Bashkan). All public administration bodies of Gagauzia are subordinated to him.

(2) The Governor of Gagauzia is elected for a 4-year term of office on the basis of universal, equal, direct suffrage, with secret, free and alternative procedure.

(3) The Governor of Gagauzia should be a citizen of the Republic of Moldova who has reached the age of 35, having a command of the Gagauz language.

(4) By the Decree of the President of the Republic of Moldova, the Governor of Gagauzia holds the post of member of the Government of the Republic of Moldova.

(5) The same person cannot hold the post of the Governor of Gagauzia for over two terms of office consequently.

(6) The Governor of Gagauzia coordinates the activities of public administration bodies and bears responsibility for execution of powers he is entrusted with by the legislation.

(7) In accordance with the present Law, the Governor issues decrees and orders which are obligatory for execution and come into force from the date of their publication in the whole of Gagauzia territory.

(8) The Governor of Gagauzia annually provides the People's Assembly with information on the activities of public administration bodies of Gagauzia.

(9) The powers of the Governor of Gagauzia may be suspended before the appointed time in case of his disrespect of the Constitution of the Republic of Moldova, the present Law, local laws and Decrees of the People's Assembly, as well as in case he commits a crime.

(10) A decision on the removal of the Governor of Gagauzia would be passed by the vote of two-thirds of elected deputies of the People's Assembly, while that on the removal of other officials of public administration bodies would be passed by a majority of votes of the People's Assembly deputies.

Art. 15. - (1) In case the Governor of Gagauzia, for reasons of health or other objective reasons, is unable to attend to his duties, the latter are ad interim attended to by the First Deputy Chairman of the Executive Committee (Bashkanyi Komiteti) of Gagauzia.

(2) In case the Governor of Gagauzia is removed from office or resigns, his duties are attended to by the First Deputy Chairman of the Executive Committee of Gagauzia.

(3) New elections are held no later than in a 3-months period since the vacant post of the Governor of Gagauzia is opened.

Art. 16. - (1) The Executive Committee is a permanent executive body of Gagauzia which is formed by the People's Assembly at its first session for the whole term of its office.

(2) On the proposal made by the Governor of Gagauzia, the composition of the Executive Committee is approved by a majority of deputies' votes.

Art. 17. - (1) The Executive Committee of Gagauzia ensures:

a) execution and respect of the Constitution and legislation of the Republic of Moldova, as well as normative acts adopted by the People's Assembly;

b) participation in the activities of central specialized (branch) public administration bodies of the Republic of Moldova on problems referring to the interests of Gagauzia;

c) regulation, in conformity with the law, of property relations, economy management, socio-cultural construction, local budgetary and financial system, social security, wages, local fiscal system, environment protection and rational utilization of natural resources in the whole of the territory under its jurisdiction.

d) determination of the structure and priority trends in economic and R&D progress.

e) elaboration of programmes of economic, social, ethno-cultural development, environment protection and their realization on adoption by the People's Assembly;

f) elaboration of the budget of Gagauzia, its submission to the People's Assembly for approval, and further execution;

g) solution of problems referring to ecological security, rational utilization, protection and regeneration of natural resources, introduction of quarantine measures and declaration of natural calamity zones;

h) elaboration and realization of programmes in the fields of education, culture, health care, physical culture and sports, social security as well as in preservation and rational use of historical and cultural monuments;

i) citizens' equal rights and liberties, inter-ethnic and civil concord, law and order;

j) elaboration and promotion of scientifically grounded demographic policy, creation of programmes for urbanization and housing and communal services' development;

k) functioning and development of national languages and cultures in the territory of Gagauzia.

(2) Executive Committee enjoys the right to legal initiative in the People's Assembly.

(3) Regulations and decrees issued by the Governor of Gagauzia and the Executive Committee are dispatched to the Government of the Republic of Moldova for information within a 10-days term since their adoption.

Art. 18. - (1) The budget of Gagauzia is formed from all types of payments established by the legislation of the Republic of Moldova and the People's Assembly.

(2) Relations between the budget of Gagauzia and the state budget are established in accordance with the laws of the Republic of Moldova on the budget system and the state budget for a corresponding year in the form of fixed installments from all types of impositions and payments.

Art. 19.- By the proposal of the Governor of Gagauzia, heads of corresponding branch directorates are included in the composition of the ministerial and departmental boards of the Republic of Moldova.

Art. 20. - (1) The Tribunal of Gagauzia is a second-instance court in relation to inferior courts and it examines most complicated civil, administrative and penal cases as a first-instance court.

(2) Judges of court instances of Gagauzia are nominated by a Decree of the President of the Republic of Moldova on the proposal of the People's Assembly of Gagauzia approved by Supreme Council of Magistracy.

(3) The chairman of the Tribunal of Gagauzia is ex officio member of Supreme Court of Justice.

Art. 21. - (1) The Procurator's Office of Gagauzia acts in accordance with the Law on Procurator's Office of the Republic of Moldova (with exceptions stipulated by the present Law).

(2) The Procurator's of Gagauzia is nominated by the Procurator General of the Republic of Moldova on the proposal of the People's Assembly and is ex officio member of the Procurator-General Office board of the Republic of Moldova.

(3) Hierarchically inferior procurators of Gagauzia are nominated by the Procurator General of the Republic of Moldova on the proposal of the Procurator of Gagauzia approved by the People's Assembly.

Art. 22. - (1) The chief of Justice Directorate of Gagauzia is nominated and relieved of his post by the Minister of Justice of the Republic of Moldova on the proposal of the People's Assembly.

(2) The chief of Justice Directorate of Gagauzia is ex officio member of the board of the Ministry of Justice of the Republic of Moldova.

Art. 23. - (1) The chief of National Security Directorate of Gagauzia is nominated and relieved of his post by the Minister of National Security of the Republic of Moldova on the proposal of the Governor of Gagauzia after it is approved by the People's Assembly.

(2) The chief of National Security Directorate of Gagauzia is ex officio member of the board of the Ministry of National Security of the Republic of Moldova.

Art. 24. - (1) The chief of Directorate of Internal Affairs of Gagauzia is nominated and relieved of his post by the Minister of Internal Affairs of the Republic of Moldova on the proposal of the Governor of Gagauzia approved by the People's Assembly.

(2) The chief of Directorate of Internal Affairs of Gagauzia is ex officio member of the board of the Ministry of Internal Affairs of the Republic of Moldova.

(3) Commissars of police commissariats of Gagauzia are nominated and relieved of their posts by the chief of Directorate of Internal Affairs of Gagauzia on behalf of the Minister of Internal Affairs of the Republic of Moldova.

(4) The chief of municipal police with the Directorate of Internal Affairs of Gagauzia is nominated and relieved of his post by the Governor of Gagauzia on the proposal of the Chief of Directorate of Internal Affairs of Gagauzia and is operatively subordinated to the latter.

(5) Commander of carabineer troops sub-unit (internal troops) is nominated and relieved of his post by the Minister of Internal Affairs of the Republic of Moldova on the proposal of the Governor of Gagauzia.

Art. 25. - The Republic of Moldova is guarantor of a thorough and unconditional realization of Gagauzia's powers established by the present Law.

Art. 26. - Administrative centre of Gagauzia is established according to local referendum results.

Art. 27. - (1) The present Law is organic.

(2) The present Law is amended and modified by Two-fifths of votes of elected deputies of the Parliament of the Republic of Moldova.

Parliament Chairman

Petru Luchinsky

Chisinau, December, 23, 1994
No. 344-XIII

RESOLUTION
on the implementation of the Law

The Parliament adopts the present Resolution.

Art. 1. - To implement the Law from the date of its publication.

Art. 2. - In a month's term from the publication date, the Government would:
submit to the Parliament its proposals as to bringing current legislation to conformity with the above-mentioned Law;
bring its normative acts to conformity with the above-mentioned Law;
ensure that ministries and departments revise and annul their normative acts which contradict the above-mentioned Law;
elaborate and approve Provisional Statutes of local referendum; elaborate and approve Provisional Statutes of elections of the Governor of Gagauzia and Provisional Statutes of elections to the People's Assembly on the basis of the Law on local elections.

Art. 3. - Prior to February, 1, 1995, the Government would create a mixed commission including its representatives and those of local public administration of a number of localities situated in the Republic of Moldova southern areas in order to:
exercise control over implementation of the mentioned Law;
organize and hold local referendum in a number of localities situated in the Republic of Moldova southern areas in accordance with Articles 5 and 26 of the mentioned Law;
organize and hold elections to the People's Assembly of Gagauzia and to the post of the Governor of Gagauzia.

Art. 4. - Prior to February, 1, 1995, the Government would allocate from the state budget financial means necessary to implement the provisions of Art.3. of the present Resolution.

Art. 5. - The present Resolution comes into force from the date of its adoption.

Parliament Chairman

Petru Luchinsky

Chisinau, December, 23, 1994
No.345-XIII

CROATIA

THE CONSTITUTIONAL LAW OF HUMAN RIGHTS AND FREEDOMS AND THE RIGHTS OF NATIONAL AND ETHNIC COMMUNITIES OR MINORITIES

UNPROFOR Operation on the Territory of the Republic of Croatia

THE CONSTITUTIONAL LAW OF HUMAN RIGHTS AND FREEDOMS AND
THE RIGHTS OF NATIONAL AND ETHNIC COMMUNITIES
OR MINORITIES IN THE REPUBLIC OF CROATIA
Excerpts

BASIC PROVISIONS

Article 1

The Republic of Croatia in accordance with:

- the Constitution of the Republic of Croatia;
- the principles of the United Nations Charter;
- the General Declaration on Human Rights, the International Treaty on Civil and Political Rights, the International Treaty on Economic, Social and Cultural Rights;
- the Final paper of the Conference on Security and Cooperation in Europe (CSCE), the Paris Charter on New Europe and other CSCE documents referring to human rights, especially the Copenhagen CSCE document on Human dimension and the Moscow CSCE document on Human dimension;
- the European Council Convention on Protection of Human Rights and Basic Freedoms and its protocols;
- the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Prevention and Punishment of The Crime of Genocide and the Convention on The Rights of the Child;

pledges to respect and protect national and other fundamental human rights and freedoms, the rule of law, and

other supreme values of its constitutional and international legal system for all its citizens.

ii HUMAN RIGHTS AND FREEDOMS

Article 2

The Republic of Croatia fully recognizes and protects human rights and freedoms, and especially:

- a) the right to life (Article 21 of the Constitution of the Republic of Croatia)
- b) the right not to be exposed to torture or inhuman or humiliating acts (Article 23, Paragraph 1 of the Constitution);
- c) the right not to be exposed to slavery or forced labor (the Constitution, Article 23, Paragraph 2 of the Constitution);
- d) the right to freedom and personal integrity (Article 22 of the Constitution)
- e) the right to fair public hearing by unbiased court within the legal scope of punishable acts and punishments (Articles 29 and 31 of the Constitution);
- f) the right to private and family life, home and correspondence (Articles 35 and 37 of the Constitution);
- g) the right to freedom of thought, conscience and religion (Articles 38 and 40 of

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the Constitution);

- h) the right to freedom of expression (Article 38 of the Constitution);

- the right to peaceful assembly and freedom of association (Articles 42 and 43 of the Constitution);
- j) the right to work and freedom of work (Article 54, Paragraph 1 of the Constitution);
- k) the right to marriage and family (Article 62 of the Constitution);
- l) the right to effective legal remedy prescribed by law and generally available to all individuals whose human rights have been violated (Article 18);
- m) all other rights provided by the international instruments from Article 1 of this Law, depending only on the exceptions and restrictions enumerated in those instruments, without any discrimination based on sex, race, color, language, religion, political and other beliefs, national and social background, cultivating links with a national -minority, property, status, achieved by birth or otherwise (Articles 14 and 17, Paragraph 3 of the Constitution)

Article 3

The Republic of Croatia protects the equality of national and ethnic groups or minorities and thus encourages their universal development.

Article 4

The Republic of Croatia shall assist the development of the relations between national and ethnic communities or minorities with the nationality of their parent country in order to promote their national, cultural and language development.

Ethnic and national communities or minorities have the right to self organization and association in order to realize their national or other rights in compliance with the Constitution of the Republic of Croatia and this Law.

III CULTURAL AUTONOMY AND OTHER RIGHTS OF ETHNIC OR NATIONAL GROUPS OR MINORITIES

Article 5

The Republic of Croatia guarantees the members of all national or ethnic communities or minorities:

- a) full observance of the principles of non-discrimination as prescribed in the international instruments in Article 1 of this Law;
- b) the right to be protected from any activity which could threaten their survival;
- c) the right to identity, culture, religion, public and private use of a language and alphabet and education;

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- d) the protection of equality in participating in public affairs, e.g. the right to political and economic freedoms in social sphere, access to media, and in education and cultural matters in general;
- e) the right to decide to which ethnic and national community or minority a citizen wishes to belong and to exercise all the rights related to this choice, either individually or in association with other persons. This right particularly refers to cases of marriage between

members of different national or ethnic communities or minorities but not at the expense of the parties involved.

The principles mentioned in Paragraph 1 of this Article shall apply to Croats living in the regions where they are not the majority group in relation to one or more national or ethnic communities or minorities.

Article 7

Members of all ethnic or national communities or minorities in the Republic of Croatia are entitled to the free use of their language and alphabet, both publicly and privately.

In those municipalities where members of a national or ethnic community or a minority represent the majority of the total population, the alphabet and language of that national or ethnic community or minority will be officially used together with the Croatian language and the Latin alphabet.

Article 9

Possession and use national or ethnic emblems and symbols of national or ethnic communities or minorities shall be free.

Parallel to the official use of emblems and symbols of ethnic and national communities or minorities, using appropriate emblems and symbols of the Republic of Croatia is mandatory.

Prior to the playing of the anthem or a solemn song of a particular national and ethnic community or minority, the national anthem of the Republic of Croatia will inevitably be played.

The statute of the local self-governing units may regulate the way in which the national flag and symbols of national and ethnic communities or minorities are to be used.

Article II

Member of national and ethnic communities or minorities are free to found cultural and other societies aimed at preserving their national and cultural identity. These societies are autonomous and the Republic of Croatia and local self-governing bodies provide financial support in accordance with their financial resources.

Article 12

The Republic of Croatia protects historic monuments and the entire cultural heritage of national and ethnic communities or minorities.

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Education

Article 14

Members of ethnic and national communities or minorities living in the Republic of Croatia are educated in kindergartens and schools in their history, culture and science if such a wish is expressed.

Education in the part of school program from Paragraph I of this Article not related to the students' national affiliation is provided in the range and content regulated by authorized agencies

of the Republic of Croatia.

The part of the program related to the national affiliation of students should be designated by the agencies from Paragraph 2 of this Article following the suggestions from the Office of the Government of the Republic of Croatia for Inter-ethnic Relations

Article 17

Members of national and ethnic communities or minorities may found private kindergartens, schools and other educational institutions.

IV PROPORTIONAL PARTICIPATION IN REPRESENTATIONAL AND OTHER BODIES

Article 18

Members of national and ethnic communities or minorities who make more than 8 % of the population of the Republic of Croatia are entitled to being proportionally represented in the Croatian Parliament and its Government as well as in the supreme judicial bodies

Members of national and ethnic communities or minorities whose share in the population of the Republic of Croatia is below 8 % are entitled to electing a total of five representatives to the House of Representatives of the Croatian Parliament.

Representatives from Paragraph 2 of this Article represent all national and ethnic communities or minorities they have been elected by and are obliged to protect their interests.

The procedure of electing and recalling the representatives from Paragraphs 1 and 2 of this Article will be regulated by electoral laws and other provisions regulating elections in the Republic of Croatia.

Representation of a national and ethnic community or minority from Paragraph 1 of this Article in other government bodies of the Republic of Croatia is stipulated by law on organization of the state authorities.

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Article 20

In order to apply the provisions of this Law of the rights of ethnic and national communities or minorities on culture, education, access to media and to realize their proportional representation in public agencies and other institutions in these areas, the Government of the Republic of Croatia has its Inter-ethnic Relations Office.

For the territory of one or more municipalities where the number of the members of national or

ethnic communities or minorities and their interests require so, the Government of the Republic of Croatia will establish local Inter ethnic Relations Offices.

V DISTRICTS (REGIONS) WITH SPECIAL SELF-GOVERNING (AUTONOMOUS) STATUS

Article 21

The districts (regions) with a special self-governing (autonomous) status (further in the text: "special statute districts") in which members of an ethnic and national community or minority, according to the 1981 census, make over than 50% of the population, have, within the system of local self-government of the Republic of Croatia special statute.

Organization of the special statute district must not be contrary to the constitutional order of the Republic of Croatia as an integral and indivisible state.

To the Special statute districts and municipalities within them shall apply the Law on local self-government unless provisioned otherwise.

Article 22

The territories of the districts from Article 21, Paragraph 1, embrace the following municipalities: Dvor, Glina, Hrvatska Kostajnica, Vojnio, Vrginmost, Benkovac, Donji Lapac, Gracac, Knin, Obrovac and Titova Korenica.

The boundaries of the municipalities from Paragraph 1 of this Article are determined by the Law on the territories of the municipalities in the Republic of Croatia ("The Official Gazette" no. 39/62, 5/63, 13/65, 54/65, 27167, 6/68, 21/68, 30/70, 11/73, 6174, 42/74, 1/75, 9/78, 31/80, 40/81, 5/86 and 27/88), by the precepts of the cited Law, which were in effect on May 30, 1990.

The following municipalities from the above paragraph: Knin, Obrovac, Benkovac, Gracac, Titova Korenica, and Donji Lapac constitute the autonomous district of Knin, and the municipalities of Glina, Vrginmost, Hrvatska Kostajnica, Dvor na Uni, and Vojnic constitute the autonomous district of Glina.

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Article 23

Electing or appointing members of the District and Municipal Assembly of the special statute districts and municipalities and its Executive Council is based on the principle of proportional representation of citizens with regards to their national and ethnic or minority affiliation.

The principle from Paragraph 1 of this Article applies to the public services bodies, as well as public authority agencies and their employees.

The competence and structure of a special statute district

Original competence

Article 26

A special statute district is independent in deciding and administering affairs within the original competence stipulated by this Law.

The original competence of a special statute district includes;

1. coordinating optimal use and planning of land and urban development on its territory;
2. promoting the development of economic activities in compliance with the overall economic policy of the Republic;
3. catering for common interests of the population on the territory of a special statute district regarding the construction and maintenance of communication network and other utility services and activities important for the district;
4. environmental protection on its territory;
5. providing the conditions for satisfying common interests of its citizens in the sphere of culture; and particularly the preservation and protection of cultural heritage of interest to national and ethnic communities or minorities, promoting cultural and scientific activities, founding and maintaining museums, scientific and other libraries theaters, bands and orchestras which foster this ethnic and national community's or minority's traditions;
6. fulfilling conditions necessary for satisfying the needs of the population in health and rehabilitation protection and social welfare requiring solidarity in participation in compliance with the particular regulations;
7. providing the conditions for the realization of common interests of the population of a district in secondary education, science and the use of modern technology;
8. providing public peace and order and traffic safety on its territory;
9. special care for effecting human, civil and ethnic rights of all inhabitants as well as the special protection for the inhabitants ethnically and nationally different from the majority national and ethnic communities and minorities;
10. establishing services and institutions of a special statute district for performing the activities hereof listed.

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Article 28

Bodies of special statute districts directly enforce laws and regulations of the central government authorities (transferred competence), unless for these activities a local government agency of the Republic of Croatia has been established

In performing activities from the transferred domain, district agencies obey instructions of the Government and other central bodies of the state administration of the Republic of Croatia

President of the District Assembly and the head of the Executive Council of the District Assembly are responsible for legality and proper performance of the activities mentioned in Paragraph 1 of this Article.

District bodies and services

Article 29

- The bodies of a special statute district are:
- district assembly
 - district assembly-executive council
 - President of the district assembly and district court.

Competence of the district assembly

Article 30

Special statute district assembly specially:

- considers and decides all important questions of political, economic, cultural and social life and development of the district;
- adopts developmental, urban-planning and other special plans when authorized by the law; district budget and balance, founds district funds, makes or confirms district funds, financial plans and balances;
- establishes public enterprises and institutions of interest to the district; establishes health, cultural, scientific and school institutions of district significance;
- elects, appoints and releases, in accordance with the Law and the statute, the president of the district assembly and his deputy, heads of the working bodies, directors and managers of public companies and other officials as required by law;
- establishes -district services and organizations performing services of interest to the district.

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Regulations. general enactments and decisions

Article 31

District assembly autonomously adopts the following regulations and general enactments;

District Statute;

district budget and balance;

the decision on founding district funds and district funds balances;

- the decision on founding public enterprises, and district institutions education, health, science, social welfare and sport,
- developmental and urban-planning plans

District assembly is authorized to pass by laws, in accordance with the law following demands:

1. organization of district offices and their employees,
2. protection and preservation of historic and national heritage, 3 local customs and habits and cultural institutions,
4. environmental protection
5. crafts and cottage industries,
6. fairs and markets,
7. preventive activities and first aid in general accidents,

8. mines, stone - pits, mineral and thermal waters,
9. hunting and fishing,
10. flora and fauna protected parks, except national parks,
11. servicing local roads, waterworks and public works of district interest,
12. communication and transport of district interest,
13. tourism and hotel industry,
14. agriculture, woods, anti - hail stations, land - improvement,
15. aid and charity,
16. kindergartens,
17. school building construction.

District assembly passes other regulations and general enactments and decisions as authorized by law

Article 35

Regulations and decisions passed by the special statute district assembly must fully respect sovereignty, independence and international subjectivity of the Republic of Croatia.

Constitutional court of the Republic of Croatia reviews the regulations passed by the special statute district assembly and executive regulations of its executive council and other bodies which according to the provisions of this Law, may be founded in the area, upon their accordance with the Constitution and the laws of the Republic of Croatia.

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District and municipal court

Article 38

In special statute districts municipal and district courts are established. Municipal courts are established for the territory of one or more municipalities, and district courts for the territory of a district.

Municipal courts also make decision in cases from the original competence of the district.

District courts also decide cases on appeal from the original competence of the district.

Courts from Paragraphs 2 and 3 have special divisions to decide cases from the original competence

Police administration

Article 43

In special statute districts a police administration shall be established. Police administration shall perform all the duties regarding the protection of public order and peace on the territory of special statute districts; the duties regarding the security of traffic, keeping of the public records, as well as issuing certificates and transcripts from these records, and other internal affairs assigned to it by a law,

Administration of other tasks, except the tasks of protection of the constitutional order, control and protection of the state borders, can be assigned by law to the police administration from Paragraph 2 of this Article -

Article 44

The national composition of the police administration employees must correspond to the national composition of the population on the territory of a special statute district.

In towns and other populated areas the national composition of the police officers must correspond to the national composition of the population.

Article 45

The head of police administration shall be appointed and released by the Government of the Republic of Croatia, upon the proposal of the special statute district assembly.

Other head officials and authorized officers of a police administration are appointed and released by the Minister of Interior Affairs following suggestions from the special statute district assembly.

The state administration central bodies from Paragraph 1 and 2 of this Article will appoint or designate the named persons if they fulfil requirements prescribed by the law and other regulations for the election, appointment and designation

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Government Commissioner of the Republic of Croatia

Article 46

The Government of the Republic of Croatia shall appoint its commissioner for a special statute district.

Government's commissioner represents the Government of the Republic of Croatia before the special statute district's authorities, informs the Government about the application of the decisions of the Government of the Republic of Croatia as well as of the provisions of this Law and other regulations which regulate the rights of national and ethnic communities or minorities.

Education

Article 49

Members of ethnic and national communities or minorities living in special statute districts are educated in kindergartens and schools which in their own language and alphabet based on separate programs adequately present their history, culture and science if such a wish is expressed.

Education of Croats in the special statute districts is carried out in separate kindergartens and schools or educational departments of these schools and kindergartens in the Croatian language and Latin alphabet.

Educational institutions from Paragraph 1 and 2 of this Article are financed in the scope and by the criteria valid throughout the Republic of Croatia.

Article 50

On the territory of special statute districts, education in the part of school program not related to the students' national affiliation is provided in the range and content regulated by authorized agencies of the Republic of Croatia.

The program related to the students' national affiliation is designated in accordance with the provision from Article 14, Paragraph 3 of this Law.

Other provisions

Article 51

Toponym in the settlements in special statute districts shall be written primarily in the Croatian language and the Latin alphabet, and secondary in the language and alphabet of ethnic and national communities and minorities.

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VIPROPERTY AND FINANCING OF THE SPECIAL STATUTE MUNICIPALITIES AND DISTRICTS

Article 52

All the movables and the immovable, except for those which are, according to the provisions of special laws, property of the special statute municipalities and districts.

The property from Paragraph 1 of this Article, the rights and the obligation as well as the shares of other entitled persons shall be registered in public records.

Article 53

The revenues of special statute municipalities and districts-are:

- 1 - the revenue from the movables and immovable which are their property
2. the revenue from the companies, agencies, institutions and other organizations which are their property
3. special municipal taxes and rates, in accordance with the special statute
4. the revenue from the sale of immovable and movables which are their property
5. gifts, inheritances, legacies
6. grants and subsidies of the Republic of Croatia anticipated in the state budget or in special law, and,
- 7 other revenues established by law.

Article 54

The revenue and the expenses of a special status municipality and district shall be determined in the annual budget.

The regulations on the financing of public enterprises shall be applied to making, bringing, executing, changing, temporary financing, permanent reserve and special accounts of the special status municipalities and districts, the annual account of the annual budget as well to taking and giving loans.

Article 55

The special statute municipality and district assembly shall overview the overall material financial operation.

In order to implement the overview over the operation from Paragraph 1 of this Article, the municipality and district assembly can, in accordance with the statute, elect a controlling committee. Control shall be performed at least four times a year and once without previous notice.

The results of the supervision will be reported to the municipal and district assembly and the Commissioner of the Republic of Croatia.

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Article 56

The distribution of property, assets and liabilities between special statute municipalities and special statute districts shall be determined by the contract between the district and the municipalities within its composition.

Article 57

Central administration's agency responsible for financial affairs supervises the legality of the material and financial operation of a special statute district or a municipality within the district.

The agency from Paragraph 1 of this Article shall cease the application, annual or invalidate, illegal acts of material or financial operation of the municipality and initiate the proceeding against the responsible person.

VII INTERNATIONAL SUPERVISION AND COOPERATION

Article 58

The Republic of Croatia shall conclude an international agreement for the supervision of the implementation of the provisions of this Law on the special statute districts.

An international body, established on the basis of the agreement from Paragraph 1 of this Article shall supervise the implementation of the provisions about the special statute districts.

The body from Paragraph 2 of this Article will report to and instruct all interested parties.

The Republic of Croatia shall implement recommendations given by the body from the

previous Paragraph.

In case of dispute about the implementation of the recommendation, a decision from the Court for Human rights shall be asked.

Article 59

The Republic of Croatia shall cooperate and seek counsel, directly or through the mixed committees, with governments and other institutions of interested states for full realization of human rights and the rights of the national and ethnic communities or minorities.

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VIII JUDICIAL PROTECTION

Article 60

Every citizen of the Republic of Croatia can appeal to the Court for Human Rights, after having used all available internal legal remedies in cases in the field of human rights and freedoms and rights and status of national and ethnic communities or minorities which are guaranteed by the Constitution of the Republic of Croatia, international agreements which bound the Republic of Croatia, this Law and other laws which are in force in the Republic of Croatia.

Until the establishment of the Court of Human Rights by the convention between all the states created on the territory of former SFR Yugoslavia, the Provisional Court of Human Rights is hereby established.

The Provisional Court from the preceding Paragraph shall consist of its President and four members of high moral character, who must possess the qualifications required for the appointment to high judicial office or be jurisconsult of recognized competence. The President and two members shall be nominated by the Presidency of the European Community from among the ranks of citizens of its Member States, and the two members shall be nominated by the Parliament of the Republic of Croatia from among its own nationals.

Article 61

Special statute municipalities and districts may submit the constitutional complaint to the Constitutional Court of the Republic of Croatia if they hold that the authorities of the Republic of Croatia have, through their acts or activities, violated the freedoms and human rights and the rights of ethnic and national communities or minorities guaranteed by this Law.

IX CRIMINAL ACTS

Article 62

Under the criminal code of the Republic of Croatia every action, stimulation, organization or helping with the action which could endanger the existence of certain national and ethnic community or minority, provoke national hatred, be conducive to discrimination or putting into an

unequal position is forbidden and punishable.

Permanent Mission of the Republic of Croatia to the. United Nation.; February 1993
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UNPROFOR Operation on the Territory of the Republic of Croatia

X FINAL PROVISIONS

Article 63

Where any general legislation and powers are provided by this Constitutional Law or are applied in fields governed by this Law they shall not be applied in a manner which will encroach upon the essential content of the human rights and freedoms and the rights of national and ethnic communities or minorities which are protected by this Constitutional Law.

Article 64

In compliance with Article 134 of the Constitution of the Republic of Croatia and this Law, none of the rights which the Republic of Croatia has directly, or as a legal successor of former Yugoslavia, taken over or is to take over through international agreements (the Osim Agreements and others), will not be altered, annulled nor their realization obstructed

Article 65

Subject to reserve of the principles codified by Articles 34 through 38 of the Vienna Convention on the Law of Contract of 1949, the provisions of this Constitutional Law shall be implemented and interpreted in compliance with the agreements made with the United Nations Organization.

Permanent Mission of the Republic of Croatia to the United Nations; February 1993

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UNPROFOR Operation on the Territory of the Republic of Croatia

AMNESTY LAW

On Criminal Offenses Committed During Armed Conflicts and
War Against the Republic of Croatia

Article 1

The prosecution of, or bringing of criminal charges against those individuals responsible for criminal offenses directly related to or associated with armed conflicts and war against the Republic of Croatia, committed from the 17th of August 1990 to the day this Law comes into force will not be undertaken.

The prosecution for such criminal offenses and criminal proceedings will not be instituted.

If criminal charges have already been initiated, the proceedings will be suspended by the Court.

If an individual, to whom Article 1 relates to, is taken into custody, the Court will order their release.

Article 2

The individuals whom the Republic of Croatia is bound to prosecute according to the provisions of International law are not entitled to amnesty from the Article 1 of this Law.

Article 3

A complaint against decisions based on Article 1, paragraph 2 and 3 of this Act can be lodged on the side of the Public prosecutor within 24 hours of the day the verdict is decided, if the public prosecutor determines that the decision violates Article 2 of this Law.

Article 4

This Law comes into effect on the day of its publication in the Official Gazette of the Republic of Croatia.

Permanent Mission of the Republic of Croatia to the. United Nation.; February 1993

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UNPROFOR Operation on the Territory of the Republic of Croatia

The war In Croatia, along with the war that later erupted in Bosnia and Herzegovina, has created one of the most disturbing and deepest humanitarian crisis on the European soil after the Second World War,

The ultimate goal of this war was the aggressor's plan to enlarge his territory, and the ethnic cleansing (ultimately the attacks on the very human life) was the preferred method applied to achieve it.

The UN addressed the problem, with selective depth but did not always achieve, at least by now, sufficient results.

1. Ethnic Cleansing

Though the attention of the world community was mostly focused on Bosnia and Herzegovina, the initial "ethnic cleansing" as a policy, occurred in Croatia much earlier, and in a way served to the aggressors as a "pilot project" later deployed in Bosnia and Herzegovina on a full scale. The commission of war crimes was the tool for ethnic cleansing and was used in the following manner:

1.1. Direct execution of the population in the area that was meant to be "cleansed".

2.2. Mass relocation of inhabitants from the areas to be "cleansed", and their detention in concentration camps.

3.3. The creation of a flow of refugees from areas of immediate war activities, and displaced persons being constantly expelled from their homes in occupied areas even now when these areas are under the UN protection.

All the above listed crimes were addressed by the UN. The Special Commission on Human Rights In Former Yugoslavia has been established and a special rapporteur in the person of Tadeusz Mazowiecki appointed. All the member states of the UN were called to submit their report to the commission as well.

Permanent Mission of the Republic of Croatia to the. United Nation.; February 1993

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UNPROFOR Operation on the Territory of the Republic of Croatia

Following are excerpts from the recent Report on the situation with human rights on the territory of the former Yugoslavia, made by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights. (UCN.4/1993/50)

B. UNPA Sector South

139. Manifestations of ethnic cleansing as described in the previous report continue in this sector which is part of the so-called "Republic of Krajina". The de facto Authorities practice discrimination and there is no independent political system.

C. UNPA Sector East

141. The main concern expressed by the Special Rapporteur in his previous report (A/47/666), was the policy of ethnic cleansing practiced by militia and local Serbian authorities. The non-Serbs who had not yet left were victims of constant harassment. Catholic churches were destroyed and Serbian refugees were lodged in the houses of those who had left.

142. The Special Rapporteur is also concerned with the unresolved problem of missing persons who disappeared during or immediately after the battle of Vukovar. The ICRC (international Committee of Red Cross) has been seized of those cases and the Special Rapporteur hopes that all authorities and forces concerned will cooperate with the ICRC in its attempts to determine the fate of the missing persons.

143. The Special Rapporteur on extra judicial, summary or arbitrary executions visited the sector from 15 to 20 December 1992. According to his findings, the de facto authorities of the self-proclaimed Serbian Republic of Krajina are vigorously pursuing a policy of ethnic cleansing. The local militia has not been disarmed. On the contrary, a territorial defense force is being re-established. Members of the militia openly carry long weapons and have repeatedly stopped UNPROFOR personnel. The local population is subjected to harassment and intimidation and told not to report to UNPROFOR. In the southern part of the sector, fighting is still going on along the confrontation line. The local police do not cooperate when UNPROFOR passes to them allegations of violations of human rights. A renewed escalation of ethnically motivated violation is feared.

Permanent Mission of the Republic of Croatia to the United Nations; February 1993

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I T A L Y

CONSTITUTION OF THE TRENTINO - ALTO ADIGE REGION AND THE PROVINCES OF TRENTO AND BOLZANO

TRENTINO - ALTO ADIGE

SPECIAL CONSTITUTION

D.P.R. 31st August 1972, no. 670. Consolidation Act of the special new Statute for Trentino - Alto Adige. From the provisions contained in Constitutional law 26th Feb. 1948 no. 5, in Law 31st.December 1962, no. 1777, in Constitutional Law 10th Nov. 1971 and Constitutional Law 23rd Feb. 1972, 1 (G.U. 20 novembre 1972, n 301).

Heading I

CONSTITUTION OF THE «TRENTINO - ALTO ADIGE» REGION AND THE PROVINCES OF TRENTO AND BOLZANO

Item I

General Provisions

Art. 1. - Trentino - Alto Adige, comprising the territory of the provinces of Trento and Bolzano, constitutes an autonomus Region, with legal status within the political unity of the Italian Republic, one and indivisible, based on the principles of the Constitution and according to this Statute.

The regional capital of Trentino - Alto Adige is the city of Trento.

Art. 2. - The equality of citizens' rights is recognised in the Region regardless of the language community to which they belong and respective ethnic and cultural characteristics are safeguarded.

Art. 3. - The Region comprises the Provinces of Trento and Bolzano. The «Comuni» (I) of Provés, Senale, Termeno, Ora, Bronzolo, Valdagno, Lauregno, San Felice, Cortaccia, Egna, Montagna, Trodena, Magré, Salorno, Anterivo and the

(I) This term includes towns, urban and rural districts.
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hamlet of Sinablana within the «comune» of Rumo in the Province of Trento, fall within the Province of Bolzano

The Provinces of Trento and Bolzano are granted special forms and conditions of autonomy according to this Statute.

Provisions for the use of the national flag still being in force, the Region, the Province of Trento and the Province of Bolzano have their own banner and coat-of-arms, approved by Presidential Decree.

Item II

Functions of the Region

Art. 4. - In accordance with the Constitution and the principles of the legal system of the State and in observance of international obligations and national interests - including the protection of the local linguistic minorities - and the fundamental principles of the economic-social reforms of the Republic, the Region has the power to issue legislative provisions on the following matters:

I) Organization of the regional offices and their staffs;

- 2) Organization of the bodies dependent on the Region;
- 3) Town boundaries;
- 4) Compulsory purchase for public utility except where the State is prevalently or directly responsible and in matters of Provincial competence.
- 5) the establishment and the keeping of land registers;
- 6) fire protection services;
- 7) regulation of the health and hospital authorities;
- 8) regulation of the Chambers of Commerce;
- 9) the development of cooperation and supervision of cooperatives;
- 10) Improvement grants for public works carried out by other public bodies within the Region.

Art. 5. - The Region, within the limits of the preceding article and the principles established by the laws of the State, issues legislative provisions on the following matters:

- 1) regulation of the «Comuni»
- 2) regulation of public assistance and welfare institutions;

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3) regulation of mortgage loan and agricultural credit institutions, savings banks, rural banks and regional credit houses.

Art. 6. - In matters concerning national insurance and social security the Region may issue legislative provisions to supplement the provisions of the laws of the State and has the authority to set up special autonomous institutes or assist in their setting-up.

Those Sickness Funds in the Region that were merged into the «workers sickness benefit institute», may be re-established by the Regional Council, subject to the settlement of property matters.

The said Sickness Funds' services must be of at least as high a standard as those of the above-mentioned institute.

Art. 7. - By Regional laws, and after consulting the parties concerned, new «Comuni» may be founded and their districts and names may be changed.

Such modifications, if they affect the territorial district of public offices, do not become effective until two months after the publication of the provision in the «Official Bulletin» of the Region.

Item III

Functions of the Provinces

Art. 8. - The Provinces have the power to issue legislative provisions within the limits indicated by art. 4, on the following matters:

- 1) Organization of the provincial offices and their staffs;
- 2) Toponymy, the obligation to bilingualism in the Province of Bolzano being still in force;
- 3) the protection and preservation of the historic, artistic and popular heritage;
- 4) local customs and cultural institutions (libraries, academies, institutes, museums) of a provincial nature; local artistic, cultural and educational events and activities and, in the Province of Bolzano, radio and television, excluding the

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launching of radio/television stations;

- 5) town-planning and urban development plans;
 - 6) protection of the countryside;
 - 7) civic customs;
 - 8) regulation of smallest cultural properties in accordance with art. 847 of the Civil Code; regulation of the «masi chiusi» and the family communities governed by ancient statutes and customs;
 - 9) artisanship;
 - 10) building, already subsidised, totally or partially, by public finance, including incentives for the construction of council houses in areas struck by disaster and the activities carried out by extra-provincial bodies in the Provinces with public finance;
 - 11) lake ports;
 - 12) fairs and markets;
 - 13) prevention and emergency measures in the event of disasters;
 - 14) mines, including mineral and spa waters, quarries and peat-bogs;
 - 15) hunting and fishing;
 - 16) alpine culture and parks for the protection of flora and fauna;
 - 17) roads, aqueducts and public works within the Province;
 - IS) communications and transport within the Province, including the technical regulation and working of cablecar installations;
 - 19) direct engagement of public services and their management through special agencies;
 - 20) tourist trade and hotel industry, including mountain guides, Alpine bearers, ski instructors and schools;
 - 21) agriculture, forests and the Forestry Commission, the livestock and fish heritage, plant pathology institutes, agricultural consortia and experimental farms, antihailstone services, reclamation;
 - 22) compulsory purchase for public utility for all matters of Provincial competence;
 - 23) the setting-up and working of local and provincial commissions for assistance and advice to workers on employment;
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- 24) 3rd, 4th and 5th category hydraulic works;
- 23) public assistance and charity;
- 26) nursery schooling;
- 27) school assistance in education sectors in which the Province has legislative competence;
- 28) school building;
- 29) professional training.

Art. 9. - The Provinces issue legislative provisions on the following matters within the limits indicated in art. 5:

- 1) urban and rural police;
- 2) primary and secondary education (middle-school, grammar school, scientific, teacher-training, technical, further-education and art schools);
- 3) commerce;
- 4) apprenticeships; employment cards; workers' categories and qualifications;
- 5) the setting-up and working of municipal and Provincial commissions on employment;
- 6) public safety with regard to public entertainment;
- 7) shops and businesses, the requirements of the laws of the State in the matter of obtaining licences, the State's powers of supervision with regard to public safety and the Interior Ministry's right to officially annul the provisions adopted on this matter, according to State legislation, even if final, still being in force. Ordinary appeal against these provisions is made at autonomous Province level;
- 8) increase in industrial production;

- 9) use of public water supply, except for large derivations for hydro-electric purposes;
- 10) hygiene and health, including health care and hospital treatment;
- 11) sports and recreation with the relative facilities and equipment.

Art. 10. - In order to supplement the provisions of the laws of the State, the Provinces have the power to issue legislative provisions regarding employment and work commencement, with access to - until the establishment of its own

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offices - the external offices of the Ministry of Labour, for the exercising of administrative powers connected to the legislative authority due to the Provinces in work matters.

The municipal employment officers shall be chosen and appointed by State bodies, having consulted the President of the Executive Council and the mayors involved.

Citizens resident in the Province of Bolzano have precedence in employment matters within the territory of the Province itself, regardless of distinctions based on language or length of residence.

Art. 11. - The Province may authorise the opening or the transfer of banking facilities of local, provincial or regional credit institutions, having consulted the Treasury Minister.

The authorisation for the opening and transfer to the Province of the banking facilities of other credit institutions is granted by the Treasury Minister, having consulted the Province involved.

The Province appoints the Chairman and Vice-Chairman of the Savings Bank (Cassa di Risparmio), having consulted the Treasury Minister.

Art. 12. - For the concessions of large derivations for hydro-electric purposes and their extensions, the territorially competent Provinces have the power to present their comments and opposition at any moment up to the issuing of the final decision of the Upper Council of Public Works.

The Provinces also have the right to appeal to the Public Waters High Court against the granting of concession and extension.

The President of the territorially competent Provincial Executive Council or his delegates are invited to attend, with a consultative vote, the meetings of the Upper Public Works Council in which the provisions indicated in the first paragraph are examined

The Minister responsible adopts provisions concerning the activity of the national electricity board (ENEL) in the Region, having consulted the Province involved.

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Art. 13. - As regards the concessions of large derivations for hydro-electric purposes, the concession holders are obliged to supply, annually and free of charge to the Provinces of Bolzano and Trento, 220 kwh. for every kw. of average nominal capacity for public services and categories of user to be determined by Provincial law, to be delivered to the production works or to the high tension transport and distribution cable connected to the works, at the most convenient point for the Province.

The Provinces also establish, by law, the criteria for the fixing of the price of the above-mentioned energy ceded to the distribution agencies and the criteria for consumer rates which must not, in any case, exceed those fixed by the CIP (Interministerial Committee for Prices).

The concession holders of large derivations for hydro-electric purposes must pay, every six months, Lire 6,20 to the Provinces for every kwh of unused energy. The unitary compensation outlined above will vary in proportion to the variations, of not less than 5%, in ENEL's average sale price of electricity, obtained from the electricity board's final statement.

The applications for concessions for large hydro-electric derivations in the Provinces of Trento and Bolzano, in competition with ENEL and local organisations, determined on the basis of

subsequent state law, are dealt with by the Minister for Public Works together with the Minister for Industry, Commerce and Crafts and in agreement with the Province territorially concerned.

Art. 14. - The opinion of the Province is required for concessions in the field of communications and transport crossing provincial territory

The opinion of the Province is also required for first and second category hydraulic works. The State and the Province pre-arrange an agreed annual coordination plan of respective competence for hydraulic works.

The use of public waters on the part of the State and the Province, within their respective competences, is based on a

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general plan agreed upon by the representatives of the State and the Province in an «ad hoc» committee.

Art. 15. - Unless the general rules on economic planning provide for a different system of financing, the Ministry of Industry, Commerce and Crafts assigns quotas to the Provinces of Trento and Bolzano of the annual allocations written into the Budget for the enactment of State laws to finance increases in industrial activity. The quotas are fixed having consulted the Province and having taken into account the sums allocated in the Budget and the needs of the population of the Province. The use of the sums allocated is agreed upon by the State and the Province. If the State intervenes with its own funds in the Provinces of Bolzano and Trento in the carrying out of special national school building plans, these funds are employed in agreement with the Province,

The Province of Bolzano uses its allocations for welfare, social and cultural purposes in direct proportion to the composition of each language community and with reference to the needs of that community, except in special cases requiring immediate intervention for particular reasons.

Item IV

Provisions common to the Region and to the Provinces

Art. 16. - In the matters and within the limits the Region or the Province can issue legislation, the relative administrative powers, which on the basis of the pre-existing regulations were attributed to the State, are exercised respectively by the Region and the Province.

The Province's powers, according to current laws, still hold, in that they are compatible with this Statute.

Furthermore, the State may, by law, delegate administrative functions to the Region, the Province and other local public bodies. In this case, the cost of the performing of these functions is borne by the State.

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The delegation of State administrative functions, even if conferred by the present law, may be modified or revoked by ordinary law of the Republic.

Art. 17. - By State law the Region and the Provinces may be assigned the power to issue legislation for services relating to matters outside the respective competence prescribed by this Statute.

Art. 18. - The Region normally performs administrative functions, delegating them to the

Provinces, the «Comuni» and other local authorities or availing itself of their offices. Delegation to the Provinces is compulsory for fire services. The Provinces may delegate some of their administrative functions to the «Comuni» or other local authorities or avail themselves of their offices.

Art. 19. - In the Province of Bolzano, nursery, primary and secondary school teaching is provided in Italian or German, whichever is the mother tongue of the pupils, by teachers of the same mother tongue. In the primary schools, beginning in the second or third year, to be established by provincial law on the binding proposal of the language community involved and in the secondary schools, the teaching of the second language by mother tongue teachers is compulsory

The Ladin language is used in nursery schools and taught in primary schools in Ladin communities. Ladin is also used as a teaching language in all schools within these communities. Italian and German are used jointly both in terms of hours and final result.

The enrolment of pupils in schools in the Province of Bolzano is through application on the part of the father or guardian. The father or guardian may appeal against rejection of his application to the Bolzano autonomous section of the regional court of administrative justice.

The administration of the Italian language schools or the supervision of the German language or Ladin locality schools referred to in the second paragraph, is the responsibility of a school superintendent, appointed by the Ministry of Ed-

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ucation, having consulted the Bolzano Provincial Executive Council.

The administration of German language nursery, primary and secondary schools is the responsibility of a school inspector appointed by the Bolzano Provincial Executive Council, having consulted the Ministry of Education, from a short-list made up of representatives of the German language community of the Provincial School Council

The administration of the schools referred to in paragraph 2 of this article is the responsibility of a school inspector appointed by the Ministry of Education from a short-list made up of representatives of the Ladin language community of the Provincial School Council.

The Ministry of Education, in agreement with the Province of Bolzano, appoints the chairmen and members of the State examination boards in the German language schools

The Higher Education Council must be consulted of the reaching syllabi and examinations in the schools in the Province of Bolzano over equivalence of final diplomas.

The administrative staff in the Education Office and the secondary schools, as well as the administrative staffs of the school inspectorates and the school offices come under the Province of Bolzano, serving the schools corresponding to their mother tongue.

It being understood that teaching staff are employees of the State, provisions in the matters of transfer, temporary leave and disciplinary measures including suspension for one month without pay, are devolved to the Inspector for German language schools and the schools referred to in paragraph 2, relating to the teaching staff in the respective schools.

Appeal to the Ministry of Education against the provisions adopted by the school inspectors, according to the preceding paragraph, is permitted. The Ministry makes the final decision, having consulted the School Superintendent.

The Italian, German and Ladin language communities are represented on the Provincial School or Disciplinary Councils for primary school teachers.

The teachers' representatives on the Provincial School Council are elected by the teaching staff and in proportion to the

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number of teachers in the respective language communities. A minimum of three Ladin community

representatives is, however, required

The School Council, in addition to performing the duties laid down by the prevailing-laws, is obliged to express an opinion on the opening and closing of schools, on syllabi and timetables, on teaching subjects and their groupings.

For the founding of universities in Trentino - Alto Adige, the State must first consult the Region and the Province concerned.

Art. 20. - The President of the Provincial Executive Council performs the duties of the public safety authorities, laid down by the prevailing laws, in cases of dangerous industries, noisy and disturbing occupations, shops and businesses, agencies, printing-works, itinerant trades, workers and domestic servants, the mentally ill, drug addicts and beggars and minors under the age of eighteen.

In order to perform the above-mentioned duties, the President of the Provincial Executive Council also avails himself of the State police, or the local town and country police forces.

The other duties which the public safety laws devolve on the Prefect are entrusted to the Chief Constables.

The duties of mayors as public safety officers or of separate public safety officials remain in force.

Art. 21. - Provisions of the State authorities adopted for reasons of public order which affect, suspend or limit the effectiveness or the authorisations of the President of the Provincial Executive Council in police matters or other provisions which are the responsibility of the Province, are issued after consulting the President of the Provincial Executive Council concerned, who is called upon to express an opinion in the terms indicated in the request.

Art. 22. - For the observance of the Regional and Provincial laws and regulations, the President of the Regional Executive Council and the Presidents of the Provincial Executive Councils may request the intervention and assistance of
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the State police, or the local town and country police forces.

Art. 23. - The Region and the Provinces (in defence of the regulations contained in the respective laws) use penal sanctions established by State laws for the particular case at issue.

Heading II

REGIONAL AND PROVINCIAL BODIES

Item I

Regional Bodies

Art. 24. - The official bodies of the Region are: the Regional Council, the Regional Executive Council and its President.

Art. 25. - The Regional Council is elected by a proportional system and direct and secret universal suffrage, in accordance with the regulations established by Regional law.

There are 70 Regional Councillors. The seats are apportioned among the constituencies by dividing the number of inhabitants in the Region, according to the last general population census, by 70 and distributing the seats in proportion to the population of each constituency, on the basis

of whole counts and the highest remaining amounts.

The Regional territory is divided into the provincial constituencies of Trento and Bolzano

In order to have the right to vote, residence in the Region for an uninterrupted period of four years is required. The elector who has been resident in the Region for four years is, for Regional election purposes, put on the electoral lists of the provincial «comune» where he was last resident. For the election of the Regional and Provincial Councils and the «comuni» Councils provided for in art. 63 during the four-year period, the elector exercises the right to vote in the «comune» of his previous residence.

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Art. 26. - The Regional Council exercises the legislative powers granted to the Region and all other functions conferred on it by the Constitution, by this Statute and by other State laws.

Art. 27. - The Regional Council is elected for five years. It completes its term of office in two equal sessions held alternately in Trento and Bolzano.

The election of the new Council is called by the President of the Regional Executive Council not less than 30 and nor more than 45 days before the expiry of the five years and for a day within 60 days of that expiry date.

The new Council meets within 20 days of the proclamation of those elected, summoned by the President in office of the Regional Executive Council.

Art. 28. - The members of the Regional Council represent the entire Region. They may not be called upon to answer for opinions expressed or votes cast during the exercise of their duties

Art. 29. - Regional Councillors, prior to being admitted to office, must swear an oath of allegiance to the Republic and swear to carry out their duties for the sole inseparable good of the State and the Region.

Art. 30. - The Regional Council elects a President, a Vice-President and Secretaries from its own members.

The President and Vice-president hold office for two and a half years.

In the first thirty months of the Council's term of office, the President is elected from among the Italian-speaking Councillors and the Vice-president from among the German-speaking Councillors: in the following period, the President is elected from among the latter group and the Vice-president from among the former.

In the event of the death or resignation of the President of the Regional Council or of his stepping down from office for

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any other reason, the Council provides for the election of a new President, to be chosen from among the language community to which the former President belonged. The nomination must be made at the next sitting and remains valid until the end of the current two and a half year period.

The Vice-president assists the President and replaces him during absence or in the event of his being prevented from attending

Art. 31. - The norms disciplining the activity of the Regional Council are established by internal regulations approved by an absolute majority of Councillors

The internal regulations also establish the rules for the determination of the Councillor's language community.

Art. 32. - President and Vice-president of the Regional Council who do not fulfill their duties are deposed by the Council by a majority of its members.

For this purpose, the Regional Council can be urgently summoned at the request of at least one third of its Councillors

If the President or the Vice-president of the Regional Council do not summon the Council within 15 days of the request, the Regional Council is summoned by the President of the Regional Executive Council.

If the President of the Regional Executive Council does not summon the Regional Council within 13 days of the expiry of the terms prescribed in the preceding paragraph, the summons becomes the duty of the Government Commissioner.

If the Regional Council does not pronounce itself, the following article provides.

Art. 33. - The Regional Council may be dissolved when it performs acts contrary to the Constitution, or commits serious violations of the law, or does not replace the Executive Council or the President when these have committed similar acts or violations.

The Council may also be dissolved for reasons of national security or when, due to resignation or to the impossibility

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of forming a majority, it is no longer in a position to fulfill its duties

The dissolution of the Regional Council is effected by a decree of the President of the Republic, subject to the deliberation of the Council of Ministers, having constituted, except in urgent cases, the Parliamentary Commission on Regional Affairs.

The Decree of Dissolution is accompanied by the nomination of a Commission composed of three members, one of whom must be German-speaking, to be chosen amongst the citizens eligible for the Regional Council.

The Commission elects a chairman from its own members, who exercises the powers of the President of the Regional Executive Council. The Commission calls the Regional Council elections within a period of three months and adopts provisions within the competence of the Regional Executive Council and those which cannot be postponed. The latter become ineffective if not ratified by the new Regional Council within a month of its calling.

The new Council is summoned by the Commission within 20 days of the election.

The dissolution of the Regional Council does not entail the dissolution of the Provincial Councils. The members of the dissolved Council continue to perform their duties as Provincial Councillors until the election of the new Regional Council.

In the case of the dissolution of a Provincial Council, a supplementary election of Regional Councillors of the Provincial Council involved is held.

The members of the dissolved Provincial Council continue to perform their duties as Regional Councillors until the election prescribed in the preceding paragraph

Art. 34. - The Regional Council is summoned by the President to ordinary session in the first week of every six-month period and, to extraordinary session at the request of the Regional Executive Council or the President thereof, or at the request of at least one fifth of the Councillors in office, in addition to the cases prescribed in this Statute.

Art. 35. - On matters which do not fall under the juris-

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diction of the Region but which are of special interest, the Regional Council may vote and formulate plans. Both are sent by the President of the Regional Council to the central government to be presented to the Parliament and copies of each are forwarded to the Government

Commissioner.

ART. 36. - The Regional Executive Council consists of a President, two Vice-presidents and permanent and temporary officers. The President, the Vice-president and the officers are elected within the Regional Council by secret vote and absolute majority.

The composition of the Regional Executive Council must respond to the composition of the language communities represented on the Regional Council. One Vice-president is Italian-speaking and the other German-speaking.

The President chooses the Vice-president called to replace him in the event of absence or his being prevented from attending.

Temporary officers are called to replace the permanent officers, with regard to the language community of those officers to be replaced.

Art.37.- The president and the members of the Regional Executive Council remain in office for the duration of the Regional Council and after the expiry of the latter, they perform only routine duties until the appointment of the President and the members of the Executive Council by the new Council.

Art. 38. - The President of the Regional Executive Council or officers who do not fulfill their duties, established by law, are deposed by the Regional Council.

If the Regional Council does not provide, the said Council is dissolved according to art. 33.

Art. 39. - If, for reasons of death, resignation or exoneration of the President of the Regional Executive Council or its officers, it is necessary to replace them, the President of the Regional Council summons the Council within 15 days.

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Art. 40 President of the Regional Executive Council represents the Region.

He attends meetings of the Council of Ministers when matters regarding the Region are being discussed.

Art. 41. - The President of the Regional Executive Council directs the administrative functions delegated to the Region by the State, in accordance with the instructions of central government.

Art. 42. - The President of the Regional Executive Council decides on the distribution of workload among the single permanent officers by own decree published in the Regional Bulletin.

Art. 43. - The President of the Regional Executive Council issues by decree the regulations decided upon by the Executive Council.

Art. 44. - The Regional Executive Council is the executive body of the Region. It is responsible for:

- 1) the deliberation of the regulations for the enactment of the laws approved by the Regional Council;
- 2) administration for matters of Regional interest;
- 3) the administration of the wealth of the Region in addition to management control of Regional public services of an industrial or commercial nature, through special agencies;
- 4) other duties entrusted to it by the present law or other orders;
- 5) the adoption, in urgent cases, of provisions within the Council's competence, to be submitted for ratification to the Council itself at the next sitting.

Art. 45. - The Regional Executive Council must be consulted over the setting up and regulating

of national communication and transport services especially involving the Region.

Art. 46. - The Regional Council may delegate the handling of matters within its own competence to the Regional Executive Council, except for the issuing of legislation.

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Item II

Provincial Bodies

Art. 47. - The official bodies of the Province are; the Provincial Council, the Provincial Executive Council and its President.

Art. 48. - Each Provincial Council is composed of members of the Regional Council elected in the respective Province; it has a five-year term of office and elects its own President, Vice-President and Secretaries.

In the event of the death or resignation of the President, the Provincial Council provides for the election of a new President at its next sitting.

The Vice-president assists the President and replaces him during absence or in the event of his being prevented from attending.

Art. 49. - The provisions of articles 27, 28, 29, 31,32, 33 and 34 are applicable, inasmuch as they are compatible to the Provincial Councils.

In the first thirty months of activity of the Provincial Council of Bolzano, the President is elected from among the German-speaking Councillors and the Vice-president from among the Italian-speaking Councillors; in the following period the President is elected from among the Italian-speaking Councillors and the Vice-president from among the German-speaking Councillors.

For the Province of Bolzano the composition of the Commission prescribed in art. 33 must respond to the language communities which constitute the population of that Province.

Art. 50. - The Provincial Executive Council of Trento is composed of the President and permanent and temporary members elected within the Provincial Council at its first sitting and by secret ballot.

The Provincial Council establishes which of the members of the Executive Council must replace the President when ab-

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sent or in the event of his being prevented from attending. In the Province of Bolzano, the Provincial Executive Council is composed of the President, two Vice-presidents and permanent and temporary members elected within the Provincial Council by secret ballot and absolute majority

The composition of the Provincial Executive Council of Bolzano must respond to the composition of the language communities represented on the Provincial Council. One Vice-president is Italian-speaking and the other German-speaking. The President chooses the Vice-president called to replace him in the event of absence or his being prevented from attending.

The temporary members of the Provincial Executive Council of Bolzano replace the permanent members in their respective duties, with regard to the language community to which the latter belong.

Art. 51. - The provisions of articles 37,38 and 39 are applicable to the President of the Provincial Executive Council and to its members.

Art. 52. - The President of the Provincial Executive Council represents the Province.
He adopts possible, urgent provisions in matters of safety and public hygiene in the interests of the population of two or more «comuni».

The President of the Provincial Executive Council decides on the distribution of the workload among the single permanent members by decree published in the «Official Bulletin» of the Region.
He attends the Council of Ministers when matters affecting the Province are being discussed.

Art. 53. - The President of the Provincial Executive Council issues, by decree, the regulations decided upon by the Executive Council.

Art. 54. - The Provincial Executive Council is responsible for:

1) the deliberation of the regulations for the enactment of

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the laws approved by the Provincial Council;

2) the deliberation of the regulations on matters which, according to the current regulations, are devolved to the regulatory powers of the Provinces.

3) administration regarding matters of Provincial interest; 4) the administration of the wealth of the Province, in addition to management control of special provincial public service organisations;

5) the supervision and protection of municipal administrations, public welfare and charity institutions, consortia and other local authorities and institutions, including the power to suspend and dissolve, according to the law. In the above-mentioned cases and whenever administrations are not able, for any reason, to fulfill their duties, the Provincial Executive Council must appoint commissioners, who must be chosen, in the Province of Bolzano, from within the language community with the majority of administrators on the most representative body.

The extraordinary provisions referred to above, when due to reasons of public order, and when referred to «comuni» of more than 20.000 inhabitants, remain the reserve of the State.

6) other duties entrusted to the Province by this Statute or by other laws of the Republic or the Region;

7) the adoption, in urgent cases, of provisions which are the competence of the Council to be submitted for ratification to the Council itself at its next sitting.

Heading III

APPROVAL, ENACTMENT AND PUBLICATION OF REGIONAL AND PROVINCIAL LAWS AND REGULATIONS

Art. 55 - Bills approved by the Regional Council or by the Provincial Council are communicated to the Government Commissioner in Trento if the Region or the Province of Trentino are involved and to the Government Commissioner in Bolzano if the Province of Bolzano is involved. The bills are enacted 30 days after communication, unless the Government sends

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them back respectively to the Regional Council or Provincial Council with the observation that they exceed their respective competences or go against national interests or the interests of one of the two Provinces of the Region.

If they are re-approved by the Regional Council or the Provincial Council with an absolute majority of its members, they are enacted, if, within 15 days of the communication, the Government does not bring the question of legitimacy before the Constitutional Court and the

question of conflict of interests before Parliament. In doubtful cases, the Court decides whose is the competence.

If a law is declared urgent by the Regional Council or by the Provincial Council by absolute majority of the respective members, enactment and entry into force, if the Government consents, are not subordinate to the terms indicated.

Regional laws and Provincial laws are enacted respectively by the President of the Regional Executive Council or the President of the Provincial Executive Council and are approved by the competent Government Commissioner-

Art. 56. - If a bill is considered prejudicial to the equality of rights between citizens of the different language communities and the ethnic and cultural characteristics of those communities, the majority of Councillors of one language community on the Regional Council or on the Provincial Council in Bolzano may ask - for separate voting.

If the request for separate voting is not granted or if the bill is approved in spite of the vote against on the part of 2/3 of the members of the language community that made the request, the majority within that group may contest the law before the Constitutional Court within 30 days of its publication for the reasons outlined in the preceding paragraph, Appeal has no suspensive effect.

Art. 57. - Regional and Provincial laws and regulations are published in the «Official Bulletin» of the Region in Italian and German and come into force 13 days after publication, unless the laws states otherwise.

In doubtful cases, interpretation of the regulation is on the
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basis of the Italian text. A copy of the «Official Bulletin» is sent to the Government Commissioner.

Art. 58. - In the «Official Bulletin» of the Region the laws and decrees of the Republic which affect the Region are also published in German, on entry into force.

Art. 59. - The laws approved by the Regional and Provincial Councils and the regulations issued by the Regional and Provincial Executive Councils must be published, for information, in a special section of the Official Gazette of the Republic.

Art. 60. - Regional law regulates the exercise of popular enterprise and the referendum for Regional and Provincial laws.

Heading IV

LOCAL BODIES

Art. 61. - In the regulations of the local public authorities, rules are established to ensure the proportional representation of language communities with regard to the constitution of the organs of the authorities themselves.

In the «comuni» of the Province of Bolzano each language community has the right to be represented on the Municipal Executive (1) if there are at least two Councillors belonging to that community on the Municipal Council (2)

Art. 62. - The laws on the election of the Regional Council and the Provincial Council of Bolzano, in addition to the regulations on the composition or the constitutional organs of the local

authorities in the Province of Bolzano, guarantee the representation of the Ladin language community.

(1) Giunta comunale: the Executive Council of the «comuni» (towns, urban and rural districts).

(2) Consiglio comunale: the Council of the comuni.

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Art. 63. - For the exercise of the active electoral right its the election of the Municipal Councils in the Province of Bolzano, the provisions mentioned in the last paragraph of art. 23 are applied.

Art. 64. - The organisation and working discipline of the public authorities which operate even outside the region, are the responsibility of the State.

Art. 65. - The organisation of staff in the «comuni» is regulated by the «comuni» themselves, except for the observance of general principles which may be established by Regional law

Heading V

PROPERTY AND ESTATE OF REGION AND PROVINCE

Art. 66. - The roads, motorways, railways and aquaducts exclusive to the Region, determined in the rules for implementation of this Statute, constitute Regional property

Art. 67. - The State-owned forests in the Region, the mines, quarries and peat-bogs removed from the owner of the property, buildings destined for regional public offices with their furnishings and other property destined for regional public service constitute the undisposable estate of the Region.

State property in the Region is transferred to the estate of the Region.

The terms for the transfer of the above-mentioned property by the State will be determined in the rules for implementation of the present law.

Unowned property in the Region becomes the property of the Region.

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Art. 68. - The Provinces, in connection with their own competences within their territories, take over State property and estate and Regional property and estate, excepting military property or national services and matters of regional competence.

Heading VI

REGIONAL AND PROVINCIAL FINANCE

Art. 69. - The income from mortgage taxes collected within its boundaries related to the property situated within the territory, is due to the Region.

The following quotas of State tax revenue yield listed below are also due to the Region:

- a) 9/10 of death duties, donations and the net total value of successions;
- b) 2/10 of general income tax at Regional level, net of the quotas due by law to the local authorities;
- c) 9/10 of lottery income, net of winnings.

Art. 70. - Income from tax revenue, collected in the respective territories for energy and gas consumed therein, goes to the Provinces.

Art. 71. - For existing concessions of large derivations of public waters in the Province, agreed upon or to be agreed upon for any purpose, the State cedes 9/10 of the annual rates established by law to the Province.

Art. 72. - The Region may impose a visitors' tax.

Art. 73. - The Region has the power to levy taxes, by law, according to the principles of the State fiscal system, and to apply a supertax on land and buildings.

The Provinces have the power to superimpose on the taxes established by the Region, within the limits consented by the Regional law referred to in the preceding paragraph

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Art. 74. - The Region and the Provinces have the power to grant exclusively guaranteed loans (not exceeding ordinary revenue) to provide for investments in permanent works.

Art. 75. - 9/10 of tax revenue yield on land and buildings and on agricultural income within their territories are due to the Provinces.

Art. 76. - 9/10 of income tax revenue yields collected in their territories, are due to the Provinces.

In the case of industrial and commercial companies which operate factories or plant in one Province of the Region but which are based in the other Province or elsewhere in the State, in assessment of their capital income, the revenue quotas from the activities of the factories and plants themselves must be determined. The tax on the said revenue quotas is recorded in the rolls of the Tax Office in the district in which the factories or plant are situated and is paid to the Province responsible to the amount referred to in the first paragraph of this article.

The determining of the revenue quotas must also be carried out for the activities of factories and plant not situated in the Region but operated by companies based there in taxation related to the revenue quotas regarding the activity of the afore-mentioned factories and plant is all due to the State and is recorded in the rolls of the Tax Office in the district in which the factories and plant are situated.

9/10 of the employees' of the industrial and commercial companies income tax, referred to in the preceding paragraph, employed in the factories situated in the respective territories, also goes to the Provinces.

Art. 77. - The following quotas of State tax revenue yield, indicated below, collected in the respective provincial territories, are due to the Provinces:

- a) 9/10 of progressive, complementary income tax on total income, company tax and tax on bonds;
- b) 9/10 of registration taxes and stamp duties in addition to government concession taxes

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- c) 9/10 of road taxes of vehicles registered in the respective territories, net of the sums due by law to the Provinces;
- d) 9/10 of the tobacco duty for sales within the two Provinces.

Art. 78. - In order to adjust the finances of the autonomous Provinces to the achievement of the objectives and the exercise of the functions established by law, a quota of general tax yield on revenue in the Region and business taxes not mentioned in the previous articles, net of the quota attributed by the laws in force to the Provinces and other authorities, is due to each autonomous Province. In the fixing of the said quotas (on the basis of the parameters of population and territory) even the cost of general State intervention in the rest of the national territory in the same areas of competence as the Provinces, will be taken into consideration. For the establishment of the quota relative to the Province of Bolzatto, the special responsibilities of that Province for the administrative staff in the schools shall be taken into consideration. The quota shall be established annually in common accord between the government and the President of the Provincial Executive Council.

Art. 79. - Art. 119, third paragraph, of the Constitution also applies to the Autonomous Provinces of Trent and Bolzano

Art. 80. - The Provinces have legislative competence, within the limits established by art. 3, for authorisation in matters of local finance.

Art. 81. - To satisfy the needs of bilingualism, the Province of Bolzano can assign an integration quota to the «comuni».

In exceptional cases, in order to adjust the «comuni's» finances to the achievement of objectives and the exercise of functions established by law, the Provinces of Trento and Bolzano may also assign integration quotas to the «comuni».

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Art. 82. - The Region and the Provinces may observe the assessment operations carried out by the State Tax Offices and supply them with data and information.

These offices are obliged to refer the provisions adopted, following the supply of information, to the Region and the Provinces.

Art. 83. - The Region, the Provinces and the «comuni» have their own budget for the financial year coinciding with the solar year.

Art. 84. - The budgets prepared by the Regional and Provincial Executive Councils and the financial statements of account, accompanied by that Council's report, are approved respectively by Regional or Provincial law.

The voting of the individual Regional or Province of Bolzatio budget items takes place, at the request of the majority of one language community, within language communities.

The items on the budget which did not obtain a majority of votes of each language community are submitted, after three days, to a commission of four Regional and Provincial Councillors, elected by the Council at the beginning of its term of office and for the duration thereof, jointly composed of members of the two major language communities and in conformity with the designation of each community.

The commission referred to in the preceding paragraph must establish within 15 days, with a binding decision for the Council, the final denomination of the items and the amount of the relative allocations. The decision is adopted by simple majority with no Councillor having a prevailing

vote.

If the commission does not reach a majority on the final proposal, the President of the Regional or Provincial Council sends, within seven days, the draft budget and all the documentation and minutes relating to the discussion held in Council and in commission, to the Bolzano autonomous section of the regional court of administrative justice which, within 30 days, must decide by arbitration award the denomination of the items not approved and the amount of the relative allocations.

The proceeding referred to above is not applied to entry
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items, to items of expenditure which contain allocations to be entered on the basis of specific legal provisions for a predetermined amount for the financial year and to items referring to normal working cost for the organs and offices of the authority.

The decisions referred to in the fourth and fifth paragraphs of this article are not subject to any dispute or to appeal to the Constitutional Court.

Limited to the items defined by the procedure referred to in the preceding paragraphs, the budget approval law may only be postponed or disputed by the Government for reasons of illegality concerning violations of the Constitution or of this Statute.

A favourable vote by the majority of Councillors in the Provinces of Trento and Bolzano is necessary for the approval of the budgets and financial statements of the Region. If there is no majority, the said approval is given by a Regional body. This body cannot modify decisions relating to budget items which may be contested on the basis of the provisions of paragraphs 3, 4 and 5 of this article and defined by the procedure contemplated therein.

Art. 85. - Whilst foreign trade is subject to limitations and State authorisation, the Region has the power to authorise such operations within the limits to be established in common accord between the Government and the Region.

In the case of foreign trade based on quotas affecting the Regional economy, the Region shall be assigned a part of the import and export quota, to be established in common accord between the Government and the Region.

Art. 86 The general provisions on currency control issued by the State are also in force in the Region.

Nevertheless, the State, for the Region's import requirements, provides a quota which is part of the active difference between currencies accruing from exports and import currencies.

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Heading VII

RELATIONS BETWEEN STATE, REGION AND PROVINCE

Art. 87. - Within the Regional territory, a Government Commissioner for the Province of Trento and a Government Commissioner for the Province of Bolzano are appointed. Their duties are:

1) to coordinate, in conformity with government directives, the performing of State functions in the Province and to supervise the working of the respective offices, except for those concerning the administration of justice, defence or railways;

2) to supervise the performing of the functions delegated by the State to the Provinces and other local public authorities and to report any findings to the President of the Provincial Executive

Council;

3) to perform the duties formerly assigned to the Prefect, if not assigned by this Statute or other laws to Regional or Provincial bodies or other State bodies.

The Government Commissioner for Trento performs the duties referred to in no. 2 of the preceding paragraph as regards the Region and other local authorities with competence over the entire Region

Art. 88. - The Government Commissioner provides for the maintenance of public order and is answerable to the Ministry of the Interior.

To this end, he may avail himself of State organisations and police forces, ask for the use of other armed forces according to current law and adopt provisions prescribed in art. 2 of the consolidation act of the public safety laws.

The duties transferred by law to the Ministry of the Interior remain in force.

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Heading VIII

CATEGORIES OF STAFF IN GOVERNMENT OFFICES IN THE PROVINCE OF BOLZANO

Art. 89. - The Province of Bolzano has staff categories, with separate career structures, within the Civil Service offices in the Province. These categories are determined on the basis of the office staffs themselves, established where necessary by appropriate regulations.

The preceding paragraph does not apply in the case of managerial careers in the Civil Service, in the case of public safety personnel and Ministry of Defence staff.

Administration and career posts referred to in the first paragraph are reserved for citizens belonging to each of the three language communities in proportion to the size of those communities as revealed by the official population census.

The assignment of posts reserved for German-speaking and Ladin-speaking citizens shall be carried out gradually, until the quotas referred to in the preceding paragraph are reached through new appointments to vacancies left open for any reason in the individual posts.

For staff in the posts referred to in the first paragraph, security of tenure in the Province is assured with the exception of those in services or careers for which movement is necessary for service reasons or for staff training.

Transfers of German-speaking staff shall, however, be limited to 10% of the total number of posts occupied by that staff.

The provisions on the reserve and proportional distribution of posts in the Province of Bolzano between the German and Italian-speaking sectors are extended to the staff of the judging and prosecuting magistrature. Security of tenure in the Province is assured for German-language judges, the judiciary regulations on incompatibility still being in force. The criteria for the assignment of posts reserved for German-speaking citizens, established in the fourth paragraph of this article, are also applied to staff in the magistrature of the Province of Bolzano.

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Heading IX

JURISDICTIONAL BODIES

Art. 90. - Trentino - Alto Adige has a regional court of administrative justice with an autonomous section for the Province of Bolzano, according to regulations to be established.

Art. 91. - The members of the Province of Bolzano section referred to in art. 90 of this Statute must belong, in equal numbers, to the two major language communities.

Half of the section members are elected by the Provincial Council of Bolzano. Italian-speaking judges and German-speaking judges assigned to the Bench, alternate for equal periods as chairman of the section. The chairman is appointed from among the career magistrates on the Bench, by decree of the President of the Republic on the recommendation of the Prime Minister.

The chairman of the section has the casting vote in the event of an equal number of votes being cast on each side, except in the case of appeals against administrative provisions prejudicial to the principle of equality between the language communities and the procedure for the approval of the Regional and Provincial budgets.

Art. 92. - The administrative acts of the civil service authorities and bodies in the Region considered prejudicial to the principle of citizens' equality inasmuch as they appertain to one language community, may be contested before the Bolzano autonomous section of the regional court of administrative justice by Regional or Provincial Councillors and, in the case of provisions of the «comuni» of the Province of Bolzano, also by municipal Councillors of that Province, if the prejudice has been recognised by the majority of the language community which considers itself the injured party.

Art. 93. - A German-speaking Councillor from the Province of Bolzano attends the sections of the State Council which receive appeal judgements on the decisions of the Bolzano auto-

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nomous section of the regional court of administrative justice referred to in art. 90 of this Statute.

Art. 94. - The appointment, the retirement, the dismissal and the expulsion from office of magistrates and deputy magistrates is dealt with by the President of the Regional Executive Council, by delegation of the President of the Republic, other regulations established by the judiciary being observed.

Authorisation to hold the office of Clerk of the Court and Usher at the Settlement Offices is granted to those holding the qualifications prescribed by the judiciary, by the President of the Regional Executive Council,

The same President provides for the repeal or the temporary suspension of authorisation in the cases provided for in the judiciary.

In the «comuni» of the Province of Bolzano, perfect knowledge of the Italian and German languages is required for appointments as magistrates, deputy magistrates, Clerks of the Court and Ushers in the Settlement Offices.

Art. 95. - Supervision of the Settlement Offices is the responsibility of the Provincial Executive Council

Art. 96. - In «comuni» divided into suburbs and villages, separate magistrates offices may be set up by Provincial law.

Heading X

CONTROL OF THE CONSTITUTIONAL COURT

Art. 97. - The provisions contained in articles 56 and 84, sixth and seventh paragraphs of this Statute, still being in force, Regional or Provincial law may be contested before the Constitutional Court for violation of the Constitution, this Sta-
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tute or the principle of equality between the language communities.

Contestation may be made by the Government.

Regional law may also be contested by one of the Provincial Councils of the Region; Provincial law may be contested by the Regional Council or by the other Provincial Council of the Region

Art. 98 - The laws of the Republic and acts having legal authority may be contested by the President of the Regional Executive Council or by the President of the Provincial Executive Council, subject to the deliberation of the respective Council, for violation of this Statute or of the principle of protection of the German and Ladin linguistic minorities.

If a State Act encroaches on the competence assigned by this Statute to the Region or the Province, the Region or the Province concerned may appeal to the Constitutional Court for the regulation of competence.

Appeal is lodged by the President of the Regional Executive Council or by the President of the Provincial Executive Council subject to the deliberation of the respective Executive.

A copy of the act of contest and the appeal over conflict of assignment must be sent to the Government Commissioner in Trento, in the case of the Region or the Province of Trento being concerned and to the Government Commissioner in Bolzano if the Province of Bolzano is concerned.

Heading XI

THE USE OF THE GERMAN AND LADIN LANGUAGES

Art. 99, - Within the Region, the German language and the Italian language, the official language of the State, are equally recognised. The Italian language is officially recognised in legislative documents and in cases in which the State prescribes a bilingual version.

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Art. 100. - German-speaking citizens in the Province of Bolzano have the right to use their language in relations with the judiciary and with the civil service bodies and offices in the Province or with those of Regional competence, and to public service concession holders in the Province.

At the meetings of the joint bodies of the Region, of the Province of Bolzano and of the local authorities in that Province, the Italian or the German language may be used.

The offices, bodies and concession holders referred to in the first paragraph use the language of the applicant and reply in the language in which the documents were sent from other offices or bodies, in correspondence and spoken relations; if sent ex officio, correspondence is written in the language presumed to be that of the citizen to whom it is desntied.

Except in expressly desired cases - and the regulation with the rules for implementation of the

cases of joint use of the two languages in documents destined for the general citizen, in individual documents destined for public use and in documents destined for various uses - in other cases the use of one or the other language is recognised. The Italian language alone is used in military-type regulations.

Art. 101. - In the Province of Bolzano, the civil service must, with regard to the German-speaking population, use German place names if the Provincial law has ascertained their existence and approved their pronunciation.

Art. 102. - The Ladin population have the right to their own enterprises and cultural, press and recreational activities, and respect for the place names and traditions of those populations.

In the schools of the «comuni» of the Province of Trento where Ladin is spoken, the teaching of Ladin language and culture is assured.

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Heading XII

FINAL AND TRANSITIONAL PROVISIONS

Art. -103. - For modifications to the present law, the procedure established by the Constitution for Constitutional laws is applied.

The Regional Council is also responsible for revision.

Art. 104. - The provision contained in the preceding article remaining in force, the regulations of Heading VI and art. 13 may be modified by ordinary State law at the agreed request of the Government and, as regards respective competence, of the Region and the two Provinces.

The provisions referred to in articles 30 and 49 regarding the replacement of the President of the Regional Council and that of the Provincial Council of Bolzano may be modified by ordinary State law at the agreed request of the Government and, respectively, the Region and the Province of Bolzano.

Art. 105. - In matters assigned to the competence of the Region and the Province, until such time as new provisions are introduced through Regional or Provincial laws, the laws of the State are applied.

Art. 106. - In matters transferred from the competence of the Region to the Province, the Regional laws current at the date of the entry into force of Constitutional law 10. Nov. 1971 no. 1 continue to be applied until new provisions are approved by Provincial law.

Art. 107. - By legislative decree, the rules of implementation of this Statute, having consulted a joint commission of 12 members, of whom 6 represent the State, 2 the Regional Council, 2 the Provincial Council of Trento and 2 the Provincial Council of Bolzano, shall be issued. Three members must belong to the German-speaking community.

Within the commission referred to in the preceding para-

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graph, a special commission is formed for the rules of implementation relating to matters assigned to the competence of the Province of Bolzano, composed of 6 members, of which 3 represent the State and 3 the Province, One of the members representing the State must be German-speaking; one of the members representing the Province must be Italian-speaking.

Art. 108. - Except for expressly prescribed cases, legislative decrees containing the rules for implementation of the Statute shall be issued within 2 years of the date of the entry into force of Constitutional law 10. Nov. 1971, no. I.

If in the first 18 months, the commissions referred to in the preceding article have not expressed in total or in part their final opinions on the rules of implementation bills, the Government in the 6 months following the issuing of the relative decrees, shall provide, without regard to the opinions of the commissions themselves.

With rules of implementation regulations to be issued within one year of the date of the entry into force of Constitutional law 10 Nov. 1971, no. I, the property referred to in art. 68 of this Statute, which passes to the Province, and the terms for the delivery of said property are determined.

Art. 109. - With rules of implementation to be issued within one year of the date of the entry into force of Constitutional law 10 Nov. 1971, no. I, the historical and artistic heritage property of national interest are prescribed, excluded from Provincial competence referred to in art. 8 no. 3 of this Statute.

Within the same period, the rules of implementation of art. 19 of this Statute are issued.

If the regulations referred to in the preceding paragraphs are not issued in the period established, the Provinces can assume, by law, the relative administrative offices.

Art. 110. - The date of commencement of and the technical terms for the application of the financial regulations contained in Constitutional law 10 Nov. 1971, no. 1, which supplement and modify the provisions contained in Constitutional law 26 Feb. 1948, no. 5, are established by rules of im-

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plementation to be issued in time for the transfer of offices to the Provinces or in any case not later than the expiry date referred to in the first paragraph of art. 108 of this Statute.

Art. 111. - With reference to the transfer of competence from the Region to the Provinces provided for by Constitutional law 10 Nov. 1971, n. I, the transfer of offices and personnel from the Region to the Provinces is provided for by decree of the President of the Regional Executive Council, having consulted the Provincial Executive Council concerned, without detriment to the position and earnings of the transferred personnel and with due consideration to family, residence and language community

Art. 112. - Conventions stipulated between the Region and the Province concerned, provide for the settlement of financial matters relating to passive pluriannual loans stipulated for competences devolved by Constitutional law 10 Nov. 1971, no. I, from the Region to the Provinces and the regulation of other financial and patrimonial relations.

Art. 113. - The provisions contained in the law 5 Jan. 1958, no. 1 of the Province of Bolzano, concerning assistance to university students, except for the power of that Province to revise the sums involved and the number of scholarships, remain in force.

Art. 114. - The translation into German of the present Consolidation Act concerning the special Statute for the Region Trentino - Alto Adige shall be published in the «Official Bulletin» of the Region

Art. 115. - The provisions referred to in art. 25, second and fourth paragraph of this Statute, are applied from the first expiry date of the Regional Council in office at the date of the entry into force of Constitutional law 10 Nov. 1971, no. 1.

SECTION II

ROMANIA

Over two million Hungarians live in the Transylvania part of Rumania. There is a sizeable colony of them in Bucuresti and untold tens of thousands of Hungarian Tsangos survive yet in Moldva province of Rumania.

Transylvania was awarded to the Rumanians for their doubtful contribution to the victory ending WW I. and WW II. Ever since the Rumanian governments of all colors are doing their utmost to destroy the Hungarians as a national entity. Royalists, the openly fascist Iron Guard or their modern edition: the Vatra Romanesca, Communists or new-found Democrats are on the same (xenophobic) side, when it comes to dealing with the Hungarians.

Fortunately The Hungarians are still able to present a more-or-less united front of defense against the worst attempts of spiritual, cultural genicidium.

Their demands of autonomy for Transylvania is finding more and more followers among the Transylvanian Romanians, who are increasingly disgusted with their "over the hills" relatives.

Eventually, the very restrained DAHR plans for autonomy will have to be rewritten, to accommodate the reasonable wishes of the Transylvanian Rumanians and get it up to the level of South-Tyrol or Aland autonomies.

THE LAW ON NATIONAL MINORITIES AND AUTONOMOUS COMMUNITIES PROPOSED BY THE DEMOCRATIC ALLIANCE OF HUNGARIANS IN ROMANIA (DAHR)

According to the results of the 1992 Romanian census the various ethnic minorities constitute nearly 12 % of the total population of Romania. These national minorities, more than fifteen in number, have very different **traditions**, past history, relationship to the state, proportion of the population and degree of organization.

The Lipovan and Italian minority with only a few thousand members might intend to define its rights in a different way as the German ethnic group, which has fallen from about half a million to only tens of thousands, not to speak about the approximately two million strong Hungarian minority.

The Law proposed by the DAHR provides a general legal framework, which could be suitable to settle the legal position of each of the national minorities living in Romania.

The Law guarantees all the individual human rights of the persons belonging to national minorities as codified in the various international documents.

Moreover the proposal makes it possible for any of the national minorities to declare themselves as autonomous communities. Autonomous communities are those communities, which have the material and spiritual resources needed for their self-organization of a certain degree and for developing a necessary system of institutions. It must be emphasized, that membership of a national minority is a matter of free personal choice, and the declaration of being an autonomous community by a national minority depends on the free decision of the national minority in question.

If a national minority declares itself to be an autonomous community, it is in its right to develop its own system of institutions.

The Law takes into consideration the geographical location of the various national minorities, as whether they are dispersed **or** live in one or more blocks, and, accordingly, it distinguishes three types of autonomy in its dispositions, namely:

- (a) personal **autonomy**
- (b) local **self-government of** special status
- (c) **regional autonomy**

(draft)

(a) In the framework of **personal autonomy** persons belonging to a national minority are entitled to exercise their minority rights and to develop their institutions irrespective of residence. (For instance, such an institution can be the supreme decision-making body of the given community; in the case of Hungarians in Romania this body is the Council of Representatives. Similarly an independent school-system, cultural institutions are to be developed among other things for each national minority.)

(b) In the framework of the **local self-government of special status** the national minority which lives concentrated in one area is entitled to administrative functions in addition to the right to preserve its ethnic, cultural and religious identity. The dispositions regulating the local self-government of special status are complemented by the relevant provisions of the Law on Local Administration. Therefore, the local self-government of special status is not a parallel administration but a local government which has special decision-making powers in the questions directly affecting the community in question. Among the entitlements following from this special status is, for instance, that in the local self-governments of such special status the language of the national minority which constitutes the majority population in that area has to be used as an official language in addition to the language of the state.

(c) The association of the local self-government~ of special status will result in the establishment of the **regional autonomies** system of institutions.

The system of institutions as sketched above will enable all the minorities living in Romania, as well as citizens belonging to the majority population living in minority areas, to find the means best suited for preserving their ethnic, cultural and religious identity.

Overall, the aim of the DAHR is the strengthening of the different autonomies by the decentralization~ of central power according to the principle of subsidiarity.

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Bucharest, on the 8th of November 1993

DRAFT

LAW ON NATIONAL MINORITIES
AND AUTONOMOUS COMMUNITIES

The Parliament of Romania

acknowledging, that the national, ethnic, and linguistic minorities, to which Romanian citizens belong, and are in numerical minority on the territory of Romania have their independent historical traditions as well as ethnic, cultural, religious and linguistic characteristics;

recognizing, that the existence of these communities is conditioned by the preservation of their own traditions and characteristics;

acknowledging, that these national minorities and autonomous communities contribute in a significant measure to the cultural diversity among the European nations;

proclaiming the commitment to the ideas of democracy and humanism as well as the intention of mutual understanding and friendly cooperation among peoples and nations;

considering that solving the problems of national minorities and autonomous communities is a fundamental factor of democracy, justice, stability and peace;

being convinced, that the harmonious cohabitation of national minorities and autonomous communities together with the majority nation is the fundamental element of the internal and international stability;

knowing, that to protect the rights of the national minorities and autonomous communities and of the persons belonging to them is the fundamental element of the international protection of human rights and as such is an international area of cooperation;

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confirming, that the individual rights of persons belonging to national minorities, as well as their right to their collective identity shall be respected as a constituent part of universally acknowledged human rights, and the effective exercise of their individual and collective rights shall be guaranteed;

accepting, that all national minorities, which declare themselves autonomous communities are entitled to internal self-determination and the right to have their own system of institutions;

aiming at the establishment of a democracy comprising the entire society and at the building of a state based on the rule of law on the basis of the principle of subsidiarity;

undertaking the commitments formulated in: the Proclamation of Alba Iulia (Gyulafehérvár) issued on the 1st December 1918, law 86/1945 on the Statutes of National Minorities, United Nations' Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Charter of Paris, the European Convention of Human Rights, the European Charter for Local Self-Governments, the Helsinki Final Act of the European Conference on Security and Cooperation, as well as the documents of Copenhagen and Geneva, the European Charter for Regional or Minority Languages and Recommendations 1134. (1990), 1177. (1992) and 1201. (1993), as well as Resolutions 232. (1992), 273. (1993) of the Council of Europe and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities issued in December 1992;

declares, that the special individual and collective rights of national minorities and autonomous communities are fundamental rights of freedom, fully respects them and, to ensure their recognition as well as to regulate their realization, it enacts the following law:

Chapter L General dispositions.

Article 1.

This law regulates the special rights of the national, ethnic or linguistic minorities which live on the territory of Romania as well as the special rights of those Romanian citizens, who belong to such minorities.

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According to the present law autonomous community is that national minority, which defines itself as such and exercises its rights according to the principles of self- determination.

Article 2.

The national identity is a fundamental human right and both individuals and communities are equally entitled to it.

It is the inalienable right of each national minority, to define itself as an autonomous community.

The national minorities and autonomous communities together with the Romanian nation are political subjects and state-forming communities.

The internal self-determination is the inalienable right of autonomous communities, and it manifests itself in various forms of autonomy.

National minorities, which define themselves as autonomous communities, shall have the right to personal autonomy based on the minority rights of persons belonging to them, as well as to local self-government and regional autonomy.

Article 3.

The state recognizes and guarantees complete and inviolable equal rights for all the national minorities and autonomous communities, for each ethnicity members, as well as the right to promote free expression of their national or ethnic identity in all areas of political, social, cultural and economic life.

Article 4.

The national minorities and autonomous communities, their ethnics and persons belonging to them shall have the right to live freely and undisturbed in their homeland, ensure their livelihood there, to maintain the historically developed patterns of their settlements and their ethnic conditions, use freely their mother tongue and practice freely their religion.

Article 5.

The national minorities are entitled to be represented in public offices and in the judiciary.

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The communities, which have personal autonomy shall have the right to self- government and, in this sphere, they have the right of determination and execution in the field of education, culture, public life, social activity and information.

Article 6.

In those units of public administration, in which persons belonging to a national minority or to

an autonomous community constitute the majority, they may exercise local self-government and, collectively, they shall have regional autonomy.

In the cases specified in the preceding paragraph that minority shall use its mother tongue as an official language.

Article 7.

In defining the areas of administrative units and electoral constituencies, as well as in proposing and adopting plans of local and economic development, environmental protection on account must be taken of settlement relations, links, economic interests, just as the developed traditions of the national minorities and autonomous communities.

Article 8.

In those units of public administration, in which the national minorities or autonomous communities live in numerical inferiority as compared to the total number of the population, the national minorities and autonomous communities have limited right to veto in questions affecting their self identity.

Article 9.

The state shall support the promotion of contacts of national minorities and autonomous communities and that of persons belonging to them with citizens of other states, with whom they share ethnic, linguistic, cultural or religious ties.

Article 10.

The law will punish any libel, negative discrimination or incitement to hatred against national minorities and autonomous communities or persons belonging to them

The forced assimilation of persons belonging to national minorities or autonomous communities by political, cultural, linguistic, social or economic means is forbidden. Rendering more difficult their circumstances of life and conditions of existence is

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forbidden, just as any negative discrimination against them at their place of work or in any other respect, as well as the expression of any such intentions.

It is forbidden to alter the ethnic distribution of the population in the detriment of the minorities on the territories inhabited by the national minorities or autonomous communities, as well as to modify the administrative borders or the conditions of the settlements without the consent of the involved communities. It is forbidden to resettle the members of national minorities or autonomous communities by force.

In case the above are not observed, the national minorities and autonomous communities as well as persons belonging to them have the right to use any legal means to preserve Their individual and communal existence.

It is forbidden to damage, destroy or demolish the cultural objects, historical monuments, memorials and traditional architectural monuments of a national minority or autonomous community by any means; the same is applied to the deprivation of their national character.

Article 11.

The state will financially support those minority institutions which have legal personality in

public law.

The financial sources of the minority institutions and organizations are:

- a. state budget;
- b. their own income;
- c. support from foundations;
- d. support received from domestic and foreign organizations;
- e. donations;
- f. other sources not forbidden by law.

Article 12.

The minority institutions and organizations may receive financial support from foreign organizations, foundations and private persons.

Non-profit donations are duty-free.

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Chapter II

Universal rights of national minorities and autonomous communities.

A. Individual rights of minorities.

Article 13.

The individual has the right to freely adhere to a national minority.

The right to a national identity, the acceptance of such an adherence and its declaration does not exclude their double or multiple ethnic attachments.

No disadvantage may arise for them on account of the exercise or non-exercise of their rights as members of such a minority.

Article 14.

It is **the** right of any person belonging to a national minority to declare secretly his or her adherence to a national minority on the occasion of a nation wide population census.

Article 15.

Persons belonging to a national minority shall have the right to express, preserve and develop their ethnic, linguistic, cultural and religious identity, and may not be subject to any attempt of assimilation against their will.

Article 16.

It is forbidden to question the belonging of any person to a national minority by the etymological analysis of his or her name or, by any other means; it is forbidden to influence any

change of his or her freely chosen affiliation.

Article 17.

Every person belonging to a national minority shall be equal before the law, shall have the right to equal treatment in politics, economy, culture and social life as **well** as in any other fields of public life.

Article 15.

It is the right of any person belonging to a national minority:

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- a. to use freely his or her mother tongue in private and in public, in administration and in court;
- b. to set up and manage their own societies, organizations, scientific, cultural and religious institutions and political parties;
- c. to participate in their own educational system;
- d. to set up educational institutions at any level of instruction in their mother tongue;
- e. to learn, foster, develop and to pass on, his or her mother tongue, history, culture and traditions;
- f. to practice his or her religion including the acquisition, possession and use of religious materials and to carry out religious educational activities in his or her native language in denominational schools;
- g. to express his or her opinion freely, to inquire, exchange and obtain information in his or her mother tongue;
- h. to set up societies, participate in the activity of international non-governmental organizations;
- i. to have **equal** opportunity in obtaining public employment;
- j. to have his or her personal data relating to his or her minority status protected.

Article 19.

Any person belonging to a national minority shall have the right to enter upon the register his or her surname and first names according to the rules of his or her mother tongue and spelled accordingly in any public document as well as to choose freely his or her children's first names.

Article 20.

Any person belonging to a national minority shall have the right to display any signboard, inscription or information made public in his or her mother tongue

Article 21.

Any person belonging to a national minority shall have the right to foster his or her family's ethnic traditions and family relationships, to celebrate family occasions and to conduct any church and civil ceremonies connected with these family occasions in their mother tongue.

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B. Community rights.

Article 22.

'to preserve, foster, develop and perpetuate the identity of a national minority is an inalienable community rights.

~the law acknowledges and protects the historical, territorial, settlement, cultural, linguistic, religious, and ethnic traditions of national minorities and autonomous communities as political entities.

Article 23.

National minorities and autonomous communities shall have the right:

- a. to practice, develop and to preserve their traditions, as well as to define their cultural, linguistic and religious identity;
- b. to declare themselves as independent judicial and political subjects;
- c. to internal self-determination;
- d. to freely express their identity through the practice of autonomies in accordance with their historical and territorial characteristics and traditions;
- e. to display the names of localities, streets, squares, institutions and of the public bodies in their mother tongue, anywhere where the minority constitutes at least 10% of the population;
- f. to establish and maintain unhindered contacts with those States with which they have ethnic, linguistic, cultural or religious relations, without infringing the principle of the state's territorial integrity;
- g. to ensure the regular preparation and broadcast of programmes for national minorities on the national radio and television network;
- h. to appeal for legal redress to the state organs or to international organizations and institutions in case communal rights are violated.

Article 24.

The state budget shall ensure the financial conditions required to set up and manage the educational, cultural and scientific institutional network of the national minorities and autonomous communities, and to maintain and preserve their monuments in their original condition.

Article 25.

The national minorities and autonomous communities shall have the right to keep their gatherings and feasts, to maintain, cultivate and pass on their architectural, cultural monuments and traditions, and use their national symbols.

The national minorities and autonomous communities shall have the right to choose the dates of their religious feasts, which count as official holidays according to the traditions of their own religion.

C. Use of language.

(1) In education.

Article 26.

Persons belonging to a national minority or autonomous community shall have the right to be educated in their mother tongue, to receive education and instruction in native- language state owned educational and training institutions at every level of instruction.

Natural persons, church, organizations and societies shall have the right to establish and to maintain denominational and private educational institutions.

Article 27.

The state shall guarantee:

- a. education in their mother tongue in kindergartens, as required, either in separate kindergartens or in separate groups therein;
- b. education in their mother tongue in primary schools, as required, either in separate elementary schools, or in separate classes or groups;
- c. education in their mother tongue in secondary schools (in grammar schools), as required, either in separate schools, classes or groups;
- d. education in their mother tongue in vocational schools, as required, either in separate schools, classes, or groups;
- e. education in their mother tongue at universities, colleges, faculties and other institutions of higher education, as required, either in separate universities, colleges, faculties or other institutions of higher education or in separate faculties, sections or groups for the students;
- f. education in their mother tongue at postgraduate level;

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g. the possibility to obtain academic degrees and various scientific honors and titles in their mother tongue.

Article 2~.

If the number of minority pupils is not large enough to start a separate class or group in a particular locality, as required by the law on education, the same procedure will be applied as in the case of the Romanian pupils in localities inhabited by national minorities. This minimum number cannot be larger than 4 in elementary schools and 7 in secondary schools or institutions of higher education.

Article 29.

Native-language state and denominational education is financed by the state and proportionally by the authorities of the local administration, which will also support the private educational institutions.

Article 30.

a. In those administrative units, in which a national minority represents at least 30% of the population, the state shall guarantee that the members of the national majority have the possibility to learn the language and the culture of the national minority and autonomous community;

b. Teaching of the ethnography, history of the national minorities, autonomous communities and their mother nations, their cultural traditions and values ~will be guaranteed in native-language educational and training institutions.

Article 31.

The state will guarantee the financial means and infrastructure for the training of teachers needed

in the native-language educational network~ of the national minorities and autonomous communities.

Article 32.

The state will support the employment of visiting-teachers and visiting-professors who come to Romania and undertake the education of persons belonging to national minorities and autonomous communities.

The state acknowledges the diplomas and degrees taken abroad by persons belonging to national minorities and autonomous communities in institutions of higher education

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according to the procedure established jointly by the legitimate representatives of national minorities and autonomous communities and the Ministry of Education.

Native-language educational institutions shall ensure the conditions to master the Romanian language.

Article 33.

Minority school inspectorates, respectively minority directorates within the school inspectorates maintained by the state and local administrative authorities have to be established in order to control and supervise the educational institutions of the national minorities and autonomous communities; if the size of the network requires, autonomous departments or secretariats of state within the Ministry of Education shall be established for the same purpose.

(2) In Culture~.

Article 34.

The state shall support:

- a. the use of the mother tongue of national minorities and autonomous communities in culture;
- b. the creation of works of art in the language of national minorities, literary criticism, as well as research and specialized literature and access to these works;
- c. the access to the works created in other languages through translations, dubbing or subtitles in the minorities' mother tongue;
- d. the knowledge and the propagation of the languages as well as the culture of the national minorities and autonomous communities;
- e. if in areas inhabited by national minorities and autonomous communities there is no possibility to establish independent institutions for them, persons to foster the culture of national minorities in their mother tongue shall be employed;
- f. the propagation of technical knowledge in the languages of the minorities;
- g. the provision with native language literature and the establishment of a network of libraries for national minorities and autonomous communities.

Article 35.

The minority organizations shall conduct scientific and cultural activities as well; for this purpose they shall establish institutions, which may have international contacts

Article 36.

The state shall support:

- a. the collection of ethnographical artifacts belonging to the cultural heritage of national minorities; the establishment, managing and development of collections in public hand;
- b. publication of books, periodical for national minorities and autonomous communities;
- c. the maintenance of their theatres and other cultural institutions.

The state shall guarantee the publication of information of public interest in the languages of the national minorities and autonomous communities.

(3) In the parliament and in the Public Administration~~

Article 37.

On special occasions, the members of parliament, who belong to a national minority or autonomous community, may use their mother tongue. The parliament shall be notified about the intention to deliver such a speech in order to provide translation.

Article 38.

Those local units of public administration are bilingual or multilingual, in which persons belonging to a national minority or autonomous community constitute at least 10% of the population; in these units persons belonging to the national minorities and autonomous communities in question are entitled to use their mother tongue both in oral and in writing.

In the local councils of bilingual or multilingual units of public administration the councilors shall use their mother tongue; in such instances the Romanian translation of **those** speeches must be attached to the minutes.

In order to secure the free use of the mother tongue of national minorities and autonomous communities in local and regional public administration, persons, who know these languages or who belong to these minorities and communities, shall be appointed or employed.

In bilingual and multilingual units of public administration, the local authority of public administration as required by the representatives of these communities shall:

- a. display the names of localities, streets and squares in the languages of the national minorities or autonomous communities as well;
- b. publish its orders and communications in the languages of the national minorities and autonomous communities as well;
- C. publish the forms and blueprints used in the administrative procedure in the language of the national minorities and autonomous communities as well.

In bilingual and multilingual units of public administration the competent authorities shall display the names of institutions belonging to national minorities and autonomous communities in their native language as required by their representatives.

The competent authorities bear the expenses involved.

Article 39.

Persons belonging to a national minority or autonomous community shall have the right to be employed on equal terms in public offices and civil service.

Article 40.

In the bilingual and multilingual units of public administration:

a. the authorities of public administration shall also use the language of the national minorities and autonomous communities;

b. the documents of public administration shall be distributed in the language of the national minorities and autonomous communities or alternatively in bilingual and respectively multilingual publications.

c. the authorities of public administration shall also issue legal documents in the languages of the national minorities and autonomous communities.

Article 41.

In those units of public administration, where the persons belonging to a national minority or autonomous community constitute the simple majority of the population, the use of their mother tongue shall be prescribed by law as an official language:

a. in the work of the regional and local authorities;

b. both in oral and in written contact with the local authority;

c. for the drafting as well as for the publication of official communications issued by the regional and local authorities.

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(4) In the Armed Forces~.

Article 42.

Persons belonging to national minorities or autonomous communities who serve in the armed forces are entitled to use freely their mother tongue in their private conversations and in their private correspondence.

(~ In the Administration of Justice.)

Article 43.

Persons belonging to national minorities and autonomous communities shall have the right to use their mother tongue before any organ of justice.

Article 44.

The state shall create proper conditions for the use of the mother tongue of national minorities and autonomous communities in the administration of justice.

Persons belonging to the national minorities and autonomous communities shall have the right to use freely their mother tongue in criminal proceedings, in civil actions and proceedings with the public administration.

Persons belonging to the national minorities and autonomous communities shall have the right:

- ~. to use and have accepted as official documents with full values by the authorities the documents produced in their mother tongue during the proceedings;
- b. to get acquainted with all the documents connected with the proceedings in their mother tongue;
- C. to dispose of an interpreter during the proceedings.

The expenses due to the interpreters as well as the expenses of the translations are covered by the state.

The proceeding must be conducted in the language of the national minorities and ~autonomous communities provided that:

- a. it is requested by the defendant in criminal proceedings;

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- b. it is requested either by the plaintiff or the defendant in a civil action;
- C. it is requested by either party in proceedings with the public administration.

All the documents of the proceedings must be produced in the Romanian language and in the mother tongue of the person concerned in the proceedings.

Article 45.

The state undertakes that, on request, laws, governmental decisions and orders shall be published in the mother tongue of the national minorities and autonomous communities.

(6) In Medical Service~

Article 46.

The members of the national minorities and autonomous communities living in bilingual or multilingual units of local public administration shall have the right to medical **services** in their mother tongue.

In clinics, hospitals, old people's homes, social institutions of bilingual or multilingual units of local public administration the medical authorities in charge shall employ a due number of doctors and nurses who know or speak the languages of the national minorities and autonomous communities or belong to them

If the medical authorities in charge decide or the conditions concerning the personnel are given without this decision, the provisions of paragraphs 1 and 2 shall be applied in administrative units in which the percentage of persons belonging to national minorities and autonomous communities is below 10%.

The provisions specified in the previous two paragraphs can be applied even in those local administrative units, in which the members of a national minority or autonomous community living there does not reach 10 percent of the population, if the organs of the health administration decide likewise, or if there is enough personnel already present.

In ,Media~

Article 47.

The administrative authorities in charge, respecting the independence of the media:

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- a. shall make possible maintenance of a proportional broadcasting time on the national television and radio for minorities;
- b. shall promote the establishment and functioning of local radio and television channels for minorities;
- c. shall support the preparation of audiovisual programmes for minorities.

Article 48.

The state promotes the direct reception of the radio and television programmes of those countries, which broadcast in the languages of the national minorities; it also promotes the functioning of those audiovisual stations, which broadcast toward regions where the same language is spoken.

(8) In Economic and Social Life.

Article 49.

The law guarantees:

- a. the undisturbed use of the mother tongue of national minorities and autonomous communities in the economic and social life;
- b. the use of the languages of the national minorities in documents related to economic and social life, especially in labor contracts and in technical documents, which contain instructions concerning the use of certain products or establishments.

Article 50.

In bilingual or multilingual administrative units of public administration, the state shall guarantee that organs controlling the economic and social life, during their control, shall use the mother tongue of national minorities and autonomous communities.

D. Personal Autonomy.

Article 51.

National minorities, which declare themselves as autonomous communities shall have the right to personal autonomy.

Article 52.

Within the framework of personal autonomy the community shall have self-governing and executive rights in the fields of education, culture, social activity and information.

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An autonomous community shall elect its bodies and officials in free and periodical elections.

Article 53.

The autonomous community, having personal autonomy, shall elaborate its own statute concerning the local self-administration.

E. Local Self-Governments of Special Status.

Article 54.

Those units of public administration, in which national minorities or autonomous communities constitute the numerical majority of the inhabitants, shall have a special status on the basis of local self-governing autonomy according to law. The mother tongue of the national minorities and autonomous communities shall be used as an official language.

Article 55.

In local self-administrations with special status, persons belonging to the Romanian nation or other national minorities shall participate in the activity of the administrative units.

Article 56.

The competence of self-governments of special status is directed by the dispositions of the European Charter for Local Self-Governments.

F. Regional Autonomy.

Article 57.

The association of self-governments with special status is guaranteed on the basis of the autonomy of local self-governments.

Article 58.

In the associations of self-governments established on the basis of regional autonomy the autonomous community shall use its mother tongue as an official language.

Article 59.

The autonomous community which exercises regional autonomy shall establish its own statute concerning the organization and functioning of its self-administration.

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Chapter III

Concluding dispositions.

Article 60.

Real estates, **art** treasures, libraries, archives and other properties which had belonged to the institutions, organizations, associations of the national minorities who live on the territory of Romania or to their predecessors as well as to their religious denominations and had been taken into state ownership or cooperative property through laws violating the private property or illegally by force shall be returned to their rightful owners or their successors in their original form or, if this is not possible, their proper value shall be returned in money.

Article 61.

The laws and statutes in force shall be modified to conform to the provisions of the present law within a year.

Article 62.

The state shall guarantee that those laws and statutes, which contain disadvantageous provisions for the minorities be modified or abrogated.

Article 63.

By the enactment of this law any contrary regulation is repealed.

The present draft law was accepted by the Council of Representatives of the Democratic Alliance of Hungarians in Romania in Tirgu Mures~ (Marosvasarhely) on the 14th of November 1993, and was put into final form by the group of entrusted experts.

Bela Marko
President

Csaba Takacs
executive president

SLOVAKIA

Close to a million Hungarians live in present day Slovakia. About six hundred thousand of them right along the Trianon borders, having relatives and friends at both sides of this infamous dividing line.

The successive Slovak governments were either ultra right-wing nationalists or are blackmailed by them. In either case, the result is the continuing existence of the Kosice Declaration embedded in the Constitution. This is nothing less, than the law of collective guilt, punishing the Hungarian masses indiscriminately. The Declaration of Human Rights and the Charter of the United Nation means nothing, as far as the Slovaks (and the Czechs) are concerned. All this with the tacit approval of the Great Powers and their lesser accomplices. The Czech Republic is under constant pressure by various German NGO-s and political parties demanding amends and restitutions, but the Hungarian government, fearing the worsening position of the Hungarian minority there, essentially is silent on the matter.

Again, this very mild "declaration" could not even serve as bases for negotiations.

THE KOMARNO (KOMÁROM) DECLARATION

SUMMARY

Hungarian people of Slovakia came to Komarom to manifest their conception and to assert their minority right.

The self-governing representatives of South-Slovakia, the members of Parliament and Mayors of Slovakia united to manifest their will on 8th January 1994 at the Komarom Sport Hall.

The congress was enacted on a high level in spite of the hostile campaign against Hungarians incited by Slovak Nationalists.

The aim was evident: stain the honour of Hungarian community in the sight of the whole world. Evidently they wanted to cast Hungarian reputation with attributes like irreconcilable and chauvinists. The Komarom congress brought disappointment for those who expected some war-mongering inciting or hostile demonstration against Slovak people believing that would be a Nationalist Hungarian assembly.

The Komarom congress produced not only a nationalist campaign but a great international and sober home-interest. There on the congress were present over 3500 people. Besides of them there were present 267 journalists from foreign countries and 149 native ones. There was the TV staff also present and Slovakia's president Michal Kovacs, cabinet representing the internal and external political department, Ludovit Fliegel the under-secretary of education, Valentin Grandita and Komlossy Jozsef, and last but not least observers of the USA.

The general assembly was inaugurated by Pasztor Istvan the Csallokozi (SluicIsle) president of Komarom other towns and villages Corporation. He was reading the letter of Catherine Lalumieres the secretary-general of European council. The letter was addressed to Komarom assembly. Pasztor Istvan said that the committee has an advisory function and members of the committee would be members in future, because they were most efficiently occupied in the list of agenda. The president made known the list of agenda and elucidated all the important documents being accepted by a votion.

The second speaker was Rozsa Erno, Kajal the mayor of district Galanta. He drafted the legal status of self-governing corporations, he did it really deliberately and impartially.

He declared that the legal circumstances are not satisfactory, because the self-governing rights are not determined only by general terms, that in the course of realisation they have had free scope of misinterpretation of first and second rate instructions. Moreover it may have an application of conscious destructive effect on the self-governing corporations. All this is in contrast with the European Charter of self-governing corporations. Rozsa Erno stated that Slovakia hasn't yet joined into this document.

The second principal item of the assembly was the administrative and territorial reorganization of the country.

In the subject the word was given to Pasztor Istvan, the mayor of Kiralyhelmece who was concerned in the territorial and administrative organization for over past 75 years. He considered as a main point the minoritys situation, there.

The next speaker was Zacharias Istvan, addressing his speech to the participants acquainting the Slovak administrative and territorial drafts and those-elaborated by the Hungarian minority living in Slovakia. He formulated them in actual practice.

This review was inspired by Kvarda Jozsef, the mayor of Csenke-saying that the Hungarian National Community considers as a starting point the 1201 proposition of the European Council's Parliamentary Congress. He accentuated mainly the 11. point outlining and considering the above mentioned points providing us with two possibilities for realisation. Kvarda was succeeded by Szaraz Jozsef, the mayor of Udvard. He drafted the economical development of the regions having self-governing right. He mentioned the agricultural problems of the regions and the sectoral structure that consequently lead to unemployment and to the unsatisfactory circumstances

of environment protection. His statement according to this point doesn't mean that we want to separate from Slovakia, but on the contrary: we should like to improve the country's national economy by impartial suggestions-Szaraz Jozsef considered very important the cooperation of the regions strengthened by agreements.

The third principal point of the assembly was the legal status of Hungarian people living in Slovakia. On this subject, Szabo Olga the mayor of Pat rose to speak and as well Vavreczky Jozsef.

They made known the legal status of Hungarian people living in Slovakia in the past 75 years emphasising the problems. Szabo Olga said that no future can be built without knowledge of the past.

As main deficiency is the fact Hungarian people living in Slovakia haven't any Hungarian University up to the present day. The Slovak official organs try to eliminate instruction and education in mother-tongue of Hungarian people. Slovak official organs are especially known to establish alternative education. Szabo Olga said official organs make every effort to destroy Hungarian minority and that is why alternative education is sponsored by as much as 100 million crowns.

Vavreczky Jozsef explained that it would be very important to create mutual programs on every field of political and social engagement, that it is one point of vital importance.

The next speaker was Harsanyi Imre, the mayor Guta speaking about the initiation of the South-Slovakia representatives and found it to be rallied round.

In the discussion every speaker gave evidence of their deliberate soberness, impartiality, frankness and civilization.

In the course of remarks people cheered more times giving that way proof their agreement and had expressed their united point of view. The audience attitude was civilized. In the course of the congress over 400 people were standing outside of the sport-hall and listening to speeches.

In the dispute rising to speak were: Papp Sandor, Szaraz Denes, Batta Istvan, A. Nagy Laszlo, Angyal Bela, Bartakovics Istvan, Fothy Janos, Hortai Eva, Ollos Arpad and Pallya Gabor.

The declaration of Komarom assembly finished unanimously and was accepted by the majority participants .

In the meantime a letter was read that would be sent to the president of Slovakia, Michal Kovacs, and at the same time to Slovak citizens, too.

The Komarom congress has accepted a declaration about:

- 1)the constitutional legal status of Hungarian people living in Slovakia
- 2)Slovakia administrative and territorial reorganization
- 3)the rights of the self-governing corporations

The Komarom congress lasted more than five hours and took place in a calm manner without any conflicts.

It was proved that Hungarian living in Slovakia-summarizing all their manifestations would be a worthy partner of all negotiations with Slovak citizens.

During the discussion there were more speakers that the buses had to transport to Komarno congress. But they were stopped at the high roads and were ordered to return back to their places of destination.

There were local representatives too, coming late to the congress for the above mentioned reasons and were forced to hitch-hiking.

To reach a conclusion, every citizen of Slovakia and organization of meetings have to take example of the attitude of the participants.

Hungarian people living in Slovakia realized again they have to effectuate their mutual tasks and that is really more than anything insignificant.

STATEMENT

The elected members of local governments, mayors and Members of Parliament of Southern Slovakia made the following declarations at their General Assembly held in Komarom/Komarno, 8 January 1994.

1. Since the political changes that occurred at the end of 1989, the Hungarians living in Slovakia have expressed their support for the implementation of pluralism, parliamentary democracy and the principle of local governments in two Parliamentary elections and one round of local government elections.

2. At present, the Parliament of the Slovak Republic has 14 members from the Coexistence/HCDM coalition, which aims to improve the legal status of Hungarians living in Slovakia as outlined in its election programme. In local government at village level there are 5,000 Hungarian representatives and approximately 400 mayors.

3. According to the census held in Slovakia in 1991, the number of native Hungarian speakers exceed 600,000. They represent 11.5% of the total population. The Hungarian community forms the majority in 437 towns and villages, and in another 85 settlements makes up a significant proportion (40-50%) of the population. These 522 settlements form a compact area along the southern border of the Slovak Republic. The Hungarians living there constitute nearly 70% of the local population and 98% of the total Hungarian population in Slovakia. In addition to these, there are four towns where the number of Hungarians ranges from 1,000 to 20,000.

4. Sociological surveys carried out since October 1991 have demonstrated that the Hungarian population living in Slovakia is strongly committed to parliamentary democracy, and that compared to the population as a whole this group has the least tendency towards xenophobia and antisemitism and is the most tolerant. Hungarians have a positive attitude towards Slovaks and the surveys furthermore indicate that Slovaks living in the same community with Hungarians adopt similar attitudes.

5. It is on this basis that participants in the General Assembly wish to develop Hungarian society in Slovakia and the territory where Slovaks and Hungarians coexist. They declare that a peaceful and legally regulated relationship between different ethnic groups is the prerequisite for social peace and human welfare; indeed it is the sine qua non for rapid political and economic change in Central Europe and for the integration of these countries into the European Union.

6. The collapse of the communist system resulted in new challenges both for the population and Governments of the former communist countries, and for Europe as a whole: a new system must now be created that will ensure security and stability in Europe, preventing both local and regional conflicts and setting the stage for the European integration of the former communist countries.

7. The Central European region is also characterized by unbalanced ethnic relations and rising tension, which may cause tragic conflicts. We shall do our utmost to avoid such conflicts in the Carpathian basin. However, the settlement of ethnic issues must receive attention in this region too.

8. In Slovakia, which gained independence in 1993, this means principally that relations between Slovaks and Hungarians must be placed on a new footing. To this end, a new system of relations must be devised, which will in turn require the passing of fresh legislation. The Government's action hitherto has led to a deterioration in these relations. The new system must reinforce the fundamental pillars of democracy: local government, the rule of law and constitutional guarantees for the rights of ethnic communities.

9. Consequently, the participants in the General Assembly stated their views on three fundamental issues.

STATEMENT on the Constitutional status of Hungarians

The representatives of the General Assembly,

Note that in spite of legal restrictions, repeated persecution and repression and other attempts at homogeneity perpetuated under the totalitarian system since World War II, Hungarians

living in Slovakia have retained their ability to redefine themselves as a political entity, reorganized their society and save the major part of their settlements in those areas that have been their home for a thousand years and where they usually form the majority of the local population. Consequently, the Hungarians living in Slovakia define themselves as a national community and are fighting resolutely for their collective rights-in addition to the individual rights to which all citizens are entitled-and for the proclaiming in the Constitution of their status as a national community.

Basing themselves on the resolution of the United Nations General Assembly according to which the right to identify is a fundamental human right to which both individuals and communities are entitled to express their conviction that the Hungarian community in Slovakia has the fundamental right to political and cultural self-definition and self-determination within the framework of the State.

The participants of the General Assembly declare that the following are indispensable for the development of the Hungarian ethnic community:

-In their contacts with the public administration and the state authorities as well as in public life generally, members of the Hungarian community should be entitled to using their mother tongue orally and in writing wherever their numbers reach 10% of the population;

-In areas where Hungarians form the majority of the population, both Hungarian and Slovak should be official languages;

-The Slovak Republic should sign and ratify the Charter of Minority or Regional Languages of the Council of Europe;

-The representation of ethnic Hungarians in state offices and public institutions should be in proportion to their numbers in the community;

-Their share of the central and local governments budgetary allocation should be commensurate with their proportion of the total population;

The participants in the General Assembly declare the Hungarians,

-invoking the principle of equality of civic rights, desire to work the Slovak nation, on a footing of equal status, in building the Slovak Republic;

-wish to define themselves as a political entity through their representative bodies established by democratic election and in accordance with the draft Constitution drawn up by the representatives of the Hungarian coalition;

-In order to protect their own identity, request special legal status in regions where they form a considerable proportion of the population.

The participants in the General Assembly express their conviction that consistent compliance with the principle of reciprocity is one of the most important basic pillars of equivalent status. This means that in all regions and settlements where people belonging to the same ethnic group and speaking the same language become minority, legislation should ensure their right to education (school and culture), use of their mother tongue and the collection and dissemination of information in their language. In this respect, state authorities should have no right to make decisions without the agreement of local self-governments.

The participants of the General Assembly state

that within the framework of the Slovak Republic, the implementation of the above principles and the equivalent status between the Hungarian community and the Slovak nation would serve the interests and territorial integrity of the Slovak Republic and would contribute to the creation of a democratic constitutional State.

STATEMENT

on the administrative and territorial reorganization of Slovakia

The participants of the General Assembly base themselves on the following principles:

-the State provides the framework for the enjoyment and safeguarding of fundamental freedoms and human rights;

- the system of public administration and regional division must be based on the uniform

running of public affairs, the most important components of which are a decentralized state administration, efficient management and the servicing of the citizens fundamental interests.

The participant in the General Assembly consider

that the Slovak Republic's present system of public administration meets neither European requirements nor local needs because it is inefficient, cumbersome and overcomplicated; the decision-making process is intricate and responsibilities are not clearly defined. The decision of authority between central administrative bodies and those of local selfgovernment is irrational. The system of public administration bodies, regionally consolidated and invested with special authority, conflicts with local needs. Since 1990, the Government has been planning to transform this system. In the beginning, the main aim was decentralization. Now, however, priority is once again given to centralization, which serves the interest of the State.

The participants in the General Assembly state that

1. The majority of Slovakia's local self-governments does not agree with the Government's plan. In addition to its objections of a general nature, the Hungarian community cannot accept the plan because this would divide the region inhabited by Hungarians into five large administrative regions thereby marginalizing the Hungarian community and preventing it from running its own affairs. Implementation of the plan would facilitate the organized assimilation of the Hungarian community.

2. The process of establishing the boundaries of public administration regions and public administration bodies must be based on the principle of the rule of law and the two-tier system of public administration.

3. Public administration should be developed in conformity with the principle whereby public responsibilities are exercised by those authorities which are closest to the citizen. In Slovakia this means that in addition to local governments, the first-level public administration must be established on the territory of the already-existing public administration regions or on others which are similar to these. First-level public administration agencies must be vested with all administrative authority relating to the concerns of the region, including the transfer of authority from existing offices that enjoy particular rights simultaneously, the operation of district-level state administrative offices must be terminated.

4. Second-level public administration regions should be established on the basis of geographic areas formed by the voluntary association of local self-governments.

5. Administrative and territorial reorganization should respect the fundamental interests of the Hungarian community Hence:

-the regions inhabited by Hungarians should not be divided up and reallocated among public administration units, in a manner which would result in Hungarians becoming a minority, preventing them from asserting their interests or running their own affairs;

-the Hungarian community can accept administrative and territorial reorganization only if this does not turn the Hungarians into a minority in regions where at present they constitute the majority;

-the administrative and territorial reorganization of the country should be implemented in accordance with article 11 of Recommendation 1201 adopted by the Parliamentary Assembly of the Council of Europe; this article states that:

"In the region where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state."

The above requirements are justified by the following data:

According to the 1991 census, the towns and villages inhabited by the Hungarian national community in Slovakia fall into three categories:

"Majority region" designates a region where Hungarians make up at least 50% of the total population. 432 settlements belong to this category, with 437 727 Hungarian inhabitants;

"Minority region" designates a region where Hungarians form at least 10% but less than 50% of the population, 9 settlements belong to this category, with 83 125 Hungarians. In five of

these settlements Hungarians form a relative majority.

"Diaspora region" designates a region where Hungarians form less than 10% of the total population, but where numbers exceed 100 in each settlement. There are 28 such villages and towns, with 39 519 Hungarians. In the four towns belonging to this category (Bratislava/Pozsony, Kosice/Kassa, Nitra/Nyitra, and Velky Krus/Nagykurto) the number of Hungarians ranges from 1000 to 20 000.

The participants in the General Assembly propose that

1. The second-level public administration system should be adjusted to the regional units formed by the voluntary association of villages and towns belonging to the majority and minority categories.

There are two possible solutions:

(a) as one continuous administrative region or unit: from the vicinity of Bratislava/Pozsony to Kosice/Kassa and then with a small gap to the South Zemplen and Ung area. In this region there are 511 villages and towns with 823 946 inhabitants, of whom 507 073 (61,54%) are Hungarians.

(b) as three administrative regions or units:

-from the vicinity of Bratislava/Pozsony to the Sahy/Ipolsag area: 526 620 inhabitants, of whom 331 704 (63,11%) are Hungarians: 230 villages;

-from the Sahy/Ipolsag area to Kosice/Kassa; 239 441 inhabitants of whom 129 793 (54,23%) are Hungarians: 228 villages

-South Zemplen and Ung: 58 985 inhabitants of whom 45 576 (77,27%) are Hungarians, 53 villages.

The Hungarian enclave of the Nitra/Nyitra area should form a separate first-level administrative region with 18 villages where 12 895 Hungarians constitute 51% of the total population.

2. The right to bilingual oral and written communication with public administration authorities should be guaranteed by law at both the first- and second-levels in accordance with the special legal status of these regions.

3. Both the jurisdiction and the scope of authority of the institute system of regional and public administration units should be the same throughout the territory of Slovakia, with the sole exception of the special legal status of the regions inhabited by a significant number of Hungarians.

The participants in the General Assembly demand that

the above principles and criteria be applied during the administrative and territorial reorganization of the country so as to promote inner stability and social peace.

STATEMENT on the rights of local governments

The participants in the General Assembly declare that one of the fundamental pillars of the rule of law is the local government, endowed with a wide scope of authority within the framework of which citizens may democratically state their will, establish the representation of their interests, and ensure the respect of these interests as well the safeguarding of their fundamental freedoms.

The participants in the General Assembly

note that in the Slovak Republic the local governments have inadequate rights. The unfolding of local governments is impeded and their rights are deliberately restricted, while the central power is strengthened at their expense and the state administration bodies are allowed to predominate. The chapter of the Constitution of the Slovak Republic concerning local government (Articles 64-71) contains general definitions only, leaving the way open for the distortion of the relevant principles in law and practice according to the interests of the central authority.

The participants in the General Assembly

recognize the need for defining clearly the scope of authority of local government in legislation; in other words a system of local governments should be created that will manage a large

part of the tax revenues generated in a given area and ensure the democratic selfgovernment of the local population.

To this end

1. The Slovak Republic should adhere as soon possible to the European Charter of Local Self-Government the fundamental principles of which are the enhancement of democracy, the decentralization of power, subsidiarity, and the acceptance of fair and public responsibility by the contracting parties.

2. The declaration of adherence should contain at least twenty paragraphs, as recommended by the Charter, and we attach importance to the inclusion of the following ten paragraphs:

Article 2: Recognition, in domestic legislation, and where practicable in the constitution, of the principle of local self-government:

Article 3, para. 1: Management by local self-government of a substantial share of public affairs;

Article 4, para. 3: The exercise of public responsibilities by those authorities which are closest to the citizen;

Article 4, para. 4: The attribution of full and exclusive powers to local authorities;

Article 5: The impossibility to alter local government boundaries without the approval of the population;

Article 9, para. 2: Budgetary allocation commensurate with the scope of responsibilities;

Article 10 para. 1: The right of local authorities to form consortia with other local authorities;

Article 11 : Legal protection of local authorities exercise of their powers.

3. In order to establish legal safeguards , the Constitution should define in detail the system, scope and sphere of authority of local governments which other legal norms may not change.

4. The Constitution should spell out in detail the system, scope and sphere of authority of minority local governments.

5. According to Recommendation No. 1201 of the Council of Europe, the regional and administrative rearrangement of a country such as envisaged by Article 64, para. 3 of the Constitution of the Slovak Republic, should be preceded by the establishment, on the basis of voluntary associations of local governments, of those larger regional units that would form the future regional local governments.

6.As stated in Article 4, para. 4 of the European Charter of Local Self-government, the Constitution should give full and exclusive powers to local authorities. These powers should not be undermined or limited by other central or regional authorities.

7. To decentralize power, rationalize the central administration, and strengthen legal responsibilities, administration should be moved closer to those concerned and the constitutional scope of authority of local governments should be increased-mainly in the first of education, culture, public safety and environmental protection.

8. The material and financial resources of local governments should be commensurate with the scope of authority and responsibilities of local governments. All current and fixed assets, which are within the competent local government.

9. All legislative actions concerning local self-governing should be adopted by Parliament by a three-fifths majority. This is feasible and would enhance the development of democratic legislation, legal safeguards, the rule of law and stability. Minority local selfgovernments should be guaranteed the right of veto concerning the application of measures that would be detrimental to them, because a democracy, which is merely the rule of the majority, is not capable of promoting the interests of the numerical minority.

UKRAINE

In the Transcarpathia region of Ukraine, there is a sizable indigenous Hungarian minority along the wrong side of the Trianon borders of Hungary, courtesy of the victorious Great Powers of WW I, the Czechoslovakian president Eduard Benes, and the Soviet Union. Their fate is poverty, uncontrolled floods of rivers (thanks to denuding the Karpathian mountains of the water retaining forests), oppression, discrimination, hopelessness. They will also be left behind the Schengen borders, once Hungary is allowed into the European Union, torn from their Hungarian countrymen, friends and relatives.

Here is a very feeble attempt toward a bearable sort of life, which - no doubt - will be ignored by the Ukrainian nationalist:

ESTABLISHMENT AND FUNCTIONS OF THE CULTURAL SELF-GOVERNMENT OF MINORITIES

Geza Gulacsi

Translated by Besseney-Barcza Éva

(From Kárpátaljai Szemle, No. I, 1996)

INTRODUCTION

For many, "cultural self-government" means only the right to use the minority's national language in speech and teaching, the observance of its national holidays and the placing of memorial tablets. However, cultural self-government may have its institutional manifestations: organizations staffed by elected leaders which administer public functions of the state. This is the true sense of the minority's autonomy, or self-government. It dismisses the notion that the minority is not an integral part of the state but only a group of the population which is tolerated but considered "different"-

The institutionalized autonomous self-government will take over as a state organization the public duties of the state with regard to the given minority. Thus, this minority will become an integral part of the state. This is the only guaranteed way for the minority to have a say in its fate.

This cultural autonomy is part of the law concerning minorities. At the same time, the law does not name its institutions; this concept is alien to the Ukrainian legislators. The question should be regulated legally but, for many reasons, there is no chance for that. The easier solution would be enabling regulations on the county level but that is hindered by two facts: the very narrow jurisdiction of the counties and the political and economic interests of the local leaders

There is another, internal condition to the realization of such self-government: that the minority should be able to take over the public duties of the state. This presupposes that there already exist such minority organizations or at the least minority elite cadres capable of handling such tasks.

The construction of such a self-government is given as a rough sketch only. tik6 all similar arrangements, it carries within itself the danger of conflict when it comes to the division of duties, conflict which could, in practice, erupt into strife over jurisdiction. There is, of course, the possibility of compromises the realization of which will depend not on legal hair-splitting but on the will of the majority population as well as on the minority's strength in defending its interests. This project - not a law nor a

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regulation - wishes to be a basis for discussions in a question of extreme importance in the life of Transcarpathia's Hungarians. We ask you, therefore to communicate your comments and observations to the Editors of this paper.

I FUNDAMENTAL BASES

1 Objects

The objects of establishing a minority self-government are manifold:

- to create a basis for the minorities living in harmony with each other;
- to provide suitable conditions for the flourishing of the minorities' cultures;
- to promote the wide-spread realization of the minorities rights

in accordance with the laws of the Ukraine and conditions set forth in international documents.

2. - Fundamental principles

Essentially, the cultural self-government is called upon to ensure the self-administration of the given minority. Integrated into the structure of state institutions. these organizations, administering their jurisdiction independently, form the backbone of self-government.

The organizations of this self-government are democratically elected organizations, or rather organizations created by decree by such institutions, which act independently within their jurisdiction and accept responsibility for their actions vis-a-vis both the state and the group of people they represent. A minority of more than 3000 people would create such a self-government

3.- Instruments (of self-government)

The main decision-making instrument of this cultural self-government is the national minority council It will be created by general elections according to the plan here below. The other instruments of this cultural self-government will be established by the Council according to need and the number of the minority population. These other instruments of the cultural self-government would be:

a) The secretariat of the national minority council. Its duties would be the handling of current affairs, the administration, and communications. The secretariat will be established by decree by the national minority council.

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b) The department of public education. Its duties would consist of directing and supervising the educational system functioning in the minority language

c) The department of culture to oversee and direct all public cultural institutions functioning in the national minority language

d) The legal and economic/financial department. Its duties encompass the handling of all legal and economic/financial affairs of the various organizations of self-government. These departments will be established by the national minority council with the approval of the county council (county administration)

e) District subdivisions of these departments. (These subdivisions will be established by the national minority council's decision and with the approval of the district councils.)

f) The committees of the national minority council (standing or ad hoc committees). Their duties and jurisdiction will be determined by the national minority council,

II THE FORMATION OF THE NATIONAL MINORITY COUNCIL

1.- General principles.

The number of members of the national minority councils has been established on the basis of statistical (population) data: 7 up to 10,000; 11 up to 50,000; 15 up to 100,000; and 19 up to 200,000. The laws and regulations governing the election of representatives to the local councils must be applied to the elections of the members of the national minority councils. The empowerment of the national minority councils will end with the next district elections. The election of the members of the national minority councils will proceed on the basis of a restricted voting list.* Every citizen registered to vote in the local elections will be entitled to cast his vote for the national minority council. Any citizen may become member of the national minority council if he/she is over 20 years of age, counts himself/herself a member of the given minority and speaks the minority's language sufficiently well to fulfill his public duties-

2.- Declaration of the elections.

For the first time, elections to the national minority council may be declared

*short list?

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upon the initiative of at least one national minority social institution which is duly registered on the county level or by at least 1,000 individuals professing to be part of the given minority population. The local laws and regulations governing such initiatives, as well as the gathering of signatures, will be applicable. Should all requirements concerning the declaration of elections be considered as fulfilled, the local council must declare the elections no later than 3 months after approval of the initiative. With the approval of the county council, the ensuing elections will be integrated into the electoral system of the local administration -

3.- Electoral districts, voting areas

The county's whole territory forms the electoral district for the elections to the national minority council. The voting areas will be determined according to the system established for the election of public officials. In those communities where the minority population does not reach 10% or 1,000 people no voting areas will be established if the elections take place at a time different from those for the public officials (i.e. for the first time). In these communities, those who wish to vote will have to ask for their ballots at the local council. For the first elections to the national minority council, those voting areas that contain fewer minority inhabitants than the numbers mentioned above, the local council will receive the number of ballots appropriate to the percentage of minority inhabitants relative to the general voting population. The electoral list for public officials will be used as the electoral list.

4.- Electoral and voting are commissions

The electoral commission for the elections of the national minority council will be created as a

subdivision of the electoral commission for the elections of public officials, with its approval and upon the initiative of the national minority council. For the first time, with the approval of the county council, the commission will be formed upon initiative of the social institutions that proposed the creation of a national minority council. At a later date, place(s) must be given to the representatives of all social institutions that had fielded a candidate at the previous elections.

The voting area commissions will be formed according to the regulations applicable to the elections of public officials. However, place(s) must be reserved for the representative of all institutions that fielded a candidate. (If the elections are held for the first time and out of order, the commission will be formed by such candidates.)

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5.- Naming the candidates

All minority social institutions functioning on the county level may present a candidate for the elections to the national minority council. Also, all citizens who profess to be part of the minority may present their candidacy

The social institutions may field one candidate for every 1,000 members. The individual must collect 500 signatures for his candidacy to be valid. The candidates will be registered according to the rules of the municipal elections

The ballots will list the candidates in alphabetical order, showing the presenting institution's name (or his/her independence), as well as the candidate's age. These ballots will be printed on paper in different colours and in the language of the minority only

6.- Order of the elections; determination of results.

The order of the elections will follow those of the municipal elections. In those voting areas where the number of minority inhabitants does not reach 10% of the general population, or 1,000 people, distribution of the ballots will be compulsory to all citizens who specifically ask for them

The elections will be considered valid if the deposited ballots on the minority lists reaches or exceeds 90% of the number of the given minority on the county level. On the ballots, the names of those the voter does not wish to vote for are crossed out. For determining the election results, the voting area or electoral district commissions of the national minority council will add up all the ballots cast for or against all the individuals represented on the voting lists. The electoral district's commission will then draw up the central list where the candidates will be placed in numerical order according to the numbers cast for them. The first candidate to reach at least 10% of the vote per number of people, will become member of the national minority council. All others on the list who reached 10% of the vote will become alternate members of the council. A decision of the district council will validate the existence of the national minority council. It will be considered as elected when at least 2/3 of its members (12 people) were elected by valid ballots. Should several candidates receive the same number of ballots, the national minority council's electoral commission will decide to seat that candidate who was the candidate of the social institution receiving the least amount of ballots

7.- Repeated elections- filling vacancies

Should valid elections to the national minority not take place, they will

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not have to be repeated. In that case, the previous national minority council will stay in office until the next municipal elections. In case these elections were held for the first time, the national minority council can only be formed at the next general elections for public officials-

There will be no special elections to fill the vacancy of any member who withdraws. He will automatically be replaced by the alternate who received the most votes. Lacking any such alternate, the place will remain unfilled. In case of equal number of ballots received, the rule of the commission deciding the outcome of the elections will prevail.

8. - Recall of a member

Any member of the national minority council may be recalled. The recall of the representative may be initiated by the social institution that presented his candidacy, or by the citizens according to the rules governing such recalls

9. - Relevant documents

All relevant documents concerning the elections of the national minority council will be prepared in both the official language and that of the given minority. The members of the council shall receive their mandate by identity cards written in both languages.

III THE FUNCTIONING OF THE NATIONAL MINORITY COUNCIL

1.- The first meeting.

The first meeting of the national minority council will be called to order by the county council within one week after the election results have been settled. The senior member shall act as chairman of the meeting. The decisions taken by the national minority council at this first meeting shall be valid if a quorum of 2/3 of the members (or a minimum of 8 people) is present. The council will dispose of the following matters: prepare the by-laws of the council; to set up the various departments and committees; name temporary administrators. He will set the date of the next meeting. The council will decide by simple majority.

At its next meeting, the council will adopt the by-laws (previously submitted for approval to the district council) and will elect the president and vice-presidents. It will establish the secretariat, nominate the office-holders, and hire the employees. It will name the council's committees. It will propose heads for the education, cultural affairs and legal/economic/financial departments

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2.- How the national minority council will function.

The national minority council will function in accordance with all laws and regulations of the Ukraine. It will document all its activities. Its official language will be Ukrainian and the given

minority's tongue. It will publish its decisions. Within its jurisdiction, the national minority council decides independently and will take full responsibility for its actions. Upon request of the county council, it will give it a report of its activities.

3.- Spheres of activity of the national minority council.

The following represent its spheres of activities:

- decisions to be taken regarding the system of public education in the minority language;
- decisions to be taken in connection with the network of cultural institutions of the minority;
- decisions to be taken about memorial monuments and sites;
- decisions to be taken relative to the use of the minority language and its application on public notices and directions;
- examination and analysis of regulations concerning the legal rights of the minority;
- proposals to the county council;
- adoption of the budgets of the departments of the national minority council, notably those of public cultural affairs;
- formation of the national minority council's departments and sub-divisions, the nominating of their officials;
- presidential supervisory powers over the hiring of employees;
- adoption by the county council of the institutions of self-government, or by the district councils in case of sub-divisions;
- to undertake other operations requested by, or assigned to, the national minority council

The activities of the national minority council will consist of those tasks that were re-assigned by the county council or were taken over from its departments

IV. OTHER INSTITUTIONS OF THE CULTURAL SELF-GOVERNMENT

1 - Secretariat of the national minority council.

The Secretariat is the council's continuously functioning administrative unit. The council nominates its head and its members. Their mandate is limited to one electoral cycle.

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The spheres of activity of the secretariat covers the preparation of the documentation, the maintenance of communication among the various departments and other council institutions and other administrative duties. It functions in accordance with regulations adopted by the council and approved by the county council-

2.- The departments of the national minority council;

A) General principles

The national minority council has three departments: education, cultural affairs, and legal and economic/fiscal. The heads of these departments are nominated by the national minority council and approved by the county council. With the approval of the national minority council, the department heads will hire the employees and will exercise their rights of employer. The number of paid employees will be determined in proportion to the number of the minority population. With the approval of the national minority council, the department head will prepare the projects for the formation of the department, its regulations, the purposes of its activities, as well as its budget. The departments plan and act independently, coordinating their activities if need be. The department-heads, assume full responsibility for carrying out their duties in their entirety. They are to give full accounting of their activities to the national minority council, as well as to the county council if so required.

g) Department of education.

The department of education will be the governing and supervisory instrument for all educational matters. Within the department, there may be subdivisions overseeing specific subjects (i.e. for nursery schools, general school, continuing education for teachers, administrative, etc.). All matters relative to the teaching in the minority language that have been re-assigned to the department by the county educational department belong to its jurisdiction.

c) Department of cultural affairs.

The department of cultural affairs is the governing and supervisory instrument for all cultural matters functioning in the given minority language. Subdivisions may be created for overseeing specific subjects (i.e. houses of culture, network of libraries, public media, protection of landmarks, usage of the language, administration, etc.) All matters relative to the cultural affairs of the given minority that have been re-assigned to it by the county department of cultural affairs form its jurisdiction.

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D) The legal and economic/fiscal department.

This department is entrusted with ensuring the legal, economic and financial activities of all departments and institutions of the cultural self-government. The department may create subdivisions as required by its activities (i.e. legal, economic, and financial)

The duties of the legal department will be: to promote the activities of the national minority council and its department with regard to establishing rules; to supervise the safeguarding of minority rights; to examine the documents of the state and self-government from the point of view of minority rights; and to prepare proposals in this regard (with the approval of the national minority council).

The economic/fiscal department will have jurisdiction over administration of all budgetary and material means; the management of all fiduciary and economic activities of the national minority council and its departments and their documentation as required by the law

E) The subdivisions

The national minority council will have district subdivisions. The district subdivisions will handle all educational and cultural affairs re-assigned to their jurisdiction according to the directives of the national minority council and its departments. Their functions will be governed by special regulations proposed by the head of the subdivision adopted by the national minority council and approved by the given district's council. The functioning of the subdivisions will be in conformity with the regulations governing the departments~

V. THE FISCAL BASIS, LEGAL STATUS, AND GUARANTEES FOR THE ACTIVITIES OF THE INSTITUTIONS OF THE CULTURAL SELF-GOVERNMENT

1.- Fiscal bases

The fiscal bases of the institutions of the cultural self-government derive from part of the cultural budget of the county council, the part being in proportion to the number of the minority population. (The district subdivisions' financial bases will be handled in conformity with the above.)

Other income of the institutions of the cultural self-government may be derived from its independent entrepreneurial activities and other non-budgetary income. The national minority council will divide these profits among the budgets of its institutions. The institutions of self-government may, within the confines of the law, manage

10

their financial affairs independently and no one may deprive them of their non-budgetary income. The assets of the self-government's institutions consist of the funds that were handed over by the county or district councils' departments, as well as of the income produced by the institutions other activities of which the institution cannot be deprived. The institutions of self-government will be provided with premises and furniture as needed for their activities with the approval of the county council.

2.- Legal status; operating guarantees

The institutions of cultural self-government are protected by constitutional law. The execution of the decisions they make within their sphere of activity are compulsory but may be attacked in a court of law. The national minority council, its departments and subdivisions are legal entities. The headquarters of the national minority council are in Ungvar

Communication between the institutions of the cultural self-government and the council's institutions is governed by the applicable regulations

Re-assignment of the duties of the jurisdiction of the county council's institutions to the institutions of the cultural self-government must take place within one month from their formation. The conditions of the essential functions of the cultural self-government's institutions must be guaranteed by the institutions that re-assigned such jurisdiction. subsequent re-assignments shall proceed continuously. All conflict of jurisdiction shall be decided by a court of law

Should the institutions of the cultural self-government fail to carry out its duties within a given sphere of activity, the county council will appeal to the national minority council which will be obliged to execute the orders. For lack of proper arrangements, the county council may withdraw the jurisdiction of the self-government's institution and curtail its budget

The county council and its departments may stay the decisions brought by the national minority council and its departments when such decisions are considered to be in violation of the law. The national minority council's decisions may be annulled by legal proceedings according to the generally applicable regulations, The activities of the self-government's institutions may be suspended in case of repeated infringement of the law and the county council may disband the national minority council upon the decision of a tribunal. In that event, new elections will take place at the time of the general municipal elections

RUMP-YUGOSLAVIA

Hungarians in Voivodina

Years after much bloodshed and the fragmentation of the artificial state of Yugoslavia the World is still waiting for something to happen in Belgrad. The Despot is still in power, the opposition in complete disarray. The refugees from Kosovo and Bosnia had flooded into Voivodina, further diluting the proportion of Hungarians in this disputed ancient (formerly Hungarian) territory. The war pitted Hungarian youth in Serbia against their brethren in Croatia. To avoid shedding their brothers blood, most of them escaped to Hungary and neutral countries, never to return to their homeland where Military Courts are waiting for them.

Looks like the Western Powers allowed the Belgrad government to keep Voivodina as a catch-basin to dump refugees from the lost territories and armed gangs of the like of "Voivod" Seselj to terrorize not only the Hungarians, but the more or less peaceful local Serbs, Croats, Germans and Rumanians also.

The Hungarians are in constant fear for their life, since in 1944-45 close to 40,000 of them were brutally executed by Tito's partizans. They have also witnessed - with the rest of the world - the carnage in Croatia, Bosnia and Kosovo. They know only too well, that some bloodthirsty Serb troops are desirous to kill as many of them, as many the next upheaval in this parts will allow.

Consequently, the Hungarians are badly fragmented politically, and are unable to settle on one plan of autonomy. Therefore, we have selected only one of the several for presentation here. This may be the closest one to the documents referred to in the text, but also falling far short of what it should be.

INDIVIDUAL (PERSONAL) AUTONOMY

General provisions

In accordance with the Helsinki Final Act, the Concluding Documents of the Madrid and Vienna follow-up meetings and the decisions of the conference on human liberties of the Conference on Security and Cooperation in Europe, the Paris Charter for a New Europe, the position of the Geneva expert committee on national minorities, and the proposals of the Conference on Yugoslavia in the Hague, we maintain that:

1) ethnic minorities and groups are essential components of the political and cultural multiplicity of society,

2) ethnic minorities and groups are participants in the power of the people and factors constituting part of the state in their native country,

3) all minorities and ethnic groups have an inviolable and inalienable right to protect their identity and use their national symbols,

4) ethnic minorities and groups may form local and national organizations and institutions of self-government to attain their purposes and exercise their rights,

5) friendship between peoples, peace stability and democracy require that majority peoples guarantee and defend the ethnic, cultural, linguistic and religious identities of minorities, this being justified both by humanitarian political principles and by the minorities' participation in the general economic processes.

Collective rights

2

Persons and ethnic groups belonging to minority communities have a right to autonomy and independent control of their own affairs.

Membership of the organization of personal autonomy and any national, ethnic or linguistic community shall be a fundamental, inalienable and indisputable right resting on the free will of persons.

3

Persons and ethnic groups belonging to minority communities have a right to autonomy and independent control of their own affairs.

4

Ethnic groups shall be invested also with legislative powers over matters within the competence of the organization of autonomy, notably in the fields of education, personal and place names and dissemination of information, i.e. over the accomplishment of all tasks necessary for the protection of the rights accorded to them.

5

The competence of organizations of personal autonomy established in the social, cultural and educational field in relation to their own institutions and members shall be limited only by the Constitution.

6

Allocation of funds for exercise of personal autonomy shall be ensured by the state directly from the budget and by the transfer of other sources of revenue. Social, cultural and educational institutions once owned by minority organizations and since nationalized shall pass into the ownership of the organization of autonomy from its date of establishment, with their identity under civil law retained. Where the former situation cannot be restored in kind, the state shall fairly compensate the organization of personal autonomy as established on a basis of legal continuity, ensuring the chance for the establishment of new, viable institutions for the purpose.

7

The elected leading body of the organization of personal autonomy shall endorse the statutes and other documents of the organization of self-government.

8

Election to the leading body of the organization of personal autonomy shall be by general, equal, direct and secret vote. Persons in the minority community with the right to vote shall take place at the same time as local-authority elections. The persons receiving the most votes in the electoral constituencies shall be declared to be elected.

9

The statutes and resolutions of the organization of personal autonomy shall be given the form of law by Parliament and guaranteed by the Constitution.

10

The competence of Parliament shall be confined exclusively to controlling the legality of the statutes.

Personal self-government

11

The aim of self-government shall be:

- 1) to assert and protect the national, ethnic and linguistic identity of the Hungarian community and their communal cultural and social rights.
- 2) to foster, increase and reinforce and historical traditions and material and spiritual culture of the Hungarian community.

12

The organization of personal self-government shall be a legal entity possessing as a public body the power conferred upon it by the state in the legal sphere defined by the relevant articles of the Constitution and by the statutes, and as such perform its activity free of state influence.

13

All institutions and persons declaring a desire to work within the framework of personal autonomy and whose registration takes place on the basis of their declaration shall belong to the organization of personal self-government, as shall institutions and organizations founded by the

organization of self-government itself.

14

The elected leading body of the organization of personal self-government may also keep a separate register of persons not belonging to the Hungarian national and linguistic minority who wish to take part in the work of the organization of Hungarian self-government and the ensuring of its financial foundations.

15

The elected body of the organization of personal self-government shall advertise competitive bidding for utilization of earmarked funds from the budget. Legal control to ensure such funds are used for the purpose intended shall be exercised by the competent body of the organization making the funds available.

16

The organization of self-government may take part as it sees fit in any commercial undertaking that contributes to improving its financial situation. In addition, it may raise credit and issue bonds.

The institutional bodies of personal autonomy

17

The institutional bodies of personal autonomy shall be:

- 1) the Parliament of the Hungarian ethnic group,
- 2) the Self-Government Council,
- 3) the president of the Organization of Self-Government.

18

The Parliament of the Hungarian ethnic group shall consist of representatives elected by the Hungarian voters and those belonging to other national, linguistic, religious and ethnic minorities adhering to the personal autonomy. The mandate of representatives shall be for a term of four years.

19

The Parliament of the Hungarian ethnic group is the highest body and legislature of the organization of personal self-government, empowered to:

- adopt the statutes of the organization of self-government,
- pass legislation in the fields of education, culture and information,
- adopt on the basis of a consensus

with the supreme body a code on the exercise of the Hungarian community's right to use its language orally and in writing where that right cannot be exercised within the framework of local government,

-regulate relations and cooperation with state bodies, the mother country and international entities,

-elect the Self-Government Council, the President of the Self-Government Organization and the working bodies of Parliament,

- adopt the rules of procedure for the self-government bodies,

-adopt other legal regulations and individual acts within its sphere of competence.

20

The Self-Government council or expert committee it appoints shall:

- formulate the statutes of the organization of personal self-government and put them before Parliament,
- put forward proposal for founding, reorganizing and operating Hungarian educational institutions from infant-school to university level in all the required lines of study,
- exercise control over their operation of the cultural, scientific and scholarly, social and other institutions belonging to the organization of personal self-government,
- ensure freedom of information expressing the interests of the Hungarian community,
- intervene with the competent authorities in cases of violation of the special rights of persons, groups and organizations belonging to the minority community, provided such cases do not come under the jurisdiction of the courts,
- look after the public buildings and dwellings and the bank deposits, securities, cash monies, movable effects and fixed assets that comprise the property of the organization of personal self-government.

22

The President of the Organization of Self-Government shall be elected by the Parliament on a basis of multiple nominations. The President's term shall be four years.

23

The President of the organization of Self-Government shall:

- ensure the enforcement of the laws, regulations and self-government regulations and measures,
 - represent the interests of the organization of personal self-government,
 - appoint non-elected officers of the organization of self-government,
 - perform all tasks assigned to the President's competence by law of the self-government statutes,
 - swear an oath before the Parliament of the Hungarian ethnic group before taking office.
- The text of the oath and manner of calling to account shall be laid down in the self-government statutes.

PREAMBLE

to the initiative on personal autonomy

Starting from the premise that the right of citizens to participate directly in the management of public affairs is among the basic principles of democracy, and that by assuming certain responsibilities traditionally in the domain of the state, social groups and organizations can reinforce the pluralism of society against the tendencies towards homogenization, the DCHV, with active involvement, advocates a reassuring solution to the situation of the Hungarian community living in the Republic of Serbia.

A democratic state must build up a concurrent desire for freedom in individuals, minority groups and the national community, Minorities can only enjoy their liberties by exercising their rights to self-determination. The liberty of individuals cannot be ensured from the point of view of national affiliation unless protection is accorded to the national minority itself. Only assurance of collective rights affords a real chance of freedom and expression of will to the national minorities.

The right to an assurance of self-government is the prime collective minority right. The institution of self-government, in possession of the power conferred upon it by the state, is the means by which the survival of national minorities and ethnic groups and the preservation of their values and identity can be furthered effectively. Moreover self-government in the legal frames of minority collective rights allows national antagonisms to be resolved, brings stability to the region, and furthers European integration.

The principle of the sovereignty of nations and nation-states, which became the norm in the 19th century and to which the new nation-states seeking independence after the disintegration of the dictatorships in Eastern and Central Europe have pinned their colours, is unable to resolve national antagonisms of the minority question. A cogent example is provided by all that is taking place in the former territory of Yugoslavia.

Nor can Serbia long sustain a concept of nation that treats the national minorities as second-class citizens despite the equality of rights officially proclaimed. Serbia has tried to translate untenable principles and Utopias into practice in the recent period. We know what price has had to be paid for that.

The solution, future and practicable path are offered by a policy built on the desire for freedom in both the minority collectives and the national community, not by a policy of trying to confine the will of the whole nation in uniform political framework or erroneously thinking that national self-identity can be expressed and preserved only in the frames of independent statehood.

The reconciliation and parallel presence of a multiplicity of political frames-state, region, minority self-government, autonomy-is an indispensable requirement of practical life in this ethnically diverse region.

No distinction can be drawn between the desires for freedom in a minority community and the national community without simultaneously jeopardizing the stability of nation marked by ethnic intolerance, opposed to the principle of national self-determination, seeking at all costs to confine the nation within the frontiers of a country, since the minority problem is thereby excluded from the list of outstanding problems, not resolved. It is superfluous in the light of the Yugoslav situation for us to prove what consequences this has.

Management of the crises and crises of the region are impossible without a rational dialogue between equal partners. The Hungarian community of Vojvodina long ago attained the level of political consciousness required to conduct such a dialogue. It is accordingly the most important political endeavour of the DCHV to assert the collective rights of the Hungarians living here, so that reasons of partnership can be laid down in the Constitution through the establishment of self-government on the personal principle.

For these relations of partnership to emerge and for rational dialogue to take place, the circles setting the direction of Serbian politics must abandon their exclusive interpretation of the doctrine of national sovereignty, their concept of the state as manifesting exclusively the sovereignty of the majority people, and their consequent reception of any attempt at self-determination by other nations and national minorities as an affront to national sovereignty. This exclusiveness precludes self-determination for the numerical minorities and constitutes a threat against any aspirations to it. This threat and repression obliges the numerical minorities to curb their aspirations to freedom and their efforts towards emancipation, and to accept that they are second-class citizens in relation to the majority people.

It is our deep conviction that a democratic Serbia must rest on basic principles that allow numerical minorities also to decide, within the frames of the law, what status, they want and how they can best preserve and foster their linguistic culture and national self-identity.

Since it is considerably in the interest of Serbia to resolve the political status of the minorities, we trust that support will be forthcoming in the legislature for the personal self-government proposed, which rests on recognition of the collective rights of the Hungarian community and of their collective legal identity.

Communities

With Special Status A Hungarian Autonomous Area

General Provisions

1

The Legislature of the Republic of Serbia, acting in line with:
the principles of the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights,
the final documents of the Conference on Security and Cooperation in Europe, the Paris Charter for a New Europe, and other CSCE documents concerning human and minority rights,
the International Convention of the Elimination of All Forms of Racial Discrimination, and the Convention of the Prevention and Punishment of the Crime of Genocide,
the settlement principles outlined at the Hague/Brussels Conference on Yugoslavia, and the possibility of ensuring special legal status defined in paragraph c. of Part II of the document submitted by Lord Carrington, President of the peace conference,
and emphasizing the shared objectives of the people and ethnic groups living here to create a democratic order of society that guarantees to all citizens, within the frames of the constitutional state, full exercise of human rights, fundamental liberties and minority rights, along with free expression of their legitimate interests and aspirations, including the accordance and protection of territorial self-government, hereby commits itself, in accordance with the expressed will of the Hungarian community living here, to granting special status to communities and areas with a Hungarian majority.

Communities with special status

2

Communities and areas in which the Hungarian inhabitants form a simple majority shall enjoy the rights of self-government (autonomy) and have separate statutes.

3

The body of representatives and its executive council in communities with special status and separate statutes shall be elected and appointed respectively in proportion to the national composition of the population. This principle must also apply to employees of state institutions and publicly owned firms.

4

The regulations and resolutions adopted by communities with special status and their organizations and bodies shall guarantee equal rights in accordance with the law to Serbs, Croats, Romanians, Ruthenians and other ethnic groups living in the territory of the community.

5

Serbs living in communities with special status and other inhabitants constituting a minority shall have the same rights and duties as the Hungarians constituting the majority, and the special rights and duties determined by this Act shall apply to them as well.

6

Communities with special status shall decide independently on the following matters within the primary competence of the community:

- territorial and settlement development,
- development of economic activity,
- satisfaction of the communal needs of the inhabitants: the provision and operation of the infrastructural services and communal institutions,
- protection of nature and the environment,
- development of cultural activity: the foundation and maintenance of museums, libraries, theatres etc.
- satisfaction of the health-care and social-welfare needs of the inhabitants,
- educational institutions,
- implementation of the rights of citizens and ethnic groups,
- maintenance of public order, calm and traffic safety,
- establishment of various organizations and services.

The institutional bodies of communities with special status

The institutional bodies of communities with special status shall be the following:

- community body of representatives,
- community executive council,
- community president,
- community court of law,
- community police department.

8

The responsibilities and competence of communities with special status, their mode of election and method of operation shall be determined by the statutes of the community, in accordance with territorial self-government and election law.

Other Provisions

9

All moveable property and real estate in the territory of a community with special status and the rights pertaining to it shall form the property of that community.

10

Revenue and expenditure of communities with special status shall be determined by the annual budget. The communities's source of revenue shall be:

- 1)income from movable property and real estate in their possession,
- 2)income from firms, agencies, institutions and other organizations in their possession,
- 3)revenue from community taxes and charges levied in accordance with the law,
- 4)gifts, inheritance and legacies,
- 5)grants and subsidies provided in the state budget or separate provisions of the law,
- 6)other income determined by the law.

11

The legality of the financial activity of communities with special status shall be controlled

by the state.

12

The Republic of Serbia shall conclude an international agreement to provide for monitoring of the implementation of the Act on Communities Special Status.

ASSOCIATION AGREEMENT BETWEEN COMMUNITIES WITH SPECIAL STATUS

THE HUNGARIAN AUTONOMOUS AREA

General Provisions

1

Territorially contiguous communities with special status with a Hungarian majority form a communality with a view to performing the activities in their primary sphere of competence more effectively, and of protecting the national self-identity of the Hungarian community and ensuring the exercise of its cultural and social rights.

2

Accession shall be decided by the community bodies of representatives elected in the first free, multi-party local government elections. If the community body of representatives fails to take a position on the matter or citizens are dissatisfied with the decision taken, a proposal for a referendum may be made by one hundred citizens, which the signatures of one thousand citizens renders mandatory.

3

The cooperation agreement offers the prospect of free association also by settlements with a Hungarian majority in the territory of other communities, and of dissociation by settlements with a Serbian majority where they lie on the perimeter of the areas.

4

The unit of special public administration and government formed by the association shall be called the Hungarian Autonomous Area.

5

The association agreement, guided by the intention that the organization of Hungarian territorial self-government should have a worthy administrative seat, designates the city of Subotica (Szabadka) as the centre of government and public administration for the Hungarian Autonomous Area.

The powers of the organization of self-government

6

The self-governing powers of the Hungarian Autonomous Area shall extend to all matters

and forms of administration that necessitate special administration in view of the special conditions of the area and the people, and that the relevant international agreements foresee.

7

The self-governing powers of the Hungarian Autonomous Area shall extend particularly to:

- a) the administration of religious and public educational affairs and to economic and social affairs,
- b) dissemination of information,
- c) administration of justice and the police, in accordance with the provisions of separate laws,
- d) determination in financial affairs of the expenditure of the organization of self-government and the financial cover for the expenditure,
- e) local government matters within the competence of the organization of self-government according to the laws and other legal regulations on autonomy.

8

Hungarian, Serbian and Croatian shall be official languages with equal status in the territory of the Hungarian Autonomous Area. All kinds of authority, office, school and other institution must employ persons familiar with the Hungarian and the Serbian and Croatian languages.

9

Citizens with a native language other than Hungarian, Serbian or Croatian shall have the same rights in the Hungarian Autonomous Area as the laws and other legal regulations provide for national minorities living in the territory of country.

10

The coat-of-arms of the Hungarian Autonomous Area shall be determined by the General Assembly. The flag shall be a tricolour-red, white, and green-without crest or star. The coat-of-arms and flag of the Hungarian Autonomous Area shall be used officially alongside the coat-of-arms and flag of Serbia.

The organization bodies of the Hungarian Autonomous Area

11

The organizational bodies of the Hungarian Autonomous Area shall be:

- a) the General Assembly
- b) the Territorial Council,
- c) the Area President (Lord Mayor)

12

The highest representative body of the Hungarian Autonomous Area shall be the General Assembly. Members of the General Assembly shall be elected by the voters for a term of four years.

13

The General Assembly shall:

- a) adopt statutes,
- b) elect the members of the Territorial Council from its own ranks,
- c) elect the President (Lord Mayor) from its own ranks,
- d) appoint or elect the members of the public administrative committees of the Hungarian Autonomous Area: the chief prosecutor, director of finance, educational counsellor, chief of police and other office-holders,
- e) determine the budget and final accounts of the territorial organization of autonomy,
- f) control public administration within its competence and express comments and desires concerning the governmental administration in the territory of the Area, conveying these to the Prime Minister through the Lieutenant,
- g) decide all matters assigned to its competence by the law or ministerial decree, or by the statutes.

14

The General Assembly of the Hungarian Autonomous Area shall adopt statutes on matters belonging to the competence of the organization of territorial autonomy.

The statutes of the Hungarian Autonomous Area shall determine:

- a) elections to the organizational bodies of Hungarian autonomy,
- b) the mode of convening and functioning of the General Assembly, the times of its ordinary sessions and the procedural rules of its session,
- c) the rules for proclaiming, publication and entry into force of the statutes and regulations of the organization of autonomy,
- d) the structure of the office headed by the President (Lord Mayor),
- e) detailed rules on language use in the self-government administration,
- f) the coat-of-arms and flag of the Hungarian Autonomous Area.

The statutes of the Hungarian Autonomous Area may not conflict with the Constitution, nor the regulations of communities contradict the statutes of the organization of autonomy.

15

The Territorial Council shall:

- draft the statutes of the territorial organization of autonomy and put them before the General Assembly,
- submit proposals to the General Assembly within the competence of the organization of self-government and implement the decisions of the General Assembly,
- exercise supervision over the activity of the organization of territorial self-government,
- act on all matters assigned to its competence by law or the statutes.

16

The President (Lord Mayor) shall:

- ensure the enforcement of the laws, the regulations, the statutes and regulations of the General Assembly, and the decisions and measures of the government authorities and self-government bodies,
- appoint the officers of the organization of autonomy not liable to election,
- perform all the tasks assigned to his or her competence by the law, ministerial decrees and the statutes of the organization of self-government,
- represent the interests of the Hungarian Autonomous Area,
- swear an oath before the General Assembly before taking office. The test of the oath and the manner in which the President (Lord Mayor) is called to account shall be determined by the statutes.

Other provisions

The Hungarian Autonomous Area shall cover the costs of central administration from the contributions of the citizens living in its territory and the supports and grants provided under the state budget.

18

The salaries of the employees in state administration shall be covered by the state treasury, and likewise the remuneration of the employees of the communities.

19

The expenditure of the local-government authorities of the Hungarian Autonomous Area and the self-government organizations of the communities shall be covered from revenues and grants earmarked for the local-government authorities and the communities by law and under other legal regulations.

20

The governor's lieutenant shall submit the regulations and budget adopted by the General Assembly for prime minister's endorsement and final accounts for the prime minister's cognizance.

PREAMBLE

TO THE PROPOSAL ON HUNGARIAN TERRITORIAL AUTONOMY

The DCHV, in agreement with the proposal by Lord Carrington, President of the Hague and Brussels Conference on Yugoslavia, for a settlement of the situation of the numerical minorities, considered the possibility of ensuring special status, as defined in Paragraph c. of Part II in the document mentioned, for communities where Hungarians form the majority.

On the basis of this consideration, the Democratic Community of Hungarians in Voivodina, as the sole widely supported, legitimate representative organization of the Hungarians living here, places before the House of Representatives of the Republic of Serbia a proposal requesting the legislature to ensure to the communities (territories) with a Hungarian majority special status with their own legislature, police force and schools, and free use of their own national symbols.

The proposals envisages free association with or dissociation from the Hungarian Autonomous Area for Voivodina's communities of settlements with a Hungarian majority. Association, or accession to the Hungarian area would be decided either by the citizens in a referendum or by the new elected representative bodies after the first free, multi-party local-authority elections.

The Hungarian ethnic bloc along the River Tisza-the communities of Kanizsa, Zenta, Ada, Csoka and Obecse-form along with Kishegyes, Topolya and Szabadka in the Bacska district and a few other neighbouring communities, a compact area inhabited by the Hungarian community as a large majority in a relatively closed bloc.

Apart from its ethnic character, the natural, economic and cultural patterns of this area are uniform and similar in character. When Serbia's new administrative units were introduced, common sense would have self-evidently presented it as a district; those concerned did not avail themselves of this opportunity, obviously because they were guided by absolutely different considerations.

The division into districts, which cuts the Hungarian community up seven ways, is not of course acceptable to us, as it would result in the cultural and economic annihilation of the

Hungarian community. By establishing territorial autonomy, we set out to improve the disadvantageous situation deriving from our position as a numerical minority, so that we can preserve our notional characteristics as an equal partner enjoying the same rights and opportunities as other peoples. We do not seek anything other than what is being accorded to the Serbs in Croatia or other states in the process of gaining independence.

Serbia cannot apply a double standard. It cannot dissociate itself from settling the constitutional status of the national minorities, from guaranteeing the forms of self-government that conform with the letter and spirit of the peace plan.

Unfair discrimination against the minorities, which has been their lot for seventy odd years, and the double standard that still injures us are rooted in obsolete concepts of law unknown in the European Community and the civilized world. They are not known and not accepted by them, to such an extent that countries failing to respect the regulations on the rights of the minorities, subjecting them to discrimination on numerical grounds or making attempts to develop their situation in a negative direction are denied admission to the European Community. We trust that this will be the case to an even greater extent in the future.

The submitted proposal on territorial autonomy does not cover or specify the content of self-government in the various branches of state administration. This proposal is confined to a declaration of the principle that a measure of self-government should be granted to a defined territory, the Hungarian Autonomous Area, and to the establishment of the frames for this, the organization of self-government, the bodies of public administration, and their areas of competence.

Convinced that the Hungarian community living in the Republic of Serbia can give useful substance to the frames and opportunities provided by self-government, we request the endorsement of the Serbian legislative body and enactment of the proposal on autonomy.

LOCAL GOVERNMENT AUTHORITIES

PROPOSAL

for the establishment of local government authorities

The General Assembly of the DCHV,
seeking fuller implementation of the fundamental human and minority rights,
proceeding from the provisions of the European Charter of Local Self-government,
according to which local authorities form one of the basic institutions of democratic government,
convinced that local authorities of local government authorities invested with actual
responsibility serve to ensure public administration that is at once efficient and in accordance with
the liberties of both the citizens and the national minorities,

considering the language, culture and historical traditions of national minorities to be values
whose preservation and enrichment are not only the right of the minority concerned but in the
interest of the majority nation,

in the belief that both the state and society should contribute effectively to elimination the
disadvantages of existence as a minority, particularly the situation of minorities living in dispersed
groups or linguistically isolated settlements, acting in line with these objectives and the terms of the
relevant international agreements, notably the conclusions of the Hague Conference on Yugoslavia,
and in particular the form of self-government envisage in Points 2-3 of the settlement proposal put
forward by Lord Carrington,

-Hereby presents a proposal concerning the establishment of local self-government for
Hungarian minorities living in isolated villages and forming a majority in them.

General Provisions

National minority rights shall be fundamental liberties which the Republic of Serbia recognizes and whose exercise the Republic of Serbia guarantees. On the basis of these rights, all have the right to express freely and declare their affiliation to their national community and ethnic group, cultivate their language, culture and traditions, practise their religion and freely use their native language in speech and writing.

2

The local government authority in settlements where the size of the minorities amounts to not less than ten per cent of the population is to ensure from allocations from the state budget that:

a) the language of the minorities is used on place-name and street-name signs and in inscriptions on public buildings, along with Serbian and in the same manner and size.

b) the printed materials used in public administrative procedures are available also in the language of the minorities is employed by the local government authority to deal with the affairs of the inhabitants.

The powers of the local government authority

3

The competence of the local government authorities shall be determined by the Constitution and by the law. The law and regulations shall allow the local government authorities in villages and settlements with a Hungarian majority to be invested with special powers and obligations that take into consideration the linguistic and cultural interests of the Hungarian community.

The local government authorities shall have full powers within the framework of the legal provisions to act on all matters belonging to their competence.

The envisaged powers of local government authorities shall be full and exclusive. They may only be limited by another central or regional organization (community or district) on the basis of express provisions of the legal regulations to that effect.

Protection of the territorial boundaries of the local government authority

4

Local administrative boundaries may not be altered without prior consultation with the local communities affected or a referendum.

The administrative bodies of the local government authority

5

The local government authority, without infringing the legal provisions, shall determine its own internal administrative structure in line with local needs and with the aim of ensuring efficiency.

Supervision of local government authorities

6

The activity of the local government authority may be subject to supervision only in cases and according to procedures laid down in the Constitution and the law.

The supervision of the activity of the local administrative bodies may be directed in general only to an examination of the legality of this activity and its conformity with the terms of the Constitution.

Superior administrative bodies may only exercise administrative supervision over the local administrative bodies in respect of functions that belong to the executive competence of the local government authorities.

Funding of the local government authorities

7

Local administrative bodies shall be entitled to their own sources of finance within the frames of economic policy and to use these funds freely in the exercise of their powers.

Another part of the funds of the local government authorities shall consist of revenues from local taxes and charges, whose rates the local government authority is free to determine within the limits set by the law.

Financially weaker local government authorities may receive support from state or other financial sources to alleviate their financial difficulties.

Association of local administrative bodies

8

Local administrative bodies shall have the right to cooperate in the accomplishment of their aims and performance of their tasks and associate with other local government authorities for the purpose of performing tasks in their common interest.

The state shall recognize the right of local administrative bodies to be members of national federations in order to protect and advance their common interests.

Local administrative bodies may establish relations and cooperate with the local government authorities and local administrative bodies of other states.

PREAMBLE

to the proposal on local government authorities

In view of the existence in the territory of Voivodina of some fifteen settlements in which the Hungarian community, forming a linguistic enclave (or group on enclaves), is in a majority, the DCHV advocates the formation of local government authorities in line with the European Charter of Local Self-Government and the settlement guide-lines set forth in Paragraphs (2) and (3) of the settlement proposal presented to the Hague Conference on Yugoslavia by Lord Carrington.

We maintain that the resolution of the minority question is of paramount importance for the creation of lasting peace and the actual solution of the ethnic conflicts, and that this question must be resolved on the basis of identical principles and standards. It is inadmissible for the special status of self-government not to be granted to every national minority where it forms a majority, in other words for any people or ethnic group to gain privileges over other peoples and ethnic groups.

The Hague document, which in effect places the national minorities on an equal footing with the majority peoples and awards them the collective rights and forms of self-determination required for the preserving their identity, also offers a good basis for the Hungarians of Voivodina and settlement of their unresolved situation.

Democratic settlement of the situation of the indigenous Hungarian majority living here in the spirit of the Hague document, by ensuring the rights of self-government indicated, would represent a big advance towards a resolution of the conflicts and tension in the geopolitical region, the creation of the conditions for peaceful coexistence, and also the process or building a new

Europe.

Settlement of the Constitutional Status of Voivodina

The Democratic Community of Hungarians in Voivodina, in accordance with Articles 2 and 81 of the Constitution of the Republic of Serbia addresses, in the name of 100,000 citizens who have signed the initiative, a demand to the Serbian National Assembly for the

DECLARATION OF A REFERENDUM

To determine the constitutional status of the Autonomous Province of Voivodina.

1) Since, under Article 2 of the Constitution, the citizens may decide in a referendum on their sovereignty, the signatories of the petition bind the Serbian National Assembly to the declaration of a referendum in accordance with Article 81 of the Constitution.

2) Citizens of the Autonomous Province of Voivodina domiciled in its territory on January 1, 1989 shall express their view in the referendum on the questions put below.

Alternative proposal:

All citizens domiciled in the Territory of Voivodina at the conclusion of the First World War and their descendants, and citizens domiciled in the territory of the Autonomous province of Voivodina on January 1 1992 may express their view in the referendum.

3) The date of holding the referendum shall be decided by the National Assembly of the Republic of Serbia.

4) A response shall be given in the referendum to the following questions:

a) I support the proposal that the Autonomous Province of Voivodina be constituted as an independent political and economic entity.

b) I support the proposal that Voivodina be constituted according to the Constitution of the Republic of Serbia promulgated on September 28, 1990.

Indication of the response shall be made by circling one of the letters appearing before the possible solutions, or in a way that indicates clearly which of the two possible versions the citizen supports.

5) In the case of more than 50% of the citizens supporting the solution indicated under Point a) there shall be formed by democratic elections within thirty days of the referendum a Constituent Parliament of Voivodina which shall at its first sitting adopt a constitution recommended by a consensus of the legal and legitimate political organizations operating in the territory of Voivodina, and on that basis call general elections in the territory of Voivodina.

6) The constitution of the Republic of Serbia shall be amended in accordance with the result of the referendum and the provincial Constitution adopted by the Constituent Parliament of the Autonomous Province of Voivodina.

7) The control and supervision of the international community and the foreign countries concerned shall be ensured for the conduct of the referendum.

PROPOSAL FOR AMENDMENT OF THE CONSTITUTION

The Democratic Community of Hungarians in Voivodina, acting in accordance with the draft documents of the Conference on Yugoslavia and Article 132 of the Constitution of the Republic of Serbia, submits to the National Assembly of the Republic of Serbia, in the name of the fifty signatory members of the National Assembly (alternative: 100 000 citizens) a

PROPOSAL FOR AMENDMENT OF THE CONSTITUTION

Amendment I

Section I

Article 117 of the Constitution shall be followed by a new subtitle, "Villages with special status", and then by a new Article 117a with the following wording:

"Villages where an ethnic group lives as a simple majority shall enjoy special status.

"The position of villages with special status shall be regulated under a separate law."

Section 2

Article 117a shall be followed by a new subtitle: "organizations of territorial autonomy for ethnic groups", and then by a new Article 117b with the following wording.

"Several neighbouring villages with special status, by association with each other, may establish an organization of territorial autonomy for the ethnic group living in a majority there.

"The mode and form of association and the powers of the organization of territorial autonomy for the ethnic group shall be regulated in separate laws for each ethnic group."

Amendment II

Section 3

Article 117b shall be followed by a new subtitle, "Local organizations of autonomy," and then by a new Article 117c with the following wording:

"Local organizations of autonomy may be established in settlements where the members of and ethnic group found sporadically live in a simple majority."

"The operation of local organization of autonomy shall be regulated in a separate law."

Amendment III

Section 4

Article 118 shall be followed by a new main title, "Via. Autonomy for ethnic groups based on the personal principle (minority self-government)," and then by a new Section 118a with the following wording:

"The ethnic groups living in the territory of the republic, if they express a wish to this effect, shall constitute political entities.

"These ethnic groups may establish where organizations of autonomy based on the personal principle. Under these organizations of autonomy, the state shall transfer to the ethnic groups the competence of its sovereignty in the fields of education, culture, information and use of language.

"The ethnic groups shall regulate with their own laws the activities of education, culture and information in their organizations of autonomy based on the personal principle, while in the field of the use of language, they shall devise a code of language use based on a consensus with the highest bodies of state power.

"The organizations of autonomy for ethnic groups based on the personal principle shall be regulated in a separate law."

Section 5

These constitutional amendments and the constitutional law on their enforcement shall come

into force on the day of their promulgation.

PROPOSAL

The Annual General Meeting of the DCHV debated the draft prepared by the expert committee and adopted the following

RESOLUTIONS

1. In the light of the settlement proposal put forward by Lord Carrington at the Hague Conference on Yugoslavia, it is indispensable to a settlement of the situation of the Hungarian ethnic group living in Voivodina:

- a) to ensure the status of the Hungarian ethnic group as a political entity,
- b) to guarantee the opportunity for the Hungarian community living here to establish
 - self-government on the personal principle,
 - territorial autonomy through voluntary association of communities with special status,
 - local-government organizations for the settlement of Hungarians living in scattered communities.

2. It must be made possible for the citizens of Voivodina to decide in a referendum the constitutional status of this region with historical, geographical, economic, cultural and other traditions.

3. The draft of the expert committee and these resolutions shall be forwarded to the Brussels conference operating as a continuation of the Hague Conference on Yugoslavia.

4. The Hungarian community of Voivodina wishes to attain its own autonomy along with the other peoples and ethnic groups living here.

Kanizsa, April 25, 1992

Andras Agoston
President of the DCHV