The Dynamics of Ethnic Minority Policy: the Hungarian Roma and Australian Aborigines compared

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Introduction: a Liberal Theory v. an Egalitarian Critique of Minority Rights or Will Kymlicka v. Brian Barry

In his widely acclaimed Multicultural Citizenship, Will Kymlicka advocated a liberal theory of minority rights. Contrary to the dominant view in Anglo-Saxon political thought, Kymlicka claims that collective rights protecting national minorities or ethnic groups living within a state need not conflict with the notion of individual liberty. Collective or multicultural rights can be justified from a liberal point of view as long as they protect the resources and institutions of the minority against the unrestrained will of the majority ("external protection"). Language rights, special representation rights, self-government rights, land claims or certain types of poly-ethnic rights do not necessarily violate the liberal equality principle. By contrast, cultural rights curbing the individual rights of the minority population in the name of cultural purity ("internal restrictions") cannot be tolerated (Kymlicka 1995: 7, 34-48).

In a decade marked by the collapse of communism and the reawakening of nationalism as a strong ideological force, the politics of multiculturalism proved highly popular. Iris Young, Charles Taylor, Charles Tilly and many other prominent political philosophers jumped enthusiastically on the multiculturalism wagon. One political theorist who chose not to follow this course of action is Brian Barry. In a fierce critique of multiculturalism, Brian Barry recently dismissed the compatibility of minority rights with the principle of equality. Cultural policies exempting ethnic minorities from laws that apply to anyone else, or providing them with targeted subsidies or representation rights distort 'the freedom to live within a framework of uniform laws' (Barry 2001: 318). He forcefully argues that 'there is no principle of justice mandating exemptions to generally applicable laws for those who find compliance burdensome in virtue of their cultural norms or religious beliefs' (Barry 2001: 321). In his view the problems minorities are facing do not necessarily derive from distinct cultural characteristics, but from poor educational,
employment, social or environmental records. Barry makes his point with reference to the American blacks: since they are non-indigenous and non-immigrant, they cannot be placed into Kymlicka's categorisation of a cultural minority. Consequently, the solution to racial desegregation in the US requires non-discrimination laws and equal opportunity to participate (for instance necessitating adequate schooling). In Barry's view, this solution should not only apply to American blacks, but to a much larger group of minorities which Kymlicka all too readily classifies as “cultural”.

The basic distinction underlying this debate is whether public authorities should approach ethnic minority citizens on the basis of their membership of a cultural community or as individual citizens of the state. In this paper, we do not engage in a further theoretical discussion of these contrasting approaches nor seek to take a position in this debate. Rather, this contribution is intended to add some empirical flesh to the theoretical discussion by exploring the consequences of “individual” versus “group” approaches for concrete policy-making around non-immigrant marginalised ethnic minorities. We focus on two states that have in divergent ways attempted to address the marginalisation of ethnic minorities on their territory: the Hungarian treatment of the Roma (Gypsies) and the Australian treatment of the Aborigines. These minorities have commonly suffered from ethnic discrimination and socio-economic marginalisation. Over time, however, their respective governments have formulated divergent policies to address their problems, depending on the way they conceptualised them as a group. Through various stages of its post-war history, the Hungarian government proposed strategies of “automation”, “assimilation” and “integration” (multiculturalism) in dealing with its Romani minority. Similarly, the Australian federal (and state) governments, after engaging in a de facto policy of “extinction” (Aboriginal advocacy groups insist on using the term “genocide” instead) resorted to “assimilationist” and “multicultural” policies. What interests us is how in these cases policy adjustments have come into being. To that purpose we will investigate the incentives underlying public policy formation vis-à-vis these ethnic minorities, as well the extent to which the proposed policies have succeeded in achieving their stated goals. Our paper maps the strengths and weaknesses of the “individual” versus “group approaches” in addressing ethnic minority concerns. Our conclusions will be that policy changes cannot be fully explained by reference to the ideological and normative backgrounds of policy-makers at certain points in time. We will show that incentives that have driven policy adjustments in the one or other direction are often strongly related to the perceived effectiveness of a certain policy in achieving its stated objectives, concern from international organisations and advocacy groups, and to pragmatic or strategic considerations of policy-makers in the context of political competition.

Ethnic Minority and Indigenous Rights compared: the case of the Hungarian Roma and Australian Aborigines

The paper proceeds as follows: first we will offer a brief historical overview of the ways in which the Hungarian and the Australian authorities have perceived and defined their ethnic minorities. On the basis of this historical description, we will then make a brief comparison of the incentives that have led to policy changes in the Hungarian and Australian case. Before turning to that, however, first a few words may be in order with regard to the reasons why we chose to compare specifically these two cases.
It has to be noted from the outset that our two cases are considerably different in terms of their historical and political context. Most importantly, the Roma are generally considered to be of foreign descent – i.e. an ethnic minority which has arrived in Eastern Europe at the end of the Middle Ages from Northern India – while the Aborigines are now generally perceived as the descendants of those populations that inhabited the territory of current Australia before foreign settlement in 1788, and they even constituted a majority population until the mid 19th century. This certainly has affected the way current claims of the groups in question have been framed (e.g. claims to land rights are completely absent from the Hungarian case). Furthermore, in their recent histories both groups have been living in very different political systems. As the Hungarian Roma have been living in a one-party regime, they had few chances for political representation on an ethnic basis before 1989; in contrast, the Aboriginals gained the opportunity to form an ethnic political actor in a democratic system as of their gaining full citizenship rights in the 1960s.

Despite these obvious differences, the position of both minorities in society shows a remarkable number of common elements. First of all, both minorities suffer from marginalisation, which is mostly reflected in their material situation: they are commonly plagued by some of the worst poverty in their countries and suffer from disproportionately high unemployment. Second, they comprise a comparably small share of the population (2.1% in Australia and around 5% in Hungary\(^1\)) and are territorially dispersed. Third, they are both non-immigrant minorities, in the sense that they represent cases of minorities with a history that is increasingly accepted as one that is fundamentally connected to the official histories of the states they belong to. Furthermore, both minorities are not homogenous entities, but consist of communities that have assumed very diverse patterns of identification over time. Despite this diversity, they are often subject to stereotypical thinking: a similar negative meaning has generally been assigned to their identities and they are often seen as bounded cultures that wilfully seclude themselves from mainstream society. Throughout recent times both Aboriginal and Romani activists have formed movements based on a common identity, aimed to reverse stigmatisation.\(^2\) This process of ethnic resurgence has attracted the attention from both international organisations and international advocacy networks (e.g. human rights groups and minority rights organisations). We believe that comparing policy changes for both minorities can be interesting since both minorities are either perceived as socio-economically deprived and/or culturally distinct. In both cases making policy has involved making decisions on whether to stress socio-economic equality of cultural difference.

Policies targeting the Roma in Hungary

Pre-communist legacies

During the times of the Habsburg Empire, the people designated as ‘Gypsies’ generally occupied an economic niche of commercial nomads (travelling smiths, musicians and so forth). Many current stereotypical depictions still construct the Roma as a wandering people, but in fact, since the first Romani targeted policies in Central Europe under Maria Theresia and Joseph II in the 18th century, most of them have been settled in isolated communities. Their position was consigned to the margins of economy and society, where they experienced increased hostility throughout the 19th and 20th century (Crowe 1996: 69-92). The traditional understanding of them as a heterogeneous group of beggars and thieves, was accompanied during the 19th century with romantic understandings of them as a separate ‘people’ with an own exotic culture and foreign language. The latter view
was taken to an extreme during the second World War. As Guy (2001: 8) writes: obsessed by racial purity, the Nazis prioritised the ethnic identity of the Roma as an alien people over their alleged social identity of ‘asocials’, although they were regarded as undesirable on both accounts. Post-war Hungary saw a rapid increase of its Romani population and realised that because of the greater integration of Roma in mainstream society, new policy initiatives were needed (Kovats 2001: 3). Communists started a policy to abolish the poor Romani settlements and to include them within the labour force of the centrally planned economy (Kovats 2001: 3).

The Kádár era

The Roma in post-war Hungary have in various ways been targeted by public policy. To some extent policies have varied with the changing ideological contours of the political regime. However, as we shall see, within the development of one ideological period, the development of minority policy had its own dynamics. We can divide the period between the end of the 1950s and the end of the century roughly into two parts. The first part comprises the period under a centralised Communist-led government. The second period starts with the instalment of a multiparty regime at the end of the 1980s.

It is difficult to summarise in a few words the Communist approaches to Romani identity. In general, they discarded the existence of a separate Romani ethnic identity and introduced policies aimed at assimilation. At the same time, however, perceptions of the Roma as a socio-culturally maladjusted group were underlying these policies.

Under the Hungarian Socialist workers’ Party (MSzMP) of party leader János Kádár (1956-1988), the attitude of the state towards minorities fluctuated with the state’s position on freedom in civil society. After first eradicating the traces of the 1956 revolution, the MSzMP embraced a policy of relaxation in the 1960s, leading to the introduction of modest attempts at democratisation and limited economic reform (see e.g. Crampton 1994: 316-317). The Party continued to portray state policy as an ideological struggle towards socialism, but in practice policy decisions were gradually more removed from ideology and more and more related to pragmatic ways of maintaining power relations. The way the state has dealt with minorities reflects very well this development. In principle, the formation of interest associations was forbidden and the organisation of a public discussion on issues surrounding the political and socio-economic situation of minority groups was highly restricted. Ethnicity was supposed to disappear automatically (“automation”) and a new socialist identity would replace it. In the reasoning of the “automation” approach, cultural differentiation was a mere product of material inequalities. Establishing equity would in this view take away every reason for cultural identification (especially with Romani identity, which was viewed as nothing more than a socio-economic position in society), so in cultural policy a philosophy of laissez-faire was followed. The goal of the complete disappearance of ethnic identification was to be an automatic result of the active pursuit of material equity. In practice, the way Romani culture was viewed within policy execution fluctuated. At first, there were strict restrictions on talk about the separate ethnocultural identification of the Roma, but such restrictions were gradually abandoned with a growing public concern for the Hungarian minorities abroad. Indicative of that limited change was the establishment of the Hungarian Gypsy Cultural Association (MCKSz) in the autumn of 1957 on the initiative of a Romani woman called Máriá László who was able to receive backing from the ministry of culture (Stewart 2001: 76; Sághy 1999).
In 1961 the Political Committee (Politikai Bizottság or Politburo) of the MSzMP left its reluctant admittance of Romani identification and adopted a decree ('Tasks in Relation to Improving the Circumstances of the Gypsy Population', resolution 2,014/1964), which officially marked the beginning of an active “assimilationist Gypsy policy”. Assimilation had the same aim as the automation approach, namely the complete disappearance of the group’s identity in such a way that it can no longer be a point of reference for the members of the group or for the people outside the group. In contrast to the automation approach, however, assimilation entailed purposeful action of the state to reach this goal. Underlying the policy shift was the undeniable observation that the Roma found themselves in increasingly problematic circumstances (contra to the expectations of the automation approach). In the decree, a special concern was expressed for the social situation of the Roma. The Politburo recognised the problem of prejudice (“an almost irrational aversion to the Gypsies”) and discrimination present in society (quoted in Crowe 1995: 93). In an attempt to show that this discrimination was invalid, it noted that ‘despite certain ethnological traits’ the Roma were not to be regarded as a national minority. However, a clear link was created in this document between the observed social problems surrounding the situation of the Roma and their alleged ethnological traits (the document mentioned that the Roma were characterised by “grave backwardness” and that a “cultural advancement” was needed). The reasoning behind the policy of assimilation was that changing alleged ethnological traits would also change the position of the Roma in society, foster the disappearance of the “Gypsies as a social category” and end problems of prejudice and discrimination.

Three policy areas were seen as crucial for realising this aim: employment in regular labour, housing and education. For example, through a housing programme in 1964 an attempt was done to move Roma from the substandard housing in isolated settlements into 2,500 new homes in cities or villages (Crowe 1995: 94). After the only relative success of this campaign, other attempts at relocation were taken in the 1970s. It is clear that the housing policy of settlement liquidation had a thorough impact on the material conditions of the Roma. A representative survey conducted by the Sociological Research Institute of the Hungarian Academy of Sciences in 1971 found that 65.1 % of the Romani population lived in separate settlements, while in a comparable 1993-1994 survey carried out by the same institution this figure had declined to 13.7 % (Havas, Kertesi and Kemény 1995: 74). It is questionable, however, if it also changed problems of prejudice and discrimination. Employment percentages in the 1971 survey showed no significant difference between Romani and non-Romani men of working age. During the decade of the 1980s, however, a general fall in employment again disproportionately affected the Roma. Concerning education, the report on the basis of the 1971 survey called attention to the fact that in the 1950s and the 1960s, the educational level of the non-Romani population had grown rapidly with the gap between Roma and non-Roma widening (Havas, Kertesi and Kemény 1995: 69). The most important conclusion of the 1971 survey, however, was that a decade of active assimilation had not been enough to radically alter the situation. As a result the legitimacy of a strong assimilation policy diminished.

Halfway the 1970s the discourse of assimilation was explicitly abandoned and “integration” served now as a new guiding principle for policy-making on Roma. This followed a change in the constitution in 1972 which resulted in article 61 paragraph 1 describing the right to the usage of one’s native language and the conservation of one’s culture. Within the ministry of culture a consultative body for ‘Beratende Nationalitätenausschuss’ (Küpper 1998: 83) was established. The changing policy climate also led to the establishment of a new state institution for the Roma. In 1974 a so-called
consultative Gypsy Council (Cigányszövetség) was created to highlight a modest recognition of the phenomenon of ‘Gypsy culture’, meaning all kinds of art regarded as typical for the Roma. The experience was short-lived and by the end of the 1970s there is no sign anymore of this association. But the direction that policy development on Roma had taken was not changed. As a temporary measure the Roma were officially regarded as an ‘ethnic group’ in 1979 (Council of Minister’s Resolution 1,019/1979) (Kovats 2001b: 341). This had no legal consequences, but opened space for independent organisation in the 1980s.

In the 1980s the discourse of integration was more or less bracketed for two important reasons. First, an economic crisis and an ensuing policy of retrenchment strongly restricted the possibilities of spending money on integration programmes as they had been designed so far. Second, in an atmosphere of distancing itself further from Soviet policy, the MSzMP turned away from ideological rigidity and pursued a policy of ‘new consensus’ (Kovats 1998: 116). In 1984, the Hazafias Népfront (the Patriotic Peoples’ Front) – the communist organisation that co-ordinated all non-party organisations in Hungary – went further in the direction of seeing the Roma as a specific cultural entity which should be given the ability to promote their own culture. From that moment on, policy went more in the direction of promoting a politics of ‘difference’. Two new institutions were set up: in 1985 the National Gypsy Council (Országos Cigánytanács) was set up to advise the Hazafias Népfront on policies that involve Roma. In other words, instead of state bodies working themselves directly on the integration of the Roma, a new Romani body was created with which could be dialogue on the situation of the Roma. The result was, however, that there was no direct policy targeting the situation of the Roma anymore, but that Roma who wanted to achieve a policy change had now a legal channel through which they could achieve this. This led to the establishment of a number of Gypsy Councils on county level. In June 1986, a Gypsy Cultural Association (MCKSz) was established (a new institution and not a revival of the association with a similar name in the 1950s).

Cultural autonomy and self-government rights in post-communist Hungary

Soon after the changes of 1989, the Roma promptly gained unambiguous official recognition as an ethnic group and a national minority in most of post-communist Europe. In this capacity they became eligible for the legal protection of their culture and language, and gained the opportunity to establish organisations under an ethnic label. In most post-communist countries the financial protection of Romani cultural life became a topic dealt with in government advisory bodies on national minorities. However, not in all these countries the rights of Romani minority culture were protected in the same way. Hungary placed itself at one end of the continuum by granting thirteen officially recognised minorities – the Roma as an “ethnic minority” on an equal level with twelve “national minorities” – a far-reaching form of cultural autonomy, which was realised through a system of elected local and national self-governments. This change illustrated Hungary’s determination to pursue a ‘multiculturalist’ way of dealing with diversity in its society, meaning a policy which aims to offer special treatment to members of groups that are claimed to be different in terms of cultural characteristics.

In this sense, the new emphasis on multiculturalism was the logical extension of a policy stance that had gained ground during the late 1980s and represented a complete reversal of the Marxist-Leninist-inspired position on group difference. On the basis of the claim that group identity is inherently cultural, it was argued in 1989 that the assimilation
process of national and ethnic minorities must not only be halted but indeed also be reversed. This meant, for example, not only stop suppressing minority languages, but preserving them, and indeed actively reviving them. In this context, the constitutional changes were only the first step in a process leading to comprehensive legislation regulating the cultural autonomy of ethnic minorities in Hungary, effectively introduced in the 1993 ‘Minorities Act’. As a result of this legislation the Roma established a large number of municipal self-governments, which on their turn elected a 53-member National Gypsy Self-government. The competencies of the minority self-governments are restricted as they do not possess the powers of regular authorities, but they do have extensive consultation and consent rights. Local minority self-governments have the right of consent in issues of local public education (e.g. appointment of the head of a local school), local media, preservation of heritage, culture and collective language use. The national minority self-governments can independently decide on the establishment and maintenance of minority institutions that promote minority cultures (theatres, publishing houses, libraries etc.) and can express its opinion on bills of legislation affecting minorities (including county ordinances and those passed by the general council the city of Budapest). The national minority self-governments have the right of consent in matters of legislation on the historical heritage of minorities and the establishment of the core material for minority education. This system was further meant to give the Roma a representative voice. This voice would be taken into account during the process of design and implementation of policies aimed at Romani integration in society.

The contours of Romani-related policy again changed gradually in the latter half of the 1990s, as there was an increasing tendency to introduce new institutions for dealing with special programmes aimed at tackling the specific socio-economic and human rights problems that Romani communities suffer from. Arguably, this special attention was triggered to some extent by the international pressure on Central and Eastern European countries to offer the Roma more than just protection for their culture. It might also have followed an internal need felt by governments to co-ordinate activities towards this group; until that time these activities had been fragmented over various ministries.

The government report J/3670 prepared by the Horn government in 1997 was programmatic for the changing attitude towards the Roma. One the one side it rehearsed quite literally the argument that the minority self-government system is primarily designed to foster the ‘integration’ of the Roma. But at the same time it noted:

The issue of the integration of the Gypsies into society is of great importance for the internal stability and economic well-being of the country and it is also one requiring the implementation of measures which are different from those of traditional minority policy. (Government of the Republic of Hungary 1997: 11).

In other words, the ‘traditional minority policy’ in which the preservation and stimulation of cultural difference is seen as a way to integrate the minority, was ‘not enough’ for the Roma. As the deputy president of the Office for National and Ethnic Minorities (NEKH) stated it in 1999:

the situation of the Roma minority is in many respects quite different from other minorities. The problems they face are not only of linguistic or cultural character, therefore they cannot be solved within the framework of [the] minority law and need some other measures as well from the central, regional and local governments. (Heizer 1999: 4)
The first year of the 1994-1998 coalition government of socialists (MSzP) and the left-wing liberal Alliance Free Democrats (SzDSz) under Prime Minister Gyula Horn (MSzP) became aware of the need to develop group-specific strategies to tackle the problems facing the Roma. A number of symbolic things were introduced by Horn as part of ‘creating a minority-friendly environment’ (Government of the Hungarian Republic 1997: 22), such as the introduction of a national minority day and the yearly awarding of minority prizes. The establishment of a general Foundation for National and Ethnic Minorities, was primarily served to support projects that aim at ‘preserving the self-identity of the countries’ minority, and to nurture and pass on their traditions, language, and culture (...’) (Doncsev 1999: 3). But some initiatives were taken specifically for the Roma. The Foundation for the Hungarian Gypsies was established and was, in contrast to the Foundation for National and Ethnic Minorities meant to make extra funds available for the Roma in the field of vocational training, health support and development of small enterprises (Doncsev 1999: 3). In 1997 the overwhelming part of its budget (80 to 90 per cent) was disbursed in grants for approved schemes aimed at encouraging agricultural production (Kallái and Törszök 2001: 18).

The medium-term action plan initiated by the MSzP-SzDSz government was reviewed by the 1998-2002 government of Fidesz-MPP and its two coalition partners, the right-wing populist Independent Smallholders’ Party (FKGP) and the moderate nationalist Hungarian Democratic Forum (MDF). Despite strong ideological differences between the former and the current government, their respective treatments of the Roma did not differ substantively. Ideas were launched of creating a ‘political consensus’ on Romani policy. The government led by right-wing liberals Fidesz-MPP decided to set up extra institutions for the incorporation of the Romani voice in the design and implementation of policy programmes targeted at the Roma (“Interdepartmental Committee on Gypsy Affairs”, established in 1999). In July 2001 it also adopted a concept for a “Long-term Roma Programme”.

In general, one can safely argue that the political and institutional shift of the end of communism has changed the opportunities for Romani mobilisation quite dramatically. Thanks to the recognition of the Roma as a national minority they have been able to find a firm basis for formulating Romani interests in mainstream political parties and ethnically-based political parties. They have also been able to organise in all kinds of ethnically-based non-governmental organisations. Towards the end of the 1990s an emerging Romani elite has become increasingly involved in the administrative bodies designed to prepare and co-ordinate the implementation of “Romani policies”. This policies represent a shift away from a typical minority rights approach, which attempts to protect Romani culture, towards an approach in which special measures on social issues are directed towards this group. One could call it an ‘ethnicised social policy’.

Factors influencing policy dynamics in Hungary

We have alluded already to a number of factors that seem to have been important in bringing about crucial changes in policies related to Roma during the Kádár era. Although there were clearly general ideological considerations underpinning the policy of “automation”, “assimilation” and “integration”, one can observe that the introduction of these policies changes primarily followed doubts about the effectiveness of previous policies. For example, the forceful assimilation policy was introduced in 1961 as was realised that a pure automation policy had not been able to eradicate poverty and socio-economic marginality (Barany 2002: 121). Related to considerations about effectiveness
were also budget considerations. It is noteworthy that specifically in times of economic austerity the communist authorities thought it not to be appropriate to allocate more money to assimilation programmes and social support, but instead reverted to modest support of cultural expression. Interesting is that, although throughout the whole communist period, the idea of a distinct Romani ‘nationality’ was never embraced, the communists always – except perhaps during the period of the ‘automation’ – defined the Roma as culturally distinct. The assimilation period was aimed at eradicating these distinctions. In the period after 1984, cultural distinctions were modestly supported. The Hungarian minority protection system in the 1990s is viewed as very liberal, but the concrete shape of the system seemed more related to the opportunities within the political circumstances of the time than with liberal values. None of the minorities in Hungary has made strong claims about territorial autonomy. Hungary’s aspirations to serve as a “model” for its neighbouring countries were therefore not entirely fair. In Slovakia and Romania a far-reaching model of cultural autonomy for minorities would be far more difficult to sell to the public, since in these countries the Hungarian minorities have been much more territorially united and there has been public fear (justifiable or not) for territorial autonomy movements and irredentist claims by the Hungarian government.

Another important element is also related to Hungary’s position in its immediate international environment. During communism a growing support for domestic minority cultures became possible at times of increased concern from the communist authorities for the ethnic Hungarian minorities in neighbouring Romania and Czechoslovakia. This element did not change so much with the disappearance of communism. It has been argued that there is a strong connection between Hungary’s current full embrace of collective minority rights for its minorities and its foreign policy vis-à-vis Slovakia and Romania. According to Schöpflin, it served as a moral justification for its stance towards the Hungarians in these neighbouring states (Schöpflin 1998: 39). Likewise, Hungary’s political consensus on a multiculturalist approach was made possible thanks to its willingness to demonstrate towards the West its dedication to conflict prevention and international legal standards.

Related to this is the role of international advocacy networks – these are networks ‘organised to promote causes, principled ideas, and norms’ which often involve ‘individuals advocating policy changes that cannot be easily linked to a rationalist understanding of their “interests” ’ (Keck and Sikkink 1998: 89). The treatment of minorities in Hungary – the Roma in specific – more and more became a crucial element in the development of Hungary’s reputation vis-à-vis international organisations. Advocacy organisations played an important role in making international organisations more aware of problems concerning the treatment of the Roma in Central Europe in general. As of the beginning of the 1990s international human rights NGOs have been criticising those governments that ignored the conditions of many Roma’s daily lives. For example, in this period Human Rights Watch published a series of reports on the situation of the Roma in Bulgaria, Romania, Hungary and Czechoslovakia, concentrating on a wide range of issues from education to unequal access to public and private services. In the latter half of the 1990s, the Budapest-based European Roma Rights Center (ERRC) became the first professional international NGO to focus exclusively on the human rights situation of the Roma. Besides documenting and publicising systematic lacks of human rights protection and sending protest letters to “shame” governments, the ERRC also started to provide targeted legal help, including litigation, to Romani victims of human rights violations.
International organisations themselves also played an enormous role in shaping Hungary’s minority agenda in the 1990s. The Council of Europe praised many times Hungary’s choice to grant its minorities such a far-reaching form of cultural autonomy. The minority rights protection system also figured in the attempts by Hungary to promote its reputation towards the European Union. Hungary was, indeed, always perceived as one of the prime candidates for EU membership, but during the latter half of the 1990s its positive image in the field of minority treatment came to suffer some damage. Since 1997 the European Commission has repeatedly raised some mild criticism concerning what was seen as Hungary’s insufficient attempts to reverse the situation of the Roma. This criticism became somewhat less mild after the number of Hungarian asylum seekers – the overwhelming majority of them Roma – in the West rose quite spectacularly towards the end of the 1990s.

**Policies targeting the Aborigines in Australia**

**Increasing Discriminatory Policies (1788-1937)**

The first Aboriginal and Torres Strait Islander (ATSI) peoples arrived in Australia about 50,000 years ago. At the time of white settlement, some 300,000 Aborigines, divided into 500 tribes and speaking several hundred languages or dialects, populated the Australian continent. Colonial, as well as Australian policies vis-à-vis Aborigines before the 1960s do not fit into any of the three categories suggested above. Although Australian government policies targeting Aborigines were increasingly described as “assimilationist” from the 1930s onwards, they seriously violated equal opportunity and non-discrimination tests.

First, the British settlers considered Australia as uninhabited land or *terra nullius*. Since the Australian, unlike the New Zealand or North American natives did not live in villages and lacked recognisable governmental structures, the Aborigines were not offered a treaty settling land rights (Broome 1994: 25-27). The progressive dispossession of Aboriginal land resulted in widespread violence. In the first centenary following white settlement, the struggles between Aborigines and settlers resulted in about 20,000 Aboriginal and 2,500 white casualties (Hughes 1986: 465-480; Reynolds 1999: 132). By 1845, the whites had come to outnumber the Aborigines. By 1947 the Aboriginal population had fallen to 87,000, roughly 1.14 percent of the then 7.59 million strong Australian population (Markus 2001: 11). Several policy makers believed that the Aboriginal people were a dying race. Public policies were primarily conceived to “smoothening the dying pillow” (Coombs 1994: 71).

Second, Aboriginal communities were frequently isolated in government settlements (reserves) where the concentration of previously unrelated Aboriginal tribes resulted in further in-group violence and death caused by disease. In an attempt to “integrate” Aborigines into mainstream white society, the colonial (and later also federal) governments pursued a policy of removing Aboriginal children, particularly those of mixed parentage, from their homes (Saunders: 2000: 271). These children (nowadays referred to as the ‘stolen generation’) were placed into special training centres preparing them for menial employment. Not only were sons separated from daughters, but since skin colour was an important criterion when deciding who would be removed, same sex children of the same family were commonly treated differently (Benett 1999: 20).
Third, Aborigines lacked full citizenship rights. While their recognition as British subjects in the first half of the 19th century entitled Aborigines to some social services, protection and compensatory measures for taking their land, these rules were not consistently enforced and abided to (Kalantzis 2001: 139). The position of the Aborigines further deteriorated in the second half of the 19th century, when the colonies that were to form Australia were granted more self-governing capacity. Legislation issued by the Australian colonies restricted Aboriginal access to firearms, alcohol and employment (Chasterman and Galligan 1997: 6-7, 11-30). In four colonies, Aboriginal men were allowed to vote, but in Queensland and Western Australia, the colonies containing the largest contingent of Aborigines, suffrage was restricted to Aboriginal freeholders (Peterson and Sanders 1998: 6-7).

Fourth, the divergent Aboriginal policies of the Australian colonies hindered a uniform approach at the time of federation (1901). The federal franchise act (1902) reached international acclaim by enfranchising women for federal elections. Yet, the same act was just as infamous for denying Aborigines the right to vote, unless they possessed such a right at the state level. The restriction was pushed through by federal senators representing Queensland and Western Australia, the two states denying Aborigines the right to vote. The federal constitution stipulated that Aborigines were not to be counted in national population censuses (section 127) and prevented the federal government from pursuing an autonomous Aboriginal policy (section 51). The immediate result of section 51 was that until 1967 educational, housing, health, policing, civil right and land (including mining) policies fell within the exclusive responsibility of the Australian states (Saunders 2000: 270). Until 1967, there were six different Aboriginal policies. Yet, shifting Aboriginal policy from the state to the federal level would not have necessarily improved Aboriginal rights. For a start, state governments and populations held fairly bad opinions of Aborigines: segregationist (apartheid) laws were issued in all states, turning Aborigines into “protected persons” or “wards of the states” (Robbins and Summers, 1997: 510). Furthermore, federal policies impinging upon Aboriginal interests did not alleviate discriminatory measures. For instance, while the federal franchise act should have opened the door to federal voting rights for Aborigines in four states, federal electoral officials removed them off the federal electoral roll (Chester and Galligan 1997: 88-92).


In 1937 assimilation was explicitly stated as a policy-objective for dealing with Aborigines. On a positive note, assimilation contributed to the gradual repeal of existing segregationist and discriminatory legislation. Yet, in 1937 the federal minister responsible for administrating Aboriginal affairs in the Northern Territory still claimed that “the raising of [Aboriginal] status so as to entitle them by right and qualification to the ordinary right of citizenship...” must not be thought “in terms of years, but of generations” (McEwen cited in Broome 1994: 165). It was not until after the second world war that discriminatory and segregationist practices were effectively being repealed. In 1961, the six state and federal ministers for Aboriginal affairs, defined assimilation as a policy whereby “all Aborigines and part-Aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians” (Gale and Brookman, quoted in Robins and Summers, 1997: 513). In a subtle change of definition, a 1965 policy document saw assimilation as “a policy whereby
people of Aboriginal descent will choose to attain [instead of are expected to attain] a similar [instead of the same] manner of living as other Australians” (Broome 1994: 174). In 1962 the federal electoral act was finally amended as to grant voting rights to all ATSI peoples, at least for federal elections. By 1965, Queensland and Western Australia endorsed Aboriginal voting rights for state elections as well (Haveman 1999: 22-64). Concurrently, Aborigines were granted full citizenship rights. Two years later the federal government introduced a constitutional amendment seeking to remove the federal government’s prohibition from legislating on Aboriginal affairs (section 51) and requesting Aborigines to be counted in the national census. The amendment was endorsed by 91 percent of the electors in a subsequent referendum, the highest approval rate yet in any Australian constitutional referendum.  

Several reasons can be listed for explaining the shift from discriminatory to assimilationist policies. Yet, unlike in the case of the Roma, these should not primarily be sought in the failure of the public authorities to achieve pre-set policy objectives. Truly, against public predictions, Aborigines did not die out. The total Aboriginal population even slightly increased from 66,950 in 1901 to 79,620 in 1966 (Chesterman and Galligan 1997: 63, 183). More so than the public authority’s acknowledgement of the failure to extinguish the natives, we point out the following eight reasons for the official repeal of discriminatory practices.

First, the rise and influence of anthropology as a scientific discipline increased the appreciation for Aboriginal customs and culture. Anthropological thinking of Aborigines was particularly influenced by the ideas of Radcliffe-Brown and Malinowski, two world-famous anthropologists who carried out detailed field research in Australia (Broome 1994: 163-164). They explained the differences between white and Aboriginal society, without implying the inferiority of the latter. Aborigines lived a quasi-nomadic life-style as hunters and gatherers. Mainly as a result of the infertile continent which they inhabited, Aborigines, unlike the Europeans, did not become agriculturalists (Broome 1994: 12-13). Aborigines developed an almost spiritual relationship with their land and ancestors: “the land not only gave life, it was life”, “each Aborigine did not have, but was part of a personal totem” (Broome 1994: 14-15). Members of the Royal Anthropological Institute in London, as well as the Sydney based anthropologist A.P. Elkin openly argued for retaining some aspects of Aboriginal culture (Broome 1994: 164). In the 1930s A.P. Elkin came to head the Association for the Protection of the Native Races.

Second, the rise of film and the spread of various types of media increased the (inter)national awareness of discrimination against Aborigines. A.P. Elkin for instance, managed to bring some of the worst atrocities to the attention of the international press (Bennett 1999: 177). The rising popularity of films made that white Australians, an overwhelming majority of whom live in the cities, became increasingly aware of the discrimination against, and dismal living conditions of outback Aborigines.

Third, Aborigines started to organise themselves more clearly. Between 1924 and 1937 Aboriginal activists formed the Aborigines Progressive Association, Euralian Association (for Aborigines of mixed descent), the Australian Aborigines League and the Aborigines Progressive Association. Appealing to at least part of the white population, most of these associations only argued in favour of citizenship or improved access to the political system. (Broome 1994: 166-167).
Fourth, after the second world war, Aborigines were increasingly assessed on their talents and merits rather than on their skin colour. For instance, in the eyes of white Australia, some 1000 Aborigines of "European descent" (mixed Aborigines) had demonstrated their sense of national pride by actively participating in the war economy. In addition, a few Aborigines achieved considerable success in sports and the arts. These Aborigines did not refrain from using their nationally reached fame to address discriminatory practices committed against them.

Fifth, in the fifties and sixties the Aboriginal advocacy groups gained momentum, following the success of the decolonisation and US black civil rights movements. When oppressed people were liberating themselves from their colonisers, all over the world, why then would we not be allowed to liberate ourselves from white domination, so they argued. Inspired by action methods of the US black civil right fighters, Aboriginal activist Charles Parkins and a group of white students organised a "Freedom Ride" through small urban centres in the north west of New South Wales. They drew attention to segregationist practices, such as an Aboriginal ban on swimming in community swimming pools or the presence of Aborigines-only sections in cinemas. They also brought the hostility which their actions provoked among the local white population to the attention of the large urban centres (Broome 1994: Bennett 1999: 21-22). State governments, realising the negative (international) press coverage which comparable segregationist practices in the US aroused, felt compelled to soften existing apartheid practices within their boundaries.

Sixth, discriminatory policies put at risk Australia's reputation in the international, particularly UN community. As early as the 1930s, the Australian government took A.P. Elkin's criticisms seriously, since it did not want to give up the guardianship over New Guinea which it exercised on behalf of the League of Nations. In the after-war period Australia had signed up to various UN human rights treaties, such as the International Convenant on Civil and Political Rights, the Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Prevention and Punishment of Genocide. The UN created several mechanisms, such as a Committee on the Elimination of Racial Discrimination for monitoring the implementation of these treaty obligations. The neglect of the Australian government to take Aboriginal civil rights issues to heart would inevitably discredit its reputation as an international advocate of human rights (Bennett 1999: 48-50, Saunders 2000: 274).

Seventh, as a result of relaxing citizenship bills and improved employment conditions in the 1950s, Aborigines were increasingly moving to the large cities, strengthening white awareness of the problems they were facing. While Aborigines almost exclusively lived in the outback regions until the mid-twentieth century, by the mid sixties, about one in five lived in the cities. This induced the formation of urban Aboriginal advocacy groups: in 1958, the Federal Council for the Advancement of Aborigines was established by a group of Aborigines and white sympathisers living in Sydney. Gradually, such organisations became predominantly staffed and lead by Aborigines.

Finally, the more Australia developed into a multicultural democracy, the more policy makers and the population were tempted to take Aboriginal concerns more seriously. The need to provide labour for the post-war economy and the belief that Australia necessitated a larger population for defence purposes resulted in a high intake of non-British immigrants. The number of settlers evolved from 59,000 in 1954 (post-war low) to well over 180,000 in 1970 (post-war high - Markus 2001: 15). In 1952 the later Liberal
Prime Minister Harold Holt, still claimed that "Australia must be kept preponderantly British in its institutions and the composition of its people." Yet, the golden sixties made it much more difficult to attract promising Europeans. In 1973, race was no longer taken into consideration when determining immigration intakes. At the same time, economic ties with Asia intensified, partly as a consequence of the implosion of the British Empire and the creation of a European common market. Consequently, the intake of Asian immigrants drastically increased.

From Assimilation to Multiculturalism (1967 -1996)

The constitutional amendment of 1967 set the tone for a stronger federal role in Aboriginal policy, alongside six state Aboriginal policies. In 1972 Conservative (Liberal) Prime Minister McMahon announced the replacement of an assimilationist approach by an integrationist one. Aborigines would be allowed some choice about “the degree to which and the pace at which they [would come] to identify themselves with [white] society”. Aborigines, could retain some of their “beliefs, hopes and loyalties” (McMahon cited in Robbins and Summers 1997: 513-514). Yet, it was not until the election of a Labour government, later in the same year, that federal Aboriginal policies really took off. Gough Whitlam was the first prime minister to explicitly dismiss assimilationist policies. In 1972 he declared that federal Aboriginal policy sought to "restore to the Aboriginal people their lost power of self-determination in economic, social and political affairs" (Whitlam cited in Robbins and Williams 1997: 120). Elected on a platform in which Aboriginal affairs featured prominently, Whitlam increased the annual federal expenditure on native policy programs from AUS$ 23 million in 1971 to AUS$ 141 million in 1975 (Broome 1994: 181).

Apart from earmarking money for special welfare programs, Gough Whitlam’s Labor government established an Aboriginal policy advisory committee, created a federal ministry of Aboriginal affairs and launched an inquiry into land rights. The period between 1971 to 1996 witnessed drastic changes in Aboriginal policy, leading to a dominant federal role in funding Aboriginal programs, the creation of Aboriginal self-government organisations and the emergence of revolutionary land right jurisprudence. Each of these developments is discussed in brief.

In 2000-2001, the federal Department of Reconciliation and Aboriginal and Torres Strait Islander Affairs (DORATSIA) controlled a budget of AUS$ 2.39 billion. 29 percent of this amount was spent on employment and economic development programs, 19 percent on educational programs, a further 17 percent on housing and infrastructure, 11 percent on health and 9 percent on land and native title issues (DORATSIA 2001: 11). DORATSIA administers Aboriginal-specific programs only (of which there were some 70 in the early nineties) whereas about ten other ministerial departments (for instance the Health Department) run several mainstream programs with a specific Aboriginal component (36 in the early nineties: Sanders 1993: 2). To this one should add the continuing effort of the six state and two territorial governments to run state welfare programs with a specific Aboriginal component. A part from the sheer size of Aboriginal policy programs, two factors stand out in this development.

First, federal governments now spend more money on Aboriginal affairs than all of the state and territorial governments combined. This development occasionally put the federal government on a collision course with some of the state governments, particularly with Queensland. Federal welfare programs clearly impinged upon state competencies, such as health, hospital, educational, training and policing matters. Qualifying Aboriginal training programs as Aboriginal policy implied that the federal government was
responsible, while emphasising the training aspect of these policies made the states responsible. Yet, with the exception of Queensland, all states, even those controlled by opposition parties, eventually agreed to transfer most of their welfare personnel dealing with Aboriginal issues to the federal Aboriginal Affairs department (Sanders 1991: 263). In 1975, the federal government set up an office in Queensland to compete directly with the Queensland Department of Aboriginal and Islander Affairs. Invoking Australia's obligation to honour the UN convention on the elimination of racial discrimination, the federal government issued a Racial Discrimination Act (RDA, 1975). Although enacted as a federal bill, the RDA obtained a quasi-constitutional status (Saunders 2000: 275). The RDA was specifically designed to override Queensland Aboriginal policy (Sanders 1991: 264). More recently, it was pointed out that nearly all 339 recommendations which the federal government issued to reduce Aboriginal deaths in custody related to areas of state responsibility (Robbins and Summers 1997: 519). The fact that these recommendations were not always acted upon demonstrates the continuing shortage of federal agencies for implementing Aboriginal policy objectives.

Second, Aboriginal organisations have assumed a greater role in drafting and implementing 'ethno-social' Aboriginal policies. At the implementation side, several thousand Aboriginal community organisations now exist which rely for funding on federal grants or the support of other government agencies (Sanders 1995: 1). At the policy-formulation side, a specific role is attributed to ATSIC, the Aboriginal and Torres Strait Islander Commission and TSRA, the Torres Strait Regional Authority. Both organisations report to the federal Aboriginal Affairs Minister. The roots of ATSIC go back to 1972, when Whitlam first established the National Aboriginal Consultative Committee (NACC) as an Aboriginal advisory body. More so than NACC, ATSIC and TSRA genuinely participate in federal Aboriginal policy programs making up about half the total federal Aboriginal budget. ATSIC's legitimacy derives from its composition of elected Aboriginal representatives (Sanders, Taylor and Ross: 2000: 493). Every three years ATSIC people elect representatives to 35 regional councils. All councillors elect 17 commissioners, 16 representing the Aboriginal and 1 the Torres Strait Islander peoples. The 17 Commissioners elect a chairperson, someone who in the view of Will Sanders has increasingly assumed the role of a de facto "Aboriginal Prime Minister" (Sanders interview 2002). Two prominent people to have held that position are Louis O'Donoghue and Geoff Clark. The national board of Commissioners is ATSIC's main policy making body.

It should be noted that while recent Australian governments have been open to the idea of incorporating Aborigines in drafting and implementing indigenous policy, Aborigines have not been offered privileged access to the mainstream political process. Leaving aside the division of powers resulting from federalism and the presence of strong state and federal upper houses, the majoritarian values of the Westminster system are deeply embedded in Australian political culture. Where Aborigines have entered the federal parliament, it was in the upper house, given its election by the Single Transferable Vote, a PR electoral system. So far only two Aborigines have been elected to the Australian Senate: Neville Bonner (1971) and Aden Ridgeway (1998). As a corollary Aborigines have not been part of a federal cabinet or shadow cabinet. Although no systematic data are available on Aboriginal representation in state legislatures and executives, Sanders points out that in those states where they comprise a relatively large share of the population, native representatives have been elected to the regional legislatures and, in a few cases provided some of the state (territorial) ministers (interview with Will Sanders and Sanders 2001: 23-27 for an analysis of the 2001 Northern Territory election). While the
Greens, Australian Democrats and Labor parties are generally more favourable to Aboriginal demands than the conservative parties, the Liberals (or the Country Liberal Party, its regional offspring in the Northern Territory) have filed native candidates for federal and regional elections. In some states, local ATSI communities living in sparsely settled areas have seized the opportunity to organise themselves as indigenous local governments (Sanders 1996: 153-174).

The third major development, the recognition of native title, primarily resulted from revolutionary jurisprudence. In 1971, the Supreme Court of the Northern Territory still ruled that native title was not part of Australian law. In 1972, one year after the Supreme Court of the Northern Territory reasserted the doctrine of terra nullius, Aboriginal activists erected a "tent or Aboriginal Embassy" on the lawns of Parliament House in Canberra, symbolising the fact that they felt not at home in their own country. The tent had to be re-erected twice and was forcefully removed by the (then Liberal-National) government, six months after it was first erected. Even subsequent federal Labor-governments did not enact uniform federal land right legislation, partly a consequence of protests by the Australian and Western Australian Mining Industry Councils (Markus 2001: 34). State-government resistance to land right legislation even persisted when Labor controlled the federal and state governments of Queensland and Western Australia. By 1989 ABriginal people possessed title to 13 percent of the Australian land mass, but freehold was mainly confined to the Northern Territory and South Australia, and the land was generally of very poor quality. The reluctant attitude of Australian governments caused claimants of native title to seek redress via the courts.

In December 1992 the Australian High Court, in Mabo v. Queensland found that native title existed and could continue to exist wherever ATSI people maintained a continuing connection with the land and where their title had not been extinguished by valid acts of imperial, federal, territory or state governments (Kukathas 1997: 170-174). High Court Justice Brennan argued that "to maintain the authority of earlier common law cases, which had refused to recognise any continuing native title, would be to destroy the equality of all Australian citizens before the law" (Brennan cited in Sanders 2000: 327). Notwithstanding the outrage of some, the High Court provided a very narrow definition of native title. Furthermore, state governments could still extinguish native title, for instance by the sale of freehold, but only if that power was used validly, i.e. in compliance with the RDA. After intense negotiations with the state premiers, Aborigines and various interest groups, a federal Native Title Act (NTA) passed into law. Alleviating concerns of the Aboriginal community, the act stipulated that future land claims would be primarily dealt with by a Native Title Tribunal and that a land fund would assist ATSI people in acquiring land. These provisions of the bill clearly gave a "multicultural dimension" to the treatment of land rights. Satisfying the community of miners and pastoralists, the Act also stipulated that native title was extinguished in the case of freehold, public works and some leases (Saunders 2000: 276-277 and Markus 2001: 38-39).

What induced the change from an assimilationist to a multicultural approach of Aboriginal policies? In the view of the federal and state governments there was a growing perception that assimilationist policies had failed: Aborigines could not be forcefully integrated into white society. Furthermore, it was recognised that Aborigines suffered comparably high unemployment and mortality rates and featured relatively low levels of income and education. Federal and state assimilationist policies seeking to bind Aborigines into mainstream welfare programmes clearly did not reduce the social gap between Aborigines and white Australia. There is some evidence that the ethno-social policy programmes may have contributed to partially narrowing that gap. For instance, in
the past decade, indigenous employment grew faster than non-indigenous employment and the number of Aborigines enrolled in higher education has tripled. Between 1971 and 1996 the proportion of Aboriginal adults who never attended school fell from 24 to 3 percent and the proportion of indigenous children who stayed on at school until the age of 19 increased from about one in eleven to around one in three. A third of Aboriginal families now own their homes, compared with only 24 percent in the early 1970s. In the last twenty-five years indigenous infant mortality has been reduced by a factor of five; eye diseases, infections and parasitic diseases as well as male death rates caused by cardiovascular diseases, lung cancer, injury and homicide substantially declined. (DORATSI, Fact Sheets 2002). Notwithstanding these considerable achievements, the indigenous unemployment rate is still three times the national average, the Aboriginal infant mortality is still 3.5 times the non-indigenous rate, the average Australian is still three times more likely to start higher education than the average Aboriginal and the median Aboriginal income amounts to only 65.1 percent of the median Australian income (DORATSI Fact Sheets 2002 and ABS 1999). The shift to multiculturalism was supported by two additional factors which also played a role in repealing the earlier discriminatory measures. First, the continuing professionalisation of Aboriginal advocacy groups and their more explicit claims for a maximalist multicultural approach: the more radical land right claims of the groups staffing the “tent embassy” protests, and the arguments for drafting a Treaty between the ATSI and non-indigenous Australians illustrate this development. Second, the continuing “multiculturalisation” of Australian society itself contributed to moving the population and political elites further away from seeking a “white Australia”. Although the OPEC crises temporarily cut back immigration levels, the intake of immigrants remained as ethnically diverse. By 1994 Asians comprised about 40 percent of the immigration intake, more than twice their share in 1976 (Markus 2001: 25).

The Howard Liberal-National take-over (1996-): reaching the limits of multiculturalism

The election of the Howard Liberal-National federal government in 1996 led to a gradual retreat of multiculturalist policies: self-empowerment was to replace self-determination as the main policy criterion. The term self-determination “has implications of separate nations or governments and is therefore not supported by the Australian government” (DORATSI, fact sheet, 2000). Although the overall budget of DORATSI remained more or less intact, the federal government tightened its control over ATSIC and cut its funding (Bennett 1999: 98-99). It relocated money-sources from Aboriginal specific to mainstream welfare programs. While the first two Howard governments (1996-2001) still comprised separate ministers for ATSI Affairs and for immigration and multicultural affairs, the third Howard government (2001-) entrusted Philip Ruddock with the ministerial portfolio of Immigration, Multicultural and Indigenous Affairs. Howard also abolished two prominent prime ministerial agencies, namely the Office of Multicultural Affairs and the Bureau of Immigration, Multicultural and Population Research. Immigration-schemes were revised in such a way as to reduce the pace of Asian immigration.

John Howard was forced to deal with native title issues following the High Court's Wik ruling [Wik v. Queensland] delivered in December 1996. Complementing Mabo the High Court held that native title (the right to collect native foods, hold ceremonies and visit sacred sites) could coexist with pastoral lease, but also that where conflict of interest arose, the pastoralist's needs prevailed (Markus 2001: 42). The High Court's ruling necessitated a revision of the Native Title Act. Clearly showing his discontent with the ruling, PM Howard proclaimed that while Mabo had opened up about 36 percent of Australia's soil to native title claims, Wik added a further 42 percent. (Markus 2001: 42). Amending the
federal Native Title Amendment Act (NTAA 1997) proved a cumbersome exercise because the federal government lacked the numbers in the Senate. The prime minister cut a deal with Independent Tasmanian senator Brian Harradine, who preferred a compromise settlement to the prospect of a snap-shot federal election focussing predominantly on Aboriginal issues. In Harradine's view, such an election "would have torn the fabric of our society and put race relations back 40 or 50 years." (Harradine cited in Markus 2001: 44). The NTAA extended the range of economic activities which could be taken under a pastoral lease, constrained the grounds on which, and time-period in which native title claims could be lodged, and prohibited claims on oceans, rivers, resources (mining) and land needed for infrastructure (Markus 2001: 42-43). The states were also given enhanced power to impose their own native title standards, provided that they were consistent with prescribed national standards (Saunders 2000: 277).

Howard's policies, first as leader of the opposition, and then as Australia's Prime Minister ended the national bipartisan (Liberal-Labor) consensus on Aboriginal and immigration affairs. Such a consensus existed between 1975-1993. In 2000, the Prime Minister refused to endorse the "Declaration Towards Reconciliation" which was meant to close the process of Aboriginal-white reconciliation started in 1991. No cabinet ministers participated in the May 2000 Sydney march for reconciliation which brought together a quarter million Australians. So far, the federal government has not formally apologised for past atrocities committed against Aborigines. Why did the bipartisan consensus on multiculturalism, as the preferred approach to Aboriginal affairs (and immigration) did not hold?

First, as pointed out by Andrew Markus, the growing success of neo-conservative or New Right thinking, first in the US and UK, also influenced Australian élite and public opinions. New Rightists seek to combine the contradictory needs for economic globalisation and rationalism (capitalism) with a tradition of race-based nationalism. They are principally against market and progressive social engineering, such as affirmative action or multiculturalism. New Rightist ideas (of which Reaganomics and Thatcherism are examples) inspired some of the Australian Liberal (conservative) ideologists and businessmen, in particular Hugh Morgan, the outspoken executive director of the Western Mining Corporation (Markus 2001: 3-11).

Second, the Mabo and Wik rulings and the ensuing discussion on drafting and amending native title bills put multiculturalism to a major test. While the unilateral dispossession of native land was acknowledged by most as morally indefensible, returning part of the land to its original owners was perceived as an unjustified payment for past crimes. In the view of the New Rightists, both rulings propagated racial discrimination. They symbolised the role of judges as 'Aboriginal industry spokesmen' and the success of the Aboriginal 'guilt industry' (Markus 2001: 49-81).

Third, contemporary Prime Minister Howard himself is seen as one of the most conservative Liberal party leaders of the past thirty years. Howard thought of the Menzies period (1945-1966) as

"a golden age in terms of people. Australia had a sense of family, social stability and optimism, ... [qualities related to traditional Australian values such as] egalitarianism, strong families, entrepreneurial opportunity, hard work, Protestant work ethic" (Howard cited in Markus 2001: 83).
While acknowledging that Aborigines are in need of ‘special help’, he made clear his refusal to apologise for previous atrocities committed against them on the grounds that “guilt is not hereditary”. He objected to multiculturalism insofar as

“it is in effect saying that it is impossible to have an Australian ethos, that it is impossible to have a common Australian culture” (Howard cited in Markus 2001: 87)

The temporary insecurity which followed the Mabo-ruling and the long-existing multicultural policy programmes dissatisfied a share of white Australians who believed that the influence of the multicultural lobby groups had become too large. Howard skilfully tapped into that popular feeling of discontent. Shortly before his electoral victory in 1996 he claimed that

“the bureaucracy of the new class is a world apart from the myriad of spontaneous, community-based organisations... many Australians in the mainstream feel utterly powerless... Labor has governed essentially by proxy through interest groups. Identification with a powerful interest group has been seen as the vehicle through which government largesse is delivered... The focus so often has been on where we are different - not on what we have in common. In the process our sense of community has been severely damaged. Our goal will be to reverse this trend...” (Howard cited in Markus 2001: 97)

Howard extended the borders of what could still be perceived as politically “correct”. He was also perceived as being too slow and soft in handling former Liberal party member Pauline Hanson after her election to federal parliament in 1996. Hanson’s right-wing populist party One Nation gathered 22.7 percent of the votes in the 1998 Queensland state election. Part of One Nation’s success in that election has been attributed to the Liberal-National party elites who recommended their voters to rank One Nation ahead of Labor when marking their preferences.18

Finally, public opinion research demonstrates that the previously existing bipartisan consensus on Aboriginal and native title affairs did not reflect the general view of the public (Jackman 1998: 167). On migration and Aboriginal issues, public opinion polls suggested that Labor was too far left of the centre. Howard was the first prime minister since Whitlam to turn migration and Aboriginal matters into important election themes (cf. the threat of calling a snap-shot election on native title in 1998 and the 'Tampa boat refugee question' in the 2001 election campaign). This enabled him to attract parts of the electorate who otherwise would have voted for Labor or for One Nation.

The Howard-period marked a shift in the multicultural approach to Aborigines and immigrants. Yet, it remains to be seen how robust a change this is. The implosion of One Nation was as spectacular as its rise. Howard partly owes his re-election to the exceptional circumstances in which the campaign took place (shortly after 11 September 2001), the reluctance of then Labor-leader Kim Beazley to attack Howard’s views on immigration policy and the (ensuing) success of the Greens. Yet, apart from scaling back the multicultural content of the Aboriginal programmes, the federal budget targeting Aborigines has remained more or less intact. For many ATSI advocacy groups this stagnation is a disappointment after decades of gradually built up influence. Aborigines now openly argue in favour of a treaty settling ATSI-Australian affairs. While a treaty may not even be negotiable for the current national Labor opposition, reconciliation may be achieved in the foreseeable future. Sir Gustav Nossel, the deputy chair of the Reconciliation Council made it clear that "if an apology is not made by this Prime Minister, it is most certainly will by the next" (Nossel cited in Markus 2001:112).
The Dynamics of Ethnic Minority Policy in Hungary And Australia

Leaving aside historical differences, we can see that in both cases a number of common elements - in random order of importance- have influenced policy making on the issue of Aboriginal and Romani minorities.

First, in both cases there was a macro-ideological context which defined the contours of ethnic minority policy-making. Within a one party communist regime ethnic political parties would never have been tolerated. Similarly, the Australian model of democracy finds special representation rights in the mainstream political process hard to swallow. Although there was no political pluralism in Hungary during communism, policies did not explicitly discriminate on the basis of ethnicity. In contrast Australian democracy was not inclusive as long as Aborigines were deprived of equal citizenship rights. Moreover, there was some manoeuvring space within these macro-ideological limits, associated with problem definition. In Hungary for example, in the 1980s emphasis was increasingly put on cultural differences and special institutions for ethnic minorities were established. By comparison, the present Australian government phrases its Aboriginal policies more strongly in terms of socio-economic than of cultural needs.

Second, in certain cases policies were changed because they unmistakably missed pre-set objectives. In Hungary after a decade of active assimilation policy the authorities were confronted with a rising Romani population in more or less constant socio-economic circumstances. In Australia, Aboriginal identity survived despite discriminatory and assimilationist policies seeking to absorb them into mainstream society. In both, Hungary and Australia, current policies put a stronger emphasis on achieving socio-economic equality. Obviously, this does not mean that earlier multicultural ethnic minority policies were entirely erased, but it was realised that they too were not without defaults.

Third, ethnic minority policies do not always follow a clear-stated blueprint of objectives. They may as well be adjusted as a consequence of pragmatic and strategic considerations within a framework of political competition. As a result of the floating voting behaviour of the Romani electorate in Hungary, both major parties from the left and the right have been wooing the representatives of the Roma minority self government. In the run up to the parliamentary election in April 2002 both socialists and right-wing liberals have filed well-known Romani personalities on their candidate lists. In Australia, the white-rural electorate proved less predictable in its support for the Liberal and National parties. As a result, John Howard was willing to play the racist card and break a twenty-five year long bipartisan consensus on Aboriginal and immigration policies.

Fourth, the character of ethnic minority policies has clearly been influenced by the role of local and international advocacy networks and ethnic pressure groups. In Hungary, a number of international NGOs working in the sphere of human rights and minority rights protection publicised cases in which the Hungarian government was reminded to honour its commitment to international norms. Similarly, the United Nations Committee on Racial Discrimination encouraged Australia to issue a Racial Discrimination Act, and more recently to establish a Royal Commission on Aboriginal deaths in custody. The conclusions and policy recommendations of the Royal Commission's Report received widespread attention, also by international NGOs such as Amnesty International. A related element is that both countries have been concerned with enhancing their standing in the international community. In the case of Hungary, a multicultural treatment of its minorities would improve the country’s chances of fast membership to the European
Union. Hungary also wanted to present its system of treating its minority cultural 
autonomy as a model for neighbouring states with Hungarian minorities, particularly in 
Slovakia and Romania. Similarly, the Australian government realised that without 
decently treating its Aboriginal minority, the country’s aspirations to defending 
international human rights and to playing a leading strategic role in the Southern Pacific 
would lose much of their credibility. The Australian international commitments enabled 
the federal government, with the consent of the High Court, to intrude into state 
Aboriginal policy making. The 1982 Brisbane Commonwealth Games, the 1988 
Bicentenary Celebrations of white settlement, the 2000 Sydney Olympics and the 2001 
Centenary of Australian Federation Celebrations provided a platform for ATSI advocacy 
groups to remind the international community of their situation.

Having said this, one has to recognise that the demands of pressure groups and advocacy 
organisations have not always found resonance in policy making. In the case of Hungary, 
minority organisations have frequently lobbied for organising representation for 
minorities in parliament as spelled out in the constitution and as confirmed by a ruling of 
the constitutional court. Nevertheless, it was feared that special representation rights 
would violate the liberal democracy model, based on the principle of “one man, one 
vote”. In Australia, similar demands for special representation rights in the mainstream 
political process were never raised. Instead, there have been demands for self-government 
which have been realised to a certain extent, but also encountered the opposition of well-
organised and funded pressure groups, for example those representing the agricultural 
and mining industry. Terra nullius was not refuted until Mabo and prior to 1993 the federal 
and state governments issued little native title legislation, notwithstanding the outspoken 
Aboriginal lobbying for indigenous land rights since the 1960s.

Through exploring two concrete cases of policy changes surrounding marginalised ethnic 
minorities, we have been able to conclude that ideological preferences of policy-makers 
are but one of the factors leading to a concrete policy outcome. In certain cases, policy 
outcomes may even be counter to what should be expected given the ideological 
background of the politicians in power.

ENDNOTES

1 The official 1990 census figure for the Hungarian Roma is 1.4% of the population, but the government has 
admitted that a realistic number of people who identify themselves publicly as Roma is probably closer to the 
estimates of minority organisations (Government of the Republic of Hungary 1997).

2 The attempts of many activists to use the name ‘Roma’ as a common identity and banner under which to 
organise and reject the negatively connoted designation ‘Gypsies’ (Cigányok) represents one of the attempts 
of the movement to reverse stigmatisation. However, there is no absolute consensus among activists, 
‘ordinary’ Roma and in policy about the usage of the name ‘Roma’.

3 The fact alone that in 1971 a pioneer research could be carried out which examined poverty in relation to 
ethnicity exemplifies the changing attitude of official policy towards problems of poverty and ethnic 
differentiation in society. Before 1956 it had been impossible to examine ethnicity as a factor or a 
phenomenon, and also research on poverty in social sciences was banned, since authorities argued that it 
would bring unjust discredit upon the socialist system (Fábián 1994).


5 In each municipality with less than 10,000 inhabitants a minority self-government may be established where 
a minority ballot list receives at least fifty valid votes; in a municipality with more than 10,000 inhabitants 
at least one hundred of such votes need to be cast. This is called the ‘direct’ election of minority self-
governments. In cases where at least 30 per cent of the elected representatives for a local council election are candidates of one and the same minority, these representatives will be regarded as an indirectly elected minority self-government. There is also a third possibility: If more than half the members of the local government have been elected as candidates of one national or ethnic minority, then the complete local government may declare itself a minority self-government. Within 60 days after the election of the local minority self-governments, the representatives of the local minority self-governments elect a national minority self-government, which may consist of between 13 and 53 members.


7 By 1997 the Aborigines had increased to 386,000 whereas the population of Australia augmented to 18.97 million. Thus, Aborigines made up 2.08 percent of the total Australian population (Markus 2001:11).

8 In a detailed account of Aboriginal policies since 1788 Richard Broome lists the gradual shift from ethnocentric to racial attitudes as the main explanation for the increasing discrimination against Aborigines (Broome 1994: 67-88). Ethnocentrism means that one group, on the basis of its distinct culture and customs, considers itself superior to another group. By comparison, racist attitudes take racial (physical), rather than cultural differences as their source of superiority. While ethnocentrism implies that an inferior group can be assimilated with the superior group, provided that it is soaked into the latter's culture, racism propagates apartheid, rather than assimilation. Broome lists three reasons for the presence of racial thinking in Australia (Broome 1994: 89-100). Firstly, cultural and physical differences stimulated feelings of mutual misunderstanding and a lack of sympathy. Europeans perceived Aborigines as ugly, without religion, decent clothes, houses and familiar styles of governance. In turn, Aborigines thought of Europeans as “spirits of the death,” practising strange habits, such as growing crops, wearing heavy clothing etc. Second, the development of a racial ideology centred around different notions of the concept of ‘savagery’: in a hierarchy of races Europeans ranked at the top, while Aborigines - as wild savages- equaled animals, "tail-less monkeys". White intellectuals argued that Charles Darwin's thesis, expressed in "The Origin of Species" (1879) could be applied to humans as well ("Social Darwinism"): white Europeans were to “survive as the fittest” of all human races. At its worst, the policy of separating half-casts from their parents was portrayed as a means for keeping “the breed pure: the half-cast inherits the vices of both races and the virtues of neither” (the Bulletin cited in Broome 1994: 93). At its best, it was a strategy for assimilating half-casts with white society, assuming that full Aborigines would die out anyway. Finally, racism was used as a strategy for legitimising violence against Aborigines and the dispossession of their land.

9 Section 127 was primarily meant to prevent states (colonies), with a relatively high share of Aborigines but little financial commitment to them, from benefiting of the distribution of federal revenue (Peterson and Sanders 1998: 8).

10 For instance, Queensland offered among the best health and housing facilities, but was also known to have the most restrictive and paternalistic Aboriginal policy administrators (Broome 1994: 176). While the South Australian Aboriginal Land Trust Act (1966) could be perceived as a first stepping stone to giving Aborigines some control over their land, Queensland did not issue comparable legislation until 1984. Both acts did not offer Aborigines inalienable freehold title (Bennett 1994: 102-107).

11 Similarly, when in 1911 the federal government received authority over the Northern Territory from South Australia, subsequent federal Aboriginal laws were no less discriminatory. In an attempt to “integrate” Aborigines into mainstream white society, the federal government continued a policy of removing Aboriginal children, particularly those of mixed parentage, from their homes (Saunders: 2000: 271). These children (nowadays referred to as the 'stolen generation') were placed into special training centres in which they were prepared for menial employment. Not only were sons separated from daughters, but since skin colour was an important criterion when deciding who would be removed it was also common for same sex children from the same family to be treated differently (Benett 1999: 20).

12 Yet, the result displayed regional differences, with the three states containing the highest share of Aborigines being the most reluctant: in Western Australia, Queensland and South Australia the share of negative votes amounted to respectively 19.1, 10.8 and 13.8 percent (Bennett 1994: 23).
The peculiar relationship which Aborigines developed with their land and ancestors is reflected in the paradigm of the Dreaming: a holistic approach to life in which "each part is both part of the whole and a system in itself" (Coombs 1994: 8-9). By contrast, western knowledge is built upon the notion that reality can be dissected into a conglomerate of separable units, the qualities and relationships of which can be quantified (Coombs 1994: 9).

Elkin's good access to the national media also played a role in persuading public opinion to vote overwhelmingly in favour of the 1967 referendum, some thirty years later (Bennett 1999: 179).

In 1971 Liberal (!) senator Neville Bonner became the first elected Aboriginal federal parliamentarian, representing the state of Queensland (!). While most Aboriginal activists of his time were propagating special Aboriginal rights, Bonner defended the moderate views expressed by Aboriginal activists of the first hour. Reacting to the erection of the tent embassy he replied that "we do not need an Aboriginal parliament, we want to be part and parcel of the Australian community. We want to see more Aborigines in this parliament" (Bonner cited in Rowe 1997: 97). In the rest of his parliamentary career, Bonner was torn apart between advocating Aboriginal concerns and demonstrating his loyalty to the Queensland Liberal party branch and that state's conservative National Party government. His more outspoken defence of Aboriginal and environmental rights later in his career led the state Liberal Party branch to remove him from the top position on the party's Senate voting ticket. But third on the list, Bonner lost his (re)-election in 1983 (Rowe 1997: 97-107). Unlike his predecessor, Adrian Ridgeway, current deputy president of the Australian Democrats and senator representing the state of New South Wales emerged as a strong advocate of Aboriginal Rights. His inaugural speech was almost entirely devoted to the issue of reconciliation (see http://www.aph.gov.au/senate/senators/ homepages/ web/ sfs-896.htm; consulted on 23 February 2002).

These limited land rights ensued from state and federal legislation. In 1966 South Australia transferred the ownership of reserves to an Aboriginal Land Trust and ten years later the federal government itself issued land right legislation for the Northern Territory. The 1976 Aboriginal Land Rights Bill transferred all reserves in the Northern Territory to Aboriginal ownership. Aborigines could also claim land as their traditional territory or seek financial compensation where their land was being used for mining or other commercial purposes. The federal government encouraged other states to follow its example. Yet, federalism, as well as the reluctance of the Liberal-National and Labor federal and state governments to produce bills that could upset their electorates prevented a genuine breakthrough in native title issues. (Sanders 1991: 317-321).

In 1991 a Council for Aboriginal Reconciliation was established with a mandate of creating "by the end of the century a united Australia which respects this land of ours; values the ATSI heritage and provides justice and equality for all" (cited in Markus 2001: 36-37). The Council was composed of 25 members of whom 14 represented the ATSI peoples.

Australian federal and state lower house elections (except for Tasmania) make use of the alternative vote system: voters must rank all candidates in order of preferences, only the candidate gaining the highest number of first and transferred preference votes within a constituency is elected.

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