

effort? Furthermore, approximately 15,000 individuals of Arab origin are currently living in the country. Several thousand of them are Romanian citizens. What is the part played by this community in contemporary pluri-ethnic Romania?

Electoral questions should also be defined more carefully. The existing practices and norms have been amended in excess between 1990 and 2000. Local elections offered relatively generous opportunities for the minorities until 2000. Should we not go back again to the logic of already secured rights, a system that proved effective in the past?

The issue of state financing needs to be addressed in more detail. Cultural associations have monopolized public funds allocated to support cultural identity. This monopoly has led to abuses. Taxpayers' money should go not to the leaders of cultural associations but to the communities themselves. We need new guidelines and legal norms that are able to ensure enforcement of project bids.

These are all new questions. Where are, then, the questions that preoccupied us in 1995? The answer is that the past years have witnessed a substantial development in the system of rights. One of the few old questions which is still in need of a solution is mother tongue assistance in civil courts. But then the new ethno-cultural challenges mentioned above need to be addressed. Such details could find a place in a law on national minorities conceived as a "minorities' constitution".

22. THE COUNCIL FOR NATIONAL MINORITIES

The bill was for all practical purposes a follow-up of our analysis of UDMR's own bill. The success of our study, especially among Hungarians, had taken my mind off some concerns left over from the elaboration process. However, I eventually returned to the study. As it often happens, my renewed personal interest in it was triggered by a minor event. It occurred in the context of a rather strong, years-long relationship between APADOR-CH and the Council for National Minorities (CMN). Starting with 1993, the latter had been operating under the direct authority of the Government's Secretary General. Its staff consisted of representatives of national minority associations. The activities carried out by the CMN's immediately after its establishment made the institution look like the governing party's puppet, harnessed to be used against the UDMR. Every time the Hungarian Alliance was unhappy about something, the Council and its many affiliated minorities would promptly announce that they were quite satisfied about the issue in question.¹⁸⁴ (A ridiculous case was the anti-Hungarian behavior of several Roma representatives and their unconditional leader, Mădălin Voicu.)

Since in the CMN, of all places, democracy was understood in a very radical sense (each minority group had one vote, irrespective of the size of the community it represented), the Hungarians' representative association was constantly part of a small minority. At one point, the UDMR understandably announced that it was pulling out of the Council for National Minorities. The Alliance's relations to the government were to be intermediated by Ivan Trușter, the head of the CMN and the right hand of the government's Secretary General, Viorel Hrebenciuc.

Since the High Commissioner for the Protection of National Minorities was a usual guest in Romania during that period, since the UDMR was counting on the position of the Helsinki Committee, and since the government needed to show that it treaded on the path of dialogue, APADOR-CH was involved in several projects of the

¹⁸⁴ Of course, they usually *were* happy. For most of the small minorities in the Council, the existing legal framework was actually sufficient. Government funds for the protection of national minorities were managed by the CMN, thus creating a network of financial interests which determined the attitudes of association leaders.

Council. We were ourselves extremely interested in this collaboration – the ability to communicate with persons occupying strategic decision-making positions often helped in defusing or preventing crises. And Romania had its full share of crises to defuse or prevent. However, beyond the chance of making one’s attitudes and messages heard, cooperation with the CMN also meant joint participation in a number of significant events. Internal and international meetings with the Council were important because they offered a means of dealing with governmental actors, with the regime’s inside and outside collaborators. One had an opportunity to watch these men and women think and act. One knew what to expect.

Since I mentioned our meetings, I should perhaps recount, as an aside, one that stuck in my mind: the seminar of September 2-3, 1994. A couple of international experts were brought to Bucharest under the joint patronage of the Romanian Government, the Council for National Minorities, and the Dutch Helsinki Committee.¹⁸⁵ The Romanian participants included some government people and the members of several NGOs.¹⁸⁶ There were some theoretical presentations, followed by a few detailed and dispassionate analyses,¹⁸⁷ and then by free discussions.

Nicolaus Kleininger, the representative of the Ministry of Education, was asked why the decision not to admit to school children over 10 years of age (the measure mainly affected Roma children) was still in force. He responded brashly: “Why didn’t they go to school before they got to be 10?” In fact, Kleininger was in good company. Mrs. Irina Moroianu Zlătescu, executive director of the Romanian Human Rights Institute, kept mentioning how Romanians are the most peaceful of peoples. Apparently, all this peaceful people had been doing ever since about 1400 AD was defending itself against other peoples’ attacks. Since 1400, and even 1300, and then during the two world wars, Mrs. Moroianu Zlătescu repeated ad nauseam, Romanians have been defending against other bad peoples. The most peaceful people in the world we are...

¹⁸⁵ Patrick Thornberry, Arie Bloed, Pieter van Dijk, Frank Kuitenbrower, Jaap de Hoop Scheffer, Hugo Fernandes Mendes. They were all on our list of required readings.

¹⁸⁶ Ivan Trușter and Ovidiu Păun, as well as the Dutch Ambassador in Bucharest, Monique de Frank.

¹⁸⁷ Among the questions discussed were the national minority bills submitted to the parliament.

This may surprise the you, but Mrs. Zlătescu was outdone by the representative of the Federation of Jewish Communities in Romania, Tiberiu Benedek. The latter presented us with a speech on the luxurious conditions provided to Romanian kids by their country's education system. The state's efforts reminded him of the "noblemen's strivings" to bring home teachers to educate their 4 or 5-year-olds. I was mean enough to ask: can we even compare the GDP percentage other states allocate to education with what we are currently allocating? "I have no idea", he answered, "but I do know how Western banks make profits because of us."

Renate and I were listening closely and taking notes furiously. The international experts, listening to headphone translations of the speeches, kept straight faces. But what were they thinking?

Ivan Trușer proved much more relaxed than we were. He seemed possessed of some superior practical intelligence, so he did not dramatize the divergences. With Hrebenciuc as his patron, he did not feel obligated to spread around signals of loyalty to the nation as Kleininger, Zlătescu and Benedek were doing.¹⁸⁸ So we got along well. At a certain point, during a conversation with the study in our hands, he told me: "I also sent the volumes to Funar. As soon as he saw the names, he got red in the face. 'Wait', I said. 'Read it first, and you'll see'."

This is the point in the story I wanted to reach: Funar had been invited to look at the study. (I also made a mental note of the fact that the two were, somewhat strangely, talking to each other using the familiar form of address.) I did not make any comments then. But I was disconcerted enough by the news of Funar's interest to pick up the slim volume bearing my signature and to read it red pencil in hand.

¹⁸⁸ As a matter of fact, I had some other incredible experiences with Nicolaus Kleininger. At a meeting with a delegation of the European Parliament investigating the situation in Romania after the enactment of Education Act no. 84/1995, Kleininger falsified the position of the German Democratic Forum in Romania (FDGR), the vice-president of which he was. He stated that his organization was satisfied with the terms offered under the law. He also provided the audience with a piece of paper to that effect signed by himself. I was there, holding in my hands the official position released earlier by the president of the Forum, Mr. Philippi. Kleininger was forced to scramble for a way of explaining the existence of two, contradictory documents. The moment was embarrassing to everybody present there.

23. 1995 – THE YEAR OF THE CRISIS; CDR REVOLTS AGAINST UDMR’S ‘DISLOYALTY’

The year 1995 started with an unexpected conflict: for lack of a better electoral strategy, the Party of Social Democracy in Romania (PSDR) and the Civic Alliance Party (PAC) branded the UDMR, back then still their partner in the Democratic Convention, a national menace.¹⁸⁹ The Open Society Foundation’s 1994 Public Opinion Barometer had just indicated that chauvinistic parties had lost considerable support. 22 weekly journalist Andrei Cornea had just publicly hailed the “decline of nationalist-extremists”,¹⁹⁰ who now only mustered 14 percent of the votes (as opposed to 22 percent in the March of the same year). But, as if these news were too good to believe, “our own people” in the CDR were now struggling to fill in the void left behind by the extremists.

On January 7, Béla Markó had held a “UDMR’s Autonomy Program” speech on the occasion of the fifth anniversary of the Democratic Alliance of Hungarians in Romania. There was nothing new in the speech itself – merely what UDMR had been repeating ever since 1990. The reference to autonomy had been there in each and every UDMR document in the past. Yet PAC released a communiqué condemning in harsh terms the Hungarians’ conception of minority rights. In a January 13 conference, PAC president Nicolae Manolescu escalated the pressures by announcing that his party would terminate any form of cooperation with parties or individuals failing to explicitly denounce “the right to territorial self-determination according to ethnic criteria.” Similar statements followed from the ranks of PNTCD,¹⁹¹ PL’93, and other CDR parties. Sergiu Cunescu’s PSDR would fight Emil Constantinescu one day, and the Hungarians the next.

The UDMR obviously felt that it had been pummeled in the cords. The CDR was now asking for oaths of loyalty and vows to respect the Constitution. Those unwilling to comply were invited to leave the coalition. My colleagues and I wondered

¹⁸⁹ See Gabriel Andreescu, “CDR și politica pașilor controversați”, 22, No. 5, February 1-7, 1995.

¹⁹⁰ See his article of the same title in 22, No. 2, 1995.

¹⁹¹ In its press conference of January 23, 1995, the Christian Democratic Party (PNTCD) stated that it “shall not tolerate UDMR’s exaggerated claims, which threaten the integrity of the Romanian state”.

about the possible outcomes of this new affair, which was lending credibility to PDSR's attempts to introduce itself as a reasonable party. The isolation of the Hungarian representative association provided the nationalist ruling coalition with a lot of elbow room at a time when radical measures were commonly taken against UDMR's recently-established Council of Mayors and Counselors.

This was the context in which I had an important discussion with Tony Niculescu. We both agreed that it was crucial to avoid angry responses from the UDMR. The Association should not leave the Democratic Convention. Even if a break was inevitable, it was important to let the other parties take the decisive step. On the other hand, it was equally important to make it clear that the attitudes described above remained illegitimate. My colleagues and I prepared a Center for Human Rights communiqué. Such statements could not be – and, indeed, should not have been – very popular. They were, however, supposed to land on the desks of the right politicians, as well as on those of ambassadors drafting reports for their own Foreign Affairs ministries. They could play a crucial role in a controversy in which each actor was gasping for legitimacy and credible arguments.

“In view of the latest public statements made by political leaders, governmental institutions and the Romanian parliament,” we invited the communiqué recipients to pause and read our opinions before taking any further steps.

In its communiqué of February 24, the Center for Human Rights (CDO) quoted from the document of the Copenhagen Meeting (1990), the Statement on the rights of persons belonging to national, ethnic, religious and linguistic minorities, and from documents elaborated by the Council of Europe. We selected fragments on the sovereignty of states in order to underline our broader arguments. We then stated our basic assumptions: “No international document contains any provision concerning the duty of individuals or organizations (parties) belonging to national minorities to make oaths of loyalty to the state. Any statement of loyalty implies a presumption of subversive activity on the part of the persons or organizations asked to deliver such statement. The loyalty oaths of high officials and representatives are made in connection with specific responsibilities which generate specific obligations.

1. It is true that a basic document such as the 1948 Universal Declaration of Human Rights provides in Art. 29.1 that '[quote]'. The term 'community' is substituted here for the term 'state'. But one should note that the Declaration introduces no distinctions between groups of citizens, and even less between majorities and minorities. The statement refers to citizens as individuals. References to minorities are absent. Individuals' duties toward the state stem from their quality as citizens, a quality to which every individual is entitled under Art. 15.1. To demand oaths of loyalty from a particular group alone is to introduce a form of discrimination that is adverse to democracy. This may qualify as a breach of the 1948 Declaration, which contributed to the codification of international law in the field of human rights. This notion is further supported by the text of the Report of the CSCE Meeting of minority experts in Geneva on July 19, 1991. The Report states very clearly: '[quote]' One may not request an oath of loyalty from a particular group of citizens exclusively without thereby undermining democracy and the fundamental equality of citizens. Naturally, violations of the law or the duties implicit in one's quality as a citizen should be promptly sanctioned, irrespective of the identity of the perpetrator.

2. To ask for a statement acknowledging the Romanian constitution is precisely the same as requesting a pledge of loyalty, and is unacceptable for the reasons outlined above. Each citizen is required to respect the Romanian constitution and, unless his or her deeds prove otherwise, is in practice assumed to do so. This obligation and this presupposition have absolutely no relation to the person's opinions with respect to the nature or worth of the laws or of the Constitution, or with respect to whether they should be changed.

3. One should be careful to make a clear-cut and very specific distinction between one's opinions with respect to the Constitution (or the laws of the country), and one's un-constitutional (or illegal) acts. The latter may be un-constitutional (or against the law), while the former may not.

4. The UDMR's Council of Representatives, also known as the Council of Mayors and Counselors, would be an unconstitutional body only if it acted in ways which threaten 'political pluralism, the principles of a State governed by the rule of law,

or ... the sovereignty, integrity or independence of Romania' (Art. 37.2 of the Romanian Constitution). Any allegations concerning the unconstitutionality of these (internal) bodies should be supported by evidence of acts prohibited under said Art. 37."

The last point also contained the proposal – hinted to in a previous chapter – of a statement by the Romanian Parliament concerning the interpretation of the term “national” in the text of the Constitution.

The clarifications introduced by the CDO communiqué were relevant, even for the UDMR. I should add that I asked for the support of my ex-colleagues in the Civic Alliance, in spite of the fact that our relations had been strained. Nicolae Prelipceanu was at the time the leader of this association, which had established a system of leadership rotation. As a strictly personal matter, I reminded him of the leaders of the ruling party, PDSR, who were clearly enjoying the opportunity to point to the anti-UDMR actions of the Civic Alliance Party (PAC), the Party of Social Democracy in Romania (PSDR), and other Opposition parties. Their attempt to enhance electoral support through anti-minority propaganda, I argued, would be lethal. If the opposition lost the legitimacy it had built by sticking to democratic principles, it would have to enter a purely pragmatic battle. And in this department it was much weaker than its adversaries.

Prelipceanu notified me that he had received my message and assured me of his support. However, it was March already, and the Hungarian issue was starting to take a life of its own.

24. ATLANTA

The turmoil within the CDR was, it seems, the sign of a strategy less straightforward than we had initially imagined. The Romanian government was close to putting an end to its Neighborhood Treaty negotiations with Hungary. It was also conducting confidential discussions with the Meciur government, itself engaged in similar Basic Treaty negotiations, hoping to pull one off against our western neighbor. On the other hand, international bodies were exercising pressure on Bucharest. The European Union, the Council of Europe, and the United States were seeking to end the state of insecurity apparent in Hungarians' discontents. In his Report on "The Romanian and Hungarian Communities in Romania. Conflict and Reconciliation", Dennis Sammut noted the following: "Topics to which political leadership is sensitive, such as nationalist discourse, the impact of military and religious leaders on political debates, or the fragility of the existing state of affairs, suggest that small incidents ... may pave the way for larger ones. The lessons of other states show that once the spiral of violence is set in motion, it can only be stopped with great difficulty."¹⁹² But the author, who had traveled to Romania in May 1994 and had spoken to Romanian leaders, also hoped that "there will be progress soon, and it will lead to the signing of the Romanian-Hungarian Treaty".¹⁹³

Mr. Sammut could not imagine, it seems, that the Minister of Foreign Affairs in Bucharest was planning with his Slovak friends¹⁹⁴ to stage some curious stand-up against Hungary; or that reconciliation would be dealt a fateful blow with the adoption of the Education Act no. 84/1995, which Hungarians justifiably found offensive. Moreover, a general indictment of the UDMR pronounced by the entire political class in Romania was handing an important trump card to nationalists. Hungarians were, it was said, rejected not (only) by Ion Iliescu, Funar, Vadim or Verdeț, but also by the self-

¹⁹² Round table discussion hosted by the Verification Technology Information Center at Chatham House, July 13, 1994.

¹⁹³ *Idem.*

¹⁹⁴ Minister Teodor Meleşcanu had arranged with his Slovakian correspondent to simultaneously block the signing of the treaties with Hungary and blame everything on Budapest. But the Slovaks actually tricked Meleşcanu and his no-good strategy and gloriously signed their Basic Treaty with Hungary in Paris. Romania became the black sheep of Central Europe.

entitled democratic opposition parties. How was it possible to manipulate so grossly politicians in the opposition? The answer is something that Romanian society should one come to find out.

The sophisticated anti-Hungarian strategy deployed in the first part of 1995, which set the stage for the coming internal and international confrontation, probably moved Romanian authorities to accept the mediation of the American Project for Ethnic Relations.¹⁹⁵ The mediation was scheduled to be held in Atlanta and moderated by ex-president Jimmy Carter.

The round table of February 14-15, 1995, held at the Carter Center in the capital of Georgia, brought together a list of panelists that is worth reprinting: Viorel Hrebenciuc, Secretary General of the Government; Traian Chebeleu, Presidential Spokesperson; Ovidiu Șincai, counselor to PDSR's number one at the time, Adrian Năstase; Liviu Maior, Minister of Education; Nicolae Țăran, vice-president of the Civic Alliance Party. Radu Vasile, who had been invited as Vice-President of the Senate, failed to answer the invitation.

The entire leadership of the UDMR was there too: serving president Béla Marko; honorary president Laszlo Tokes; executive president Csaba Takacs; Gyorgy Tokay, the leader of the Alliance's group in the Parliament; senators Gyorgy Frunda and Josef Csapo; Arpad Kelemen, one of the leader of the academic community.

The participation of the civil society was anemic, to say the least: just me. I was introduced in various capacities – as a member of the Civic Alliance (the organization, not the party), of the Group for Social Dialogue, of the Helsinki Committee. I was only later told that my involvement had been specifically requested by the UDMR. The

¹⁹⁵ The American Project for Ethnic Relations (PER) played a special part in mediating Romanian-Hungarian relations. The organization, whose director was originally from Transylvania and spoke both Hungarian and Romanian perfectly well, assumed a political reconciliation project based on behind-the-scene relationships. The organization managed the daunting performance of bringing together at the same table, in 1993, PDSR leaders (including master pragmatist Victor Hrebenciuc) and several UDMR personalities. The meeting, held in Neptun, generated a scandal inside the Hungarian Alliance, whose disident group was on the verge of excluded from the party. While the event seemed a failure at first, the PER managed to impose the principle of dialogue no matter what the circumstances. The American organization acted discretely and therefore it stayed mostly outside public view. But those with a firsthand experience acknowledge its importance in establishing a safe bridge between the Romanian and the Hungarian political elites.

organizers who welcomed the Romanian delegation included Allen Kassof, Livia Plaks, other members of the Project for Ethnic Relations, and of course Jimmy Carter.

It is worth noting that the Atlanta meeting had remained an uncertainty until the night before our departure. The government had insisted on including into the delegation Emil Roman, a member of the extremist PUNR. The UDMR, on the other hand, had taken a firm stand: no PUNR members would be accepted. A compromise was eventually reached: Emil Roman came along as an observer.

February 15, the first day of the Atlanta meeting, started under bad auspices: Emil Roman introduced himself as a full member of the delegation who enjoyed the same rights as the other participants. As a consequence, the Hungarian team retreated for deliberations and returned only after some 50 minutes. Bela Marko finally announced that, in what UDMR is concerned, Roman is merely an observer. The meeting started, but the tension had already accumulated. Laszlo Tokes acidly pointed out that Romanian participants had already attempted to bend the rules. In reply, Viorel Hrebenciuc and Traian Chebeleu complained that UDMR leaders were “intolerant”.

Other exchanges of accusations of responsibility for the ethnic tensions in Romania followed. Some reproved their antagonists for violations of the rights of the Hungarian minority, or for hostile statements against the Alliance; the others countered with reproaches concerning the Hungarians’ intention to build a state within a state, or their violation of Romanian laws by establishing the Council of Representatives and the Council of Advisers and Mayors, and so on.¹⁹⁶

We slouched toward the afternoon of a first, very hot day. Since I had not gone there as a simple spectator, I tried to change the framework of the conversation, which, it had become obvious to me, was a recipe for conflict. I suggested we take up an agenda of specific issues: the use of the mother tongue in education and the justice system; bilingual inscriptions; the Bolyai University in Cluj; the bill on the rights of national minorities. The discussion, I argued, should focus on practical matters in need of a resolution. As a matter of fact, the bill drawn up by the government had been included in the participants’ folder. I had brought the Center for Human Rights (CDO)

¹⁹⁶ Naturally, there was nothing illegal here. APADOR-CH analyzed the matter and issued a communiqué to that effect.

bill with me, and UDMR referred to their 1993 document and the education bill signed by approximately 500,000 Hungarians.

The structure of the agenda was accepted as a matter of principle, but we did not manage to reach an agreement with respect to the order in which the questions should be addressed. It was only toward the end of the day that we managed to choose eight issues suggested by the UDMR and two proposals made by Traian Chebeleu.

By the following morning, Ovidiu Șincai had secured a final agenda: legislative issues, followed by the internal issues proposed by the UDMR, and by a discussion of the parties' positions on minority rights. The latter topic was chosen due to the seemingly unanimous desire to prevent a nationalist epidemic from engorging the coming electoral campaign. The only point on which consensus had been reached before the arrival of Jimmy Carter was that the dialogue ought to be continued in Bucharest.

The government officials and the PSDR members insisted that the UDMR should accept meetings with the governmental coalition. One by one, Traian Chebeleu, Liviu Maior, and Ovidiu Șincai lectured about how important it was that the Hungarians' Alliance should secure an endorsement from the extremist parties if any progress was to be made.¹⁹⁷ One should behave tolerantly, they held forth as if unaware that such conduct behavior hardly suited the PUNR or the PRM. After all, said the government representatives, the latter had concluded a protocol with the PSDR under which all forms of extremism should be eliminated. And the dialogue would also be a positive sign for the people in the country...

For a moment, the rest seemed confused. It was as if the UDMR had been all the while rejecting democratic dialogue, and had avoided political reality altogether. Would Alliance leaders finally say yes to the invitation to sit at the same table with Vadim Tudor and Gheorghe Funar?

I thought it was high time for me to say something. A trap was being carefully but transparently laid: politicians who had requested that the UDMR be banned as a party were now suddenly presented as individuals with respectable democratic

¹⁹⁷ Naturally, they did not use the word "extremist".

credentials and a desire to sit at the same table with the Hungarians. Such a move would not have made Funar and Vadim less insolent, but only more legitimate. So I recalled for the benefit of my colleagues that the parties which rejected extremism, at least as a matter of principle, accounted for about 80 percent of the seats in the Romanian parliament. Gyorgy Frunda immediately capitalized upon my point and put an end to an already sterile line of conversation: UDMR, CDR, and PD had reached an agreement according to which they were to avoid any debates with extremist parties. So they could not break this promise in Atlanta and accept any future negotiation with PUNR. PDSR's plan had been undone.

Jimmy Carter arrived toward the end of the first round of talks led by Harry Barnes, a former US ambassador to Bucharest. Carter mentioned America's interest in what is going on in Romania, as well as his readiness to lend his name to the cause if necessary. Before stepping back, moderator Allan Kassof said two simple things. If the UDMR leaders want results, they should first answer the question of how they may persuade the government to cooperate. Secondly, the government should be interested in having 2 million Hungarians feel happy rather than discontent.

The meeting's last half hour or so was consumed in informal discussions on the education act and future Bucharest meetings in which the leaders of the groups involved were supposed to address matters of detail. At about 18:15, the Atlanta mediation came to an end. Many of us felt that a good opportunity to come up with a clear and specific agenda had been squandered. Something, however, was gained – the spiral of accusations upon accusations exchanged by Romanian and Hungarian leaders had been temporarily halted.

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As an observer, I would say that the most interesting experience in Atlanta were the participants' attitudes.

Alan Kassof was at the time (and still is, to my knowledge) the director of Project for Ethnic Relations. This organization's collaboration with governmental structures (and perhaps its very presence in Romania) under Ceaușescu, generated a lot

of suspicion.¹⁹⁸ His positions during the meeting remained rather diplomatic. His comments¹⁹⁹ were explicitly directed at accusations coming from the country (from the PUNR in particular) to the effect that the US were in no position to interfere with Romania's internal affairs. His final suggestions to the Hungarian and governmental delegations were commonsensical. They pointed to the only way of avoiding a direct confrontation. The PER's ability to involve personalities such as Jimmy Carter and former US ambassadors to Bucharest proved a considerable asset.

Here is a typical statement made by president Iliescu's advisor, Traian Chebeleu: "Many Romanians in Transylvania wake up in the morning with the same fears as their Hungarian conationals. They are afraid of public disorder, and feel unsafe because of some of the initiatives advanced by the UDMR. Since 1992, UDMR has been advocating the concept of territorial autonomy. Its other projects followed the same line. These projects are unconstitutional and segregationist. The UDMR's Council of Mayors and Counselors should be disestablished."

However, this quote can hardly do justice to Chebeleu's position. His attitudes, and probably those of the president, can be summarized as follows. First, they expressed a conservative position: there are no reasons for a separate human rights chapter for the national minorities. The very notion of turning this issue into an international problem constitutes an abuse. Secondly, they failed to distinguish between matters which are, legally speaking, worlds apart – such as, on the one hand, expressing one's belief that the Romanian Constitution should be changed (a right guaranteed by the basic law itself) and, on the other hand, pursuing constitutional change through unconstitutional means. The attempt to find a proof of unconstitutionality in the statute of the Council of Mayors and Counselors seemed honest, but was grossly inadequate.

Thirdly, Chebeleu's position betrayed a minimal desire to reach a compromise solution on the Hungarian issue. He probably believed that no partner was a real match

¹⁹⁸ The PER headquarters in Bucharest had been, until 1996, a villa in the luxurious Primăverii district, and had been constantly guarded by a policeman (if a policeman he was, that is). But as I said before, one must acknowledge PER importance in establishing a safe bridge between the Romanian and the Hungarian political elites.

¹⁹⁹ "This meeting is not an attempt at mediation, arbitrage, or negotiation. Nobody offers anything and nobody gets anything. It is an unofficial meeting. It is meant to be an exchange of opinions in the presence of American friends. An opportunity for a rational discussion."

for the presidential institution itself. Finally, while not couched in pro-Romanian demagogy, his position seemed to consider Hungarian Romanians as less legitimate than the rest of the population in making demands.

“This is a dialogue between Romanians and Romanians, rather than Romanians and Hungarians,” said Hrebenciuc. He continued by observing that “we have reached agreements previously, and they were respected. Three hundred students receive instruction in the mother tongue at the University of Cluj. The Council for National Minorities has been established. Whenever the UDMR issues a statement, foreign observers with little knowledge of the real state of affairs might think that there is no such thing as education in Hungarian, or autonomy, or that all Hungarians are unhappy. But when we discuss specific matters, we see that it is only a matter of details. Why does the UDMR fail to remind us of what the government *has* done so far?”

The government’s secretary general was also a coordinator of the Council for National Minorities, and did not seem to hold his views dogmatically. He acted in the way dictated by the political forces that the government had to take into account. During the discussions, Hrebenciuc avoided the fundamental problems and preferred to look at specific issues raised by UDMR representatives. He proved especially active in the attempt to persuade the Alliance to meet with the other members of the governmental coalition.

“The Văcăroiu government took great pains to solve minorities’ problems, including those in the field of education. It is the only body not involved in politics in Romania,” noted Liviu Maior, who at the time was Minister of Education. “The pact with the other three political groups did not change the government program. It is simply the result of electoral arithmetic.” As for decentralization, “it should be noted that education is, after health care, the second department for which budgets were assigned at local level.”

Mayon continued: “The PDSR leadership requested its local organizations to discuss with the UDMR branches. A department for national minorities is considered.” Maior also opined that “separation in the field of education is a serious matter. The

Ministry has just changed its curriculum in civic education in order to accommodate tolerance and multiculturalism.”

Nicolae Țăran’s statements were striking in their severity, even though the declarations made by the Civic Alliance Party (PAC) in Bucharest had already suggested a hard line. For instance: “We cannot provide solutions without identifying the causes which prompted the UDMR to stay out of all political alliances. The UDMR has been arguing for the establishment of special, self-governing regions since 1992. Should this goal be achieved, our national sovereignty would disappear. According to the Alliance, local communities are based on ethnic frontiers. Such an arrangement cannot be found elsewhere. The current state of affairs is the result of UDMR’s challenging the constitutional order. Two essential things were achieved after 1990: the Constitution and the first steps toward European integration. The UDMR is now a threat to both.” Or: “We cannot leave the three parties – PUNR, PRM, PSM – out of the loop.”

In Atlanta, Nicolae Țăran was the only representative (at least symbolically speaking) of the opposition. (The PNTCD leadership had prevented his opposition colleague Radu Vasile from attending the meeting in the city of Martin Luther King.) His discourse suggested a blatant ignorance of the UDMR documents he was challenging, of international regulations and practice in the field of national minorities, as well as a grossly inadequate reading of the Constitution and other relevant norms.

Six years later, his vicious suggestions in Atlanta come into better perspective. Țăran represented the Civic Alliance Party (PAC),²⁰⁰ which together with the Social Democratic Party in Romania (PSDR) had launched the campaign to oust the Alliance from the Convention. This move was precisely what was needed in order to enable the interested parties to point out to the internal and international audience that UDMR had been deserted by everybody. Thus, after having carefully placed the explosives, PAC was now detonating the charge in Atlanta. Finally, the fact the opposition nominated Nicolae Țăran as its representative in Atlanta was itself puzzling and is still shrouded in mystery.

²⁰⁰ How this native of Timișoara made it into the PAC leadership is bound to remain a mystery.

Like many of his colleagues, Ovidiu Șincai adamantly pursued a political project. In a balanced tone, he tried to identify nationalistic sources in various areas of the political field, placing the PDSR in the position of a moderate arbiter: “The first party to attack the UDMR was Mr. Cunescu’s PSDR, claiming that it had evidence with respect to a request for territorial autonomy made by the Alliance before its March congress. PAC followed, and then the PNTCD. What we need is an extended debate on the issue of autonomy attended by all parties in the parliament. Right now, we stand a good chance that during the coming elections nationalism should become the safest bet for every party in Romanian politics. This should be avoided at any cost, and for this we need clarifications right away.”

This quote cannot but underestimate the efforts made by PDSR’s political adviser (supported by the other officials) to bring about negotiations between the UDMR and the other members of the government coalition in Bucharest. The point was to get the UDMR, PUNR, PRM, and maybe PSM to sit together at the same table, so as to release the PDSR from its extremist associations and to enable it to keep some of its potential sympathizers. On the other hand, Șincai insisted on the nationalist trend in the latest statements made by the Opposition. Under such circumstances, the party of Adrian Năstase and Oliviu Gherman would have become the only political force both balanced and powerful, on the one hand, and capable of dealing with the national minorities issue, on the other.

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What about the UDMR members?

Bela Marko: “The main problem of the Hungarians in Romania is the absence of patience and tolerance. Hungarian citizens are constantly under attack on TV, on the radio, and in the newspapers. For several weeks, the UDMR has been the target of a campaign conducted by the government, the Minister of Justice, and the parties in the Parliament, all of which charged the Alliance with unconstitutional acts. Hungarians do not enjoy equal opportunities in their daily lives.”

Csaba Takacs: “These days we commonly hear that ‘UDMR is isolated, it is an enemy of the Constitution’. Statements to this effect prevent political forces from

finding a positive position. I have been notified that the House of Deputies voted yesterday on a motion censuring our group. Fortunately, only a part of the parliamentarians played this game. This suggests that there is room for agreement in Romanian society.”

Laszlo Tokes: “The government of Romania seems to believe that human rights are those rights for which it makes an allowance. And that, consequently, those who grant them may also withhold them. The government seems to believe that it should be asked for permission by people who wish to associate. It is easy to laugh at such claims here in Atlanta. But in our country the media, which is to say most of the Romanian press, is used to putting pressure on UDMR. It is an act of psychological terrorism.”

“I am surprised at the American leniency toward the involvement of extremist forces in our government. Austrian president Kurt Waldheim was denied entry in some countries because in the 1940s he was a member of SS troops.”

“Rights are not subject to negotiation. If we demand a Hungarian university, it should be given to us because we asked for it. If democracy were real in Romania, no one would deny something that half a million Hungarians asked for. The Hungarian community is larger than the population of many American states who have their own universities. Who did they ask for permission to establish them? Romanian brothers should not provoke the Hungarian brothers.”²⁰¹

Gyorgy Frunda: “A basic goal of the meeting between UDMR and Romanian political representatives is that of stopping aggressive behavior in the media. Progress in the legislation on education, judicial procedures, and bilingual inscriptions would be welcome among the list of issues we are called upon to resolve. The governmental coalition is employing nationalist propaganda in order to relieve discontent with the country’s real problems. Attacks against the UDMR do not have legal grounds, but merely political ones. In spite of internal and international promises, the steps toward

²⁰¹ I am in complete agreement with what Tokes said in Atlanta. Even with his last sentence – “Romanian brothers should not provoke the Hungarian brothers.” Tokes was outraged that others could claim an almost exclusive right to decide with respect to his community. Like him, I would feel suffocated under such circumstances. And yet, even though the feelings behind such statements are understandable, it is obvious that the statements themselves were totally inappropriate in the context of tense negotiations between two ethnic communities.

the recognition of minority rights have been made backwards. Statistics indicate that anti-Hungarian discrimination is widespread.”

Gyorgy Tokay: “Autonomy is not an end in itself, dangerous because it would create a state within a state. In our view autonomy is a means. The end is freedom. Autonomy accommodates basic rights, among which the right to one’s identity.”

“Why are our bills not debated in the parliament? After all, previous solutions have failed to solve the problem of minorities.”

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These statements remained in the sphere of principles. This was one of the several conclusions an observer in Atlanta would draw after the meeting had come to a end: Hungarian leaders had failed to adapt their discourses to the context of a negotiation. One had the eerie feeling that the conceptions into which Hungarians had put so much effort, and which they had fleshed out in the Memorandum and the bill on national minorities and autonomous communities, could not be connected to practical arguments.

Romanian politicians, on the other hand, behaved in precisely the opposite way. They seemed completely devoid of any vision concerning the issues raised by the fact that Romania had a large and assertive national minority. The details they hung on to, the small matters to which they reduced the debated issues, could not serve as a basis for public policies in an ethnically complex society.

25. THE ROMANIAN-HUNGARIAN TREATY: INTERNAL AND EXTERNAL FACTORS IN INTERETHNIC RELATIONS

I have written about how several actors, whether from the capital or the province, from the highest ranks of the authorities or on the streets, on the first pages of newspapers or behind the curtains, were engaged in shaping Romania's ethno-political life after 1990. But it would be an illusion to believe that these actors controlled the events to more than a limited extent, that what had been happening was a natural result of the wishes and projects of the parties involved. It is difficult to explain what happened in Romania without a look at what was happening abroad. Soon after the revolution, Romania was caught unprepared by a speedy revision of the continent's architecture. The dissolution of the Soviet Union considerably diminished the chances of any authoritarian project in this part of Eastern Europe. Most importantly, integration processes affected profoundly the development of the states which had just left their communist past behind. At the beginning of the 1990s, Romania applied for membership in the Council of Europe in order to participate in the larger trends at work on the European continent. The country was granted this status in 1993. During the second half of the decade, most of the important changes within were prompted by the UE and NATO.

And this is to look at integration alone. The "example" of former Yugoslavia, in many ways similar to Romania, provided perhaps a useful lesson for the country's decision-makers. Hungary's foreign policy and, to a lesser extent, the position of Ukraine, also influenced Bucharest. Finally, globalization and the new status enjoyed by institutions such as the World Bank or the International Monetary Fund caused Romania to pay more attention to signals coming from abroad.

The Hungarian problem was high on the agenda of our accession to the Council of Europe. Naturally, Romania had to answer for its deficiencies in the field of basic rights. Opinion no. 176,²⁰² the document which accepted Romania as a Council member, listed several obligations that the Romanian state had to fulfill after being

²⁰² The resolution concerning Romania's request to become a member of the Council of Europe was adopted by the CE Parliamentary Assembly on September 28, 1993.

granted membership: to substitute existing legislation concerning judicial power with laws guaranteeing the independence of judges; to return the former property of the Church confiscated by the communist state; to change prison conditions; to eliminate the infamous Art. 200 of the Criminal Law incriminating (consensual) homosexual relations. Also, it was supposed to combat racism and chauvinism and apply the provisions of Council of Europe Recommendation 1201.

It was Recommendation 1201 and the struggle against its vilification that kept us busy for the coming two or three years.

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Today it might seem strange that so much energy was expended in public debates around a technical document such as the Recommendation 1201/1993 of the Parliamentary Assembly of the Council of Europe. The ample space provided for debate by newspapers, radio and TV channels, as well as the fervor and the consistency with which the Recommendation was pursued after the failure of treaty negotiations between Romania and Hungary (in the beginning of 1995, but also during periodical remissions in 1996 and even later), must seem exceptional. Emotional excess, misinformation, the interference of occult actors – all this and more begot a “national” coalition against the Recommendation and its supporters at home or abroad. With few exceptions (Adrian Severin, Dinu Zamfirescu, Horia Rusu), most politicians seemed to have gone out of their minds. Former dissident Doina Cornea published in 22 an article that moved me. With little technical experience with respect to legal instruments in the field of minority rights, but armed with an infallible instinct for noble causes, she succinctly identified the key points of the ongoing strife: the campaign against Recommendation 1201 was “one of those undignified, nationalist, demagogical tricks designed to conceal uglier interests”; “if applied simultaneously all over the country, the democratic norm in Recommendation 1201 can only lead to more internal stability”; “unfortunately, this time around the opposition has fallen into the trap laid by the ruling parties, which thus concealed their mischievous intentions from the eyes of domestic and international public opinion.”

A script inducing collective hypnosis was ably staged in 1995. Its authors included the Ministry of Foreign Affairs and their colleagues at various other institutions specializing in public intoxication. And, of course, contrary to the scriptwriters' claims, Romania's national interest had nothing to do with it. Those who really stood to benefit were the political forces that have been throwing their weight against Romania's integration for the past 10 years or so. Once again Europeanization had to pass the difficult test of the status of the Hungarian community and of our relations with its kin state.

What was it that civil society in general, and the members of APADOR in particular, were supposed to explain in detailed studies or on short TV appearances?²⁰³ First, the reasons behind the Council of Europe resolution known as "Recommendation 1201". After 1990, as the Council of Europe was coming to terms with the notion of an imminent expansion, this process was suddenly undermined by minority issues. The war in Yugoslavia, which commenced in 1991, showed that the instability generated by conflicts between majorities and minorities was incompatible with a democratic order. The Parliamentary Assembly therefore made the first steps toward providing legal instruments guaranteeing minority rights. As a document detailing the states' obligations with respect to the rights of national minorities (linguistic, cultural, educational rights etc.), Recommendation 1201 was in fact a comprehensive reworking of initiatives dating from 1990. Among the "merits" of the Recommendation we counted the status granted to minority rights as a component of human rights, the introduction of a definition of national minorities, an explicit reference to the right of

²⁰³ As well as outside Romania... Among the many discussions I had had with Max van der Stoel, the High Commissioner for the National Minorities, this one proved especially interesting. At one point, he seemed to have been somewhat persuaded by the Foreign Affairs Minister, who kept referring to the Ministry's support for the Framework Convention. When I explained that through Opinion 176 Romania had actually committed itself to enforcing Recommendation 1201 van der Stoel immediately changed his expression. It is one thing to harbor a different opinion, it is a totally different thing to renege on a commitment.

Presence in the mass-media remained an important goal. Beside the weekly 22, several other TV channels also provided space for debates. I participated in some TV shows, as did Renate and Valentin. I wrote an article for the *Transition* monthly so as to reach the Western media as well. I also published more technical studies in the *Romanian Human Rights Journal (RRDO)* ("Recommendation 1201, the rights of national minorities, and the political debates in Romania", *RRDO* Nos. 8 and 9) and *International Studies* (Bucharest) ("Recommendation 1201 and a stability/security network in Central and Eastern Europe").

establishing ethnic parties, and provisions concerning the use of the mother tongue in administration and justice.

Our goal was not so much that of promoting what was valuable in the Recommendation, but rather that of defending it against fierce accusations. The “danger” allegedly posed by the Recommendation came in the guise of two articles (Art. 11 and Art. 12), which quickly achieved notoriety. Their recognition would have led, according to some voices, to the “destabilization” of the country. The two articles are worth reprinting:

Art. 11: “In regions 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.”

Art. 12.1: “Nothing in this protocol may be construed as limiting or restricting an individual right of persons belonging to a national minority or a collective right of a national minority embodied in the legislation of the Contracting State or in an international agreement to which that state is a party.”

Judicious readers of this text will understand immediately that Art. 11 introduced no special obligations for the Romanian state, other than those already present in the Romanian Constitution, which provides for the establishment of local public administration authorities. Similarly, Art. 12.1 refers to the protection of (individual or collective) rights that were already a part of the internal system of rights.²⁰⁴ Any other collective right envisaged by Art. 12.1 was supposed to have been already accepted by the respective state through an internal law or through the ratification of an international treaty.

One argument constantly adduced against Recommendation 1201 was the latter’s redundancy after the adoption of the Framework Convention on the Protection of National Minorities. Although the CE Council of Ministers opted, in the fall of 1993, in favor of a Framework Convention, rather than an additional Protocol to the European

²⁰⁴ One collective right provided for in the Romanian Constitution (Art. 59.2) is the right of minorities which do not secure a sufficient number of votes for parliamentary representation to have a seat set aside *ex officio*.

Convention of Human Rights (ECHR) as that provided by Recommendation 1201, it could not invalidate a document issued by the Parliamentary Assembly such as the Recommendation. Furthermore, Romania was in a special position: upon its admission to the Council of Europe, it had expressly committed itself to comply with this document.²⁰⁵ It is also worth noting that the Assembly continued to support the Recommendation even after the October 9, 1993 Vienna summit of the heads of state and government from the Council member states, when the elaboration of a Framework Convention was requested. On January 31, 1995 – that is, the day preceding the opening of the Convention for signing – the Council of Europe’s Parliamentary Assembly adopted Recommendation 1255 concerning the protection of the rights of national minorities.²⁰⁶ In reaffirming that the protection of national minorities had become one of the most important tasks of the Council, the Assembly in effect suggested that the rights to be included in a new ECHR protocol should include those set forth in Recommendation 1201/1993.

Since many arguments alleging the “obsolete”, “outdated” or “invalid” character of the Recommendation 1201 originated in Bucharest during the negotiation of the Romanian-Hungarian Treaty, the Parliamentary Assembly adopted on April 26, 1995, Order 508 concerning the obligations and commitments of CE member states.²⁰⁷ Art. 7 of Order 508 stressed that “[original quote]”. Romania was directly targeted (and it is quite possible that the issuance of the document had been a success of Hungarian diplomacy). Even so, nothing compelled Romania to act against the principles of international decency and, ultimately, against its own interests.

At APADOR, we tried to argue for these interests in the face of an active group of special-FX professionals. The show had been opened by the president and his spokesperson, who relentlessly inveighed against the Recommendation, which they labeled a danger to the sovereignty of the Romanian state and a source of “privileges”

²⁰⁵ See Opinion 176 of the Parliamentary Assembly.

²⁰⁶ See Doc. 7228, Report of the Judicial and Human Rights Committee (Rapporteur Bindig).

²⁰⁷ That the document was adopted due to the position of the Bucharest authorities is confirmed by the Council’s Deputy Secretary General, Heinrich Klebbes, in “The Council of Europe’s Framework Convention for the Protection of National Minorities”, *Human Rights Law Journal*, Vol. 16, No. 1/3, 1995, pp. 92-8.

for particular ethnic groups.²⁰⁸ The Ministry of National Defense, Gheorghe Tinca, let us in to his own theory: “Ethnic unrest in our region would not have been so intense, had it not been persistently encouraged by what in European politics is called the policy of national minorities. A Janus whose unseen face challenges the very viability of the European process.”²⁰⁹

All more or less important political groups delivered public pronouncements on the Recommendation. The PDSR issued the following communiqué on March 24, 1995: “The persistence of certain groups in demanding the establishment of autonomous, separatist, ethnic-based administrations, as well as a special, privileged status for Romanian citizens belonging to the Hungarian minority, which includes official status for their mother tongue, is an obstacle before the necessary completion of a modern Treaty between Romanian and Hungary.”

As expected, the harshest condemnations came from the PUNR and PRM. Their signature is unmistakable. PUNR requested the timely intervention of the government and the parliament. “[W]e have to identify the guilty parties, the ones who violated the provisions of the Romanian Constitution and ignored the provisions of the Framework Convention...”²¹⁰

But even the Democratic Convention (CDR) was caught, as Doina Cornea put it, in the trap: it supported the Văcăroiu government in its decision not to sign the Treaty in March 1995. “At a time when Romania finds itself in a difficult position because of the delays in signing the Romanian-Hungarian Treaty and the signing of the Treaty between Slovakia and Hungary, the CDR resolves to lend political support to the Romanian Government and the prime minister on the occasion of his attending the Paris Stability Conference.” The CDR further stated: “As we have repeatedly pointed out, we do not

²⁰⁸ In his press conference of March 23, 1995, Traian Chebeleu stated that the only obstacles before the Treaty were “the unacceptable demands advanced by the Hungarian side with respect to national minorities”. In an April 11 conference, Ion Iliescu argued that Recommendation 1201 “is merely an incorrect reinterpretation of international documents and regulations”.

²⁰⁹ *Cronica română*, February 18-9, 1995.

²¹⁰ PUNR communiqué of March 12, 1995. On March 28, PUNR president Gheorghe Funar dispatched to president Iliescu an open letter in which he demanded that (a) the Ministry of Foreign Affairs team negotiating the Romanian-Hungarian Treaty be changed; (b) a provision concerning damages owed by Hungary to Romania for the atrocities and destruction wrought after the Vienna Treaty be included in the treaty; and (c) the organization of a referendum concerning the adoption of the basic treaty.

agree with requests for ethnic-based local autonomy, as promoted by Recommendation 1201.”²¹¹

I will not list the positions of each party, relevant as they may be, but rather provide one final example, that of Nicolae Manolescu, the president of the Civic Alliance Party. As late as July 1995, at a time when most opposition politicians had already discovered that it was self-compromising to attack a document which had been explained to the public opinion and had been reconfirmed as valid by CE’s Parliamentary Assembly, Manolescu stated the following: “Leaving aside the issue of Recommendation 1201, which is not acceptable to us and will most likely never be considered in a Treaty, the idea of Romania’s and Hungary’s simultaneous accession to Euro-Atlantic structures seems promising.” Actually, Recommendation 1201 made it into several basic treaties. But this particular fact seemed not convincing enough to persuade Mr. Manolescu (and other intellectuals involved in Romanian politics) to relinquish their superiority toward the technical sophistries of international law.

Few Romanian political forces ever read the Recommendation in an appropriate way. An exception to this general rule, the public statement issued by the Democratic Party (PD) on March 20 noted the following: “Another look at the provisions of Recommendation 1201 of the Parliamentary Assembly of the Council of Europe, used as a pretext in order to justify the refusal to sign the treaty with Hungary, shows that the document does not actually acknowledge the notion of collective minority rights or ethnic-based autonomy, as the Văcăroiu government misled Romanian public opinion. The same analysis and the same conclusions stand behind the decision of the Slovakian government to sign the treaty between Slovakia and Hungary.” The Liberal ’93 Party (PL’93) publicly stated that “We believe that Recommendation 1201, which the government describes as unacceptable, is very much acceptable...”²¹²

I had discussed before with PD’s Victor Babiuc²¹³ and PL’93 members about the importance of such statements. The links between civil society associations and political

²¹¹ CDR communiqué of March 20, 1995, signed by Emil Constantinescu.

²¹² Statement of PL’93 vice-president Dinu Zamfirescu of April 11, reprinted in *Cronica română*, April 12, 1995.

²¹³ Another member of the Democratic Party (PD), Adrian Severin, had been systematically campaigning in the media against the hysteria surrounding the Recommendation.

groups were, before and immediately after 1996, a key element in any strategy fighting the nationalist coalition. This link eroded little by little toward the end of the 1990s, and completely became a thing of the past after the general elections of 2000.

As for the press, its take on the Recommendation bordered on hysteria. Few publications managed to escape this temptation. The daily *Azi*, back then PD's organ, the weekly *22*, and to a certain extent *Evenimentul zilei* (which covered all positions concerning the Recommendation and the Treaty with Hungary), were among the notable exceptions. Starting with January 1995, the daily *Adevărul* launched a systematic attack against the Hungarian minority. It published materials touting the Recommendation as a major danger for the unity of the Romanian state and the relations between Romanians and Hungarians. It vehemently attacked the parties or personalities which opposed its views and systematically avoided covering information that introduced the reader to a different opinion.

Between January and April 1995, *Romania liberă* voiced accusations against the UDMR condemning the alleged destabilization pursued by the Hungarian government, as well as the position of pan-European structures (such as the Council itself) toward the Recommendation. Its articles more or less followed the line and the language of *Adevărul*, *Cronica română*, *Diminieața*, *Vocea României* or *Libertatea*.

That *România liberă* actually pursued a deliberate campaign against the Recommendation and the Romanian-Hungarian Treaty is suggested by the editors' unwillingness to let their readers hear a version different from that printed by the daily. Despite of the fact that, at the time, editor-in-chief Petre Mihai Băcanu and I were on friendly terms, my materials on the Treaty and the Recommendation were rejected.

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The tight connection between the national and the international dimensions of the affair seemed to require at some point an institutionalized framework for research. This is how the Center for International Studies (CSI) came into being in 1994 (its history and development were recounted in more detail in my book [book title]).²¹⁴ Because of the methodology involved (technical analysis, dissemination thereof among

²¹⁴ Published by Polirom in 1998.

the interested actors, throwing in the additional weight of public “events”), The CSI’s actions have generally been successful. (The materials were also translated into English and sent to embassies or international organizations, following a checklist that proved to be quite effective.)

In 1995, as president Iliescu unleashed his propaganda machine anew (on August 30), we took another look at the issue of the Treaty. When the Romanian president read before the audience of a “National Symposium” an exposé with an illuminating title (“Romania and the politics of force in the summer of 1940. Fifty-five years after the Vienna Diktat”), we launched our analysis under the sponsorship of the Center for International Studies. The president called his tract “an appeal for Romanian-Hungarian reconciliation”. To give it an elaborate touch, he argued that the “appeal” was based on an “European, Franco-German model” of relations with Hungary, and called for “the signing of a political document to enshrine historical reconciliation.” In effect, the president was advocating not merely a legal and political Good Neighborhood Treaty with Hungary, but rather something of the magnitude of a “historical reconciliation”. The new initiative had been obviously designed to manipulate public opinion and push things in a direction which had to be avoided. The press campaign was supportive. So we elaborated a new material, which we sent to the interested parties.

I shall reprint it at large below because it offers a glimpse of the relations between the internal and the external dimension of minority issues. Our first task was to expose the empty concept behind the so-called “Franco-German model”.

“(1) The notion of employing the Franco-German model as a guide for Romanian-Hungarian relations should be welcomed. But the appeal of President Iliescu is, in its spirit, if not in its letter, contrary to that model. The historical reconciliation between France and Germany was initiated five years after the end of World War II, through the famous Schuman Statement of May 9, 1950, on which the future European Community would be based. The Statement was essentially a pledge to abandon the confrontational past and the mutual enmity of the two nations. Although May 9, 1950 was the anniversary of the German capitulation and of the end of the war, Robert

Schuman, the French Minister of Foreign Affairs, a German born in Lorena and formerly a German citizen, made absolutely no reference to Germany's responsibility for the conflict with the French, and brought no accusations for the atrocities committed during the wartime German occupation of France. The statement was, in its entirety, a plea for a common project of building the futures of the two nations. The key to this project was the abandonment of any confrontational stance. The Statement was followed by the treaties of Rome and Paris, through which France, Germany and their Western partners laid the foundations of the European project; and by the Basic French-German Treaty of 1963, which placed the final seal upon the historical reconciliation between the two peoples."

Point (2) deconstructed the president's aggressively nationalistic arguments. "By contrast", our communiqué went on, "president Iliescu's appeal to historical reconciliation was launched during a memorial event which, far from calling for the abandonment of the two nations' confrontational past, ostentatiously tried to resuscitate it. Throughout the speech, implicit or explicit accusations were brought against Hungary: 'nostalgics of yore are again dreaming of interethnic conflicts and are irresponsibly drawing new lines upon the map of a stable Central Europe; these lines also cross Romania'; 'I call on the entire Hungarian political class to accept historical and legal reality, acknowledged among others by OSCE's basic documents, according to which the Hungarian minority in Romania is an integral part of Romanian society'; 'the status of the Hungarian minority in Romania cannot be subject to any negotiations with any state, not even Hungary'."

The presidential speech contained numerous falsifications, factual errors or interpretive mistakes. Let us follow the clarifications step by step as introduced by the "Opinion of the Center for International Studies on the appeal for historical reconciliation between Romania and Hungary".

"(3) Hungary officially acknowledged the frontiers of Romania through the Paris Peace Treaty of 1947, the Helsinki CSCE Final Act of 1975, as well as the Treaty negotiations with the Romanian party.

(4) If the president's appeal had relied on the French-German model of reconciliation, he would have discarded any temptation to portray the other side as the enemy. We have to remind our readers that representatives of Romania's governing coalition, openly supported by President Iliescu, built their views of Hungary and the Hungarian minority as enemies of the Romanian people into state policies not five years after the war ended, but in 1995. Sometimes Hungarians have been presented as ethnically and culturally inferior to Romanians.

(5) Adrian Năstase, president of PDSR and of the House of Deputies, stated the following on the occasion of the fifth anniversary of the establishment of the Romanian Hearth: 'There definitely was, five years ago, a very clear understanding of the fact that ... the main threat was a threat to the very being of our nation, our spirituality, our national identity. This awareness gave birth to the Romanian Hearth, in a political context dominated by the UDMR and its political actions.'²¹⁵

On June 30, 1995, PSM leader Adrian Păunescu accused Hungarian parliamentarian Geza Jeszenszky, during a session of the Parliamentary Assembly of the Council of Europe, of a 'sexual obsession' with Transylvania. He advocated before this pan-European forum the disestablishment of the UDMR and the monitorization of Hungary, 'the country where the terrorist now also hurting the Horn government originated'.²¹⁶ In referring to the political leaders in Budapest to whom president Iliescu is now appealing for a historical reconciliation, the PUNR communiqué of January 25, 1995 notes the following: 'Blinded by and obsessed with the annexation of Transylvania to Hungary, and seeing that the Romanian people and political parties are aware of the danger posed by UDMR's very existence, the Hungarian leaders in Budapest have proven that they are the descendants of a barbarian people that came to Europe a thousand years ago. The period seems not to have been sufficiently long to make them adapt to the requirements of European, civilized behavior. It is now obvious that Hungary will relinquish neither its territorial claims to neighboring states, nor its imperial dreams.'²¹⁷ In his official capacity as PRM president, senator Corneliu Vadim

²¹⁵ *Vocea României*, No. 366, February 14, 1995.

²¹⁶ *Vremea*, No. 701, July 1-2, 1995.

²¹⁷ *Cronica română*, No. 616, January 27, 1995.