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Il rifiuto della storia
nell'Europa Centro Orientale

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Prof.ssa polacca Kristina Kersten, in un intervista del 1990(1), affermava che, a differenza dei francesi, che conservano tutti i loro monumenti, anche quelli dei loro boia e delle loro vittime, dei re e dei regicidi, della rivoluzione e della restaurazione, i popoli dell'Europa orientale demoliscono continuamente i monumenti della loro storia. Una verità non di tutto esatta, perché anche in Francia, durante le rivoluzioni si è distrutto moltissimo, e poi, quelli che hanno distrutto in Europa Orientale sono stati soprattutto gli altri, gli occupanti. Però il fatto rimane evidente. Lo storico italiano Giorgio Petracchi fa riferimento ai bolscevichi quando demolivano ad una ad una le cento cupole delle chiese di Mosca nei anni di Stalin, o quando, nell'applicazione della Pjatiletka, cambiarono il "materiale etnografico" di intere regioni (2). Noi possiamo menzionare la Romania di Ceausescu. "Il genio dei Carpati" cercava di modificare l'identità dei romeni in primo luogo sconvolgendone e l'ambiente e lo stesso paesaggio (la sua campagna di demolizioni a Bucarest e in altre città).

L'Europa Orientale è radicata più ai luoghi che agli avvenimenti e alcuni dei suoi dirigenti l'hanno intuito. Soprattutto i dirigenti comunisti. Il conformismo comunista ha influenzato la cultura dell'Europa Orientale, colpendo prima di tutto nel suo spirito liberale e democratico. E spesso l'identità spaziale è tornata a prevalere, come già in passato, su quella legata al tempo.

Il comunismo voleva eliminare più o meno sistematicamente ogni seria opposizione di pensiero, anche le vicende storiche precedenti. Non pochissimo ha contribuito questa a sviluppare (maturare) un sostanziale rifiuto della dimensione storica, da parte degli intellettuali della zona, presente altrimenti anche prima ("ci troviamo sotto il terrore della storia", scriveva Mircea Eliade nel 1938). La storia è stata in Europa Orientale e in gran misura è rimasta di una durezza facilmente percepibile, sentita, vissuta. Come l'hanno sentito e visuto i serbi sotto le bombe degli Alleati. Come l'hanno percepito i nostri genitori sotto l'occupazione sovietica. Si sentivano incapaci reagire contro i loro oppressori (e anche colpevoli perché, perdendo la guerra contro i russi e alleandosi erroneamente con i tedeschi, avevano creato cosi condizioni favorevoli all'avanzata russa).

Si costata oggi un rifiuto dell'ottimismo storico proprio dell'hegelianismo e dell'hegelo-marxismo. "Faccio parte, dichiarava il filosofo ceco Vaclav Belohradsky, dei vinti, come ceco, come esule, come europeo, come intellettuale, come filosofo e come cittadino italiano"(3) Aggiungeva anche che l'intellettuale non debba "lasciarsi cacciare nella storia scritta dai vincitori".

Lo stesso lo considera anche Vaclav Havel (4) affermando che l'intellettuale non può entrare nella storia dei vincitori e che, solo resistendo alla storia in quanto tale ed elaborando un proprio linguaggio in quanto negazione di quello del potere, l'intellettuale si poteva opporre al regime comunista.

Milan Kundera è letteralmente ipnotizzato da Nietzsche e del suo eterno ritorno, ossessionato della nostalgia di una visione ripetitiva, circolare, tragica dell'esistenza (5). Mircea Eliade è affascinato della concezione degli archetipi celesti, che riduce la storia a pura contingenza. Troviamo nella sua opera un disprezzo degli eventi storici che scandiscono solo un "tempo profano". Alexandr Soljenicyn parla del culto della terra, dell'anima popolare, delle origini e delle radici russe. Si avvicina alla concezione che Tolstoi aveva della storia (6) Il poeta romeno Lucian Blaga creò uno spazio, "lo spazio mioritico", senza confini storici, senza nessun'altra determinazione, libero di esprimersi in se stesso (7).

Tutti questi intellettuali e altri non menzionati e altri che non sono della zona central-europea (Jung, Kerenyi, Levy Bruhl, Van der Leeuw e molti altri ancora) pensano che solo nell'esistenza del singolo individuo va trovata la risposta metafisica ad un modello transtorico, che risulta poi quello più significativo: il mito dell'eterno ritorno. Assistiamo, nella sfera degli studi sull'uomo, ad una riabilitazione dell'importanza culturale dei miti e dei simboli, delle immagini e delle emozioni, del senso magico e sacrale della vita. Mito e sacro, questo in particolare, non sembrano più oggetto di ironica critica o di irriverente scherno(8). I miti non sono soltanto fiabe, appartenenti alla fanciullezza dello spirito e destinate a sparire quando uomini e tempi avranno raggiunto la loro maturità. Il mito non è l'errore, l'ignoranza o la barbarie. Coscienza mitica sembra una perenne esigenza esistenziale dell'uomo che per vivere non può revocare tutto in dubbio, privandosi di ogni fede, di ogni speranza, di ogni finalità. L'uomo disincantato fino in fondo sta sospeso tra il nulla e l'angoscia, aggira per strade che non sa dove conducono. La ragione dissolve i miti, ma non può dissolvere se stessa e il suo senso nel silenzio e nell'oscurità. Da questo punto di vista, come crede Mircea Eliade, la storia

dell'uomo può essere considerata come la storia dei miti sempre criticati ma tuttavia sempre risorgenti (9). Il compito della civiltà non può essere la distruzione del mito, ma al massimo la distruzione del mito barbarico e della metafisica invecchiata. Il discorso dell'intellettuale centro-europeo dovrebbe essere inquadrato nel un ambiente più ampio. Simboli e miti, emozioni e immagini, l'esperienza varia del sacro, i richiami della partecipazione sono aspetti esistenziali che l'intelletto non può né sopprimere né sostituire.

In apparenza, la tradizione, per esempio, ha subito passivamente il potere, ma solo in apparenza, perché ha posseduto una grande capacità sotterranea di resistenza. Perciò l'opposizione nelle società dell'Europa Orientale ha sempre avuto un carattere culturale, "intendendo la cultura come affermazione di "valori" culturali e in secondo luogo come "sapere". Il sopracitato G. Petracchi da come esempio l'esistenzialismo, che in Occidente era alleato del marxismo e della critica del sistema "borghese". Nell'Est, ove marxismo e potere hanno coinciso la stessa tematica, purificata nella resistenza passiva, è divenuta un nemico(10). Il potere è stato demistificato e smascherato nell'Europa Centro-Orientale dopo il 1945. Più che dappertutto. "Come in una recita, sembrava che la storia dovesse ripetersi all'infinito. Per tenere buone le masse il partito chiamava al potere una figura nuova". Il regime è crollato lo stesso. Forse ormai non possedeva più maschere.

Perché si nasconde l'intellettuale dell'Europa Centrale e Orientale sotto la storia, oppure, meglio dire, perché non vuole la storia? Soprattutto perché vede lo spaventoso ritardo del proprio contesto rispetto all'Occidente. Che non cessa di crescere. Hobbsbawn, nel suo libro "Le nazioni e il nazionalismo dopo 1788" constata il fatto che alla fine del settecento la differenza di crescita dei principali fattori di sviluppo tra i paesi occidentali e quelli orientali degli Europa era di 1a 2. Alla fine dell'ottocento è

diventato 1 a 3 e oggi è arrivato a 1 a 10 o 11 (11). Che sarà nel ventunesimo secolo?. Scrive la stessa Karsten: "Entriamo nel duemila con la coscienza storica e con l'economia dell'ottocento" (12). E l'intellettuale centro-europeo "non può rifugiarsi, come il musulmano nella paranoia della propria alterità". Perché. Perché si sente strettamente imparentato con la civiltà occidentale. Non da oggi. Ma da molto tempo. Da quando i paesi dell'Europa Centrale e Orientale sono entrati, anche loro, sulla via della modernizzazione (una modernizzazione anche oggi rimasta incompiuta).

Dall'altra parte l'intellettuale dell'Europa Orientale non trova più adesso in Occidente quella filosofia organica della storia che possa spiegare la sua condizione odierna. La dialettica tra Occidente e Oriente ha perso il suo punto focale, che fino oggi era stato il dibattito sul marxismo. Per moltissimi intellettuali centroeuropei che guardano all'Occidente per trovarvi una cultura politica, l'Occidente non offre nulla (oppure questa è la loro sensazione, di trovarsi di fronte al "nulla", di fronte ad una evidente mancanza di un sistema filosofico e ideologico da accettare). Il dialogo che l'altra volta, nell'ottocento, per esempio, l'Occidente l'offriva adesso non lo offre più. E gli intellettuali dell'Est "che si affacciano sull'Europa delle democrazie liberali traggono l'impressione di non trovare che mediocrità e nullificazione di ogni valore, tranne quello del profitto". Lo scrittore polacco premio Nobel Czeslaw Milosz osserva, con amarezza, la progressione in Occidente "di una palude culturale, che tende al livellamento dei valori ed alla dimenticanza, proprio quando gli intellettuali est-europei devono riaprire il conto con il passato comunista dei loro paesi" Egli condanna il comunismo e si domanda che cosa prenderà il suo posto: "vi entri il Nulla o, se preferiamo l'America: un approccio puramente commerciale alla cultura e a tutti i valori" (13). L'orizzonte della storia è sgombro di barbari, che, come nella poesia

del poeta greca Kavafis, "diano impulso per far rinascere la civiltà dalla distruzione". In più, l'immagine dell'America è radicalmente cambiato nell'ultimo tempo nella zona Centroeuropea. I americani erano visti, considerati e aspettati come portatori di un sistema di valori democratico, opposto al comunismo sovietico che dominava la regione fino otto anni fa. Adesso loro appaiono come portatori non di civiltà ma di bombe. "Abbiamo aspettato gli americani 45 anni, scriveva ironicamente la rivista romena "Cazzavencu" e loro sono andati in Jugoslavia" (14)

Il discorso si può allargare anche in un altro senso.

Dice Reinhold Niebuhr, nel suo libro: **Fede e storia** " Nell'epoca moderna la cultura ha elaborato una vera alternativa alla fede cristiana: l'idea che la storia è essa stessa il Cristo, che cioè lo sviluppo storico è redentivo in se stesso... Nel nostro tempo è particolarmente importante comprendere come la sicurezza spirituale di una cultura che ha creduto in una redenzione per mezzo della storia sia ora sull'orlo della disperazione". Lui sottolinea il pessimismo e la delusione dell'uomo di oggi. "Tra i casi della storia dell'umanità presenta, nessuno è pieno di ironia quanto il contrasto tra le fiduciose speranze dei secoli passati e le amare esperienze dell'uomo contemporaneo. Ogni progresso tecnico, considerato dalle generazioni precedenti come una anticipazione o una garanzia della redenzione dell'umanità dalle sue varie difficoltà, si è rilevato causa, o per meno occasione, di una nuova forma di antiche perplessità" (15). In fatti la credenza che la natura, come la cultura e le istituzioni umane, subisce un processo evolutivo, alla fine, la credenza nel progresso attraversa una crisi che le due ultime grandi guerre mondiali, con il loro drammatico dopoguerra, stanno approfondendo e radicalizzando.

Crediamo ancora nel progresso, in questa grande idea che da oltre due secoli domina i nostri orizzonti intellettuali?.

L'idea del progresso, come l'aveva constatato lo storico irlandese John Burry, è un idea moderna. Nel mondo classico greco-romano, nel medioevo, nel rinascimento quell'idea era quasi sconosciuta. Il cammino del tempo veniva raffigurato come una caduta e non come una ascesa. L'età dell'oro, della perfezione, della felicità era proiettata in un passato mitico, all'origine del tempo. La storia era veduta come alterazione di uno stato originario di beatitudine edenica. La fantasia umana non proiettava in una futura realtà terrestre la propria speranza. E solo nell'età moderna, e soprattutto nel secolo diciottesimo, che l'idea di un progresso illimitato si vienne affermando e consolidando (16). Oggi il termine progresso designa soltanto un ideale o un programma morale, non una realtà. L'intellettuale dell'Est deve prendere in considerazione questa mancanza dei punti di riferimento sicuri nella civiltà occidentale attuale. E lui deve accontentarsi del pragmatismo, oppure deve rifluire verso il mito. Pragmatismo, vuol dire accettazione del modello capitalistico consumistico "con il suo sapere vasto, ma frantumato. In questo caso lui deve accettare anche la sua condizione subordinata e direi provinciale entro tale sistema. Può scegliere il mito, ovvero inseguire il sogno di una propria identità e nobiltà, pero vulnerata dall'intermezzo dell'aberrazione comunista, e quindi difficilmente capace di esprimersi nell'immediato come una forza viva.

Si può ipotizzare "una terza via"? Soljenitzin e alcuni dei neoslavofili, come Valentin Rasputin, appellano alla forza visionaria e religiosa dell'anima russa rimasta integra al destino spirituale della Russia per sconfiggere la filosofia della ricchezza". Difficilmente dire pero che l'identità permanente dell'antica Russia possa prendere forma politica in una "Unione russa" ritrovata e rinnovata. E difficilmente non dire che si tratta di un'utopia.

Alcuni intellettuali polacchi, come suddetto Czeslaw Milosz, mettono le loro speranze in un'Europa Centrale, comprendente eventualmente tutti i paesi tra la Russia e la Germania, che a motivo delle loro tragiche esperienze avrebbero maturato un'identità spirituale e culturale forte abbastanza di difendere alcune verità essenziali (la differenza tra il vero e il falso, tra il bene e il male) che in Occidente stanno sparendo (17). Altri intellettuali, come lo storico romeno Alessandro Dutu, hanno speranza che se riusciamo penetrare nei strati profondi della mentalità della nostra zona, incontreremo una viva presenza del sovrannaturale nella vita cotidiana, e un senso del tempo definito secondo il calendario ecclesiastico. La chiesa ortodossa ha offerto una visione abbastanza convincente sul mondo e ha attirato la gente intorno a questa azione sacramentale. Sottomesso alle colpe della sorte, del destino, l'abitante di questa regione europea è riuscito a superare il momento perduto a causa della violenza. E cosi lui è riuscito ad integrare l'episodio diversi della sua vita in un cammino verso compimento di un mondo dominato dallo scorrere del tempo. All'inizio dell'ottocento un poeta romeno Grigore Ramniceanu, facendo l'elogio all'Europa illuminata, accentua il fatto che per i romeni è stato più urgente mantenere la base formata dalle convinzioni fermi, capaci a sostenere la costruzione duratura degli monumenti e la resistenza davanti ad un destino che si mostrava imprevedibile (18). C'è cui il rischio di trasformazione della fede in un rifugio, come appare nel pensiero degli intellettuali romeni fra le due guerre mondiali. Ma si trova cui anche un immense risorsa da difendere il sacro nel mondo davanti ad alcune forze che sembrano affermare che il mondo è "una fiaba piena di rumore e di violenza narrata da un idiota", come diceva Macbeth. Storici e giornalisti occidentali suggeriscono che i balcanici diventeranno europei quando si occidentalizzarono. La comunicazione

intensa oggigiorno permette la possibilità unica di avvicinare la gente da un capo all'altro del continente. Se sapremo approfittare di essa riusciremo mettere davanti a tutti la brillantezza della sintesi.

Abbiamo pero la sensazione che si tratta di nuovo di una reazione tipica a tanti intellettuali terrorizzati di fronte alla prospettiva della"fine della storia".

Note:

1 "Przeglazd Tygodniowy", 21 ottobre 1990.

2 Giorgio Petracchi, "Gli intellettuali dell'Europa Orientale al crocevia della Storia", in *Storia contemporanea*, a. XXIII, n.1, febbraio 1992.

3 V. Havel, *Interrogatorio a distanza…*, Milano, 1990, p. 166.

4 *Ibidem.*

5 M. Kundera, *L'insostenibile leggerezza dell'essere*, Milano, 1985, pp. 80 ss.

6 G. Petracchi, *op. cit.*, p. 107.

7 Lucian Blaga.

8 Remo Cantoni, *Illusione e pregiudizio*, Il Saggiatore, Milano, 1967, pp. 185-191.

9 *Ibidem*, p. 187.

10 G. Petracchi, *op.cit.*, p. 107.

11 Hobsbawn,

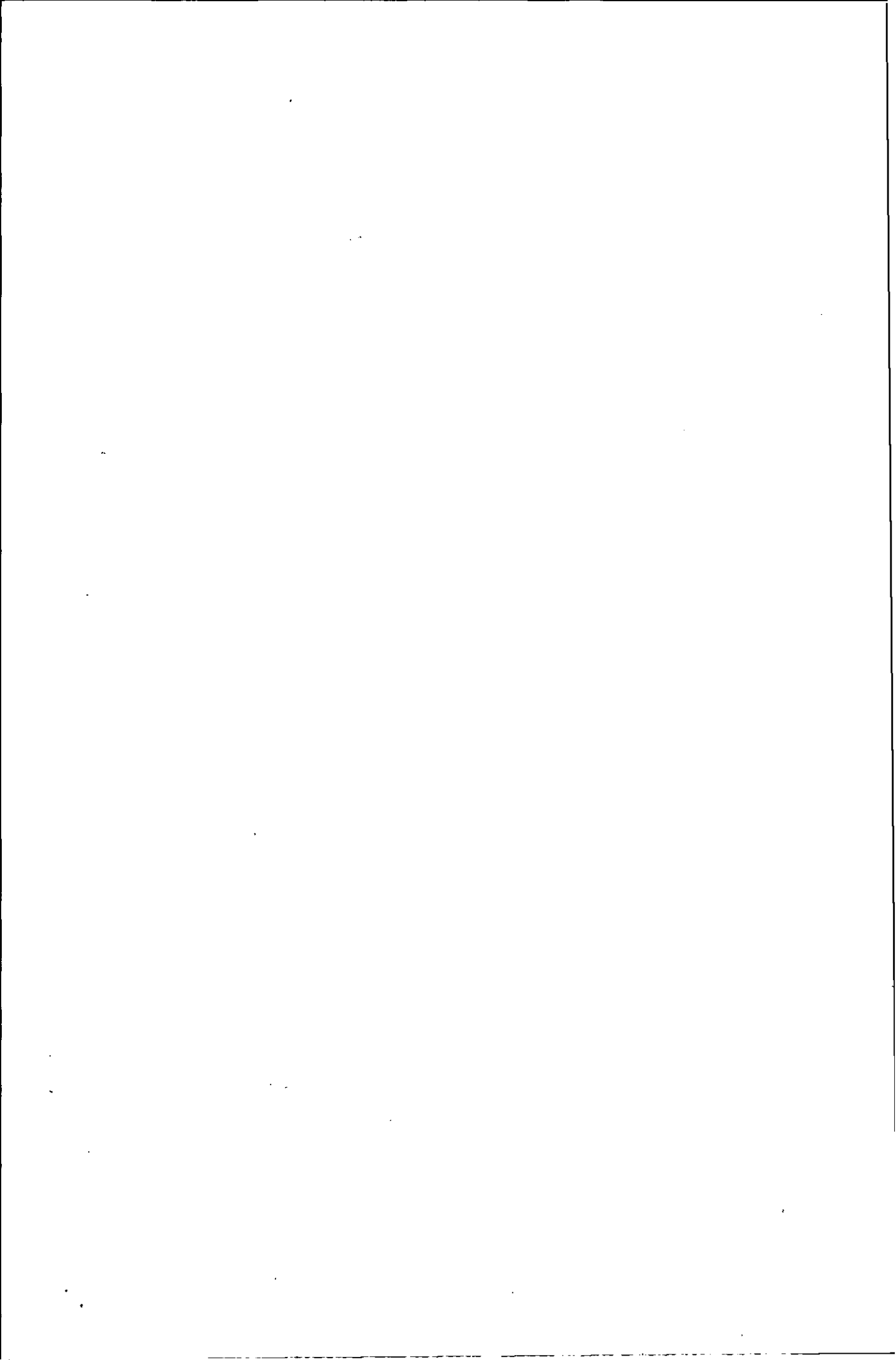12 G. Petracchi, *art. cit.*, p. 108.

13 *Ibidem*, pp. 108-109.

14 "Cazzavencu", nr…/1999.

15 R. Niebuhr, *Fede e storia*, Bologna, 1966, p. 4.

16 Remo Cantoni, *op. cit.*, pp. 167-174.

17 G. Petracchi, *art.cit.*, pp. 108-109.

18 Alexandru Dutu, "Bizantini. Orientali. Balcanici", in *Secolul XX* (Secolo XX esimo), no. 7-9/ 1997, p. 66.

Opinions roumaines sur l'unité européenne (1919–1939)

Constantin Buşe

'Europe a dû connaître et endurer les horreurs de la Grande Guerre, subir des pertes humaines et matérielles, traverser une douloureuse crise de conscience, avant de se décider à mettre en oeuvre l'idée déjà centenaire de l'unité des peuples et des États du continent. Le désir et la volonté de construire une Europe unie se sont intensifiés pendant l'entre-deux guerres, et l'idée fut acceptée et soutenue, cette fois, non seulement par des personnalités publiques ou par des groupes intellectuels isolés (hommes de lettres, philosophes, juristes, économistes, journalistes), mais encore par des hommes politiques, membres du gouvernement ou du Parlement, hommes d'affaires, industriels, etc.

Le progrès de l'idée de fédéralisation de l'Europe fut lent et difficile, car les peuples qui avaient reconquis leur droit à un État propre ou retrouvé l'intégrité de leurs frontières avaient du mal à se laisser persuader que leur indépendance, leur souveraineté ou leur intégrité territoriale ne couraient aucun danger d'être violés ou entamés. Ce fut aussi le cas de la Roumanie.

Voilà pourquoi sans doute en Roumanie on mit un temps à suivre l'avancement de l'idée de l'unité européenne, d'ailleurs avec une attention toujours plus vive. Les réactions, les prises de position, les analyses et les interprétations des Roumains s'avérèrent intéressantes, assez variées, pertinentes, c'est-à-dire sans divagations, bien des fois originales, et partant constructives. Remarquable fut la réceptivité

face à l'idée de l'unité européenne dans les milieux intellectuels et politiques roumains, malgré une certaine retenue, voire timidité, explicables avant 1929, et qui pendant les années suivantes demeurèrent constantes et notables. Au débat autour de cette idée, à la discussion des projets et des plans concrets présentés pendant l'entre-deux guerres, participèrent nombre de personnalités marquantes, dont des chefs de parti, des premiers ministres, des ministres des affaires étrangères, parlementaires, diplomates, écrivains, publicistes, sociologues, juristes, économistes.

Dans ce qui suit j'ai cru nécessaire de présenter la manière dont quelques-unes de ces personnalités roumaines ont évalué et jugé les actions, les démarches et les plans ayant pour l'objet l'unité européenne. Ils l'ont fait en se situant sur des positions qui devaient correspondre aux intérêts de la Roumanie, mais aussi en tant qu'Européens véritables. Il faut remarquer qu'aucune de ces personnalités n'a rejeté l'idée de l'unité européenne, et que d'autre part leurs doutes et leurs questionnements, les idées et les suggestions qu'ils ont avancées, les remarques critiques qu'ils se sont permises, étaient une fois de plus la preuve de leur intérêt et de leur préoccupation pour l'unité, le progrès, le bien-être et la paix en Europe.

Parmi ces Européens *avant la lettre* se sont distingués Nicolae Titulescu, Ion G. Duca, Grigore Gafencu, Vespasian Pella, G. G. Mironescu, Mihail Manoilescu, Dimitrie Gusti, Constantin Vişoianu, qui tous se sont

employés avec intérêt et compétence à déchiffrer et comprendre les démarches que l'on entreprenait pour unifier l'Europe; leur interventions, orales ou écrites, constituent de véritables études sur cette matière.

Des personnalités de la valeur de Nicolae Iorga et Iuliu Maniu jugèrent nécessaire d'exprimer leur point de vue. La presse roumaine a enregistré et commenté avec un intérêt constant tout ce qui fut initiative, projet ou plan d'unité européenne.

Les publicistes Romulus Seişanu, Andrei Corteanu, Barbu Brănişteanu, Em. Socor, Joseph Berkowitz apparurent comme des analystes véritables et de bons connaisseurs des questions relatives à l'unité de l'Europe.

Quelques-uns de ceux que je viens de nommer sont allés encore plus loin dans l'étude et l'approfondissement du trajet que les penseurs anciens ou récents destinaient à l'idée européenne – fût-ce sous la forme d'une fédération ou d'une confédération. Sur ce point, je trouve exemplaire l'étude dédiée au *Problème de la Fédération des États Européens* par le savant sociologue Dimitrie Gusti, fondateur de l'Institut Social Roumain, établissement qui jouit d'un prestige international. „Le mot fédératif n'est que l'expression solennelle de la conciliation de deux principes antithétiques, le principe de l'autorité et celui de la liberté. Le fédéralisme nous apporte par conséquent une nouvelle conception de la liberté, et on pourrait le définir comme suit: **je cède un peu de ma liberté, afin de créer une autorité qui puisse me garantir le reste de ma liberté.** Le fédéralisme est un contrat politique. Les parties contractantes gardent entières leur initiative et leur souveraineté, moins ce qui de celles-ci touche à l'objet et au but du contrat. Il en découle la reconnaissance du droit des membres de la fédération à participer au pouvoir central, et par là-même, leur indépendance par rapport au centre. Ce contrat est ce qu'on appelle une fédération; s'il en est ainsi, le lien fédéral n'a certainement pas pour effet le nivellement et l'uniformisation des membres de la fédération"[1].

Une confédération est une association d'États qui constituent certains organes communs dans des domaines bien déterminés et qui ne renoncent pas à leur souveraineté nationale; donc la confédération est une „catégorie du droit international", tandis que la fédération „émane du droit public intérieur"[2], en engendrant un État-union.

L'idée fédérale gagna du terrain dans les préoccupations des hommes politiques et des hommes de culture roumains, même avant que soient relancés les projets et les plans de fédéralisation de l'Europe, au cours de la première décennie qui suivit la guerre. Un rôle important dans le débat autour de la question de la Fédération Européenne fut joué par *Revista Vremii* et par son directeur, le futur grand diplomate et ministre des Affaires étrangères, Grigore Gafencu. Le 27 mai 1923, celui-ci affirmait à juste titre: „Le siècle dernier fut dominé par le principe des nationalité; c'est en son nom que notre peuple a remporté la victoire. **Le siècle présent doit être celui du fédéralisme**"[3]. Un monde tranquille, pacifique, sans catastrophes ni guerres devait ou pouvait se développer si on allait créer „par-dessus les États l'autorité protectrice de quelques super-États politiques. Les nations, ayant recouvert leur intégrité, poursuivront librement leur développement spirituel et culturel. Cependant la politique continuera dans la sphère internationale. Du triomphe de cette idée dépend l'avenir de notre pays et celui de tous les pays européens"[4].

Une année avant, en 1922, la revue de Gafencu avait organisé un débat sur le thème d'une Confédération Danubienne, un autre projet que celui qui avait été suggéré ou simplement avancé par les Français en 1920; le plan français voyait la Confédération centrée sur l'Autriche ou sur la Hongrie, raison sans doute pour laquelle il échoua. Dans l'esprit des participants à ce débat, l'idée d'une Confédération Danubienne

avait besoin d'être repensée, décantée et adaptée aux réalités de l'après-guerre[5].

Le démocrate hongrois Oskar Iaszi, obligé par le régime horthyste de vivre en exil à Vienne, avait lancé dans la presse roumaine, en 1922, une proposition visant une union économique et culturelle des Etats nationaux de la région par l'entremise de la suppression des barrières douanières. Lui répondirent le savant historien Nicolae Iorga et l'économiste Mihail Manoilescu, qui, en exprimant leur méfiance, prouvèrent l'inopportunité de pareille construction, pour des raisons psychologiques, économiques, mais aussi à cause de la politique révisionniste du gouvernement de Budapest[6]. Sur le même sujet, l'homme politique et le publiciste Andrei Corteanu, tout en alignant des arguments pour marquer l'importance d'une Confédération Danubienne, susceptible d'"amener un adoucissement des rapports entre les peuples libérés de la domination des Habsbourg et une solidarité entre leurs intérêts économiques", jugeait peu populaire l'idée d'une pareille Confédération, qui n'intéressait pour l'heure qu'un groupe restreint de personnes, et concluait en affirmant que "le sol où pourrait germer cette idée n'est aujourd'hui absolument pas préparé"[7].

Avant 1929, la démarche la plus importante pour imposer une idée d'unité de l'Europe fut celle du comte Richard Coudenhove-Kalergi. Celui-ci publia en 1923 à Vienne un ouvrage intitulé *Paneuropa*. Il lançait en même temps un mouvement paneuropéen, son objectif avoué étant la construction d'une Fédération Européenne. Conscient de l'importance, autant que de la complexité et de la difficulté de sa mission, Coudenhove-Kalergi exprimait la conviction que „chaque grand événement historique a commencé par une idée et a fini comme une réalité"[8].

Dimitrie Gusti fit une analyse remarquable du propos de Coudenhove-Kalergi, les **États Fédéraux d'Europe**, en partant du contenu de la *Paneuropa*, des

articles publiés depuis 1924 dans la revue du mouvement, „Paneurope", des discours du comte et des débats internationaux organisés par celui-ci. Le savant roumain souligna que les principes sur lesquels on voulait édifier la Fédération, principes dont certains furent repris dans le temps, appliqués et considérés comme valables de nos jours encore, étaient entre autres: le respect de la souveraineté des États européens; la garantie des principes du Pacte de la Société des Nations et du pacte Briand-Kellogg; la condamnation de toute agression dirigée contre un État européen; le désarmement; l'encouragement d'un sentiment de solidarité européenne; la création des conditions préalables à la mise en oeuvre d'une union douanière européenne; la solution du problème des apatrides; la prévention du partage de l'Europe en États rivaux; l'égalité en droits de tous les États européens; l'abolition de toute possibilité de guerre en Europe; la création d'un centre de direction indépendant et impartial pour le développement des relations intereuropéennes; l'établissement d'une institution permanente chargée de promouvoir l'échange des idées et des informations entre États d'Europe; la coopération entre Européens, etc.[9]

On préconisait des droits pour les minorités, ainsi que la création des conditions nécessaires à la naissance d'une **nationalité européenne**, en égal partage entre tous les citoyens des États européens.

La Fédération allait disposer d'organismes de direction: le Conseil fédéral, l'Assemblée fédérale, la Cour fédérale, la Chancellerie fédérale.

Ayant perdu sa prééminence mondiale, l'Europe devait s'unir pour se défendre des périls qui la menaçaient: la guerre, le bolchévisme, la déchéance économique. La fédération européenne préconisée par Coudenhove-Kalergi allait être réalisée par étapes: une conférence européenne, se donnant **un Bureau paneuropéen** comme noyau du mouvement, allait décider des réunions régulières; un traité sur l'arbitrage

obligatoire et les garanties mutuelles entre les États européens devait être signé; enfin, viendrait la réalisation de la Fédération – les **États-Unis d'Europe**[10].

Un élément particulièrement important du projet de fédération européenne devaient être l'entente et la coopération franco-allemande[11].

Le premier Congrès paneuropéen préparé par le mouvement de Coudenhove-Kalergi eut lieu à Vienne du 3 au 9 octobre 1926; il n'eut qu'un faible écho en Roumanie, tandis que dans d'autres pays, telle la France, l'importance de l'événement fut minimisée par les autorités, à cause des gestes que le comte avait faits envers les Allemands.

Octavian Tăslăuanu proposa dans la réunion du Sénat roumain du 12 juillet 1926 l'envoi au Congrès ouvert à Vienne par l'Union paneuropéenne d'une délégation chargée d'exposer le point de vue officiel de Bucarest. À la Commission juridique et de politique étrangère de la même institution parlementaire, Tăslăuanu présenta un rapport sur la nature de ce qu'était alors le mouvement paneuropéen, en soulignant que la présence au Congrès de Vienne d'une délégation roumaine s'imposait, vu que „nous ne pouvons rester étrangers à un mouvement paneuropéen". Bien que des personnalités de poids fussent proposées pour mener à bien cette mission – C. Rădulescu-Motru, Ştefan Zeletin, Onisifor Ghibu et l'auteur de la motion – l'investiture officielle de la délégation fut refusée[12].

Au sujet de ce Congrès paneuropéen il faudrait encore rappeler la déclaration très modérée et réaliste du Ministre des affaires étrangères, Ion Mitilineu, qui le 21 septembre 1926 se trouvait à Genève: „J'attends le déroulement des travaux du Congrès paneuropéen de Vienne avant de pouvoir répondre à la question concernant ma position envers l'idée de Coudenhove-Kalergi. Son plan me semble opportun, voire sans doute réalisable. Mais il paraît qu'aujourd'hui le temps n'est pas encore

venu pour tous les peuples. Il ne faut pas se précipiter, il faut analyser toutes les possibilités. Si l'on agit trop à la hâte, on risque de voir la Paneurope rester à jamais un beau projet et une belle illusion"[13].

Leon Ghica Dumbrăveni a participé à titre personnel au Congrès de Vienne, en lui adressant des vœux de succès au nom de son pays; il déclara que la Roumanie "ne pouvait rester indifférente devant un si beau mouvement de solidarité européenne"[14].

Tout en continuant de se développer en suivant différentes voies et sur divers plans, à travers nombre de réunions, congrès, discours, publications, par l'intermédiaire ou avec l'appui de plusieurs comités nationaux, le mouvement paneuropéen fut oblitéré par le Plan Briand et s'éteignit presque complètement après l'avènement du nazisme en Allemagne.

On a cru et espéré que les graves difficultés économiques, surtout celles consécutives à la guerre, allaient trouver une solution par la création d'une union douanière; dans le manifeste lancé en 1926 par un Comité Préparatoire de l'Union Douanière Européenne on soulignait que „seule la paix économique peut assurer la paix politique de l'Europe"[15].

La problématique économique et la question de l'union douanière européenne ont été les objectifs des conférences économiques internationales tenues à Genève en 1927 et à Prague en 1928, auxquelles prirent part des spécialistes roumains. On sait que ces manifestations, louables quant à leur but, n'eurent aucune suite concrète et positive. Le grand économiste roumain, futur ministre des affaires étrangères, Mihail Manoilescu, avait fait remarquer que la réalisation d'une union douanière européenne signifierait l'abandon définitif, de la part des pays moins développés économiquement, de tout espoir d'industrialisation, car „la libre concurrence industrielle instaure une sélection naturelle cruelle, en renforçant les forts, qui tiennent les positions dominantes, et en sacrifiant les

faibles et les débutants"[16]. En même temps, Manoilescu soulignait que „le contraste entre la richesse des pays industriels et la pauvreté des pays agraires ne ferait que s'approfondir davantage"[17].

Quelque temps avant la publication de l'initiative d'Aristide Briand, Manoilescu estimait que l'idée de la construction des **États-Unis d'Europe** „peut être utopique quant aux possibilités de réalisation, mais elle est logique et rationnelle"[18].

Comme on le sait, la démarche la plus importante pour transformer l'idée d'unité de l'Europe en une réalité palpable est due au grand homme politique et diplomate français Aristide Briand, qui, le 5 septembre 1929, à Genève, devant les délégations des 27 États européens membres de la Société des Nations, présenta brièvement son projet d'**Union Européenne**. Cette première conférence européenne se déclara d'accord avec les idées exposées par Briand, et demanda en conséquence au gouvernement français de rédiger une document, un **Memorandum**, en ce sens, qui allait être analysé par les gouvernement européens; il devait par la suite, enrichi des observations et des suggestions apportées par ceux-ci, faire l'objet des débats de la seconde conférence européenne lors de la seconde session des l'Assemblée de la Société des Nations.

Le discours de Briand du 5 septembre 1929 eut un large et favorable écho dans le monde politique et diplomatique international, et jouit de l'appréciation particulière d'hommes politiques tels que Gustav Stresemann et Thomas G. Masaryk.

Le ministre roumain des affaires étrangères, G. G. Mironescu, présent à Genève, déclara qu'il était „profondément persuadé" que la proposition de Briand était réalisable „au plus grand bien de l'Europe et de l'humanité entière", et que „le peuple roumain sait harmoniser ses propres intérêts avec ceux du monde civilisé et a la conviction qu'en se défendant il défend la cause commune de la paix"[19].

Dans sa conférence intitulée *La Politique de la paix*, prononcée le 8 novembre 1929, Mironescu estimait que la réalisation de l'idée de Briand serait une oeuvre „de longue halcine" et qu'elle devrait démarrer „par l'harmonisation des intérêts de deux, trois, puis quatre pays, pour ensuite élargir progressivement le cercle. On établira ainsi une Union économique régionale... Lorsque plusieurs régions seront harmonisées économiquement, on cherchera à tisser un lien d'ensemble, en créant peut-être pour commencer un accord entre ces unions régionales, sur quelques questions seulement. Je pense que par cette voie on peut arriver plus sûrement à une fédération économique européenne"[20].

Chef du Parti National Libéral, ancien ministre des affaires étrangères et futur premier ministre de la Roumanie, I. G. Duca déclarait dans une conférence donnée en décembre 1929: „J'ai confiance dans les États-Unis d'Europe, j'y crois"[21]. Il se proclamait partisan de la création des États Unis d'Europe, mais il tenait à préciser tout de suite que sur les possibilités de mise en oeuvre il se distinguait de „ceux qui ont été jusqu'à présent les protagonistes les plus autorisés de cette idée...", et qui soutenaient que les États Unis d'Europe ne pouvaient voir le jour qu'après un accord, „une sorte de fédération économique. C'est dans cette direction d'ailleurs que M. Briand et la Ligue des Nations ont dirigé leur action"[22] (allusion à l'option initiale du discours de Briand du 5 septembre 1929).

Duca estimait que tout se passerait exactement en sens inverse: „la cristallisation politique précèdera l'harmonisation écono-mique". Et il s'expliquait: „Afin de réaliser politiquement les États-Unis il ne faut combattre que quelques préjugés, tandis que pour les mettre en marche du point de vue économique, il faut combattre des intérêts, de grands et âpres intérêts"[23].

Pour I. G. Duca, la création des États-Unis d'Europe n'entraînait pas l'abolition des États et des unités ethniques

européennes. „On peut parfaitement les concevoir, et même on ne les conçoit que dans le respect absolu de l'autonomie de chacun de ces États" Il ajoutait que l'on devra „créer au-dessus d'eux et en vue de certains intérêts bien définis, une sorte de super-État"[24].

En parlant des objections à l'acceptation de la Russie soviétique ou à la participation de la Grande-Bretagne, Duca tranchait en affirmant qu'„il n'était pas absolument nécessaire" que les deux pays fassent partie des États Unis d'Europe. „L'entente initiale", suggérait-il, „peut être encore plus restreinte, pour s'élargir progressivement par des adhésions ultérieures"[25].

Après la Grande Guerre, toutes les tentatives de rapprochement des pays européens sur le terrain économique avaient échoué, ainsi que toute modification des systèmes tarifaires en vue d'une harmonisation. Cela s'explique par les conflits entre les intérêts des pays industriels à part eux, entre les intérêts des pays agricoles, enfin entre ceux des uns et ceux des autres.

Cet état de choses ne devait pas nous désespérer et nous faire renoncer, puisque „les difficultés sont bien plus grandes que sur le terrain politique, mais elles ne sont nullement insurmontables"[26].

Malgré les nombreuses divergences, devant les pièges de toute sorte, économiques d'abord, „des branches entières de l'industrie entreprendront toujours davantage d'harmoniser leurs intérêts, de mettre un terme aux luttes dévastatrices d'aujourd'hui, par des cartels et par d'autres moyens". Duca anticipait ce qui allait se produire dans l'économie européenne deux décennies plus tard. Il anticipait également en ce qui concerne „la tendance générale à l'unification du régime du travail", qui „facilitera, parallèlement aux accords capitalistes, la naissance d'une vie économique paneuropéenne"[27]. Avertissement inspiré par la réalité du temps, mais bien plus valable pour celle des premières

années qui suivirent la seconde guerre mondiale: „Prise d'une part entre la concurrence américaine, qui devient toujours plus pesante, et d'autre part entre la Russie qui continue à priver l'économie européenne d'un de ses principaux débouchés normaux, la pauvre Europe, affaiblie et désorganisée par la guerre, est condamnée d'avance à capituler"[28].

Qu'allait-il advenir de l'Europe? En décembre 1929, Duca affirmait que „le jour viendra où son état économique sera si grave, son désastre si évident, qu'**une entente, une harmonisation, une fédéraisation générales** des intérêts apparaîtra à tous comme la seule possibilité".

Selon la pensée d'I. G. Duca, cela était inévitable à terme. „Il faudra des combats, des dizaines d'années. Les ironiques et les sceptiques auront leurs moments de victoire éphémère. On n'épargnera aux apôtres de l'idée ni les instants de désespoir, ni le mépris qui frappe toutes les grandes oeuvres"[29].

La foi de Duca en la victoire de l'idée de l'unité européenne était totale, parce que, disait-il, „quoi qu'on dise et quoi qu'on fasse, l'idée est en marche et elle vaincra, car ce n'est pas une forme abstraite, au contraire, elle apparaît de plus en plus comme **une nécessité pratique, comme un moyen de salut, de revivification et de régénération de notre vieille et glorieuse Europe**"[30]. Duca pensait qu'aucun effort n'était trop grand pour atteindre cet objectif grandiose. Tous avaient selon lui "**le devoir impérieux de consacrer toutes leurs forces, tout leur idéalisme à la victoire de cette idée ardente des États-Unis d'Europe**"[31].

Le Memorandum du gouvernement français sur l'organisation d'un régime d'Union fédérale européenne[32] fut soumis aux gouvernements européens membres de la Société des Nations, ainsi qu'à l'Union Soviétique et à la Turquie pour information. Comme son contenu est connu, point n'est besoin d'entrer dans les détails. Seuls

quelques aspects méritent un rappel. Partant de la définition de l'Europe en tant que „continent humain", le document était élaboré dans l'esprit des principes de l'union morale, il se fondait sur l'idée de la responsabilité collective, il évoquait la nécessité de l'unification des forces, la solidarité à l'intérieur d'une unité géographique au moyen d'un accord à l'échelle du continent. Le Memorandum n'était pas hostile à la Société des Nations et ne tendait pas à se substituer à celle-ci, il n'était pas hostile à la Grande-Bretagne ni à son empire, il n'était pas hostile aux autres pays et continents. Il précisait que la souveraineté absolue et l'indépendance politique des États seront respectés. Les États européens devaient se prononcer sur les points suivants:

Un pacte était-il nécessaire afin de consacrer le principe de l'union morale et de la solidarité entre Européens?

L'Union Européenne nécessitait-elle un organisme de direction? Celui-ci pouvait être la **Conférence Européenne**, constituée des représentants des États membres de l'Union Européenne, institution représentative et responsable, ayant son **Comité Politique**, qui à son tour se donnerait des Commissions spécialisées.

Le Comité Politique devait-il recevoir des directives pour orienter et déployer son activité?

Quelle devait être la teneur de ces directives?

Le **Memorandum** mettait l'accent sur la nécessité de subordonner les problèmes économiques aux problèmes politiques. Pour Aristide Briand, „le progrès économique de l'Union Européenne était rigoureusement déterminé par la question de la sécurité", qui à son tour „était intimement liée au progrès que l'on pouvait accomplir sur la voie de l'union politique"[33].

La fédération européenne devait s'édifier sur le principe de l'**union** et non sur celui de l'**unité**.

Aristide Briand estimait que le rapprochement économique des États pourrait se réaliser à travers la responsabilité solidaire des gouvernements, qui à leur tour procéderaient à la constitution d'un **Marché Commun** et mettraient en place une politique douanière, sur des bases nouvelles et adaptées à ce marché.

Le **Memorandum** mettait devant les yeux des futurs membres de l'Union Européenne une série de questions et d'aspects concrets et pratiques, qui devaient conduire à la réalisation proprement dite du Projet ou du Plan, comme par exemple: le contrôle politique sur les cartels industriels, la réduction progressive des tarifs douaniers, la coordination des efforts pour les grands travaux publics, la réglementation de la circulation des personnes entre les États de l'Union, le bail de fonds aux régions moins développées, la réglementation des questions liées au travail, l'extension de la coopération dans le domaine de la santé, une large coopération intellectuelle, la coopération entre les Parlements en vue de la constitution d'une **Union Parlementaire Européenne**[34].

Les gouvernements européens consultés manifestèrent leur intérêt pour le Plan Briand, ils embrassèrent l'idée de la création de l'Union Européenne, mais si quelques-uns marquèrent leur accord total, d'autres exprimèrent doutes et réserves, enfin d'autres encore ne firent aucun secret de leur opposition, en exigeant que soit modifié d'abord l'ordre politique et territorial établi par les traités de paix.

Le geste de Richard Coudenhove-Kalergi vaut mention honorable: le 20 mai 1930, à Berlin, au Congrès du mouvement paneuropéen, il affirma que le **Memorandum français** pouvait se comparer à une Magna Charta de l'Europe, grâce à laquelle le rêve millénaire de l'humanité atteignait un début de réalisation. Le Plan Briand marquait une nouvelle ère politique en Europe[35].

Tant dans les réponses des gouvernements qu'au cours des débats de la seconde

conférence européenne tenue à Genève en septembre 1930, la question évoquée le plus fréquemment, à travers maintes controverses et évaluations divergentes, ce fut celle de la relation entre l'économique et le politique. Les pays moyens et petits, les pays plus faibles craignaient la domination politique d'une ou de plusieurs grandes puissances au cours de la nouvelle construction européenne, domination qui pouvait naître si le facteur économique était subordonné au facteur politique.

La réponse du gouvernement roumain[36], en date du 8 juillet 1930, au **Memorandum français**, ainsi que les prises de position à titre personnel de plusieurs hauts fonctionnaires roumains, personnalités culturelles et scientifiques, journalistes, tant à Genève que dans d'autres grandes villes d'Europe, soit à travers des études ou des articles dans la presse, dans des interviews ou dans des cours universitaires – toutes ces déclarations roumaines sont explicites, éloquentes et expriment un certain bon sens.

Il ne s'agit pas de paraphrases des documents déjà publiés ou de réponses complaisantes, mais d'une analyse faite avec un vif intérêt, non sans professionnalisme, et dans le désir de faire connaître le point de vue de la Roumanie, afin de contribuer à la victoire de la grande et généreuse idée de progrès, prospérité et union européenne.

Ainsi, le gouvernement de Bucarest déclarait que, ayant étudié le **Memorandum**, il pouvait exprimer son contentement de partager les principes avancés par ce document, et qu'il „allait donner tout son concours à la réalisation du projet d'Union Fédérale Européenne". Ceci parce qu'il était impérieusement nécessaire de protéger les peuples contre le risque d'une guerre et d'un effondrement de la civilisation. La paix devait être consolidée en premier lieu par une „coopération active et permanente des nations sur le terrain politique et économique"[37]. Tout ce processus dont le but était la création de l'Union Fédérale Européenne devait avoir lieu au sein de la

Société des Nations, ce qui aurait entraîné le maintien du *statu quo,* le respect des traités de paix, la protection de l'indépendance, de la souveraineté et de l'égalité des pays membres de l'Union.

On y avouait que la crise économique profonde imposait des mesures urgentes et que pour cette raison les problèmes économiques étaient devenus prioritaires aux yeux de plusieurs pays. Sans contester le principe de la subordination générale du problème économique au facteur politique, le gouvernement roumain estimait faisable une coopération économique même „sans une préalable coopération politique", tandis qu'„une entente politique très souple serait... suffisante pour permettre d'organiser une étroite collaboration sur le terrain économique"[38].

Quant à l'organisation des structures représentatives et exécutives, le gouvernement roumain considérait que, pour commencer, aux côtés de la Conférence Européenne devait fonctionner un Secrétariat provisoire chargé de centraliser „toute la documentation et d'étudier les problèmes évoqués dans le **Memorandum** ainsi que les problèmes qui seraient soulevés par d'autres États"[39].

Le gouvernement de Bucarest déclarait sa résolution d'apporter sa contribution, dans le cadre de la seconde Conférence européenne, à un examen attentif des propositions du **Memorandum** ainsi que de celles avancées par les gouvernements européens, étant persuadé que „le projet de l'Union fédérale marquera le début d'une ère nouvelle dans la vie internationale" et que „la réalisation graduelle de ce projet, instituant une collaboration harmonieuse entre les peuples, préparera aux nations civilisées un avenir de fraternité et de bonheur"[40].

À lire la Réponse du gouvernement roumain, on peut percevoir un ton relativement réservé, une certaine circonspection, mais naturellement aussi une ouverture vers la coopération.

L'„entente politique très flexible" que proposait le document devait être comprise dans le sens du respect et de l'observance du *principe du Pacte* de la Société des Nations, ce qui permettait à Dimitrie Gusti d'estimer que de la sorte on pourrait créer "un parallélisme capable d'absorber tant la primauté de l'économique que celle du politique"[41].

Le grand juriste Vespasian V. Pella est peut-être *l'auteur de l'étude la plus* appliquée et complète du contenu du **Memorandum** français; elle fut publiée dans 12 articles du journal „Adevărul" entre le 5 et le 19 juin 1930.

Pella écrivait que, „quelles que soient les réserves que l'on puisse formuler au sujet de certains moyens de *réalisation, l'idée de* l'Union Fédérale Européenne est entrée dans le domaine de ces idées-forces qui s'imposent à la conscience politique contemporaine"[42]. La mise en oeuvre de l'Union Fédérale Européenne contribuerait à la reconstruction matérielle et morale du continent et serait capable d'„assurer en quelque sorte une seconde renaissance de l'Europe, de cette Europe dont bien des hommes politiques et des économistes pensent qu'elle est aujourd'hui sur le bord de l'abîme"[43].

En donnant la précédence aux intérêts de l'État roumain, Pella jugeait qu'„on ne saurait concevoir une Union Fédérale Européenne, tant que les membres de cette Union ne peuvent se décider à reconnaître le principe de la sécurité des possessions territoriales de chaque État d'Europe, telles qu'établies par les traités de paix"[44].

Vespasian Pella espérait que grâce à la création de l'Union Fédérale Européenne les frontières des États „seraient aussi bien garanties que la frontière franco-allemande à la suite du pacte de Locarno", faute de quoi, „compte tenu des préparatifs en cours dans certains États, nous pouvons affirmer que sous peu nous assisterons à la guerre la plus horrible que l'humanité ait jamais connue"[45].

Dans la conclusion de ses considérations sur le Plan Briand, Pella exprimait sa conviction que „si l'on arrive à une Union Fédérale Européenne fondée sur les principes de l'égalité, de l'indépendance et de la sécurité tant dans le domaine politique que dans le domaine économique, M. Briand n'aura pas bien mérité seulement de l'Europe, mais encore du monde entier"[46].

Dans une interview accordée au journal viennois „Neue Freie Presse", le roi Charles II qualifiait le **Memorandum français** d'„important progrès dans la pacification de l'Europe"; il ajoutait que „les plus grands progrès au sens des propositions de M. Briand pourraient être obtenus au moyen de la coopération économique, et notamment je trouve heureuse la définition d'une base économique pour servir aux alliances politiques"[47].

La seconde Conférence européenne, qui a eu lieu à Genève, à partir du 8 septembre 1930, a débattu les idées du **Memorandum** et les points de vue des gouvernements européens membres de la Société des Nations.

Dans la séance du 16 septembre, le ministre roumain des affaires étrangères, G. G. Mironescu, a soutenu qu'à partir de l'expérience de la Petite Entente et des Conférences sur thèmes agraires tenues durant l'été 1930, à Bucarest et à Varsovie, avec la participation de plusieurs États de l'Europe centrale et orientale, des „unions régionales" pourraient être une voie „plus sûre vers une fédération européenne"; il ajouta que „ce système de contact et de solidarité permanente faciliterait la création des noyaux nécessaires à l'organisation du mécanisme fédéral européen"[48].

Quant aux aspects pratiques, Mironescu croyait utile que l'Assemblée de la Ligue des Nations „invite les États européens à dresser un rapport où ils avanceraient des propositions concrètes". Le représentant de la Roumanie faisait remarquer que, quelle que soit la procédure qui sera adoptée, „la

grande idée de l'Union Européenne s'imposera. Elle suivra son cours"[49].

Par la Résolution de l'Assemblée de la Société des Nations, du 17 septembre 1930, fut prise à l'unanimité la décision de créer l'Union Fédérale Européenne. Le 23 septembre 1930 ouvrit les travaux de sa première session la **Commission des Études pour l'Union Européenne**, sous la présidence d'Aristide Briand.

Les réactions furent variées dans le monde politique européen face à l'œuvre accomplie à Genève par la seconde Conférence européenne et par les premières sessions de la Commission des Études de janvier 1930 et de septembre 1931. L'optimisme et la confiance firent face au pessimisme, à la méfiance, voire à l'hostilité. J'estime que l'attitude exprimée dans les points de vue formulés par les représentants de la Roumanie à Genève et ailleurs fut équilibrée et modérée. Nicolae Titulescu, président des Sessions de l'Assemblée de la Société des Nations en 1930 et 1931, eut l'occasion à plusieurs reprises de formuler ses opinions en sa double qualité officielle.

Le 19 novembre 1930, à la Conférence sur **Le Progrès de l'idée de paix**, tenue à l'Université de Cambridge, Titulescu qualifiait la démarche d'Aristide Briand pour la création de l'Union Européenne d'"effort lourd de signification"[50].

Aux yeux de Titulescu, l'Union Européenne aurait pour objectif immédiat de trouver des solutions à la grave crise économique qui affectait le continent. Il n'était pas question qu'elle devienne un État analogue aux États-Unis d'Amérique, mais il suffisait qu'elle amène à conclusion "un accord entre les États européens sur le modèle des ententes régionales prévues à l'Article 21 du Pacte, où chaque État conserve sa souveraineté intégrale"[51].

Titulescu rejetait toute accusation selon laquelle l'Union Européenne aurait été hostile à la Grande-Bretagne, aux États-Unis d'Amérique ou à la Société des Nations.

C'est d'ailleurs à Titulescu qu'on doit une phrase dont le contenu est aujourd'hui à l'ordre du jour: "ce n'est pas en déplaçant une frontière de quelques kilomètres plus à l'est ou à l'ouest que l'on sert mieux la cause de la paix. Ce qu'il faut faire pour assurer la paix c'est que les peuples, en toute sincérité de cœur et sans arrière-pensée, oeuvrent afin de **spiritualiser la frontière** au moyen de divers accords, en particulier par des accords économiques dans l'intérêt commun"[52].

Pour les années 1930-1931, l'Union Européenne était "une initiative généreuse destinée à rapprocher les peuples du continent...", ainsi que "l'unique solution pour maintenir la paix entre les peuples". Pour l'avenir, estimait Titulescu, "elle peut constituer, si nous nous mettons honnêtement à son service, le germe d'une vie internationale nouvelle et tellement bienfaisante, que notre esprit actuel, produit des combats et des souffrances, ne peut l'embrasser encore en sa totalité"[53].

Dans une interview accordée au journal viennois "Neue Freie Presse" du 23 décembre 1930, Iuliu Maniu, président du Parti National Paysan et Premier ministre en exercice, se déclarait partisan du Plan Briand et jugeait que la réalisation d'une Confédération Central-Européenne serait une matérialisation partielle de la Confédération Générale Européenne. Dans la Confédération de Maniu auraient dû entrer la Pologne, la Tchécoslovaquie, l'Autriche, la Hongrie, la Roumanie, la Bulgarie et la Grèce. La Confédération Central-Européenne devait mettre successivement en place une alliance économique, une union douanière, créer des possibilités de défense commune, respecter la souveraineté de chaque État et enfin conclure une alliance plus étroite, ayant certains objectifs et des organismes communs[54].

Les représentants de la Roumanie ont eu l'occasion à plusieurs reprises d'exprimer leurs opinions sur le Plan Briand, en premier lieu au cours des Sessions de la Commission des Études pour l'Union Européenne. Lors de

la seconde Session de cette Commission, celle du 16-21 janvier 1931, Nicolae Titulescu aborda dans quelques interventions des questions liées à la grave crise économique, en particulier aux conséquences de la crise sur l'agriculture des pays d'Europe Centrale et Orientale: le problème de la vente des stocks disponibles de la récolte 1930 et celui des crédits agricoles. La Commission a retenu les propositions de Titulescu, qui furent ensuite incorporées dans une résolution approuvée à l'unanimité par les délégations des 27 États européens[55].

Les troisième, quatrième et cinquième sessions, de mai-septembre 1931, de la Commission des Études ont continué de débattre les graves difficultés économiques, en insistant sur le secteur agricole. Les résultats de l'activité de cet „embryon d'Union Européenne" furent modestes au cours de l'année 1931, pour devenir presque nulles en 1932, ce qui s'explique entre autres par la disparition, le 7 mars 1932, d'Aristide Briand.

Cet événement triste pour l'Europe offrit à maint dignitaire roumain, à des personnalités politiques et culturelles, l'occasion de rendre hommage encore une fois à l'homme Briand et à son oeuvre. Le grand écrivain Mihail Sadoveanu, président du Sénat, dit dans la séance du 8 mars 1932: „L'idée de la Paneurope, qu'il a jetée sur la souffrance et sur la confusion communes, a fusé et demeure comme une étoile enflammée du vœu d'aujourd'hui qui sera la réalité de demain"[56].

I. G. Duca considérait que le noble idéal de Briand „dépassait la sphère des possibilités de réalisation immédiate, et ouvrait les perspectives de l'avenir plutôt que de concrétiser des solutions applicables de suite. Mais cet idéal, glorifié par les uns, bafoué par les autres, reste au milieu des ténèbres où se débat actuellement l'humanité appauvrie et désespérée, un rayon de lumière réconfortante, une espérance suprême pour nous tous"[57].

Des jugements analogues furent prononcés par le chef national-paysan Ion Mihalache, par Grigore Trancu – Iaşi, par Nicolae Titulescu. Toute la presse roumaine, rendant hommage à la personnalité d'Aristide Briand, rouvrait le débat sur les idées-forces de son Plan de création de l'Union Européenne.

Avant et après la disparition du grand homme politique et diplomate, les Européens, les Roumains aussi par voie de conséquence, ont pris connaissance d'autres démarches et projets plus ou moins européens, ayant l'occasion de se prononcer à leur sujet.

L'une de ces initiatives a été le **Plan d'Union Douanière Austro-Allemand**, lancé le 25 mars 1931, qui produisit une inquiétude compréhensible, vu qu'il apparaissait à certains comme un pas important vers l'**Anschluss**, et à d'autres comme une action nettement révisionniste – en tout état de cause comme un acte contraire à l'idée d'unité fédérale européenne. Saisie de l'affaire, la Haute Cour Internationale de Justice de La Haye rejeta ce Plan le 28 août 1931.

Le 2 mars 1932, le chef du gouvernement français, André Tardieu, en suivant dans le sillage de la pensée de Briand, mais surtout préoccupé au plus haut point par les intérêts économiques de son pays, ainsi que par la situation critique où se trouvaient les pays du bassin danubien (l'Autriche et la Hongrie en particulier), entama des démarches en vue d'une réorganisation fédérale de cette région. Les raisons exposées étaient réelles: le manque de crédits, le marasme des transactions, l'incapacité des pays visés de vendre leurs surplus céréaliers, etc. La solution de Tardieu renforçait les relations économiques entre les États du bassin danubien sur la base des tarifs préférentiels.

Tardieu avait préalablement discuté son projet avec les représentants des pays en question, en premier lieu avec ceux des membres de la Petite Entente.

En exprimant son intérêt pour la question, Nicolae Titulescu demanda au ministre tchécoslovaque des affaires étrangères Edouard Benes s'il ne trouvait pas plus opportun que l'„initiative des accords avec les États danubiens" appartînt à la Petite Entente. „Cela nous permettrait", notait Titulescu, „d'abandonner enfin la désagréable position d'États à la remorque des nouvelles propositions d'organisation internationale"[58]. Mais Benes rejeta cette suggestion.

Titulescu pensait que le **Plan Tardieu** était en premier lieu un moyen de secourir l'Autriche et la Hongrie et, de toute façon, une solution provisoire.

Une autre opinion autorisée fut celle de G. G. Mironescu, qui voyait dans le **Plan Tardieu** une initiative d'importance insigne pour les pays directement intéressés, ainsi que pour l'Europe. Sa réalisation communiquerait un nouveau souffle à l'Europe Centrale, tandis que la collaboration économique entre les pays central-européens „équivaudrait à une orientation vers l'Union Européenne".

Un jugement qui fut validé ultérieurement est le suivant: „Cette Union (Européenne) ne peut se réaliser d'un coup, mais pas à pas, à travers la création d'Unions régionales qui par la suite coopéreraient"[59].

Des personnalités telles que Nicolae Iorga, alors premier ministre, Mihail Manoilescu, ancien ministre, grand économiste, le Dr. Nicolae Lupu, président du Parti National Paysan, Virgil Madgearu,

ancien ministre, économiste notable, Gheorghe Brătianu, professeur d'université, historien, ont traité le **Plan Tardieu** avec beaucoup d'attention sinon avec une certaine circonspection, en soulignant combien il est important que soient respectés les traités, que le *statu quo* soit maintenu, et que la sphère d'action du Plan soit limitée à la collaboration économique.

Les 6-8 avril 1932 eut lieu à Londres la Conférence des quatre grandes puissances – la Grande-Bretagne, la France, l'Allemagne et l'Italie – soldée avec l'échec du **Plan Tardieu**. La situation économique très grave (la crise battait son plein), la tendance toujours plus marquée au protectionnisme, la détérioration des relations politiques internationales, la montée des forces révisionnistes et revanchardes, etc. n'étaient point favorables aux plans et aux projets d'union européenne.

Pour conclure, nous dirons qu'il existe un patrimoine important d'idées, d'opinions, de suggestions et de propositions roumaines au sujet et au service des projets de fédéralisation de l'Europe pendant l'entre-deux guerres.

Les prises de position et les points de vue exprimés par des figures de proue de la culture, de la politique et de la diplomatie roumaines, à côté des commentaires réguliers et inévitables de la presse, n'ont pas été des gestes de complaisance, mais une implication directe, une contribution originale à l'histoire de l'idée européenne.

Note :

[1] Dimitrie Gusti, „Problema Federaţiei Statelor Europene", dans *Arhiva pentru Ştiinţă şi Reformă Socială*, nos. 1-3 / 1930, p. 7.

[2] Juliusz Bardach et Hubert Izdebski, *Rapport Géneral: L'État fédéral et le principe fédératif en histoire*, Comité International des Sciences Historiques – XVe Congrès International des Sciences Historiques, Rapports, Editura Academiei, Bucureşti, 1980, tome I, p. 240.

[3] *Revista Vremii politice, literare şi economice*, no. 9, 27 mai 1923.

[4] *Ibidem*.

[5] Gheorghe Sbârnă, *Românii şi proiectele federale europene interbelice*, Editura Sylvi, Bucureşti, 2002, p. 20.

[6] *Ibidem*, p. 22.

[7] *Revista Vremii*, no. 9, 27 mai 1923; Gheorghe Sbârnă, *ouvr. cité.*, p. 22.

[8] R. Coudenhove – Kalergi, *Paneurope*, Paris, 1927, cité par Gh. Sbârnă, *ouvr. cité.*, p. 23.

[9] Dimitrie Gusti, *ouvr. cité*, pp. 17-18; Gheorghe Sbârnă, *ouvr. cité*, p. 24.

[10] Gheorghe Sbârnă, *ouvr. cité*, p. 25.

[11] *Ibidem*, p. 26.

[12] Dezbaterile Senatului, 12 iulie 1926, p. 127.

[13] *Spre o înţelegere europeană. Discursurile ţinute la Primul Congres Paneuropean*, éd. Manuel Capri-Iacobeşti, Cernăuţi, s. d. n. l., p. 5.

[14] *Ibidem*, p. 48.

[15] V. I. Feraru, *Proiectul de Uniune a Statelor Europene*, Bucureşti, 1935, pp. 91-92.

[16] Mihail Manoilescu, „Statele Unite ale Europei – aspectul economic", *Observatorul*, 6 august 1929.

[17] *Ibidem*.

[18] *Ibidem*.

[19] G. G..Mironescu, *Cuvântări*, vol. I, Bucureşti, 1930, pp. 235-236.

[20] *Ibidem.*, p. 436.

[21] I. G. Duca, „Statele Unite ale Europei", *Observatorul*, I, 7-8, 20 decembrie 1929, p. 8.

[22] *Ibidem*.

[23] *Ibidem*.

[24] *Ibidem*.

[25] *Ibidem*.

[26] *Ibidem*.

[27] *Ibidem*.

[28] *Ibidem*.

[29] *Ibidem*.

[30] *Ibidem*.

[31] *Ibidem*.

[32] „Memorandum du gouvernement français sur l'organisation d'un régime d'Union fédérale européenne", *Arhiva pentru Ştiinţă şi reformă socială*, nos. 1-3, 1930, pp. 51-59.

[33] Eliza Campus, *Ideea federală în perioada interbelică*, Editura Academiei Române, Bucureşti, 1993, p. 63.

[34] *Memorandum du gouvernement français sur l'organisation d'un régime d'Union fédérale européenne*, pp. 57-59.

[35] Dans Gheorghe Sbârnă, *ouvr. cité*, p. 46.

[36] Archives Diplomatiques, Ministère des Affaires Étrangères Bucarest, Fonds Paris, Politiques, vol. 23, sans pagination.

[37] *Ibidem*.

[38] *Ibidem*.

[39] *Ibidem*.

[40] *Ibidem*.

[41] Dimitrie Gusti, *ouvr. cité*, p. 20.

[42] V. V. Pella, *Uniunea Federală Europeană*, dans Gheorghe Sbârnă, *ouvr. cité*, p. 211.

[43] *Ibidem*, p. 216.

[44] *Ibidem*, p. 228.

[45] *Ibidem*, p. 229.

[46] *Ibidem*, p. 233.

[47] *Universul*, 24 mai 1930, p. 49.

[48] George G. Mironescu, *Cuvântări*, vol. II, Bucureşti, 1937, p. 69.

[49] *Ibidem*, p.70.

[50] Nicolae Titulescu, *Documente Diplomatice*, Bucureşti, 1967, p. 352.

[51] *Ibidem*.

[52] *Ibidem*.

[53] *Ibidem*, p. 353.

[54] „Maniu şi Uniunea Statelor Dunărene", în *Lupta*, 10 martie 1932.

[55] Archives Diplomatiques, Ministère des Affaires Étrangères, Bucarest, Fonds 71 – 1920-1944, Genève, Societé des Nations, vol. 13, sans pagination.

[56] *Dezbaterile Senatului*, 8 mars 1932, p. 1064, dans Gheorghe Sbârnă, *ouvr. cité*, p. 64.

[57] Gheorghe Sbârnă, *ouvr. cité*, p. 64.

[58] Nicolae Titulescu, *Documente Diplomatice*, p 408.

[59] *Adevărul*, 17 mars 1932.
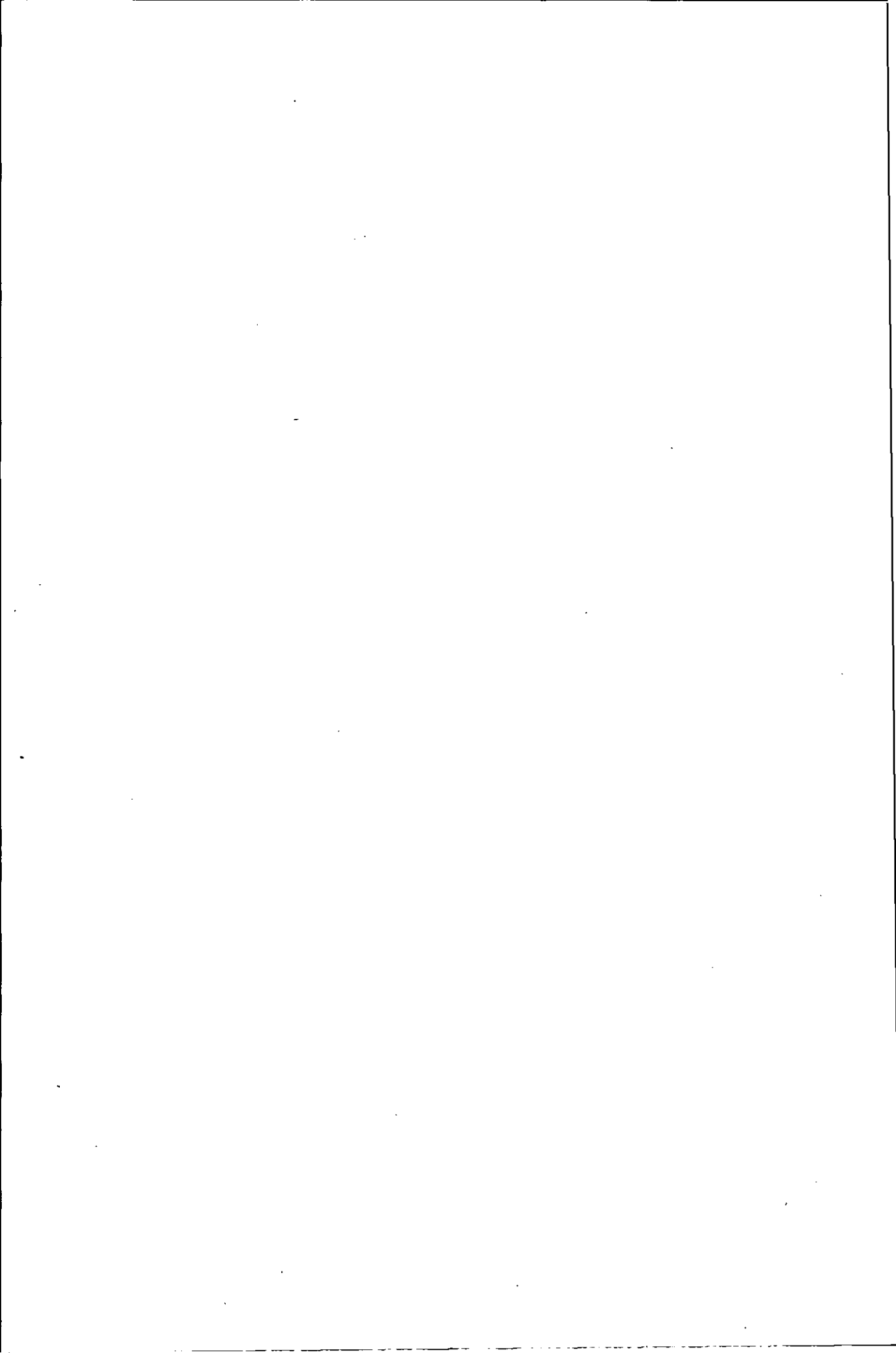
La politique balkanique de la Turquie kemaliste*

Jacques Thobie

Les Balkans, la Turquie républicaine, héritière de l'Empire ottoman, connaît bien. Totalement ou partiellement, Istanbul a contrôlé la région pendant quatre siècles, et le long épisode de la décolonisation balkanique de cet Empire-monde est sans doute l'un des plus amers. Il s'en est d'ailleurs fallu de peu que les guerres balkaniques rejettent l'Empire ottoman hors d'Europe, ce qui est du reste, toute hypocrisie mise à part, un des tenaces objectifs de la diplomatie européenne[1]. En reprenant Edirne, le 22 juillet 1913, l'Empire restait a minima un pays balkanique. C'est naturellement toujours le cas de la Turquie bientôt républicaine, la frontière terrestre occidentale du pays restant, ou peu s'en faut[2], la frontière du traité de Constantinople du 29 septembre 1913; à ceci près que la Turquie a désormais non plus un, mais deux voisins balkaniques, la Bulgarie et la Grèce. Ainsi, l'histoire et la géographie imposent à la Turquie d'avoir une politique balkanique.

De son côté, Mustafa Kemal a bien des raisons personnelles d'attacher une importance toute particulière au volet balkanique de sa politique étrangère. Né à Salonique, il y passe son enfance; adolescent il rentre au rüstiye[3] de Salonique, puis à l'Ecole des Cadets de Monastir avant de rejoindre l'Ecole militaire d'Istanbul. Il revient à Salonique en 1907, comme capitaine d'Etat-Major, adhère au Comité Union et Progrès et participe au mouvement révolutionnaire; en désaccord avec les Jeunes-Turcs, et notamment avec Enver Pacha, il se retrouve attaché militaire à Sofia[4], d'où il assiste à l'effondrement ottoman et au passage de sa ville natale en Grèce. Dans le droit fil de la guerre d'Indépendance, le Gazi, puis le président de la République s'implique directement dans la définition et la mise en forme de la politique extérieure du pays, en s'appuyant sur son fidèle compagnon des premières heures, İsmet Pacha, qui s'attachera à poursuivre, après sa mort le 10 novembre 1938, l'œuvre du disparu.

ECHANGE DE POPULATIONS: UN LOURD CONTENTIEUX TURCO-GREC

Avant même la conférence de Lausanne, la jeune diplomatie kémaliste se trouva confrontée à une dramatique question, l'évacuation des Grecs d'Asie mineure. Ce problème est au coeur des discussions d'armistice. Déjà de nombreux Grecs[5] ont fui devant l'avance des kémalistes, au rythme de la retraite de l'armée grecque, qui pratique systématiquement la « terre brûlée », dans un climat de massacres réciproques où les haines sont à leur comble. Des départs sont

organisés à partir d'Izmir. Ainsi, au début d'octobre 1922, des tracts lancés par avion sur Izmir indiquent que tous ceux qui ne seront pas partis dans une semaine seront déportés[6]. Immédiatement 350.000 personnes se ruent sur les quais[7]: 43.000 seront pris en charge par 8 navires escortés par des destroyers américains, tandis que peu à peu, les 300.000 restants seront pris en charge par les Américains et les Anglais. Après l'armistice de Mudanya (13.10.1922), la

Thrace orientale est évacuée et 50.000 Grecs et Arméniens quittent Istanbul. L'évacuation des Grecs du Pont va se poursuivre jusqu'à la fin de novembre: 80.000 seront pris en charge par les Américains, dont 40.000 de Samsun.

Dès le début se pose la question de savoir si ces départs sont provisoires ou définitifs. H.A.Hendorson, président de la YMCA en Grèce, apprécié à la fois par les Grecs et les Turcs, estime qu'une connaissance réciproque aide à surmonter les rancœurs, mais que le retour des Grecs en Turquie, même s'ils en avaient envie, ne ferait qu'augmenter encore les risques futurs de problèmes et de conflits. « Si l'on admet qu'une nation a le droit de s'approprier des terres par conquête et de soumettre ses populations, il faut alors reconnaître aux Turcs le droit de chasser hors de ses frontières les populations insatisfaites »[8]. On se trouve ainsi dans une situation où Grecs et Turcs pourraient encore longtemps vivre ensemble, mais où, à ce stade, la séparation demeure la solution la plus favorable aux deux peuples. Ainsi, cette arrivée massive de Grecs en Macédoine, sans espoir raisonnable de retour, non seulement crée le trouble dans la communauté turque de Grèce, mais pose à un pays petit et pauvre des problèmes quasiment insurmontables. Il faut donc trouver une solution définitive, que seule la SDN est en mesure de mettre en place.

C'est le 22 septembre 1922, que le Dr Fridjof Nansen, expert de la SDN pour les immigrants, est chargé de mettre en place cette solution. Il télégraphie immédiatement à Mustafa Kemal, et rencontre le 27, à Istanbul, le représentant diplomatique du gouvernement d'Ankara, Hamit bey. Nansen fait trois propositions: procéder à un échange de population, laisser les Grecs d'Istanbul en dehors de cet échange; il s'agira d'un échange volontaire qui commencera avant même le traité de paix. La réponse turque, confirmée par Mustafa Kemal, est la suivante: accord pour l'échange des populations, mais il ne faut pas exclure de l'échange les Grecs d'Istanbul; il ne faut pas non plus mettre en

cause les Turcs de Thrace occidentale, car ils y constituent la majorité de la population. Vénizélos, de son côté, essai de tirer le meilleur parti de la situation: il se dit d'accord pour un échange qui doit être obligatoire, dans la mesure où le départ de 350.000 Turcs de Macédoine permettrait d'y caser plus aisément les nouveaux arrivants; on comprend aussi que, déjà submergé, il refuse de mettre dans l'échange les Grecs d'Istanbul, dont le maintien présente au demeurant un argument de poids pour assurer l'avenir du Patriarcat. Les points de vue vont quelque peu se rapprocher au cours des discussions réitérées de Lausanne. A une question de la Délégation grecque, İsmet répond qu'il ne peut être question de reprendre Grecs et Arméniens, mais qu'il consent à accueillir les Turcs de Thrace occidentale, sans que pour autant ils soient compris dans l'échange obligatoire. Il ajoute cependant que non seulement les Grecs d'Istanbul doivent s'en aller, mais aussi le Patriarcat. Lord Curzon pense que, pour des questions de délai, l'échange doit être obligatoire, mais il partage la position de Vénizélos sur les Grecs d'Istanbul.

Tandis qu'est mise en place une commission mixte[9] chargée de définir et d'évaluer les propriétés mobilières et immobilières abandonnées par les uns et les autres, l'opinion publique mondiale se déchaîne contre le principe d'un échange obligatoire. La presse anglaise et américaine tire à boulets rouges sur İsmet Pacha, à qui l'on attribue, sans grandes preuves, l'invention du procédé. D'un façon aussi massive, cet échange constitue comme une première dans l'histoire moderne occidentale, et la question de la paternité de ce processus est à la fois complexe et vain. Certains auteurs estiment que Vénizélos, en déclarant lors des guerres balkaniques vouloir chasser de Grèce tous les non-Grecs, est le premier théoricien de l'échange de populations turco-grec[10]. D'autres affirment que la première suggestion de ce type fut exprimée par les Jeunes-Turcs, s'inspirant de l'accord d'immigration réciproque gréco-bulgare du 29 septembre 1913[11], afin

de renforcer la protection de l'Anatolie contre une agression grecque venant des Iles. Quoiqu'il en soit, un accord sur l'échange de populations implique naturellement un encadrement bilatéral et international qui ne va pas de soi.

Ainsi, la question des Grecs d'Istanbul, présents dans la ville depuis des siècles, mérite une attention particulière. Ils sont plus de 100.000, et leur expulsion serait une catastrophe pour la Grèce et pour l'ancienne capitale. A Lausanne, « inquiets des effets que cette expulsions pourraient avoir sur le commerce, les industries, les compagnies étrangères, et sur le caractère de la ville, les délégués alliés s'y opposèrent catégoriquement »[12]. Lord Curzon suggère l'idée de considérer comme « établis », et donc disjoints de l'échange, les ressortissants turcs de religion orthodoxe, installés à Istanbul avant le 30 octobre 1918, date du traité de Moudros. Ismet veut bien accepter à condition[13] que, pour faire bonne mesure, et bon parallélisme, soient considérés comme « établis », les ressortissants grecs de religion musulmane habitant à l'est de la ligne frontière établie par le traité de Bucarest du 10 août 1913[14]. Quant au Patriarcat, s'il ne

doit plus s'occuper que de questions religieuses, il pourra rester à Istanbul.

La convention et le protocole concernant l'échange des populations grecques et turques sont signés le 31 janvier 1923. Sans attendre ni la signature, le 23 juillet du Traité de Paix, ni sa ratification, le 25 août, l'échange commence officiellement le 1er mai 1923. On estime que 1.200.000 Grecs s'installèrent en Grèce, surtout en Macédoine et en Thrace, et que 340.000 Turcs s'établirent en Anatolie occidentale (environ 60.000 familles). Il était inévitable qu'un aussi considérable bouleversement entraîne un sérieux contentieux. La dispute se concentra autour des Grecs d'Istanbul: pour Athènes, Grecs « établis », cela veut dire tous les Grecs habitant à Istanbul; pour les Turcs, il s'agit seulement des Grecs nés à Istanbul. Les désaccords étaient tels que la Turquie déposa, en 1925, une plainte contre la Grèce auprès de la SDN, qui transmit le dossier au Tribunal de La Haye. Pourtant, le 1er décembre 1926, un accord signé à Athènes semblait devoir mettre fin aux disputes. Mais l'absence de coopération dans l'exécution de l'accord, tendit dangereusement les rapports turco-grecs.

VERS UNE DIPLOMATIE BALKANIQUE ACTIVE

Cette configuration ne convient guère à Ankara, où Mustafa Kemal, convaincu que la Turquie a besoin de la paix pour conforter son indépendance politique et économique, a pour objectif le maintien de bonnes relations avec tous ses voisins. Persuadé en même temps que l'avenir de la Turquie est en Europe, il attache une importance particulière à établir des rapports cordiaux avec ses voisins balkaniques. Ce n'est pas le plus facile.

Les rapports entre la Bulgarie et la Turquie ont profondément évolué. A l'issue des guerres balkaniques, les deux vaincus cherchèrent le rapprochement. Le traité de Constantinople avait été signé dans une ambiance cordiale[15]. Les deux pays cherchèrent aussitôt à conclure une alliance qui leur permettrait de songer, à terme, à une

revanche contre la Serbie et la Grèce. Toutefois la Bulgarie demandait quatre ans pour refaire ses forces... Ayant choisi l'un et l'autre le mauvais camp durant la Grande Guerre, cette défaite commune aurait pu favoriser un nouveau rapprochement. Il est vrai que la Turquie à réussi à contrer le mauvais sort, tandis que le Traité de Neuilly a réduit la Bulgarie à sa plus simple expression. Les efforts d'Ankara finirent par payer et un traité d'amitié est signé entre la Bulgarie et la Turquie en 1924, renouvelé le 6 mars 1929. Toutefois, les revendications révisionnistes de la Bulgarie[16], concernant notamment une fenêtre sur la Mer Egée, ne peuvent manquer d'inquiéter la Turquie.

Et aussi la Grèce. Il y a là une incontestable motivation d'un rapprochement turco-grec. Mais il se trouve aussi

qu'il y a, chez les deux hommes politiques exceptionnels qui gouvernent les deux pays, convergence de vues et volonté politique d'arriver à un accord. Mustafa Kemal et Vénizelos pensent que la Petite Entente a laissé une sorte de vacance au sud des Balkans, et que toute politique balkanique efficace repose sur le binôme Grèce-Turquie. Il faut pour cela régler d'abord le contentieux de l'échange des populations. La solution est proche à la fin septembre 1930[17] et Mustafa Kemal invite Vénizélos en Turquie: les entretiens commencent à Ankara puis se déplacent à Istanbul. L'accueil de la rue témoigne d'une curiosité plutôt sympathique[18]. Outre la résolution des séquelles du passé, les entretiens débouchent, le 30 octobre 1930, sur un traité de neutralité et d'arbitrage, un protocole de parité navale, et une convention commerciale.

Mustafa Kemal prépare immédiatement l'étape suivante. Lors de la deuxième conférence parlementaire balkanique, qui se tient partiellement à Ankara, en octobre 1931, le Gazi intervient longuement; après avoir rappelé que les Etats balkaniques, y compris la Turquie, sont nés du démembrement et de la disparition de l'Empire ottoman, il poursuit: « Par conséquent, les nations balkaniques ont une histoire commune séculaire. Si, dans cette histoire, il y a des souvenirs douloureux, tous les Etats balkaniques ont leur part. Mais la part des Turcs n'est pas moins douloureuse. C'est pourquoi, vous élevant au-dessus des sentiments et des calculs compliqués du passé, vous allez établir les bases d'une fraternité profonde et ouvrir des horizons de vaste union »[19].

Cette sorte de pédagogie diplomatique finira par porter quelques fruits. Au printemps de 1933, la diplomatie turque dans les Balkans prend le relais et marque un regain d'activité. Désormais membre de la S.D.N. mais redoutant le révisionnisme bulgare, Ankara cherche à approfondir ses liens avec la Grèce, en vue de réaliser un groupement dans le sud de la péninsule. La Turquie et la Grèce ont vu d'un oeil soucieux la réorganisation de la Petite Entente[20], craignant que celle-ci

n'acquiert une influence plus considérable et plus décisive dans les affaires balkaniques. A Ankara on est vigoureusement opposé au projet de Pacte à Quatre entre l'Angleterre, la France, l'Allemagne depuis peu hitlérienne et l'Italie: « La Turquie ne saurait accepter de s'incliner devant aucun de ces quatre puissances, même si le monde entier l'acceptait. Tant que j'y serai, elle ne se soumettra pas... A la tête d'un peuple de quatorze millions d'habitants prêts à mourir, je résisterai »[21]. De plus, la Turquie s'émeut du projet de désarmement de Mac Donald, menaçant alors de remettre en cause les zones démilitarisées[22]. Les tentatives d'un rapprochement franco-italien n'étaient pas de nature à calmer les esprits à Athènes et à Ankara, Grecs et Turcs « craignant que la France ne consentît des concessions en faveur de l'Italie en Asie mineure où cette dernière faisait de son mieux pour s'infiltrer par différentes initiatives d'ordre économique ».[23]

Préparés par l'accord de 1930, les pourparlers gréco-turcs en vue de signer un traité par lequel les deux pays devaient se garantir réciproquement leur frontière étaient déjà fort avancés au mois de mai, mais la signature en fut ajournée au mois de septembre. Une des raisons résidait dans les efforts tentés par la Turquie afin d'attirer la Bulgarie dans un accord tripartite bulgaro-gréco-turc. Les divergences entre Grecs ne facilitent pas les choses. Le gouvernement turc propose alors à la Bulgarie, le 19 mai 1933, de signer séparément avec la Grèce et la Turquie des traités de garantie. En effet, Ankara craignait qu'en raison de son isolement, la Bulgarie ne se trouvât attirée dans un groupement international européen ou balkanique anti-turc. Par cette offre, comme le soulignait Numan bey, secrétaire du ministère turc des Affaires étrangères, la Turquie désirait prendre une assurance triangulaire Ankara-Sofia-Athènes. Or, la Bulgarie préfère garder une attitude expectante et ne pas s'engager dans un groupement sud-balkanique. Le gouvernement turc réitérera à plusieurs reprises sa proposition, en juin, à la mi-septembre et au cours de la visite officielle qu'une délégation

gouvernementale turque, conduite par İsmet İnönü, fit à Sofia du 21 au 24 septembre[24]. En vain. Devant cette situation, est signé, le 14 septembre 1933, l'accord gréco-turc de garantie des frontières et de consultation: mutuelle, ainsi qu'une convention d'établissement. La visite très réussie[25] de Vénizélos en Turquie, au début d'octobre, souligne la solennité de l'événement.

Pendant ce temps, le gouvernement turc persévérait dans son action auprès des représentants des autres pays balkaniques en faveur de pactes bilatéraux de non-agression. Après la signature des Conventions de Londres[26], le 4 juillet 1933, l'action de la Turquie et de la Grèce en vue d'un groupement de pays balkaniques acquiert un caractère presque officiel, bien que Ruchdi bey, ne parle pas encore de « Pacte balkanique », mais n'use que des termes d' « entente générale balkanique » ou de « détente dans les Balkans. Des pourparlers étaient menés à Londres, entre Ruchdi bey, Titulesco et Yevtitch au sujet de la signature de pactes entre la Turquie, la Roumanie et la Yougoslavie, ces pactes devant constituer le premier pas vers une entente balkanique générale. Dès le mois de mai, Ruchdi bey déclare ouvertement à N. Antonov, ministre de Bulgarie à Ankara, que le gouvernement turc ne peut admettre que la Roumanie et la Yougoslavie, attirent à leurs côtés la Bulgarie, mais que celle-ci doit avant tout négocier avec la Turquie et la Grèce. Ainsi la compétition entre la Petite Entente et l'axe turco-grec, pour séduire la Bulgarie, mit un frein certain à la réalisation de l'Entente balkanique. En attendant, la Turquie décide de signer un traité d'amitié avec la Roumanie le 18 octobre 1933 et avec la Yougoslavie le 27 novembre.

Du fait que l'Allemagne nazie faisait de la révision des traités de paix son cheval de bataille, les perspectives d'une révision pacifique tendaient à d'estomper, entraînant un progrès des tendances anti-révisionnistes. La Turquie voit là une bonne évolution, mais Ankara est mal placé pour exploiter directement ces tendances. C'est le ministres de Affaires étrangères roumain, Titulesco,

qui mit ses qualités de diplomate, pour affermir les tendances anti-révisionnistes dans les Balkans en vue d'y maintenir le *statu quo* territorial. Cependant, la visite du roi Boris et du président du Conseil et ministre des Affaires étrangères de Bulgarie, N. Nouchanov à Bucarest, à la fin de janvier 1934[27], n'apporta aucun changement dans l'attitude du gouvernement bulgare. Elle fut suivie d'un réunion des ministres des Affaires étrangères de Yougoslavie, de Roumanie, de Grèce et de Turquie à Belgrade. A cette réunion fut adopté la formule du Pacte, qui y fut paraphé le 4 février 1934[28]. Il fut paraphé solennellement à Athènes le 9. Après un déclaration du gouvernement turc spécifiant sa non-intervention en cas de conflit avec l'URSS, les Etats signataires spécifient qu'en cas d'une attaque d'une puissance balkanique non contractante, en l'occurrence la Bulgarie, combinée avec celle. d'une puissance non balkanique, la garantie du pacte jouera; suit une énumération des frontières balkaniques garanties, y compris la frontière yougoslavo-albanaise et la frontière gréco-albanaise. La durée du pacte est fixé à sept ans avec la faculté de résiliation au bout de deux ans[29].

Le texte originel fondateur du Pacte balkanique ne diffère guère de toutes les ententes déjà existantes en Europe, mais sa faiblesse spécifique tient à deux facteurs. Sur le plan interne, en dehors d'un volontarisme politique, aucun élément ne vient apporter un ciment quelconque entre les quatre signataires. Par exemple, le commerce entre la Turquie et ses partenaires du Pacte est véritablement insignifiant. Il n'est complémentaire qu'avec la Roumanie grâce au pétrole[30]. D'autre part, on l'a fort souvent dit, le Pacte prétend garantir les signataires contre le révisionnisme bulgare et albanais, mais nullement contre les véritables pays agresseurs, l'Italie fasciste et l'Allemagne nazie. On peut alors se demander si ce pacte était nécessaire. Les frontières balkaniques de la Turquie et de la Grèce étaient garanties par l'accord de ces deux pays de septembre 1933, et la

Roumanie et la Yougoslavie avaient de telles garanties dans le cadre de la Petite Entente. Contre la Bulgarie, on peut estimer que chacun des signataires du Pacte balkanique était suffisamment fort pour se défendre contre une éventuelle attaque bulgare, si elle était menée par ce seul pays; une pareille éventualité du côté de l'Albanie, vu ses modestes possibilités militaires, n'entrait point en ligne de compte[31].

Et là est le nœud de l'histoire. Un conflit entre l'Albanie et ses voisins balkaniques n'était concevable qu'au cas où l'Italie fasciste y prendrait part. Et cette évidence ne pouvait échapper à la Grèce, pivot avec la Turquie du Pacte balkanique. Tout en réaffirmant périodiquement que les Grecs ne se laisseront pas séduire par les sirènes romaines[32], le gouvernement grec se laisse pourtant convaincre, au début de 1935, par les arguments de Vénizélos, alors dans l'opposition[33], et demande une modification au Pacte balkanique, selon laquelle la Grèce ne peut pas prendre des engagements qui la conduiraient à un affrontement avec l'Italie[34]. Militairement, au grand regret des Turcs, la Grèce refuse de signer une convention militaire dans le cadre du Pacte balkanique. Du reste les divergences turco-roumaines sur la répartition des forces ne fait qu'alourdir le dossier[35]. A la réunion du conseil de l'Entente balkanique à Bucarest, du 10 au 12 mai 1935, les Grecs s'opposent à tout pacte d'assistance mutuelle, sous prétexte que la Grèce, « qui est une île...n'a aucun intérêt en Europe centrale »[36]. Ainsi, l'Entente balkanique se vide peu à peu de tout contenu.

UNE DES CONDITIONS D'UNE POLITIQUE BALKANIQUE EFFICACE :
ANNULER LE STATUT DES DETROITS

La récupération de sa souveraineté sur les Détroits a pour la Turquie une double signification: d'abord et surtout il s'agit d'effacer un accroc au Pacte National, mais c'est aussi une condition nécessaire à la mise en place d'une politique balkanique un tant soit peu fiable. Quelques mots pour planter le contexte général. Si les relations économiques et financières ne cessent de se développer avec le IIIe Reich[37], Ankara proclame haut et fort que, sur le plan politique, il cherche les garanties de sa sécurité auprès de la Grande-Bretagne, seule puissance crédible à ses yeux en Europe occidentale, et aussi de la France. L'amitié turque est recherchée avec au moins autant de détermination par Londres et Paris, car la Turquie est un élément clé du dispositif allié en Europe orientale et balkanique; mais Atatürk, qui espère un accord tripartite anglo-franco-turc (complété par un accord tripartite anglo-franco-russe) est bien décidé à ne pas s'engager sans contrepartie. Le scénario concernant la révision du statut des Détroits, mis en place à Lausanne, est un chef d'œuvre du genre, où se conjuguent habileté et sagesse.

Démilitarisés, les Détroits disposaient de trois sortes de garantie: l'intervention de la S.D.N., l'action collective des signataires de la convention, la promesse de désarmement général. L'échec du désarmement, la division des signataires au moment de la guerre d'Ethiopie, l'impuissance de la S.D.N. à imposer des sanctions à l'Italie, font ainsi disparaître successivement les garanties dont disposait la Turquie pour la défense des Détroits.

Pour les Turcs, l'affaire est ancienne. Dès mars 1933, dans le cadre des discussions sur le désarmement, on apprend officieusement que l'aviation turque serait limitée à cent appareils, alors que la Yougoslavie en aurait quatre cents. L'émotion est grande à Ankara, et Mustafa Kemal, si cette nouvelle venait à se confirmer, donne comme instruction à son délégué et ami Tevik Aras (plus tard Rüstü Aras) de déclarer que des limitations aussi importantes en matière d'armement à rayon d'action mobile, nécessitent un renforcement des ouvrages fixes de défense, et ne permettent plus, sans préjudice, le maintien des zones démilitarisées. Quelques mois plus tard on passe au ballon d'essai: en octobre 1933, Tevif Aras, actionné directement par le

président de la République sans que, ni le ministre des Affaires étrangères Ruchdi bey, ni le premier ministre İsmet pacha, en soit prévenus, pose nettement la question: les ministres des Affaires étrangères de Grande-Bretagne et de France ont beau jeu de répondre qu'une conférence sur le désarmement n'est guère le lieu où parler de remilitarisation. Nullement découragé, le délégué turc récidive au Conseil de la S.D.N. en avril 1934, soulignant que le statut des Détroits « n'est pas satisfaisant »[38]. Londres[39] et Paris[40] réagissent très négativement.

Pour autant, Rüstü Aras ne baisse pas les bras. Il réitère sa demande auprès de l'ambassadeur britannique à Ankara en novembre 1934, puis en mars 1935, et enfin au conseil de la S.D.N., en avril 1935. Pendant ce temps, des bruits de bottes sont signalés en Thrace où d'importants contingents de troupes turques venues de l'est sont en train de prendre position: une nouvelle division, la 46ème, serait créée à Kirklareli, équipée des premiers tanks et voitures blindées soviétiques. L'ambassadeur de France craint que Londres et Paris ne soient placés devant le « fait accompli ». C'est là ignorer la méthode kémaliste.

En effet, en mai 1935, à Genève, le représentant de la Turquie s'abstient d'évoquer la question, voulant éviter qu'un amalgame soit fait avec l'Italie qui a décidé d'en découdre avec l'Ethiopie, action hautement condamnée à Ankara. Embarrassé, le gouvernement britannique interroge les chefs d'Etat-major de la marine et des armées, qui arrivent à la conclusion unanime que « la remilitarisation des Détroits serait un excellent moyen de gagner l'amitié de la Turquie, sans qu'il soit nécessaire de rentrer dans une escalade de compromis croissants »: les politiques en concluent que la remilitarisation des Détroits constitue la pièce maîtresse d'une politique d'apaisement[41]. La France ne paraît pas avoir été informée de cet état d'esprit

Du reste, Ankara hausse le ton. Le ministre de l'intérieur, Sukru Kaya, proche compagnon d'Atatürk, déclare que « la

Turquie n'hésitera pas à prendre toutes les mesures nécessaires en cas d'événement inattendu ». Devenu ministre des Affaires étrangères, T. Rüstü Aras repart à l'attaque en septembre 1935. L'absence de réaction concrète franco-anglaise à la remilitarisation de la Rhénanie (le 7 mars) a, dans cette affaire, un important impact; on s'indigne à Ankara et la presse[42] s'enflamme: alors qu'on ne dit rien contre une action violente, comment pourrait-on refuser la même chose à un pays qui ne connaît que la négociation ? Le 25 mars, Rüstü Aras soulève officiellement la question au Conseil de la SDN à Londres: la remilitarisation des Détroits est désormais « une question d'honneur et de dignité pour la nation »[43]. Enfin un mémorandum[44] envoyé à Londres, le 10 avril 1936, précise qu'Atatürk juge « vital » que la question soit réglée avant la fin du conflit italo-abyssin. Rüstü Aras explique à l'ambassadeur britannique à Ankara, qu'en quatre heures[45] l'armée turque peut s'installer sur les Détroits.

Il reste alors à Londres, en accord avec Paris, à lancer les invitations: l'Italie ayant refusé, la conférence de Montreux réunit l'Australie, le Royaume-Uni, la Bulgarie, la France, le Japon, la Roumanie, la Turquie, l'URSS et la Yougoslavie. La séance inaugurale se tient le 22 juin 1936, et les discussions, qui ont donné lieu à peu d'accrochages sérieux, sont bouclées le 16 juillet. La convention est signée le 20 juillet 1936. la Turquie est autorisée à remilitariser les Détroits dans tous les aspects qu'il lui plaira; la commission internationale des Détroits est supprimée et ses attributions sont transférées au gouvernement turc. Les règles de passage donnent satisfaction à la Turquie[46].

C'est une grande victoire pour la Turquie qui recouvre, par la négociation, sa pleine souveraineté sur une région particulièrement sensible du pays. Il est ainsi prouvé qu'une convention internationale, reconnue mal adaptée aux circonstances, a pu être révisée, d'un commun accord, par une procédure pacifique. C'est l'aboutissement de la politique menée, depuis plusieurs années,

sous l'inspiration d'Atatürk, par le Premier ministre Ismet Inönü et son adroit ministre des Affaires étrangères Rüstü Aras. Forte de son entente avec la Russie et pleinement réconciliée avec la Grande-Bretagne[47], la Turquie obtient la garantie de sa sécurité immédiate, en étant protégée désormais contre une attaque brusquée, et raffermit sa position internationale. Les débats ont fort justement soulignés les rapports de confiance et d'amitié qui unissent entre elles les puissances balkaniques et les puissances riveraines de la mer Noire[48]. Et la Turquie est partie prenante dans l'Entente balkanique. C'est pour elle un atout de plus dans l'affirmation d'une stratégie balkanique, face aux menaces qui s'accumulent. Peut-elle en saisir l'opportunité?

QUELLE STRATEGIE TURQUE DANS LES BALKANS ?

L'Entente balkanique est politiquement moribonde. On le voit bien lorsque les membres de l'Entente se réunissent à Athènes, en février 1937. L'ambiance est plutôt mauvaise: défiance persistante des Grecs, inquiétude roumaine, prudence yougoslave, et une grande circonspection devant les propositions turques. Ainsi, le délégué turc plaide en faveur d'un large pacte méditerranéen balkanique, que la conférence écarte[49]. La visite d'Ismet Inönü et de Rüstü Aras à Belgrade, du 11 au 19 avril 1937, s'achève par un communiqué précisant que « les engagements contractés correspondent entièrement au but poursuivi par la politique étrangère des deux pays dans le cadre de l'Entente balkanique, et conformément au Pacte de la Société des Nations »[50]. La réunion de février 1938, à Ankara, se fait dans une ambiance fort cordiale, mais aucune décision n'est prise. De la réunion des chefs d'Etat-major des quatre pays à Belgrade, en décembre 1938, il ressort que la ligne politique turque n'a été modifiée en rien par la mort d'Atatürk, et l'entente gréco-turque est intacte; les quatre Etats sont d'accord, en cas de conflit européen, pour demeurer neutres le plus longtemps possible[51]. On les comprend. Enfin, la dernière conférence significative de l'Entente eut lieu à Bucarest, le 22 février 1939. Selon le programme établi, il n'y eut que quatre réunions d'une heure, « les délégués ayant passé le plus clair de leur temps en réceptions et banquets ». On s'est seulement contenté de confirmer que l'Entente sera renouvelée par tacite reconduction et d'émettre un voeu platonique en faveur de l'adhésion de la Bulgarie à l'Entente, à conditions que les frontières restent intangibles[52]. Laissons le dernier mot a Saracoglu, ministre turc des Affaires étrangères: « L'Entente balkanique est morte: elle n'est plus qu'un mot ne recouvrant aucune réalité »[53].

L'Angleterre, qui a rapidement pris la mesure de l'Entente balkanique, a craint que ce ronronnement diplomatique n'en vienne à gripper le moteur même de l'Entente, la Turquie et la Grèce. Or ces deux pays, par l'articulation de leurs côtes, constituent les pièces maîtresses de la politique anglo-française dans les Balkans et en Méditerranée orientale. Aussi la Grande-Bretagne porta-t-elle sur les fonds baptismaux l'accord gréco-turc du 1er mai 1938, signé à Athènes par J. Métaxas, président grec du conseil et son homologue turc C.Bayar. Cet accord, qui répond à des soucis italiens, étend aux frontières maritimes des deux pays les garanties que les actes précédents limitaient aux seuls fronts de terre[54]; en étant surtout dirigé contre une éventuelle poussée de la Bulgarie[55] vers le sud, il convient naturellement à la Turquie, d'autant qu'il est pour les Grecs un renouvellement de l'abandon de la « Grande Idée ». C'est l'affirmation que la Grèce, comme la Turquie, ne peuvent qu'être solidaires des deux puissances maîtresses de la Méditerranée, la Grande-Bretagne et la France, en s'opposant à tout *Drang nach Osten* de l'Allemagne hitlérienne, la Yougoslavie étant alors tentée

par Salonique et les Bulgares. par Dédéagatch. Ce traité peut précisément dissuader Belgrade de se laisser capter par l'Allemagne, et Rüstü Aras est à cet égard plutôt optimiste. « Selon le ministre des Affaires étrangères de Turquie, la politique de M. Stoyadinovitch serait susceptible d'être révisée. La Turquie et la Grèce feraient en tout cas ce qui dépendrait de ces deux pays pour obtenir ce résultat »[56].

Tout en prévoyant des pare-feux, la diplomatie turque ne désespère jamais de neutraliser la Bulgarie en l'amenant peu à peu dans le camp des puissances non-révisionnistes.On est donc très satisfait à Ankara du rapprochement qui d'esquisse entre la Bulgarie et la Yougoslavie au début de 1936. Naturellement il faut obtenir également l'accord de la Grèce et de la Roumanie et aussi celui de la Tchécoslovaquie. Les hésitations roumaines seront finalement levées, eu égard à la crainte du révisionnisme hongrois et grâce à une heureuse intervention du gouvernement Blum; les hésitations grecques furent également effacées à la suite d'un voyage de Rüstü Aras à Athènes[57]. Rien alors ne s'opposait plus à la signature du traité d'amitié bulgaro-yougoslave, qui eut lieu à Belgrade, le 24 janvier1937, assurant « une paix inviolable et une amitié sincère et perpétuelle » entre les deux signataires. On se plaît à penser, notamment à Belgrade et à Ankara, que cet accord sera excellent s'il sert à rapprocher la Bulgarie de l'Entente balkanique[58].

C'est en tout cas à cette tâche que va s'atteler la diplomatie turque. La Bulgarie a en effet accepté de négocier un accord avec l'Entente balkanique. Le retard apporté par la Roumanie à donner son adhésion au traité a prolongé les négociations entre Metaxas, président en exercice du conseil permanent de l'Entente balkanique, au nom des Etats membre de cette Entente, et Kiosseivanov, président du Conseil bulgare. L'Etat-major roumain s'opposait à la reconnaissance à la Bulgarie de l'égalité des droits en matière militaire, mais le Roi a réussi à convaincre que l'intérêt politique l'emportait sur des données techniques. Ainsi fut signé à

Salonique, le 31 juillet 1938, un accord entre Métaxas et Kiosseivanov, par lequel ces Etats prenaient l'engagement « de s'abstenir, dans leurs relations mutuelles, de tout recours à la force ». En outre, et c'est le point le plus important, les clauses militaires, navales et aériennes du traité de Neuilly, et les dispositions relatives à la frontière de Thrace, signées à Lausanne, étaient abrogées[59]. Apparemment, cela pourrait apparaître comme le couronnement des efforts de la diplomatie balkanique de la Turquie. En réalité, cet accord très formel de la Bulgarie avec une Entente balkanique qui fait eau de toutes parts, n'a aucune signification.

Les choses sérieuses passent désormais par les discussions avec les grandes puissances. Satisfaits par la cession d'Alexandrette, les Turcs acceptent de signer avec la France un traité d'amitié, le 4 juillet 1939, et poursuivent des conversations avec les Anglais et les Français, afin de signer à trois un traité d'alliance. Le pacte germano-soviétique et l'invasion de la Pologne sont des coup durs pour la Turquie, et le clan germanophile d'Ankara reprend espoir. En vain, car Ismet Inönü tient ferme la barre et poursuit la politique extérieure lancée par Mustafa Kemal. C'est ainsi qu'est signée, le 19 octobre 1939, l'alliance tripartite; alliance asymétrique puisque la Turquie y a mis deux conditions: elle ne fonctionnera que dans le cas d'une situation de guerre dans les Balkans; elle ne pourra entraîner le pays dans un conflit avec l'URSS.

C'est dans ce cadre général que les considérations militaires deviennent de plus en plus prégnantes. Pour notre propos la question est la suivante: quelle stratégie militaire la Turquie est-elle en mesure de développer dans les Balkans ? Sur quelle aide peut compter l'armée turque de ses amis puis alliés ?

Plusieurs travaux[60] ont déjà vu le jour, sur la base des archives françaises, diplomatiques et militaires. Comme la consultation des archives militaires turques pour cette période pose encore des problèmes fort compliqués, ce qui sera

avancé ici ne constitue que le regroupement d'informations déjà connues.

Lors de la première rencontre au plus haut niveau militaire, entre le maréchal F. Tchatmak (Çatmak), chef d'Etat-Major de l'armée turque et le général Huntziger, commandant en chef des Troupes du Levant, en décembre 1937, consacrée à la sécurité du sandjak d'Alexandrette, les Turcs avaient émis l'idée de discussions plus générales portant sur la Méditerranée orientale[61]. Ce point est évoqué de nouveau en février 1938, lorsque Rüstü Aras déclare à Huntziger: « La France ne peut, militairement rien pour nous en cas de guerre. C'est la géographie qui en décide ainsi. Mais nierez-vous que le concours de la Turquie puisse être utile à la France dans ce cas ?»[62]. Remarque habile qui ne pouvait manquer de faire regermer du côté français l'idée d'un front de revers contre l'Allemagne.

Les grandes options turques sont exposées par le maréchal Tchatmak lors de la mission à Ankara du général Weygand, du 1er au 3 mai 1939. Le maréchal précise que la Défense des Détroits et de la frontière de Thrace est la base essentielle de l'action turque en Europe, ou, selon la vision franco-britannique, d'un « front oriental » fort et soudé. Le commandement turc a prévu deux lignes de défense, celle de Tchataldja (Çatalca) et celle de la frontière de Thrace qui assure la possession d'une bonne tête de pont. La collaboration avec l'URSS, liée à la Turquie par « un traité d'amitié accentuée » est de première importance pour assurer la sécurité en Mer Noire et le nettoyage du Dodécanèse; si l'attitude de l'URSS devenait douteuse, la Turquie se trouverait dans l'obligation de distraire une partie de ses forces pour surveiller le Caucase et la mer Noire, et deviendrait donc plus faible en Europe. Enfin, et surtout, pour être performante, l'armée turque a besoin de matériels: avions tanks, canons antichars et antiaériens, automobiles pour augmenter la mobilité des troupes. Le général Weygand estime qu'il faut répondre favorablement aux demandes turques, mais se garde bien de toute promesse concrète[63].

Après l'accord franco-turc du 4 juillet, tandis que les conversations politiques entre Londres, Paris et Ankara se développent, le Turcs reçoivent immédiatement le général Huntziger, membre du Conseil supérieur de la guerre, pour jeter les bases d'une convention militaire tripartite; le colonel Ross, attaché militaire britannique assiste aux délibérations d'Ankara. On se met d'accord pour n'envisager que les mesures initiales à prendre en cas de conflit. D'ouverture, les Turcs croient au danger bulgare et exposent leurs inquiétudes dans la crainte que la triple alliance en gestation ne soit interprétée par la Yougoslavie, la Grèce et la Roumanie, comme une substitution au Pacte balkanique, qui les libéreraient de leurs obligations. Acte leur en est donné par la délégation française.

Pour la défense de Salonique, une réelle solidarité existe entre les Turcs et les Grecs, mais Ankara n'ignore pas les grandes faiblesses de l'armée hellénique. C'est pourquoi la promesse de l'envoi d'un corps expéditionnaire est très appréciée: les Turcs cependant trouvent les effectifs envisagés un peu faibles, et compliqué le problème de l'acheminement de ces troupes par Beyrouth et Izmir, qui exigera le concours de la marine britannique. En ce qui concerne la collaboration avec l'URSS, même dans le cas le plus défavorable, la Turquie défendra toujours la Thrace et les Détroits: « A aucun moment, la délégation turque n'a déclaré ou laissé entendre que le traité tripartite et la convention, pourraient devenir caducs si l'URSS restait neutre »[64]. Connaissant la pénurie française en matière de matériel moderne, les Turcs acceptent aimablement de recevoir des matériels anciens.

Dans l'ensemble, les militaires turcs sont très conscients de leurs faiblesses, mais confiants dans leur capacité à les surmonter. Les faiblesses sont directement liées à l'insuffisance de matériels modernes, qui entraîne une difficulté dans la maîtrise des chars et de l'aviation en campagne. L'insuffisance du réseau routier est particulièrement évoqué. C'est sans doute ce qui explique les appréciations, plus sévères que celles du général Weygand, quant à

l'organisation d'un front d'Orient. Ainsi le détachement français pour les Balkans doit être suffisant, bien équipé et stationné au Proche-Orient, car « laissés à eux-mêmes, les Etats balkaniques, et même la Turquie, sont incapable de former ce front ». D'un autre côté, les Turcs - et il ne sont pas les seuls - ont tendance à magnifier la puissance de leur armée. « En mars 1939, l'Etat-major d'Ankara attend 'avec optimisme' une éventuelle intervention italienne. Les mêmes militaires assuraient à leurs interlocuteurs britanniques, sceptiques, qu'ils pouvaient envahir la Bulgarie en quelques jours ». Mais la condition est toujours la même, la fourniture de matériels modernes, que la France et à un moindre degré la Grande-Bretagne sont incapables de livrer: la guerre-éclair en Pologne, où l'action combiné des chars et de l'aviation s'est avérée décisive, ne peut que renforcer l'impatience et l'inquiétude des Turcs[65].

D'autant que les projets balkaniques français battent de l'aile. Le général Weygand, nommé commandant en chef des Troupes du Levant arrive à Beyrouth le 31 août. Attelé à la tâche de constituer un corps expéditionnaire, il est assailli par des contraintes politiques et militaires qui diminuent considérablement la capacité opérationnelle du Groupement des Forces Mobiles du Levant. Par ailleurs, les Britanniques, plutôt hostile à une opération Salonique, n'envisagent cette éventualité qu'en dernier ressort. Après tout, était-il sage de porter la torche de guerre dans les Balkans et de donner ainsi un prétexte à une Allemagne désormais à l'initiative? Sur quelle force, en dehors de la Turquie, les Alliés pouvaient-ils compter dans les Balkans? Bref, l'expédition de Salonique est de fait abandonnée[66]. Le coup est naturellement accusé à Ankara.

Il n'est nullement atténué par la reprise, par les Français et le Britanniques, d'un projet plus modeste en Thrace. A la fin du mois de janvier 1940, le commandant en chef du Théâtre d'opérations du Moyen-Orient, rencontre le chef d'Etat-major turc à Ankara. Les Turcs ne cachent pas leur désaccord avec ce projet, peu désireux de voir sur leur sol des troupes étrangères, fussent-elles amies. Ils vont donc réduire l'aire affectée aux forces françaises à très peu de chose. Les conversations n'en continuent pas moins, entre Français, Britanniques et Turcs, du 15 au 20 mars, à Alep. En réalité la question des transports ne put être résolue, et les franco-britanniques furent incapables de répondre aux Turcs s'enquérant de savoir quelle aide ils pourraient recevoir en cas d'hostilité avec l'Italie. Weygand donne le mot de la fin en avril 1940: « Nous ne faisons rien pour les Balkans »[67]. Dans ces conditions, l'option de la neutralité devenait pour la Turquie, le choix le plus sage. Il avait l'avantage de réconcilier germanophiles et partisans de l'alliance avec les démocraties. Loin de renier l'héritage kémaliste İsmet İnönü, affronté aux souvenirs de la Grande Guerre, ne faisait que ménager l'avenir. L'effondrement de la France ne pouvait que conforter les Turcs dans ce choix.

CONCLUSION

Mesurant la futilité des initiatives turques dans les Balkans, on serait bien tenté d'écrire: que d'énergies dépensées pour rien, que de gesticulations souvent inutiles ! A y regarder de plus près, il faut pourtant nuancer. Mustafa Kemal a d'abord réussi à trouver les moyens de régler positivement la question des rapports turco-grecs: d'abord à travers le douloureux échanges de populations, probablement la moins mauvaises des solutions, puis en rétablissant une suffisante confiance entre les deux pays, aidé en cela par les responsables grecs, Vénizélos en tête. Ensuite, avec le Pacte balkanique (comme à l'est avec le Pacte de Saadabad), le Gazi a voulu traduire concrètement la confiance qu'il a longtemps mise dans la sécurité collective, même si lui aussi a dû en rabattre, quant à la capacité de la SDN de sauvegarder la paix. Enfin il reste la question de savoir

pourquoi, Mustafa Kemal, qui a institué un république autoritaire recherche, devant la montée des périls, une alliance avec les démocraties anglaises et françaises, dont il n'ignore pas les faiblesses, sans pour autant rompre avec une Allemagne avec laquelle il entretient des relations économiques fort étroites. Sans doute craint-il plus, au départ, les initiatives italiennes qu'allemandes, Mais il est possible aussi que son idéal politique ait été la démocratie occidentale, en un temps où son introduction en Turquie aurait mis en cause ce pourquoi justement il avait toujours combattu: une république laïque, une et indivisible. Quoiqu'il en soit, la diplomatie

kémaliste dans les Balkans, même si les résultats en furent modestes, témoigne de la volonté d'Ankara, de mener, dans la mesure de ses moyens, une politique extérieure autonome, qui ne soit pas à la remorque de telle ou telle puissance, comme ce fut le cas dans l'Empire ottoman finissant; elle témoigne aussi sans doute, sur le mode mineur, d'une candidature à une politique d'influence régionale, naturellement impossible à ce moment, puisqu'il faudra attendre la fin du XXe siècle, pour que la Turquie puisse commencer à posséder les moyens de ses ambitions.

Note :

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[1] Lorsque l'Empire ottoman entre en guerre aux côtés des puissances centrales, le *Times* de Londres écrit: « La Turquie a prononcé sa propre perte...bientôt la race ottomane sera reléguée dans les obscures vallées de l'Asie mineure ».*Times*, 2.11.1914.

[2] A Lausanne, la Turquie avait obtenu Karagatch et ses environs contre l'abandon de réparations que la Grèce était bien incapable de payer.

[3] Ecole secondaire.

[4] Une des meilleures biographies de Mustafa Kemal est celle d'Alexandre JEVAKHOFF, *Kemal Atatürk, les chemins de l'Occident*, Tallandier, 1999, 494 pages.

[5] Parmi ces Grecs, il y en a qui sont venus d'Istanbul et de la Mer Noire avec l'aide financière du Patriarcat.

[6] Voir l'article très documenté de Seçil AKGÜN, « Turkish-Greek Population Exchange with a Selection from American Documents », *Turkish Review of Balkan Studies*, 1993/1, Isis, Istanbul, pp. 68-87.

[7] L' American Disaster Relief Committee, constitué sur place, est particulièrement actif pour aider ces populations désemparées. Les contributions américaines en faveur des Grecs s'établit à 8 millions de dollars quand l'échange officiel commence. *New York Times*, 25.6.1923.

[8] H.A. HENDERSON., « Turkey's Race Problems and its Solution », *The Current History Magazine*, octobre 1922.

[9] Cette commission comprend 4 Grecs, 4 Turcs et trois membres d'un pays n'ayant pas participé à la Grande Guerre, qui en assureront la présidence tournante. Elle constituera 11 sous-commissions de 3 membres, un Grec, un Turc et un président neutre.

[10] Comme M. ZEKARIA, « Solving Greco-Turkish Blood Fueds by Migration », New York Times, *The Current History Magazine*, 1923.

[11] Par cet accord furent échangés 25.000 Grecs contre environ 60.000 Slaves de la Macédoine orientale grecque. Stéphane YERASIMOS, « Des minorités et de leur usage dans les Balkans », *Questions d'Orient*, La Découverte, 1993, p. 23.

[12] Maria REPOUSSI, *La Grèce et la Turquie 1919-1923*, thèse de doctorat en Histoire, Université Paris-1,1987, tome 2, p. 581.

[13] C'est Riza Nur, délégué turc à la sous-commission d'échange, qui formule cette condition, qui sera acceptée lorsque les Turcs accepteront le maintien du Patriarcat à Istanbul.

[14] Il s'ensuivra que resteront en Thrace grecque un nombre de Turcs (120.000 environ) sensiblement égal au nombre de Grecs d'Istanbul. Les Turcs de Thrace occidentale constituent la seule « minorité » reconnue par Athènes.

[15] Voici ce qu'écrit l'éditorialiste du journal *La Turquie*: « L'instrument diplomatique qui portera désormais le nom de traité de paix de Constantinople a été élaboré si soigneusement, les annexes qui l'accompagnent règlent si clairement toutes les questions qui pourraient exister entre les deux pays que des dissentiments pourront difficilement surgir...A partir d'aujourd'hui les deux pays réconciliés, redevenus amis, peuvent se féliciter d'avoir posé les bases d'une heureuse intimité dans leurs rapports ». R. Geyne, *La Turquie* du 30.9.1913.

[16] La demande de modification des frontières bulgares est réaffirmée périodiquement lors des conférences parlementaires balkaniques qui se réunissent en octobre 1930 à Athènes, en octobre 1931 à Ankara-Istanbul, en octobre 1932 à Bucarest.

[17] Athènes accepte de ne plus demander d'indemnisation pour les Grecs venus de Turquie.

[18] Vénizélos s'excuse de ne pas inviter Mustafa Kemal en Grèce, car l'opinion n'y est pas encore préparée.

[19] *Citations de Mustafa Kemal Atatürk* (réunies et traduites par Akil AKSAN), MAE turc, 1982, p.117.

[20] La Petite Entente devient un « système unique » le 16.2.1933, et s'est créé un « Conseil permanent ». Il s'agit plus ici, pour la Turquie et la Grèce, d'une rivale émulation que d'une opposition systématique.

[21] *Documents Diplomatiques Français 1932-1939* (DDF), 1ère série (1), Tome III (III), Document 55 (55), Ankara à MAE (ministre français des Affaires étrangères), le 27.3.1933. Le chargé d'affaires de France, Barbier, attribue cette opposition à l'impossibilité où serait alors Ankara de « recourir à la traditionnelle politique de bascule, naguère pratiquée par la Porte ottomane et continuée en fait par les dirigeants d'Ankara ».

[22] Id.. 34, Ankara à MAE, le 24.3.1933.

[23] Christina DANEVA-MIHOVA et Vasil VASILEV, « La politique de sécurité collective et les Balkans », *Colloque international de Poznan*, novembre 1973, p. 39 de l'exempl. dactyl.

[24] *Id.*, p.40.

[25] Kammerer, l'ambassadeur de France, un vieil ami de Vénizélos, fait une description enthousiaste du départ de l'ancien Premier ministre de Grèce, après un séjour de huit jours à Istanbul. « Ismet Pacha est venu également saluer l'ancien chef du gouvernement hellénique sur le bateau. Les deux hommes d'Etat se sont embrassés très spontanément devant une foule vibrante ». Dans une courte conversation privée Vénizélos dit: « Notre Entente avec la Turquie est complète. Nous espérons d'heureux effets des efforts de cette puissance sur la Bulgarie ». DDF 1 IV 275, Ankara à MAE (Paul-Boncour), le 5.10.1933.

[26] Dans le cadre de discussions sur la définition de l'agresseur (projet Politis-Litvinov), sont signés à Londres, les 3 et 4 juillet 1933, les Conventions de Londres (ou Pactes orientaux), entre l'URSS et ses voisins, ainsi qu'entre l'URSS, la Petite Entente et la Turquie.

[27] C. DANEVA-MIHOVA et V.VASILEV, *art. cit.*, p.47.

[28] DDF 1 V 325, Belgrade à MAE, le 4.2.1934.

[29] *Id.*, Athènes à MAE, le 9.2.1934. La Grande Assemblée Nationale turque ratifiera le Pacte le 6 mars 1934.

[30] Lors d'une visite d'Annotés, ministre roumain des Affaires étrangères, à Ankara du 18 au 21 mars 1937, des discussions économiques ont tendu à donner satisfaction aux Turcs qui voudraient augmenter leurs achats de pétrole roumain. DDF 2 V 134. Ankara à MAE, le 29.3.1937.

[31] Voir Henryk A. BATOWSKI, « Le rôle des alliances dans la politique européenne entre Locarno et Munich 1925-1938 », *Colloque international de Poznan*, 1973, pp.15-16 du texte dactyl.

[32] DDF 1 XI 341. Athènes (A. Thierry) à MAE (P. Laval), le 24.7.1935.

[33] C'est à la suite d'un vaste débat introduit au parlement d'Athènes par le vieil homme d'Etat qui juge dangereux pour la Grèce le Pacte balkanique dans sa version originelle, que la demande de modification fut introduite.

[34] A cet égard, la Turquie elle-même avait donné le ton avec sa clause restrictive concernant l'URSS. Par cette nouvelle interprétation de l'Entente, la Grèce se priva du concours de ses alliés en 1940, quand elle fut attaquée par l'Italie justement à partir du territoire albanais.

[35] La Roumanie, dont le dispositif est plutôt orienté vers le nord-ouest, voudrait que la Turquie augmentât ses forces en Thrace pour tenir en respect ou attaquer la Bulgarie, mais la Turquie, qui redoute l'Italie ne veut pas dégarnir son dispositif de la mer Egée, et ne peut augmenter ses forces en Europe. DDF 2 III 203. Istanbul (Attaché militaire) à Daladier, min. de la D.N. et de la Guerre, le 25.8.1936.

[36] DDF 1 X 392. Belgrade (de Dampierre) à MAE, le 16.5.1935.

[37] En 1936, le commerce avec l'Allemagne représente 51% des exportations et 45,1% des importations turques.

[38] Brock MILLMAN, « Turkey, Britain and the Montreux Convention of 1936 », dans K.H. KHARPAT ed., *Turkish Foreign 'Policy: recent developments*, Madison, Wisconsin, 1997, p.143.

[39] DDF 1 VI 218. Londres (Corbin) à MAE (Barthou), le 17.6.1934.

[40] Id. 69 et 343. MAE à Ankara, les 8.4 et 16.6.1934. « Pour le cas où le gouvernement turc s'ouvrirait à vous de son intention de mettre en cause la zone de Thrace ou celle des Détroits, je vous rappelle dès maintenant que nous aurions à nous y opposer très fortement ».

[41] Brock MILLMAN, *art.cit.*, p. 147.

[42] La presse, actionnée par le pouvoir, a commencé sa campagne dès décembre 1935, mais elle s'amplifie en mars 1936. Un des thèmes est celui-ci: « Si ceux qui ont blâmé l'action de l'Allemagne sont vraiment sincères dans leurs déclarations, ils doivent apprécier la conduite correcte et noble de la Turquie...en faisant droit à la demande de ce pays qui veut arriver à la suppression du régime des Détroits par la voie diplomatique ». Et l'ambassadeur de France conclut: « Au ministère des Affaires étrangères à Ankara on croit savoir que l'Angleterre serait ralliée à l'idée de faire droit à la revendication turque, et l'on considère que la France ne s'y opposerait sans doute point, vu que la Russie s'y montrerait, par intérêt, très favorable ». DDF 2 I 534. Stamboul à MAE, le 30.3.1936.

[43] *Idem.*

[44] « Ankara déclenche le processus de révision de la Convention des Détroits, considérant que l'état de droit en vigueur est « périmé et vermoulu ». DDF 2 II 57, Ankara à MAE, le 11.4.1936.

[45] Assertion mise en doute par tous les observateurs, ce que confirmera l'occupation effective.

[46] Il reste encore en place les zones démilitarisées d'une trentaine de kilomètres de chaque côté des frontières turco-bulgares et turco-grecques, en vertu de la *Convention concernant la frontière de Thrace*, signée à Lausanne. Cette restriction est pour le moment supportable par Ankara, dans la mesure où la Bulgarie est soumise aux mêmes obligations, les deux pays pouvant trouver un renforcement de leur sécurité dans l'établissement de ce boulevard neutre. L'abrogation de toute façon requiert l'accord entre les trois pays.

[47] Londres va apporter immédiatement son aide financière et technologique à la mise en place du complexe sidérurgique de Karabük et signer, le 27 mai 1938, un accord par lequel la Grande-Bretagne ouvre à la Turquie un crédit commercial de 10 millions de £ et un second crédit de 6 millions de £ pour l'achat de matériel militaire anglais. Cela sera couronné par la déclaration anglo-turque d'aide et d'assistance mutuelle, le 12 mai 1939, en attendant l'accord tripartite avec la France, retardée par les difficiles négociations concernant le sandjak d'Alexandrette.

[48] DDF 2 III 146. MAE (Delbos) à Ankara, le 14.8.1936.

[49] DDF 2 V 10. Athènes à MAE, le 22.2.1937. Il convient de ne pas confondre ces propositions turques avec les projets avortés de Pacte méditerranéens rêvés un instant par la Grande-Bretagne. Comme l'observait avec humour J.B. Duroselle, on est en pleine pactomanie !

[50] DDF 2 V 320. Berlin à MAE, le 22.4.1937, note 2.

[51] DDF 2 XIII 81. Belgrade (attaché militaire colonel Courson) à MAE et DNG (Daladier), le 9.12.1938.

[52] DDF 2 XIV 171. Bucarest à MAE (G. Bonnet), le 22.2.1939.

[53] DDF 2 XIV 194. Beyrouth (H-C Puaux) à MAE, le 24.2.1939.

[54] DDF 2 X 189. Athènes (Cosme) à MAE, le 11.7.1938.

[55] A cette occasion, le ministre de France à Sofia en perd son latin quand la président roumain du conseil lui explique que, comme normalement les Grecs et les Turcs ne devraient pas pouvoir s'entendre, ce traité cache sûrement quelque chose. La nervosité de Histelhueber nous vaut une description de l'ambiance globale des relations inter-balkaniques qui vaut une citation: « Les peuples balkaniques, dont la rivalité et la méfiance sont sans cesse en éveil...sont toujours enclins à se soupçonner les une les autres et, en définitive, guettent le moment de continuer à s'entre-déchirer, en dépit des documents sur lesquels ils apposent leur signature et qu'ils prétendent appeler une contribution au maintien de la paix. Une longue servitude, des conflits séculaires leur ont légué l'habitude de la dissimulation et le goût de l'intrigue. En définitive, ils s'épient et manœuvrent sans cesse avec l'arrière-pensée de sauter, au bon moment, les uns sur les autres pour assouvir leurs rancunes, leurs vieilles haines de race, et tenter de réaliser leurs ambitions qui s'entrechoquent » (DDF 2 IX 175. Sofia à MAE, le 13.4.1938). Je laisse naturellement à l'auteur la responsabilité de ses propos, qui ne semblent guère applicables à la diplomatie kémaliste qui nous intéresse ici spécialement.

[56] DDF 2 IX 26. Athènes (Cosme) à MAE, le 2.5.1938.

[57] DDF 2 IV 228. Belgrade (de Dampierre) à MAE (Delbos) le 31.12.1936.

[58] DDF 2 IV 355. Belgrade à MAE, le 26.1.1937. La presse allemande feint d'y voir une préparation psychologique à cette « Entente pan-balkanique » dont Berlin aspire à devenir le protecteur.

[59] DDF 2 X 313. Bucarest à MAE, le 2.8.1938. La France, qui a toujours souhaité que la Bulgarie adhère au Pacte balkanique, ne ménage pas ses félicitations.

[60] Notamment par ordre chronologique, J.B. DUROSELLE, *La décadence*, I.N. 1979, chapitre XIV; J.B.DUROSELLE, *L'abîme*, I.N., 1982, chap. III; Jacques THOBIE, « Y a-t-il une cohérence de la politique balkanique de la France dans les années 1930 ? », Actes du colloque franco-grec sur *La France, la Grèce et les Balkans dans les années trente*, Thessaloniki, 1988, pp. 3-28; Vincent JOLY, « La place du Levant dans les plans d'opérations français printemps 1939-printemps 1940 », dans *Enjeux et rapports de force en Turqie et en Méditerranée orientale*, J. Thobie, R.Perez, S.Kançal éd., L'Harmattan, 1996, pp. 333-359; Vincent JOLY, « 'Ce qu'il faut savoir de l'armée turque', l'armée turque vue par les militaires français dans les années trente », dans *La Turquie entre trois mondes*, M. Bazin, S.Kançal, R.Perez, J. Thobie éd., L'Harmattan, 1998, pp. 101-119.

[61] DDF 2 VII 375. Ankara (Ponsot) à MAE, le 20.12.1937.

[62] DDF 2 VIII 211. Papiers Massigli, Note du comandant supérieur des troupes du Levant relative aux accords militaires à établir avec la Turquie, Paris, le 19.2.1938.

[63] AEP Papiers Massigli, carton 217. Rapport du général Weygand du 21.5.1939, Annexe 2.

[64] Archives du ministère de la Guerre à Vincennes (SHAT), sans numéro, Général Huntziger à E. Daladier, le 11.8.1939.

[65] Vincent JOLY, *2ème art. cit.*, pp. 112-113.

[66] Vincent JOLY, *1er art. cit.*, pp. 341-342.

[67] *Id.*, p. 343.

Nazi External Propaganda in the United States of America 1933–1939

Nicoleta Bică

Propaganda is, in its essence, a totalitarian instrument. It requires a monolithic, homogenous system to lead a society that is coerced into silence. In co-operation with the strengthening of the totalitarian power, propaganda becomes a political weapon of uttermost importance. But once the supremacy is firmly established, the force of the repressive apparatus is enough to completely suppress all individual liberties and critics of the regime. At this time, state propaganda no longer has in view to persuade the people, but to maintain them in a sort of artificial reality. From this perspective, its external role becomes extremely important. Resorting to ideological struggle, psychological warfare, lies and misinformation, casts confusion on the governments of the democratic states.

The primary target of the totalitarian external propaganda is to promote an attractive image of the states that advance the same ideology outside their borders and a negative image of those that don't. The secondary target is to conceal their true intentions, namely those of world supremacy, by promoting a pacifist and equalitarian morality.

These objectives were also present on the agenda of the national – socialist propaganda department during the twelve years of *N.S.D.A.P* rule. It is still open to debate to what extent these objectives were accomplished. However, besides the effects of the Nazi external propaganda, their endeavour in this respect make up an interesting study.

Modern propaganda is defined as a modern method based upon one or more scientific disciplines. J. Ellul correctly noted that "the time has passed when propaganda was a matter of individual inspiration, personal subtlety or unsophisticated deceit. At the core of propaganda is now science."[1] In deed, Nazi external propaganda makes up for more than a compelling example of this twentieth century perfected science.

The Nazis left nothing about external propaganda to chance. They developed differentiated action plans suited to their target public. So, obviously, Nazi propaganda aimed at the totalitarian states was based on certain premises, goals, and dedicated symbols, means, as well as propaganda experts who were deployed to match this type of receptors.

Things changed for the Nazi propaganda mechanism when faced with another type of target public, in the democratic states. Analysts differentiate a "diversity of publics", including "weak public vs. tough public" or "subordinate publics".[2] Public opinion and political factors in the democratic states constituted the "tough public" category, that of a reluctant audience. The persuasion tactics the Nazis had to employ for them were very different from those used internally. A diverse range of arguments had to be employed, but no major drift could be allowed. Hitler could not give up his "fundamental principles": lies, misinformation, etc. The link between internal and external propaganda will therefore be constituted by the second type of public: Germans living outside the borders – the "subordinate public". They were an intermediate category: still in touch with the German way of thinking, but receptive to other means of persuasion due to their specific conditions. Once they were enrolled

in the service of the national – socialism and rendered fanatic, they were an ideal instrument for the external German propaganda. Through them, a gloating image of the Nazi state can be depicted. Using this channel, an open propaganda could be sustained, concealing the secret propaganda. The pacifist, anti-Bolshevik and anti-Semitic Nazi rhetoric they used was an excellent motivation for recruiting new foreign supporters and cover the actual objectives of the Nazi external policy.

All these can be certified by tracking the development of the Nazi propaganda in the United States of America, front-runner in world democracy. This was perhaps the greatest challenge Nazi propagandists had to face: trying to bring about major changes inside the American political class, and – what was actually important for them – inside the American public opinion. This is more difficult as the German internal understanding of public opinion was quite different from reality. Public opinion is not just a sum of individual views, but the product of a debate.[3] Nazi messages would thus come under discussion and not be accepted without comments. National-socialists had to take into account that the public is not a homogenous block, as they had shaped it internally.[4]

For these exact reasons, the Nazis took special precautions. One of the fundamental laws of propaganda states that one can not make something out of nothing. It's imperative that you associate the ideas with emotions, another existing idea, build it on an existing foundation.[5] In the United States of America, this foundation was, in 1933, already far stronger than one would presume. The German community in the USA had become one of the most important as early as the 17th century and with time one of the largest.

The Germans migration to the USA starts in the early 17th century and peaks in the 19th century. Between 1815 and 1914 Europe was swept by the migration fever, starting with Ireland and the Rhine basin.

Three waves of migrants are to be distinguished during this period, as follows: 1830–1860 (peaking between 1847 and 1854), 1860–1890 (Prussian and Saxon Germans) and 1890–1914.

The reasons why Germans migrate to the north-American continent fall in two major categories. Mainly it's about the hostile conditions in Germany – and Europe in general – during this time. Economic hardship, especially in the agriculture, political and religious persecutions, ever growing social gaps generate the wish for a fresh start in a friendlier environment. This complex crisis is felt even in the way of thinking; this long array of changes upsets the values established for centuries. It's also about the ever growing attraction posed by America; information about this area reaches Europeans easier and they think of it as the "promise land".

The moments when more or less numerous German groups migrate to the North-American area are not scarce. These movements were caused by various reasons, repeated throughout the 300 years in question. For instance, as a result of internal persecutions, German Protestants find refuge in the USA starting with the 17th century.[6] There were also cases of religious leaders, unwanted in Germany, who left for the New World together with their followers.[7]

Napoleonic wars heavily impacted on entire Europe in all fields. The exhaustion caused by 20 years of conflicts made the social and professional reinsertion of the armed forces a difficult one. These people had travelled through many other states, experiencing new realities and living their lives in an ever changing environment. Opposed to that, life in their original areas now seemed narrow and boring, while life across the ocean offered them an interesting adventure. Even more, the peace treaty presented them with a unique opportunity. It stated that for a period of six years, some conditions provided, one could leave without paying the property emigration tax. Many of those living along the Rhine basin

met these conditions and thousands chose to leave for America at this moment. This statement allowed for a process that would normally require a considerable time span to unfold rapidly.[8] Once settled in the USA they will fit in by fighting in the civil war on one or the other side, just like their ancestors had done in the Independence War.

A further effect of the Napoleonic wars was the near rural collapse they inflicted mainly on the southern German states. Repeating agricultural crisis will add to this in the first half of the 19th century: 1817, 1827–1828, 1837, 1842, 1846–1847, 1848–1849, and 1851–1854. For example, the so-called "great migration" of the Germans in the sixth decade of the 19th century was triggered by the grave situation in the agriculture between 1851 and 1854. Although farmers made up for most of the migration, the ships heading for America also carried other social categories, such as craftsmen and mechanics. They were driven out by hardship of the 1848 revolution that had disturbed internal commerce and reduced exports. People who can't find liberty to express political opinions in Germany – students establishing secret societies in the early 1830s, studying constitutions and producing radical theories – see the north-American continent as an ideal frame for developing their ideas.

But it's not just the adversity in their homeland that makes the Germans migrate to America. Wealthy Germans dream of increasing their income and earn millions of dollars.[9] According to some statistics, there were approximately 6.000.000 Germans in America in 1864.[10]

German authorities will treat this migratory trend with a relative indulgence. As a result, in the 17th century, although the emigration was officially subjected to restrictions, Germans were regularly allowed to leave and the restrictions remained virtually decorative. Starting with the 19th century the right to emigrate was already universal. There were even cases when the

authorities financially supported groups of migrants in order for these to reach America.

The German regions most present in the migration are especially those in the south and west: Alsace, Lorena, the Rhine valley, Saxony, Bavaria, the most affected areas by the above mentioned difficulties.

Germans arriving in North-America settle mainly the East coast and the South, rural areas and the borders. Those migrating to the United States were mainly of rural origin. As a result, major German communities inhabit regions like Pennsylvania – a traditional land of the German farmers, Virginia, Carolina, Georgia, New Orleans, Wisconsin, Missouri, Texas, New York, Cincinati – half the city's population, Chicago, St. Louis, Milwaukee – approximately a third of the inhabitants, Baltimore, etc.

After arriving, the Germans set up various organizations, in professional, political, religious, cultural and educational fields. For example, Germans living in Virginia come together in the "Richmond Association of the German Social-Democrats". In Louisville an "Association of the Free Germans" subsided. They are active, they make their opinions known through resolutions, their own newspapers – like *Galveston Zeitung*, the press voice of the Germans in Texas – that they use to inform the German community about the unfolding of events in the country.

The fact that Germans were so well represented in the US will prove to be of great help for the national-socialists after seizing power in 1933. They will take full advantage of this and the Germans in America will shortly become the most efficient instrument for the Nazi propaganda.

Only after comprising all these information about the German ethnics in the United States can we fully understand all aspects of the propaganda strategies that the Nazis employed here.

The German-Americans – as they were called by the Nazi officials – will be fully

engaged in an organized framework, although the best efforts of Germany aimed at camouflaging this. Their main objective was as it follows: all the support had to seem as being from inside the United States, out of the initiative of American citizens (German or not). There was officially no connection between the German authorities and the support they got from various groups in America. The associations active here were presented in a light as good as possible inside the American democratic system. These were nothing but the embodiment of the "heartfelt sympathy" of the Americans for the national-socialist regime and its ideology.

As far as the institutional framework was concerned, the Nazi propaganda apparatus operated in the US through three organizations: "The Steuben Society", "The Friends of the New Germany Association" and later "Kameradschaft".

"The American Steuben Society" was a German-American organization, already founded in 1919, during the Weimar Republic. It was named after the Prussian officer Friedrich Wilhelm August von Steuben, who fought as a general in the American forces during the Independence War.[11] The Society will also remain active after Hitler's rise to power in Germany and will become a tool of the Nazi propaganda. It was made up only by American citizens of German origin, who were not members of *N.S.D.A.P.* Since 1934, the man to manage the activity of the organization is Theo. H. Hoffman.

"The Friends of the New Germany Association" (F.N.G.A.) was born early in 1933, right after the *N.S.D.A.P.* groups in the United States dissolved, as a German-American association friendly towards the national-socialist regime in Germany. Many *N.S.D.A.P.* members will join its ranks, and as a result its activities will be disapproved by Hitler, but only officially, as it follows.

These two organizations through which Nazis led a frantic propaganda will fight each other for supremacy during this entire period. On one hand, this aspect is similar with the state of affairs in the internal Nazi propaganda where often a tensional struggle between propaganda agents would break up. On the other hand, these tensions were inherent as a result of their overlapping: one was supported by the German Foreign Affairs Ministry – The Steuben Society – and the other by *N.S.D.A.P.* – F.N.G.A. The leaders of these organizations will often petition the German authorities, trying to cast a bad light on their opponents. Out of this perspective, "The Steuben Society" will have greater chances of success, due to the fact that the activities of F.N.G.A. were far too aggressive for the democratic north-American state. The Berlin officials were also displeased that the F.N.G.A. was comprised of too many party members that weren't even trying to hide their sympathies as the Nazi propaganda tried to create the image of a natural support, independent from Germany.

A very important decision in this area is reached in October 1933, after E. Bohle, head of the External Organization, meets with two *N.S.D.A.P.* members from the US. They state that they came to Germany for the only purpose of asking the party leadership to halt all *N.S.D.A.P.* activities in the US, as these activities do nothing but seriously endanger all German interests there.[12] The American authorities had just initiated a vast investigation for identifying Nazi propaganda agents operating in north-America. The answer to that was a decree forbidding any activity from party-members in the United States. It established the following:

1. Only citizens of the Reich can achieve party membership.
2. Party members living in the United States are strictly prohibited from getting involved in any party activity. Just like individual members, they are, without exceptions, subjected to the authority of the head of the External Organization.
3. Party member Spanknöbel will be instructed on passing the F.N.G.A. leadership to an American citizen.

4. F.N.G.A. will limit to usual club activities and restrain from any political involvement.[13]

It can be easily seen that Nazis intended to control the outside Germans just as they did with those inside, employing various "methods" for that purpose.

We find out from another document that subsequently to that, in early December, the former leader of F.N.G.A., Spanknöbel, was prosecuted for offending the American state through his actions and that he will be trialed in absence after leaving the US territory.[14]

In February 1934, only months after this decree, things are still ambiguous. *N.S.D.A.P.* officials insist on revitalizing the party activities in the USA, sparking irritation among the representatives of the Ministry for Foreign Affairs. On 11th February the German ambassador in the US, Luther, insisted that no change should be made to the decree of October 1933 regarding the F.N.G.A. and warned about plans to reestablish local party groups in the USA.[15]

The answer to this telegram arrives on the 16th same month. A report to the German embassy in the USA states that: "The *N.S.D.A.P.* External Organization has ultimately prohibited party members from holding to their F.N.G.A. membership, which is not acknowledged by *N.S.D.A.P.* as one of its legitimate organizations, but as an exclusively American association. A memorandum regarding this matter, issued by Bohle, was sent to every party member in the USA, with the request that a notification about the immediate withdrawal from the F.N.G.A. should immediately be sent to the External Organization of the party."[16] The memo highlights that there is no local group of the *N.S.D.A.P.* in the US and that party members are strictly forbidden to lead any propaganda among others than citizens of the Reich.

The conflict between the two Nazi propaganda organizations in the USA reaches its climax towards the end of 1934. On 31st October, the head of the "Steuben Society", Hoffmann, meets the Führer. After an informative talk, in which Hoffmann brings Hitler up to date about the ideals and goals of his organization, he makes accusations against F.N.G.A. As Hoffmann states, local leaders of the association were mostly young Germans without American citizenship who risked being deported as a result of their political activities. It was also possible that the American government would have to prohibit and break up the F.N.G.A. Such a measure would of course provide enemies of Germany in America with a new object for inciting the public against it. Generally, local leaders of the association are complete strangers to the German-American circles; their origins are unknown, but they are believed to receive instructions from a higher authority in Germany. The activities they involve in, as foreigners, do nothing but harm Germany and bring dissent in the German-American circles. The confusion persists – Hoffmann goes on – after the German consul in the USA accepted the invitation for the F.N.G.A. ceremonies, which proves his moral support for the association.[17]

Hitler's answer goes to show the ambiguous approach of the whole Nazi concept; on one hand he states that in the end, no one can prevent the national-socialist meetings for support outside Germany, but on the other he passed strict instructions that Nazis must restrain from any political activities in their host-countries in any circumstances. At the end of the meeting, the Führer however wonders how much of the information Hoffmann supplied is true and whether or not he is driven by the rivalry between the two organizations. In order to bring light on this matter, an investigation is set up. At the end of it, the state secretary, Bülow, told the state secretary of the Reich's Chancellery, on 6th November, that it is possible Hoffmann' remarks about the association are motivated by a certain rivalry between the organizations. But no doubt they are largely justified, as some local groups have caused distress out of too much

enthusiasm.[18] Therefore, the best solution would be to disassociate from all its activities. Bohle added in December that "there is no connection between the party's External Organization and F.N.G.A. As soon as we learned that some party members belong to this organization, we ordered them to leave it, as this was unsuited with the principles of our External Organization. I have to say that the association is the only one that has supported the new Germany actively and without reserves. On the other hand, I also know that the preferred methods of the association have now and then caused distress."[19]

The third Nazi propaganda organization aimed at the north-American continent was "Kameradschaft USA". It was founded in 1938, bringing together Germans that had lived in the USA, old members of F.N.G.A. Unlike the other two, this organization operated in Germany.

The reasons why "Kameradschaft" was founded were presented by its leader, Walter Kape, in a memorandum, as it goes:

"When we came into being, in 1938, out of F.N.G.A.'s remains, we did it for three reasons:

1. First of all, we wanted to carry on, here at home, the comradeship that had made us overcome all obstacles and challenges there (in the USA), to help each other and, by sharing the experience we gained fighting in the USA, to add to our strength and courage for our every day work.

2. Second of all, by establishing this association, Kameradschaft, we wanted to render our services to our Fatherland.

3. Third of all, we hoped that this way we would offer our moral support to our brothers still fighting."[20]

Groups of "Kameradschaft" have been created in Stuttgart, Berlin, Hamburg and Hanover. With the help provided by the German External Institute and the city of Stuttgart, the first national congress of "Kameradschaft USA" could be organized, at the same time with the "American Germandom Fighting!" exhibition.

Inside the organization a special attention will be paid to the propaganda material. Thus, in the spring of 1939, it will be initiated a collection of movies, paintings, photos, notes, pamphlets, newspapers extracts and posters about the national German movement in the USA. "The existing material will be used to gather a complete collection that is later to be included in the German External Institute, just as the Central Archives of the *N.S.D.A.P.* in Munich, as an eternal testimony of our struggle in the USA."[21]

"Kameradschaft" will permanently stay in touch with the US. Of special importance for them were reports regarding the public opinion in America, the same as the feelings of the Germans, whose clubs had by now been closed down, reports of how common Americans see the situation and how the anti-Semitic feelings develop in north-America.

The same document informs abut the existence of a new German organization in the US; it's the "National German-American League", which is told to be by far the most active fighting group of the German ethnics in America, always fending off anti-German campaigning. As the Nazi authorities claim, it operates on a fully legal basis and is strictly an American affair where only born or adopted Americans have the right to membership.[22]

These were the main organizations in the USA the Nazi employed for their propaganda, in an attempt to gain support, mainly from the American public. But in order to reach their goals, such highly organized structures were not enough. Nazis knew that without an expert analysis of the target-areas and of the public that would be more opened to their message, their undertaking would be destined to fail. Also, since the very beginning, it was necessary a clear view of the best ways their message would use to reach the public. A most interesting German document on this subject is a report of Richard Salet, representative of Ministry of Propaganda at the Washington embassy, to the ministry, in the summer of 1934.[23]

Salet makes an analysis of the propaganda activity during the last one and a half year (the report is dated 3rd August) and finds it unsatisfactory. However, he considers that all is not lost, especially in the East and the South, where "the American people (...) still keeps an open mind and now, more than ever, is essential that we find the appropriate means to get closer and inform them."[24] He also believes that "the poison of the hostile propaganda has not yet reached the small towns. Anyway, the population, and especially that outside New York and of the small and average cities have not yet reached the level when they would reject any further information. This presents us with opportunities we should take before it's too late. The influence of the American press and the overflow of the anti-German literature give people the feeling that we lack courage to react and even that we admit the guilt."[25] The study of these concerns shows that the Nazis paid special attention to the exact areas where large German communities were present: Eastern, Southern and Central American countryside.

As for the propaganda channels, these are also clearly defined: advertising companies, books about the new Germany, political semi-official journals, libraries, and almanacs.

The report states that the two advertising companies employed, Byoir-Dickey-Viereck and Ivy Lee, proved ineffective. "The mysterious influence these companies were supposed to have on the press proved to be nothing more than empty promises. In deed, the latest central articles about these companies only come to prove the opposite. That is why I suggest you put pressure that these contracts be terminated as soon as possible."[26]

In addition to the plan of a German foundation from the USA, "The Carl Schurz Memorial Foundation", for printing a periodical, there were other ideas in the press field. The Macmillan publishing house intended to publish a book called *Germany Speaks,* a project of Herbert S. Houston. All these actions had to be taken quickly, in order to answer the American propaganda. Salet complains that the "literary markets have been overwhelmed with anti-German garbage. Meanwhile, H. F. Armstrong has published in *Foreign Affairs* his second work on Germany. As a response to that, our side has yet to publish a single book. Scoonmaker, who received a 4.000 RM grant last summer in Germany for writing a book, has not yet sent the manuscript."[27] But the first collection of essays about leading personalities for the book *Germany Speaks* had been rejected by the Macmillan publishing house as unsatisfactory and it is estimated that the next best plan would be to supply a American writer, who has some idea about national-socialism, all the required material and funding for interviews and then he would be left to write the book on his own. Salet even points the right person for the job: F. W. Elven, editor of the German language daily *Cincinnati Freie Press,* and one of the leading German-American politicians. The report assesses that Elven's personal support for the national-socialists will not only have a considerable effect on German-Americans, but also on the Republican politicians.

Semi-official political publications – modeled after *Foreign Affairs* and *Contemporary Japan* – are considered to be the best way to influence public and private opinion and counterattack "the Jewish journal" *New York Times,* which promotes hostility towards Germany.

Next, the necessity for the establishment of an informative library is underlined. "The population from small and medium sized cities wants positive information about Germany and it would be a mistake for us to miss this opportunity that would later be difficult to get back once we have abandoned this field to the tireless propaganda of our enemies."[28] From the "Kameradschaft USA" memorandum we learn that such a library has been created by the German General Consulate in New York.[29]

The fusion of all four methods of propaganda preferred by Hitler should have

been issued through an annual publication, an almanac. "An almanac that would combine the advantages of the German publication *Müller-Jabusch,* of the American *World Almanac,* of the British *Whitaker's Almanac,* and of the *Soviet Union Yearbook* would contribute a great deal to the spreading of information. The almanac should be printed in English in New York and London and should contain sufficient information about the German institutions for it to develop into a landmark book, essential for all editorial staff and libraries. As for the design, I specifically recommend the model of the American almanac because it is familiar to Americans and it will considerably contribute to its spread."[30]

Americans have always responded without delay to all these actions of the Nazis, whether it was by public opinion or official reply. The latter category includes intense debates in the Congress caused by the Nazi activities in the USA.

Congressman Samuel Dickstein (member of the Democrat Party, New York) as the president of the Imigration Committee is to have a relentless activity in the "Special Committee for the Investigation of Nazi and other countries Propaganda Activities in the USA", which Nazis will carefully monitor. In March 1934 results of the up to date investigations. Here is how Luther, the German ambassador to Washington, comments them in a note to the Exterior Ministry:

"The following accusations have been made:

1. The German government wants to solve the Jewish issue in the USA the same way as it did in Germany.

2. In Los Angeles two groups are clashing over almost 100.000 $ sent for propaganda purposes from Germany.

3. The Silver Shirts are funded by national-socialists agents with German money.

4. Representative Shoemaker claims his son has been beaten in Germany last summer for trying to take pictures of a parade.[31]

5. German ships smuggle weapons. Dickenstein claims he has evidence of that.

6. German ships are planting spies disguised as sailors.

7. German agents have maps of military bases and ammunition dumps in the country.

8. German national-socialists leaders have a secret police force in the US that they use to threat people here with reprisals on their relatives in Germany.

9. Propaganda materials are being smuggled in, and money is sent from Germany to fund this subversive propaganda."[32]

During the committee debates the opposition was led by the representatives of those states with a considerable proportion of German ethnics: Texas, Wisconsin, and Nebraska. They emphasized that the project was offending for the Germans and brought forward the achievements of Hitler's regime. Opposition has also emphasized that the Congress has no rights of interfering with the internal affairs of other states. The external propaganda should be controlled by restricting immigration and by the Justice Department.

National-socialists did not remain indifferent to such actions and will take their stand. Not by intensifying propaganda, but by pulling out. The dismissal of the F.N.G.A. was mainly triggered by the fact that the activities of some of its members, like the head of the association, Spanknöbel, drew the attention of the board.

There are also other reactions from the Americans. In 1935, the founding of the world's first opinion poll institute, Gallup, was not independent from the effects of American propaganda, just as the creation, a year later, of the "Institute for the study of propaganda", also a world first.

After all these matters there is still one question to answer: to what degree have the Nazis achieved their goals? To what degree have they stood up to the challenge of adapting a totalitarian mechanism to a democratic system? This is a very difficult estimate.

On one hand, Nazis were permanently faced with a powerful American counter-offensive. This forced the Nazis and Germans in America to back down. They could not afford a vigorous offensive, like they did in Germany or in more auspicious external circumstances. Every step was carefully planned, every propaganda action well calculated.

However, the success of the Nazi propaganda had some echoes in the American society, especially when during the 30's, Nazi demonstrations took place in many American cities. There was also a very popular character of the time, contending for the title of "Hitler of America": the catholic priest Charles E. Coughlin (a former supporter of Roosevelt, he later turned against him). Every Saturday he made on the radio speeches considered to have a Nazi background. He addressed a huge audience, even by today's standards, of 30 million listeners.[33]

When planning their propaganda in the USA, the Nazis had to take into account that the public opinion could only be defined in relation to a specific public and certain issues of its interest. This was a whole new reality of that they had created inside the Nazi state. Out of this perspective it was possible to make assertions about the state of the public opinion, about what causes this state to shift, about predictable changes that may occur.[34] All these factors were out of Nazi control in America, so their task was an extremely difficult one. In spite of this, they stopped at nothing. The propaganda structures were equally well set up with their advantages and disadvantages. The people that worked in America were carefully selected, well trained for their mission and, most of all, monitored. In this field, one of the aims of the Nazi Germany was to induce a docile behaviour on all Germans, inside or outside the boundaries. By employing various persuasion tactics, they achieved this aim.

Note :

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[1] J. Ellul, *Propaganda*, Presses Universitaires de France, Paris, p. 4.

[2] C. Beciu, *Politica discursivă. Practici politice într-o campanie electorală*, Polirom, Iaşi, 2000, p. 22.

[3] E. Bogardus, *The Making of Public Opinion*, Berkley Books, New York, 1999, p. 5.

[4] J. Stoetzel, *Teoria opiniilor*, Polirom, Iaşi, 2000, p. 249.

[5] J. Ellul, *op. cit.*, p. 36.

[6] In the 17th century Germany, protestant areas have been devastated by the armies of Ludovic XIV. Many of the refugees migrated to England, protector of the protestants at the time. Although Queen Anne made them a warm welcome, their stay in London proved to be quite a problem for the local authorities. This happened just when the governor of New York complained about the lack of workforce in the area. In America, the Germans didn't get in the way of anybody. This is why in 1708–1709 English ships were transporting several thousands Palatins to New York. For more details on this issue, consult Marcus Lee Hansen, *The Atlantic migration. 1607–1860. A History of the continuing settlement of the United States,* Harper & Row, Publishers, New York, Evanston and London, 1961, p. 46–47.

[7] For instance, this was the case of Martin Stephan, member and main financial supporter of a cult that claimed to bring new elements in theology and religious rites. He will upset laic and religious authorities and he will ask to leave for America; his request gets approved and he will embark on November 19th for New Orleans.

[8] Marcus Lee Hansen, *The Atlantic migration. 1607–1860. A History of the continuing settlement of the United States,* Harper & Row, Publishers, New York, Evanston and London, 1961, p. 81.

[9] *Ibidem*, p. 287.

[10] Edith Abbot, *Historical aspects of the imigration problem. Selected documents,* The University of Chicago Press, Chicago, Illinois, 1926, p. 517.

[11] Those interested in the evolution of his military career in the USA should consult Franz Fabian, *Die Schlacht von Monmouth. Friedrich Wilhelm von Steuben in Amerika,* Deutscher Militärvertrag, Berlin, 1961.

[12] *Documents on German Foreign Policy. 1918–1945,* Series C (1933-1937), *The Third Reich: First Phase*, vol. II, *October 14, 1933 – June 13, 1934,* (de acum citat ca G.D., C), London, His Majesty's Stationery Office, 1951, No. 5, p. 5–8.

[13] *Ibidem,* p. 6.

[14] *Ibidem,* No. 139, p. 252–255.
[15] *Idem,*vol. III, *June 14, 1934 – March 31, 1935,* No. 248, p. 467.
[16] *Ibidem,* No. 259, p. 492.
[17] *Ibidem,* No. 570, p. 1115–1116.
[18] *Ibidem,* No. 571, p. 1117.
[19] *Ibidem,* No. 572, p. 1117–1120.
[20] „Mitteilungsblatt der Kameradschaft USA" în *National Socialism. Basic Principles, Their Application by the Nazi Party's Foreign Organisation, and the Use of Germans Abroad for Nazi Aims* (from now on reffered as *National Socialism...*), Prepared in the Special Unit of the Division of European Affairs by Raymond E. Murphy, Francis B. Stevens, Howard Trivers, Jospeh M. Roland, United States, Government Printing Office, Washington, 1943, p. 275–284.
[21] *Ibidem,* p. 278.
[22] *Ibidem,* p. 283.
[23] *G. D.,* C III, No. 569, p. 1111–1115.
[24] *Ibidem,* p. 1111.
[25] *Ibidem,* p. 1112.
[26] The Ministry of Propaganda informed the Ministry of Foreign Affairs in a telegram dated October 1st 1934, that the three months notice regarding the contract between Byvoir and Dickey and the German Bureau for Tourism in New York had been forwarded that day.
[27] *G.D.,* C III, No. 569 , p. 1114.
[28] *Ibidem,* p. 1115.
[29] „Mitteilungsblatt der Kameradschaft USA" în *National Socialism...,* p. 284.
[30] *G.D.,* C III, No. 569, p. 1115.
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The North Korean Crisis: Local, Regional or International? Implications for Japan

Ana Dragoş

INTRODUCTION

A contest is organized each year in Japan to choose the *kanji* (Chinese character) of the year. The winning entry in 2002 was *"kaeru"*, meaning "return", for reasons that most people familiar with recent developments in Japan and in Japan's relations with North Korea would find obvious.

Indeed, on October 15, 2002, following the breakthrough of the Koizumi-Kim Jong II historical Summit of September 17, five Japanese made their first homecoming to Japan, 24 years after having been abducted to North Korea by North Korean agents.

Hopes were high at the time that a rapid process of normalization of the Japanese-North Korean diplomatic relations, including a comprehensive solution of the abductions issue, was within reach, paving the way to greater stability in Northeast Asia.

Those hopes, however, vanished soon afterwards, as in early October 2002, a U.S. high-ranking State Department official publicly disclosed the existence, or rather the continuation, of a clandestine nuclear North Korean program, in violation of the 1994 Agreed Framework.

Ever since, Pyongyang's nuclear brinkmanship diplomacy led to a dangerous escalation of the crisis on the Korean Peninsula, a crisis whose stakes are high and its outcome uncertain.

The North's nuclear brinkmanship keept holding the headlines of media reports all over the world in the past six months, but actually there is more to this new crisis on the Korean Peninsula, than only its nuclear dimension, which remains however, the most critical and immediate.

Other ingredients should not be overlooked, such as the proliferation of weapons of mass destruction (WMD), the conventional military build-up considered to be the heaviest in the whole world, the humanitarian catastrophe of the reclusive communist state, where, according to various sources, between 2,000,000 and 3,000,000 people are believed to have starved to death in the past few years, a dictatorship repressive beyond imagination and a failed economy, equally dangerous if allowed to either survive as they are or to collapse.

The North Korean domestic ingredients of the crisis are, moreover, worsened by a less than favorable surrounding international environment. North Korea is situated in a volatile region where 100,000 U.S. troops are stationed and which is home to three of the world's largest economies.

A *"rogue state"*, a *"sponsor of international terrorism"* and, above all, together with Iraq and Iran, a member of President Bush's notorious *"axis of evil"*\ North Korea has much to worry about and, at the same time, much work to do to clean its image, to get out of its increasing isolation and to become able to enjoy the benefits of belonging to the international community.

Indeed, this is especially true, if taking into account that, basically, after the terrorist attacks of September 11, 2001, U.S. is a country at war, whose worst fears are terrorists getting their hands on WMD. We also have to consider and if considering the speedy and overwhelming military victory of the U.S. against Iraq, in a war in which U.S. primary military objectives shifted from disarming Iraq to toppling the dictatorial regime of Saddam Hussein and liberating the oppressed Iraqi people.

THE NUCLEAR CRISIS

Dictators, interested in nothing else than to perpetuate and consolidate their grip on power, have earned themselves the reputation of being highly unpredictable and Kim Jong II is no exception to this conventional wisdom, but rather an unfortunate reinforcement.

No other country has been giving more mixed signals to the outside world, by alternatively displaying more conflicting, mutually excluding behaviors, than did North Korea.

This is especially true, if one examines Pyongyang's present negative, bellicose attitude in comparison with the positive steps it took until not long ago, which provided enough grounds for optimism and reasonable expectations for calmer days in Northeast Asia.

The North-South Summit of June 2000 was unanimously singled out by political and military analysts as the event which contributed to the greatest extent to an improved security environment in Asia-Pacific.

Within a relatively short period of time, North Korea was accepted into the ASEAN Regional Forum (ARF) and established diplomatic relations with Australia, Canada and several members of the EU.

Positive steps continued even after the newly inaugurated Bush Administration reversed the North Korean policies of the

Under such complex circumstances, this paper argues that what needs to be dealt with is a multifaced crisis, with multiple local, regional and global reverberations, a crisis whose implications are far-reaching, whose stakes are high for all the major powers in the Asia-Pacific region and whose settlement requires a complex, multidimensional approach.

Furthermore, the paper will highlight the implications for Japan, both from the point of view of Japan's relations with North Korea and from that of the regional balance of power.

Clinton Administration, hardened its stance towards Pyongyang, undermined South Korean President's *"sunshine policy"* of engaging the North, thus angering Seoul, and included North Korea in the *"axis of evil"*.

With the exception of one serious incident, the North-South naval clash on June 29, 2002, among the positive steps worthiest to be mentioned, is the meeting between U.S. Secretary of State Colin Powell and the North Korean Foreign Minister, Paek Nam Sun, in the sidelines of the ARF Ministerial Meeting in July 2002. This has extended an invitation to an American delegation for talks in Pyongyang, proposing the highest level talks with South Korea in a year, agreeing to re-establish rail and road links with the South, clearing the mines in some portions of the demilitarized zone, sending its representatives to the Asian Games in Pusan (South Korea) and to the Asian Winter Games in Aomori (Japan), enacting some economic reforms and creating a Chinese-inspired special economic zone and holding a historical summit with Japanese Prime Minister Junichiro Koizumi (which will be dealt with in a later section of this paper).

Even more remarkable seemed the fact that while traditionally trying to undermine the trilateral U.S.-Japan-South · Korea solidarity and coordinated action, this time

Pyongyang appeared willing to abandon the *"divide et impera"* approach and to conduct a simultaneous engagement of Washington, Tokyo and Seoul.

Why did then things start to go wrong?

On October 5, 2002, James Kelly, U.S. Assistant Secretary of State, made a shocking announcement: after being confronted with undeniable evidence from U.S. intelligence sources[2], North Korea admitted the existence of a clandestine program of enriching uranium, which it was, however, willing to halt, in exchange for a nonaggression pact with Washington and for economic assistance. Newspapers caricatures showed Kim Jong II riding a missile on which it was written *"Will not bomb, for food"*, but the U.S. took an intransigent stance of not being willing to reward bad behavior and of not bending to the North's nuclear blackmail.

In an apparent effort to do something to draw U.S.'s attention and to bring it to the negotiating table, Pyongyang embarked upon a course of continuous escalation and, constantly rejected any kind of multilateral framework for talks, insisting that was a problem exclusively between itself and the United States.

One of the most provocative actions taken so far by North Korea is the announcement, after the U.S. cancelled last December the shipments of 500,000 tons of fuel, that it would reopen its Yongbyon reactor. Which it did. The seals and surveillance cameras at its nuclear laboratories were removed, its spent fuel moved out of the storage facilities, with the aim of reprocessing it and producing weapons-grade plutonium, the AIEA inspectors removed it withdrew from the Nonproliferation Treaty, it threatened to stop abiding by the 1953 Armistice Agreement which ended the Korean war, and continued with the scrambling of a U.S. reconnaissance plane and the test-firings of cruise surface-to-ship missiles the first such

test right on the eve of new South Korean President Roh Moo-hyun's inauguration.

Tensions have been further heightened by bellicose statements added to these irresponsible moves, such as the North's announcements that it had long-range ballistic missiles capable of hitting the Western Coast of the United States, that it would transform Seoul and Tokyo into a *"sea of fire"*, that it would regard any form of economic sanctions as a declaration of war, that Tokyo *"should behave with discretion and remember all of Japan was within striking distance of its ballistic missiles"*, as well as by "translation mistakes" in the eve of the talks with Washington and Beijing, whereby it remains unclear whether it *"started the reprocessing of 8,000 spent fuel rods"* or *"Is successfully moving towards that phase"* etc.

Washington's response to these escalations was, on the one hand to continue to reject bilateral talks with the North, but to state its willingness to accept multilateral dialogue, provided that the North abandoned its nuclear development program, and, on the other hand, to repeatedly assure that it did not have the intention of invading North Korea, although, as the war against Iraq was looming up, in Secretary of Defense Ronald Rumsfeld's words, the U.S. had the military capability of fighting two wars on two different fronts simultaneously, and in President George W. Bush's ones, *"the U.S. wanted a peaceful solution to the crisis, but all the options were on the table"*.

At the same time, U.S. officials warned the international community that North Korea already had one or two nuclear bombs and could get six to eight more within a few months, should it start to reprocess spent nuclear fuel, and strengthen the American military presence in the region, by sending stealth bombers to South Korea and ordering back aircraft-carriers which it planned to deploy in the Persian Gulf.

The U.S.-led war against Iraq provided further ammunition to the North's propaganda, in the sense that it now became the North's view that Iraq was attacked in the first place, because it allowed UN weapons inspections and it was defeated because it did not possess nuclear weapons.

Needless to say, the Democratic People's Republic of Korea was not going to make the same mistakes, but rather speed up its nuclear program and develop its only nuclear deterrent, the only way to avert U.S. "aggression" and a U.S. pre-emptive strike, but also another bitter lesson of the Iraq war, which taught Kim Jong II that *"humans betray, weapons do not".*

INTERNATIONAL IMPLICATIONS

It is undeniable that the war against Iraq *"shocked"* and *"awed"* the North Korean dictator, who disappeared from public sight for about 50 days, first to analyze the United States' preparations for war, including the painful (and, possibly beneficial for the North) divisions within the international community and then the conduct of the military campaign, both in terms of strategic thinking and in terms of weapons used by the U.S.-led coalition.

Some, especially in Japan and South Korea, consider that Kim Jong II went into hiding, after the first U.S. failed attempt to "surgically" eliminate Saddam Hussein and his sons, on March 20 and that it was precisely the shock of the fast American victory over Iraq that prompted North Korea to abandon its stance of insisting for bilateral talks with the U.S. and to accept "multilateral" talks in Beijing, with the U.S. and China, starting April 23.

Others hold the view that, now, with Washington's hands relatively free and attention likely to turn to North Korea, Pyongyang accepted the talks, only to buy more time and advance as much as possible into its nuclear development program, just to increase its bargaining power in the coming negotiations and extract the maximum extent of economic benefits, which might not come after all, considering the reminder of U.S. Secretary of Defense, just days ago, that *"there is no price that we are willing to pay that they are willing to accept to stop what they are doing".*

Regardless the motives behind Pyongyang's submission to U.S. requests for multilateral talks, the similarities between pre-war Iraq and North Korea are all too obvious to be ignored, with aggravating circumstances for the latter.

Indeed, belonging to regions where the U.S. has vital strategic, economic and political interests, what both countries have in common are the dictatorial regime, a deep hatred for America, membership in the same "axis of evil" and a record of producing weapons of mass destruction, still to be found in postwar Iraq, uncontested reality in the case of North Korea.

The only thing that plays to the North's advantage and also helps Washington to reject criticism of double-standards, is the fact that it does not have a record of violating UN Security Council Resolutions, as did Iraq.

After months of heightening tensions, dialogue is finally starting, although not in a format satisfactory to all the major countries which have stakes on the crisis in the Korean Peninsula.

Indeed, the April 23 talks in Beijing are a first round of dialogue between North Korea, the U.S. and China, although North Korea continues to claim that China is providing only the venue and the talks are exclusively between itself and the Americans.

Japan and South Korea were left out in the cold and so was Russia, although there are hopes that they could also join in the future.

But even though dialogue is starting, it should be assumed that for a while things will get worse before they can get better, considering the differences in the parties' positions.

Its start is however a positive development, because negotiations should be the way towards solving any crisis and because it finally shows Chinese involvement.

China, North Korea's only remaining friend, was so far reluctant to lend a helping hand to the U.S. and use its influence to determine Kim Jong Il to give up its nuclear ambitions, although it pleaded repeatedly for a non-nuclear Korean Peninsula (also in the form of a Chinese-Russian Joint Statement) and it showed some muscles to Pyongyang, by arresting the Chinese designated by the latter to head North Korea's first special economic zone and by temporarily closing, the tap of a pipeline supplying oil to North Korea, by invoking technical problems.

China has so far insisted that the problem was just between the U.S. and North Korea and it was Chinese opposition that delayed until April 9 a first round of discussions at the UN Security Council about the North Korean nuclear issue, transferred to it by the AIEA.

Indeed, a major problem for the U.S. is not as much a difference of opinion with the countries in the region over how serious the North Korean crisis is, but a fundamental difference of perception with the respect to the character of the crisis.

For countries in Northeast Asia, including U.S. strategic allies Japan and South Korea, the local character of the crisis tends to predominate. While being worried by the North's nuclear, bacteriological and chemical threat or by that of its ballistic missiles, they also have their own agendas (such as the abductions issue in Japan's case and, even if downplayed for political reasons, in that of South Korea) and they fear a collapse of the Kim regime which would flood them with refugees, would push the entire Korean Peninsula into chaos, would destabilize Asia-Pacific region as a whole, politically, economically and in terms of

security, would damage their economies and send shock waves to the entire global economy and, even worse, open the prospects of an American military presence in North Korea in China's doorstep, or, on the contrary, of a Chinese military presence in the North, for creating a buffer zone and preventing a tide of refugees from crossing the Chinese border into a region where a large Korean minority is living and about 100,000 North Korean defectors are believed to have already gone into hiding, to escape starvation and persecution at home[3].

Just in between brackets, the economic effects of SARS in Asia, particularly, for the time being, in China, Hong Kong and Singapore, show how vulnerable national economies have become to viruses, health problems etc, not to mention military threats, so it becomes a rhetorical question to ask what would happen with stock exchanges in Tokyo, Seoul, New York and all over the world if North Korea made a nuclear test and introduced itself as a *de facto* nuclear power outside the international community.

The North Korean nuclear crisis has also another local/ regional dimension, that of legitimizing a nuclear arms race and a spiraling nationalism. Indeed, the prospects, even theoretical, of Japan, South Korea and Taiwan going nuclear are China's worst nightmare, while a nuclear-armed Japan would certainly sign the death certificate of the NPT in Asia-Pacific.

On the contrary, the U.S. sees the North Korean problem first from an international perspective, in terms of WMD development and proliferation (as proven by the North Korea-Iraq relationship, by suspicions that North Korea provided ballistic missiles technology to Pakistan in exchange for Pakistani assistance for its nuclear program or by Scud missiles shipments, though legal, to Yemen etc), although it pays also significant attention to its regional and local character, in light of U.S. major strategic interests in Asia-Pacific, U.S. military presence in the region and U.S. security alliances with Japan and South Korea.

This is why the countries in Northeast Asia were worried about U.S.'s hard-line approach and rejection of dialogue with North Korea and why Japan and South Korea made efforts to soften the tone in the Joint Press Statement[4] issued at the end of the Trilateral Coordination and Oversight Group's reunion in Washington, in January 2003, that signaled a shift in U.S. policy and a U.S. more considerate of its allies' concerns.

At the same time, this difference of perception between the U.S. and the countries in Northeast Asia also explains why the U.S. has always insisted for dialogue with the North only in a multilateral framework, which nevertheless would be most beneficial also for the regional countries concerned, be it in the format 5+2 proposed by Japan (the permanent members of the Security Council plus Japan and South Korea), 5+5, proposed by the U.S. (the P5 plus Japan, South Korea, North Korea, EU and Australia), or any other format.

The three-way talks of April 23, in Beijing, might not be the best start, but they are a good one provided that fundamentally different positions of the parties involved would not push them apart from the very beginning. It is highly unlikely that a breakthrough would be immediately possible, the talks being rather the beginning of a lengthy process to defuse tensions.

By the time of the writing of this article, the outcome of the talks is not yet known, but there are indications that North Korea will press hardest for a non-aggression pact with Washington and for safeguards for the survival of the Kim Jong II regime, Pyongyang's, perhaps, most immediate concern, considering the fate of Saddam

Hussein and the "Rumsfeld memo"[5] allegedly leaked, a few days ago, to the American media and suggesting the U.S. should team up with China to oust Kim Jong II from power.

For its part, the U.S. is expected to grill the North over its nuclear program, to demand a full stop, not just a freeze, and, possibly to bring up Tokyo's demands for the solution of the abductions' issue, in line with a promise made on the occasion of U.S.Japan-South Korea trilateral coordination talks in Washington right ahead the April 23 talks in Beijing.

At its turn, China is expected to urge the U.S. to show some flexibility and create an atmosphere that would allow North Korea to save face and facilitate its return to the NPT, China's most important objective for the time being.

Moreover, in a goodwill gesture (and, maybe, with the hope of playing again Washington, Tokyo and Seoul off each other, in case the Beijing talks go wrong), Pyongyang agreed to resume cabinet-level contacts with South Korea, in late April.

Also, in an attempt to mend fences with Russia, after letting it outside the Beijing talks, and possibly with the hope of bringing her in, in the future, North Korean dictator Kim Jong II personally attended the performance of a Russian choir, in what Japanese TV stations commented to be his first "moving image" in 67 days.

At their turn, the United States hope that Japan and South Korea, too, can join the dialogue, as soon as possible, along with other countries that could provide food aid, energy and other forms of assistance, should Pyongyang choose to behave responsibly.

IMPLICATIONS FOR JAPAN

In late August 2002, Japanese Prime Minister Junichiro Koizumi took many by surprise, by making an unexpected announcement: on September 17 he would hold a summit meeting with North Korean leader Kim Jong II, in Pyongyang.

The preparations for the summit were frantically followed by the Japanese media, which disclosed even the "acting directions" received by the Prime Minister from the Ministry of Foreign Affairs: Koizumi should avoid any kind of behavior that

could be afterwards exploited by the North Korean propaganda; he should limit himself to a simple hand-shake with Kim and avoid at all costs "bear-hugs" or greeting him with a bow, as customarily in Japan, not to enable Pyongyang to exploit the gesture as the bowing of the Japanese Prime Minister in front of the "Dear Leader"; no lunch invitation should be accepted, rather Koizumi and his suite should bring their own lunch-boxes from Japan.

In parallel, the media and, through it, the public opinion became overoptimistic about the prospects of Koizumi's plane bringing back home the Japanese citizens abducted by North Korean agents in the '70s and '80s, for it was clear for everybody that Koizumi would not have decided to go to Pyongyang, had he not been given some kind of assurances of progress in solving this delicate and politically volatile issue.

Live images from the summit showed a petrified Koizumi and the reasons became immediately known, to the disbelief of the families and the shock of the entire Japanese public opinion.

In a goodwill gesture, Kim Jong Il admitted for the first time that *"overzealous elements of the special forces, seeking recognition"* abducted Japanese citizens and, responding to the Japanese delegation's inquiries about 11 victims, he disclosed information about 14 abductees: there were no records about the entrance of one of them into the country, 5 were alive and the other 8 dead, including the very symbol of the abductions' issue, Megumi Yokota, abducted in November 1977, at age 13, from nearby her house, on her way back from badminton practice, and Keiko Arimoto, kidnapped from Copenhagen in 1983, at age 23.

Kim apologized for the abductions and informed that he punished the perpetrators. He also admitted, for the first time, the incursions of North Korean spy ships into Japanese territorial waters and, again, apologized.

Moreover, in the Pyongyang Declaration[6] he settled for the term "economic cooperation", instead of "reparations for the

Japanese colonial rule in the Korean Peninsula", agreed to extend the moratorium on ballistic missile tests beyond 2003, to comply with the international law and not to take actions that would threaten Japan's security. Kim also gave a positive response to Koizumi's proposal to establish a six-party forum for security talks that would comprise North Korea, South Korea, Japan, the United States, China and Russia.

The Pyongyang Declaration had its critics in Japan, but, apart from the grief caused by the abductees' fate, Koizumi received high grades at home and abroad for his bold initiative, which showed unprecedented audacity for a Japanese leader and represented the first, exclusively, political, non-economic Japanese contribution to the security of Northeast Asia, after World War II.

Following the summit, North Korea provided additional information concerning the circumstances of the deaths of the 8 abductees and allowed the five survivors to visit Japan, temporarily, for the first time after their abduction. This temporary visit became, however, permanent, as Japan refused to send them back to North Korea, arguing that the abduction is a crime and it is unthinkable to return the victims to the offenders.

The first round of negotiations for the normalization of the Japanese-North Korean relations opened on October 29, in Kuala Lumpur, but the talks soon became deadlocked, over Japanese pressures for clarifications of the suspicions surrounding the deaths of the 8 Japanese abductees and requests of information on many other missing persons supposedly abducted by North Korean agents, and over North Korean insistence that, through Kim's apology, the abduction issue was settled, now being the time to open discussions on Japanese economic assistance, and criticism of Japan for breaking its promise, by refusing to return the five survivors to their families in North Korea.

Ever since, no progress has been achieved either with respect to the

abductions or with respect to deciding a new time frame or venue for a new round of bilateral talks.

At first, Japan, even after being warned by the U.S., privately (before Koizumi's visit to Pyongyang) or publicly, by James Kelly's announcement of October 5, about the North Korean nuclear program, concentrated almost exclusively on the abductions' issue, which domestically became a real political hot potato.

There were even suspicions in Japan that the Kelly announcement was especially timed to pour some cold water on what in Washington might have looked like an over-enthusiasm of Japan in hurrying to normalize its diplomatic relations with DPRK, just for the sake of solving the abductions' issue, without too much concern for the nuclear threat.

This is why, at first, the abductions' issue caused some friction between the two allies, aggravated by the fact that one of the five returnees was married with a former U.S. soldier who deserted to North Korea and who risked to be arrested and court-martialed by the U.S., should he have been allowed by Pyongyang to come to Japan to reunite with his wife.

Things started to change however, as the North Korean nuclear threat became more and more serious, as Pyongyang became ever more provocative and as the Japanese public opinion grew ever more hostile towards North Korea, due to the stalemate in the abductions' issue and to shocking revelations about the life in the Stalinist state, brought several hours a day in every Japanese home by the media, for the past seven months.

Japanese commercial TV stations were and are still fiercely competing with each other for exclusive interviews with defectors from the North, now living in South Korea, from all walks of life, from Kim Jong Il's bodyguards and relatives (in the meanwhile assassinated), to former diplomats, army officers, secret police members, dancers from the *yorokobigumi,* a group of dancers created especially for the dictator's

entertainment (and, reportedly, one of North Korea's best kept secrets) etc, who speak about unimaginable hardships, repression, starvation, cannibalism and camps for political prisoners where torture, rape and public executions are routine.

These interviews' impact on the Japanese public opinion was huge and, as a result the Japanese people approved a touch stance against North Korea by the Japanese Government which, at the same time, was compelled by the mounting pressure of the public opinion to harden its stance even more.

North Korea gives Japan a lot of headaches, since it is synonymous with abductions (now, believed in the range of 100 to 150), nuclear, chemical, bacterio-logical weapons and ballistic missiles threat, spy-ships, drug-trafficking, strong anti-Japanese feelings (present also in the South, but amplified in the North, by the state propaganda), unsettled historical accounts and an increasing number of North Koreans seeking political asylum at Japanese diplomatic missions in China, who embarrass Japan, internationally and domestically, by exposing the holes in its refugee policy[7] etc.

The process of solving the complicated North Korean problem, with its most pressing nuclear component, is itself complicated and challenging and implies a lot of domestic measures, combined with diplomatic efforts, aimed at obtaining the coordination with and the cooperation of the neighboring powers, the U.S., South Korea, China and Russia.

While sometimes trying to promote a carefully crafted and balanced combination of containment and engagement and to apply "the carrot and the stick" policy, currently Japan, under pressure from the public opinion, opted for containment, especially through strengthening the Japan-U.S. security alliance and its own defense posture.

In terms of containment, Japan already plays a critical role, by providing bases to U.S. forces and thus ensuring U.S. power

projection. Prime Minister Junichiro Koizumi enjoys a special relation with U.S. President George W. Bush, the hawks in the two administrations get along well and the war against international terrorism had already given Japan the opportunity to *"show the flag"*[8]

The war against Iraq provided a new opportunity for Japan to uphold its alliance with the United States, at a time when the trans-Atlantic rift was growing ever deeper and Washington was having a hard time in realizing how many friends it could still count on.

The Japanese public opinion was overwhelmingly (80%) against a U.S. intervention in Iraq and so was an important part of the political class, including segments of the ruling Liberal Democratic Party.

The Koizumi Government chose however to support the U.S., out of the need not to undermine the bilateral security arrangements and, thus, to increase Japan's vulnerability in the case of a contingency on the Korean Peninsula.

In his press conference of March 20, Koizumi explained to the public why Japan must support the U.S., *"the only country in the world that would regard an attack against Japan as an attack against itself and would shed the blood of its soldiers for the defense of Japan"*, *"the country thanks to which Japan was able to enjoy peace, security and prosperity in the past almost 60 years"* and asked the Japanese people to support the Japan-U.S. alliance.

Moreover, Koizumi did not explicitly name North Korea, but skillfully used the word *"dangerous"*, four times in the same phrase and asked the Japanese to imagine *"what kind of dangerous place the world would become, should dangerous terrorists get their hands on dangerous weapons of mass destruction developed by dangerous dictators"*.

Grilled in the Diet by the opposition, for his support for the U.S. and for Japan's failure to act with dignity, like France and Germany, and to stop walking in Washington's footsteps, Koizumi repeatedly

explained that the security environment surrounding Japan was fundamentally different from that surrounding France and Germany, that the two countries were not exposed to ballistic missiles attacks and even if they were, they had their own capability to repel the attacks, while Japan had a hostile neighbor like North Korea, did not possess the means to shoot down incoming missiles and had to rely on the U.S. for its defense.

A culture of anti-militarism took firm roots in postwar Japan and, as a result, the Japanese people are sincerely hostile to violence and war, this being why, political analysts predicted that, because of the war in Iraq, Koizumi's support rate would decline with about 10%.

Their estimations proved eventually incorrect, since Koizumi's approval rate dropped at first, but only with about 2%, just to increase within days with about 6-8% (depending on the opinion polls), in parallel with a drop of the anti-war feeling of the Japanese people, from 80% to 59% and a rise in support for the Japanese-U.S. alliance. That is quite surprising, considering that, traditionally, support for the alliance remained high in times of peace, but dropped in times of war, out of Japanese disgust for war in general and fears that their country might be dragged into U.S. wars.

This demonstrates again how heavily North Korea weights on the minds of the Japanese people.

In parallel with the strengthening of its alliance with Washington, Tokyo took steps to increase its own defense posture, by resuming debates in the Diet on a legislative package about Japan's response to a foreign armed attack (which compared with the version abandoned last year, now also deals with large-scale terrorist attacks and spy ships incursions) and by launching its first two information-gathering satellites in late March 2003.

Moreover, Shigeru Ishiba, the Director General of Japan's Defense Agency, regarded as the most hawkish member of the Koizumi Government, sparked

controversy by declaring that Japan's Peace Constitution does not stipulate that Japan must stay cross armed and wait to die and by stating that Japan could regard a North Korean attack as imminent when North Koreans start loading the fuel to the launching site of a ballistic missile and would act in self-defense by striking the launching site after the start of the fuel loading process.

At the same time, Koizumi gave his subordinates the green light to study the need of improving Japan's missile defense capability.

Also, following American "pressures" and a deteriorating environment on the Korean Peninsula, Japan seems closer to announcing its decision about advancing to the development stage of a sea-based ballistic missile defense system (BMD), a project currently researched together with the U.S., started in 1998, after North Korea tested a Taepodong-1 ballistic missile which over-flew Japan and fell into the Pacific Ocean.

Indeed, when U.S. Under Secretary of Defense Douglas Feith visited Japan, in early November 2002 (followed by Deputy Secretary of State Richard Armitage in December), there were intense media speculations that the purpose of his visit was to push Japan to upgrade the BMD to the development level, speculations to which he replied that the U.S. *"is not pressing Japan for anything"* since *"one doesn't have to press Japan to recognize that Japan is facing a serious danger of ballistic missile attack"[9]*

The BMD issue came up also during Armitage's visit to Japan, during the "2+2" Security Consultations in mid-December in Washington, between the Foreign and Defense Ministers of the two countries, the first since the inauguration of the Bush and Koizumi Administrations, and during the visit, the next day, of Director General Shigeru Ishiba to the Pentagon and the U.S. Missile Agency, which reportedly impressed him very much and made him

declare that Japan was considering going to the development stage of the BMD.

This would be a logical thing to do, considering not only the growing uncertainty over North Korea, but also the recent tensions in the U.S.-South Korea alliance and the growing anti-American feelings in South Korea, which exploded after the acquittal of two U.S. servicemen who accidentally killed two Korean schoolgirls in June 2002, developments which Tokyo views with increasing anxiety.

In this respect, Japan's fears are far from groundless, since it would not be left unaffected by changes in the U.S.-South Korean alliance.

Indeed, there are several dangers for Japan, such as a damaged U.S.-South Korean edge weakening the U.S.-Japan-South Korea triangle, the main mechanism of dealing with North Korea, a "South Korean model" becoming a source of inspiration for pacifists or opponents of U.S. military presence in Japan or a reduction of the size of the U.S. forces in South Korea, which would increase either the already heavy burden of the U.S. troops on Japan or Japan's vulnerability to the North Korean threat.

Another source of concern, exposed by former Prime Minister Yasuhiro Nakasone during a recent TV talk show, is an apparent policy shift of the new South Korean President, who stated in his inaugural speech that South Korea aims at becoming a central power in Northeast Asia, statement interpreted in Tokyo as yet another attempt by Seoul to distance itself from Washington, if taking into consideration that during the previous administrations, South Korea defined itself an Asia-Pacific nation, which implied, of course, its commitment also to the alliance with the United States.

Besides strengthening Japan's alliance with the U.S. and its own readiness, the Japanese Government announced its refusal to resume rice shipments to North Korea, under the pressure of the public opinion, in general, and of the Association of. the Families of the Victims of the Abductions

by North Korea, which became itself a powerful pressure group.

In the meantime, the abductions' issue is starting to become international, family members of the victims paying two visits to the United States in less than two months (during which they met U.S. Congressmen, high-ranking officials of the Bush Administration and the American media and secured Deputy Secretary of State Richard Armitage's promise that the U.S. would not remove North Korea from the list of the states sponsoring international terrorism unless it solves the abductions' issue) and pleading their cause at the UN Working Group on Enforced and Involuntary Disappearances of the UN Human Rights Commission, in Geneva, on April 22, after yet another memorable development: the adoption, on April 17, by the Commission of a EU-drafted resolution, co-sponsored by Japan, condemning North Korea for violations of human rights, including the abductions of Japanese nationals.

This is likely to lead to even stronger pressures by the victims' families on the Japanese Government and Ministry of Foreign Affairs to declare North Korea a "terrorist state" and to impose economic sanctions, requests echoed, also, by many nationalist politicians.

In parallel, some politicians began studying whether to propose legislation that would ban cash remittances to North Korea (from North Korean residents in Japan who own the profitable business of *pachinko* parlors, a vital source of cash for Pyongyang) and suspend the Mang Gyon Bong, a ferry representing the only direct link between Japan and North Korea, or institute severe control, after police investigations revealed that the ferry was used for cash transportation, for supplying delicacies to a dictator who is starving his people to death and for transmitting orders from Pyongyang to North Korean spies in Japan.

All these domestic constraints and external factors show once more how complicated the North Korean problem is for Japan and how difficult it is to try and solve it.

The process could benefit a lot from greater cooperation with China and South Korea, especially China which has the biggest leverage on North Korea.

Unfortunately, Japan's relations with both countries are far from smooth and are currently sailing through agitated seas, following another visit by Prime Minister Junichiro Koizumi, in January, to the controversial Yasukuni shrine, which shelters the spirits of Japan's war dead, including the Class A war criminals.

By choosing to visit it in January, Koizumi hoped to keep his promise of paying his respects once every year, as long as he remains in office and, at the same time, to do it before the inauguration of South Korea's newly elected President and the change in Chinese leadership, to minimize the harm to the bilateral relationships and let them start anew with the inauguration of new administrations in Seoul and Beijing.

Koizumi's calculations proved incorrect, however, as the new Chinese President refuses to meet him, even in the sidelines of international conferences, and agrees, in principle, with the idea of Koizumi going to Beijing, but only after *"an appropriate atmosphere"* has been worked out between Japan and China, with *"history serving as a mirror"*.

In addition to the divisive issue of the Yasukuni issue, neither China, nor South Korea, but especially China, witness lightheartedly the strengthening of both Japan-U.S. security alliance and of Japan's own defense capabilities, especially the BMD, which Japan insists is purely defensive, but China suspects that, in U.S. strategic planning, it also has the role of protecting Taiwan.

INSTEAD OF CONCLUSIONS

In December 2002, Japanese TV stations used an old tale to introduce the platforms of the two candidates facing each other in the campaign for the South Korean Presidential elections. The tale was about two powerful characters, "The Sun" *(Taiyou)* and "The Northern Wind" *(Kitakaze)*, who were looking down to earth, to a little man wearing a coat. "The Northern Wind" told "The Sun": *"I am so powerful that I can do whatever I want"*, to which "The Sun" replied: *"If you say you are so powerful, can you make that man take off his coat?"* That challenge seemed like a piece of cake for "The Northern Wind", but no matter how hard he blew, he managed only to have the man wrapping his coat tighter and tighter around himself. Seeing this, "The Sun" started to send his gentle, warm rays down to earth and the man took off his coat by his own free will.

The story is equally appropriate for the current nuclear stand-off on the Korean Peninsula and, also, for other of the many problems of North Korea.

President Bush's position of rejecting blackmail and of refusing to reward bad behavior is basically correct and his Administration's displeasure in sitting at the same table with representatives of a dictator that starves his people, and holds the entire region hostage, including 100,000 U.S. troops in Japan and South Korea, is understandable.

However, in international law there is a fundamental principle, called the peaceful resolution of conflicts, which implies that dialogue is the only option to avoid confrontation.

Therefore, in North Korea's case, too, dialogue is the only way out, for, no matter how unpleasant it might be, the costs and the consequences of rejecting it might prove unbearable.

With the war in Iraq over, some predict, some fear another war, more catastrophic, against North Korea and recent media revelations (about new disagreements within the U.S. Administration, between the State and Defense Departments, or rather, between the two powerful men at their helms, or about the Rumsfeld plans aimed at the collapse of Kim Jong Il's regime) are too serious to be either ignored or, at least, underestimated.

The Korean Peninsula was once again on the brink of disaster in 1994, during the first North Korean nuclear blackmail.

The way out, then, was the 1994 Agreed Framework, which maybe was not perfect, but, nevertheless, averted war and bought Asia-Pacific, with the regrettable exception of stagnant Japan, almost a decade of explosive economic growth, peace and prosperity.

Now the Korean Peninsula and the entire region are in big trouble again and, while it is true that blackmail can not and must not be tolerated, one question, only, should be on the minds of the wise and the powerful of the world: "How else could North Korea be talked into taking off its coat, of its own free will, just like the little man in the *"Taiyou and Kitakaze"* old Japanese story?"

As for Kim Jong Il, time has come to ask himself how warm could he possibly feel wrapped ever tighter in his old, broken coat, if it became too cold outside and the wind blew too heavily? And an, unasked for piece of advice: "How about shifting from "military first" policy to "humans first" policy?" Weapons do betray, too.

Note:

[1] For the full text of President George W. Bush's State of the Union Address of January 29, 2002, see http://www.whitehouse.gov/news/releases/2Q02/01/20020129-11.html

[2] James T. Laney and Jason T. Shaplen, *"How to Deal with North Korea "*, in Foreign Affairs, March/ April 2003, Volume 82, Number 2, pg. 21

[3] For various scenarios concerning the impact of the situation in North Korea on each major regional player in Northeast Asia, see the report "A Blueprint for a U.S. Policy towards a Unified Korea", released by   the Center for strategic and International Studies, in August 2002, available at http://www.csis.org/isp/blueprint.pdf

[4] TCOG Joint Press Statement, http://www.mofa.go.Jp/region/asia-paci/n korea/nt/ioint0301 .html

[5] The "Rumsfeld memo" was first referred to in the electronic edition of the New York Times of April 20 and quoted in all the Japanese major daily newspapers of April 22.

[6] Full text available at http://www.mofa.go.Jp/region/asia-paci/n korea/pmv0209/pyonqvanq.html

[7] One such case was that of the five North Koreans who sought asylum at Japan's Consulate General in Shenyang, on May 8, 2002, largely reported by the international media.

[8] *"Show the F/ag"*was the appeal made by U.S. Deputy Secretary of State Richard Armitage to Japan, on September 18, in the aftermaths of 9/11, after reminding that during the Gulf War, it did "too little, too late".

[9] Transcript of the *"U.S. and Japan Discuss North Korea, Security Issues"* Press Briefing by Under Secretary of Defense Douglas Feith, http://www.usembassv.state.gov/tokvo/wwwhsec20021112b5.html

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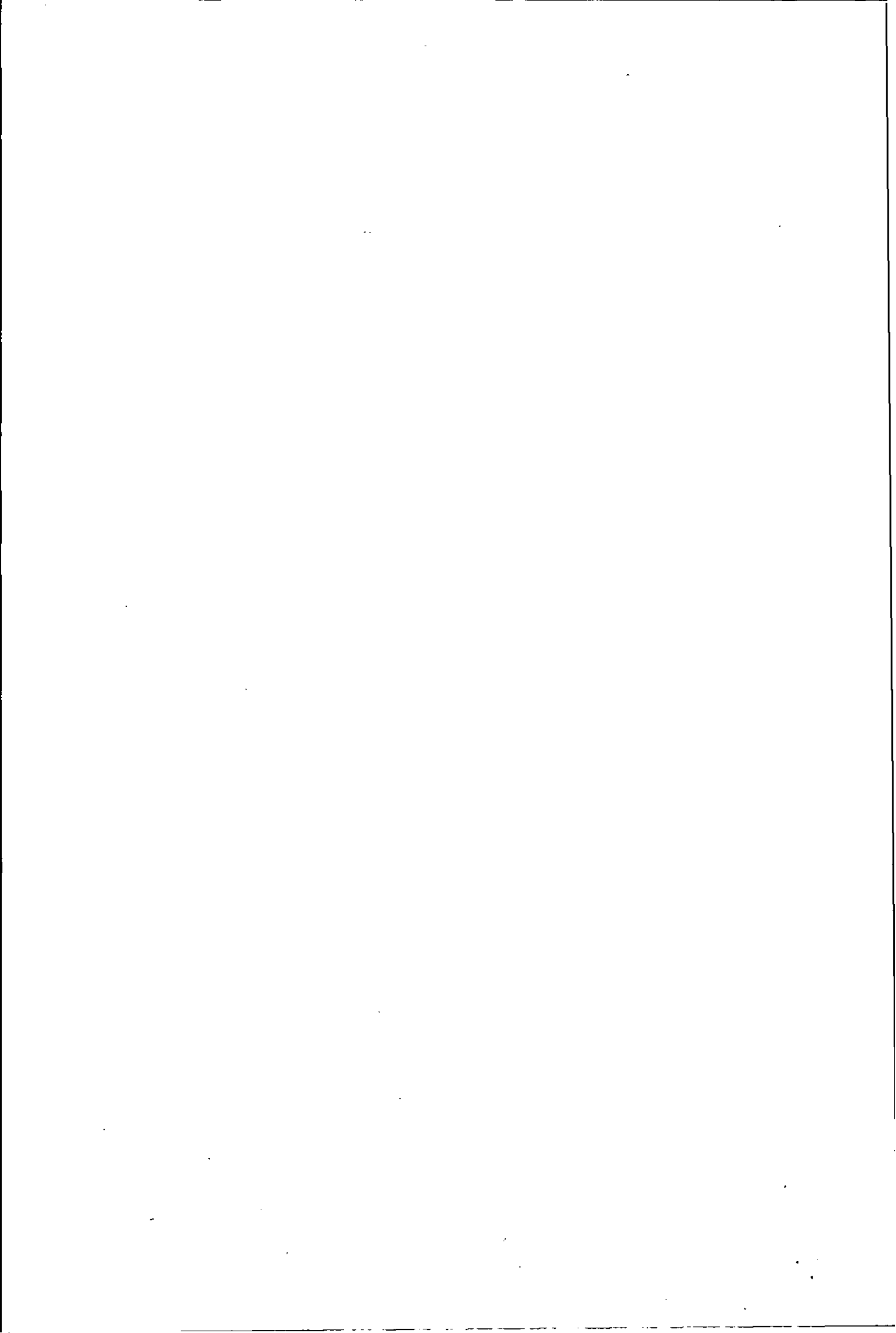
The UN in a Dilemma

Sime Pirotici

The reforming of the UN has always been discussed. But at the end of the Cold War, when in 1992, at India's initiative, the General Assembly was consulted about the reforming of the institution, the majority of the states were in favor of this idea, stressing upon the reforming of the Security Council. It was a signal that the members of the organization had a correct perception on the necessity and on the key-point that had to be aimed at.

Subsequently a new reforming trend appeared and the General Secretary, Boutros Boutros Ghali, admitted having studied 22 reorganization proposals. All these had certain consequences, but one could speak of changes rather than of an actual reform[1]. Around the jubilee of 50 years of existence, the pro-reformist trend became more conspicuous and so did the differences between the outlooks. On the one hand, European and American proposals mentioned the re-inventing or the re-creation of the organization, the reduction of budget (to which the USA contribute in the highest degree) and the transfer of the UN's economic and social activities to the Bretton Woods institutions (IMF and BIRD). On the other hand, the proposals of developing countries were oriented more towards the organization's democratization and a higher representation of their problems. It was seen that the Americans and the Europeans conceive of the reform rather in the sense of an increase of the efficiency, while the others stressed upon legitimacy. Eventually, in 1996, Boutros Boutros Ghali became undesirable to the US, which accused him of opposing the reform. The USA reduced their contribution to the organization's budget and then used the right of veto against the Egyptian diplomat.

Thanks to his successor, Kofi Annan, the report entitled *The Renewal of the United Nations. A Reform Program* was drawn up. According to the new General Secretary, this document contained "the most daring and important reforms from the 52 years history of the organization"[2]. Nevertheless the entire "reform" program contained only structural and administrative changes of the kind of those made in a company to increase profitability[3].

Besides the initiatives of the General Secretary, the reform was in the attention of the 5 work groups established by the General Assembly in 1992. The group in charge with the reform of the Security Council discussed the problem of representation, of the increase of the number of members in this forum and of decisional procedures (including the right of veto). Obviously all these being related were approached together. In general, many countries were attracted by the increase of the number of members, as the extension proposals insisted especially on the inclusion of representatives of developing countries in Asia, South America and Africa, besides Germany and Japan as acknowledged industrialized states. It was considered that the extension of the Security Council would increase the **representativeness** of this forum and would also emphasize its **democratic character** and stress the **legitimacy** of its decisions. Of course, but this would not increase the **authority** and **efficiency** of its decisions, and this objection

was expressed by some states. Putting the Great Powers into inferiority by stressing upon democracy would determine these powers not to be interested to support the organization, which would grow weak without their support. Therefore there is a problem. In 1945, at the founding of the organization, this democratic principle was combined with an elitist one by creating the restricted club of some permanent members having the right of veto and the criterion of this inequality was Power exclusively. Pleasant or not, the mixture of the two principles, democratic and elitist, was a formula that before anything else was aimed at giving the world stability. And in spite of the numerous criticisms that can be easily made, it can be said to have been a good and, to a great extent, a successful formula.

This is why, although the reform is undoubtedly necessary, the modification of the present formula through projects of reorganization of the Security Council is an extremely delicate aspect. Stressing upon democracy cannot be seen as good in itself with no regard to other reasons. A very democratic, but weak and lacking in authority organization wouldn't serve anybody and especially wouldn't serve the weak developing states, which need exactly the contrary. Power has its role and is indispensable. As far as the USA are concerned, they pointed on several occasions to this truth and gave the UN to understand that without their help the UN is condemned.

On the other hand, the reverse situation, the reforming by stressing upon the elitist principle of power, isn't a desirable formula either, because, in the last analysis, it would be made by sacrificing stability too. Power is necessary, but it creates stability only when acknowledged, accepted and changed into authority. But after the Cold War the US seem seduced especially by a reform of the elitist type. In one of the projects they proposed an extension of only five members of the Security Council, an extension very much below what the developing states propose. But it isn't so much the small

number that draws the attention, but the fact that these new members should be Japan, Germany and other three developed states. Such a project that would extend the Council only to turn it into a club of rich and developed states presents the advantage that it would rapidly be efficient, but only on short term. On long term it would compromise the organization. Developing states would see the Council as some kind of rich North club realized by sacrificing the poor South. The suspicions that never disappeared would increase so that the decisions would have the support of enough power, but not of enough legitimacy. The formula would leave outside the other side of the binomial and stability wouldn't be obtained. The world would be restless.

More or less explicitly there is an awareness of the fact because we can follow its concrete manifestation. It is reflected by the way in which various projects increase or diminish the number of states which have to represent the problems of African, South American and Asian states, in the way in which they establish the numerical report between permanent and non-permanent members, in the way they rethink the right of veto etc.

Therefore the entire problem of reforming the UN is reduced to establishing how much power and how much legitimacy must be introduced in the formula and assembled in order to be efficient. Since they both are parameters whose dynamic registers different accelerations, the reform of the UN becomes more and more imperative and cannot be limited to structural and administrative changes within the province of the General Secretary. The idea of a "re-invention" is to be taken seriously.

According to us, a world of the future that shall shelter the transformations and convulsions of globalization cannot be imagined in the absence of UN. It already seems worrying to us that many American politicians and political analysts tend to ignore the UN that, after the end of the Cold War, seems anachronistic, inefficient,

disturbing and difficult to reform. This can be explained. If during the Cold War the US felt the necessity of the international institution because they could ask there for the legitimacy of the actions of the rival superpower, at the present time the same institution seems more useless, since, as unique superpower, the same game can turn against themselves. But leaving all these aside, for more profound and lasting reasons, the system of the future world will have to contain an organization of this kind, be it a profoundly reformed UN or a third institution like SN and UN. A rethinking of the principle itself is therefore necessary. All the parties must understand that compromises are necessary because the alternative is an organization that some let die and others can't save. This is why UN has to be rethought as daringly and as radical as it takes to give the world what it needs.

It is to be taken into consideration that the reform that has become necessary will not be the last one. An institution of this kind will permanently be threatened by the danger of remaining behind the reality in which it has to function and consequently will periodically find itself, like at the present time, in the situation of being profoundly reformed. Little do we know about this and so far the experience is not encouraging. No reform was made in the past, because the formula of both SN and UN, after having been established, was maintained as such until when the signs of a crisis appeared. Every time a cataclysmic phenomenon was necessary for the pressure to be strong enough for the formula to be established fast. But the end of the Cold War had nothing of the pressure of a cataclysm, on the contrary, it created a depressurization and the present conditions are totally inadequate for a founding consensus.

These conditions hide the answer of a future UN. The new formula, on whatever period it may be projected, will have to be elaborated staring from two analyses: an evaluation of power and legitimacy in the present situation of the world system and a prognosis on the evolution and the challenges the system will have to answer.

If we judge the present situation under the aspect of power, two categories of states are interested in the existence of the UN.

Obviously, above all there are the numerous weak states of the planet, whose condition turns them into marginal actors in international life. Naturally all these states consider the UN to be a modality to protect themselves from powerful states and therefore are interested in the legitimacy of military interventions, that is, that these should take place with the UN approval. There isn't anything new about this, but now, when international relations are dominated by the USA, certain states in unstable regions have become particularly suspicious about American actions. The disappearance of the bipolar system led to the disappearance of that logic according to which the states hoped to gain action field by speculating the rivalry of superpowers. In case they sense a complex of insecurity, they are aware they can't protect themselves from the pressure of a superpower by resorting to another. And, given that now and in the near future there is no credible counterweight to the US, these states put their hope in the democratization of international politics on the international scene and therefore on the reinforcement of the UN's role. There are paradoxical situations when antidemocratic states ask for a democratization of international life, whereas democratic states, especially the US, sometimes tend to forget it. Garry Wilis considers his country chose to lead the world by dismissing those regimes it identifies as enemies of freedom, although sometimes they were elected by the people itself. Therefore the people have the right to choose, but not also the right to choose not to choose anymore. Now having the possibility to dictate, the US have become, according to this author, a classical case in which the "leader" demands: "Do what I say, not what I do!"[4]. Of course thing are not exactly like this, but the perception is very important. This is why one mustn't be

surprised that in the Gulf for instance a state like Iran asks and will insistently ask for any action using force to take place only under the UN's warrant, even when, as in its case, this force is directed against Iraq, its old enemy and religious rival.

To sum up, as far as these states are concerned, nothing new as principle can be noticed, only the need to strengthen the organization increased after the end of the Cold War. And it is interesting to notice in this context that some of these states are trying to turn the UN into an organization protecting them from the US, the state that in 1918 demanded for and imposed this institution through the voice of its president, so to say, the state most entitled to the paternity of the institution. An American idea turned against America.

But the true novelty concerns the category of much more powerful states, those that Samuel Huntington calls in a study "major powers"[5] and which we traditionally call "great powers", that is, states such as France, Great Britain, Germany etc. The name matters less. These are those states, not many, that after the apparition of superpowers at the end of the Second World War placed themselves immediately after these, and now are after the USA (Russia being now among themselves). The characteristic of their position in the hierarchy is that they are at a long distance from the existent superpower and from the other states on the next level. This characteristic of the power hierarchy, the established decision tasks discourage rivalries for now and constitute one of the main explanations for which the present world system has had for over a decade an exceptional stability.

But it is a dynamic stability (which is also desirable, according to us). The internal agitation comes from the fact that, even if the "concert" formula of the former power equilibrium is outdated for good, something seems to return from the former logic of the concert. The hegemonic superpower, which reunites all the dimensions of power to an extent that has no historical precedent, is

tempted to detach itself more from the level of great powers[6]. If it did there would be an establishment of a mono-polar system which, according to Huntington, would mean the US could solve any international problem without the cooperation of any of the great powers (which at the present moment are necessary to them) and even against the will of the great powers if necessary. In this sense a series of actions of the USA from the last decade could be interpreted as pressure put more or less on the world system to push it into mono-polar formula. By managing to regulate the situation in Bosnia, the US have proved their capacity to solve overt problems, in this case in the heart of Europe- the space of most great powers- and in situations in which the great powers had failed. The intervention in Kosovo is somewhat different. It is true it was made in partnership with some great powers, like the recent NATO extension. It is true both these last actions implied partnership with European great powers. Indeed, the US cannot do without their help for wide-spreading actions on the international scene yet. But on the other hand the US depend only partially on these and can defy them. They only need allies in order not to seem to be isolate and promoting a single point of view. The intervention in Kosovo proved the availability to act against the will of one of the most suspicious of these great powers (Russia) and especially the availability to take the risk of an action in the absence of the legitimacy conferred by the UN, especially if this last aspect of the intervention was felt as a powerful pressure liable to push the world system into a mono-polar formula. Very recent and particularly significant is the pressure put on the European Union in favor of Turkey's joining the EU and especially the project that, at the moment of writing, seems to have been designed for a new intervention in Iraq. Particularly significant in this context are the reactions of some European great powers which, like France and Germany, are more moderated than the US. Confronted by Great

Britain's position as raisonneur, the French and German attitude of reserve is meant to individualize the EU by proving that the Paris-Berlin axis remains the Union's spokesman, not the too obedient London. In its turn, Russia's reserve counterbalances Britain's position.

Therefore the situation remains complex. Like during the "concert", the powers' policy is aimed at hindering the individual voluntarism of the hegemonic superpower. This has to be put in connection with the observation made by Huntington in his 1999 study that international problems can be solved by the US only through the coalition. In time, some of the US's tendencies to take action according to a mono-polar situation failed. Four year have passed since the American political analyst's affirmation (which is a significant interval for the development speed of contemporary processes), but the observation is still valid- a proof that in this interval the great powers managed to moderate the hegemonic superpower as efficiently as in the times of the "concert" equilibrium.

Unlike in those historical times, the great powers of the present have a more equivocal position and a more varied attitude. For half century they have been adapting to a secondary status in the system and have achieved the skill to exploit its advantages, a fact that varies more the relations between most great powers and the superpower. Their policy of moderating the US is neither constant nor unitary. To those European powers their civilization identity with the US makes more fundamental interests overlap and in certain situations it becomes profitable that some common goals should be achieved through the efforts of the superpower. If this one sustains most of the costs and the benefits are divided in a much more equilibrated proportion, the situation can be considered as convenient for the great powers. In the conditions of a profitable exploitation of the hegemonic superpower, which is impossible for any of the great powers, the counter-balancing of the US can be achieved by the European Union on its whole.

Inevitably, the UN was used in all this game of power. The superpower permanently confronts itself to the demand of states that ask for any action on the international scene to be legitimate. According to the actual situation and the conjectural relations with the US, some great powers invoked the necessity of legitimacy, making this demand to be more or less unanimous. The great powers- not even the European ones- haven't a unitary position as far as the hegemonic superpower is concerned. After 1989, no matter what position they may adopt, be it restrictive or permissive, the great powers rarely do it simultaneously, the case of the intervention in Iraq in 1990 being almost unique. Only their reaction after September 11th 2001 show a similar unanimity, but afterwards it diversified very fast. It is explicable, because avoiding a mono-polar system is a reason only in the last analysis, and beyond this the differences exceed the common points. It stands to reason that China has its own motivations for its policy and doesn't join European states and so does Russia, which remains a "fascinating" country, as M. Albright once said, that is, is indefinite and has an equivocal position in the system. But neither are the Europeans unitary, although they would have more solid reasons to be. Its belonging to the EU doesn't hinder Great Britain to support the US consistently; Germany's situation can be said to have a certain specificity etc. it is clear then that the game of the great powers has to be deciphered from case to case. Besides these particularities, the present level of great powers is not represented symmetrically in the Security Council, which makes these states relate themselves differently to the UN.

Like many great powers, but from different reasons, the numerous weak states haven't a unitary position either. They asses the necessity of legitimacy of international actions, but usually their historical past has taught them too well the lessons of political realism to cherish illusions. They recur to the UN when they have no other solution.

Otherwise, whenever they have the possibility, they prefer a privileged relation with the superpower. They are usually caught in intricate policies at the level of their region or of their geopolitical unity and have rivals or enemies at this level. Their outlook is less universalist, because it is centered on territorial, ethnical or religious litigations with regional meaning, like India and Pakistan etc. this is why their way of conceiving of their security looks like Europe's former way, according to the logic of the "concert- like equilibrium". Almost all the time such a "concert" that developed its functionality has to be found at the level of a regional geopolitical unity. Therefore the "concert" hasn't died but like an outdated technology it was taken over by the peripheral parts of the world system. In this situation every state of this kind is willing to establish a relation with the superpower and uses this relation as an argument in its local rivalries. When the US intervened in Afghanistan, such a behavior could be seen in Pakistan's case, which now avails itself of the results of the relations with the superpower by continuing to experiment the use of some missiles whose significance has to be understood especially by India, its regional rival.

There is therefore no unitary or consistent position of the states with regard to the superpower and this in spite of the fact that the present distribution of power on the planet has a more stable configuration than ever. Like the former League of Nations, the UN comes to reflect these power relations and is weakened by the interests these promote. Both weak and powerful states bring their contribution, so the UN's present situation is probably more confuse than in the years of the Cold War. Many contemporary analysts, historians and jurists have noticed that the prestige of the universal body is diminishing and don't hesitate to compare the situation with the agony of the Society of Nations, like we did above. Of course there can be brought counter-arguments like the one that the former League of Nations formed without integrating very important states like the Soviet Russia and Germany (by then defeated in the war), like the US (by then isolationist), and on the way it lost Japan which defied it etc. So to say, the League of Nations seems to have failed because it left outside vast entities of power and it is unrealistic to discuss the viability of an international institution outside this central component which is power. On the contrary, the UN seems to have solved nowadays this problem by becoming all- inclusive.

Apparently exact, the argument is only partially correct. In fact even nowadays vast entities of power are not correctly represented or remain completely outside the organization and this under two aspects. Firstly because great powers like Japan or Germany, although they have representation, haven't a correct one. As the organization was conceived at the end of the last world war, it reflects the situation at those times, while the contemporary reality is extremely different. By leaving aside some remaining antipathies, these states and maybe some other too should become permanent members of the Security Council. In the meantime they have become again great powers, have stable and responsible regimes and a certain military inferiority is not only easily recoverable, but is not even very significant if related to the other forms of power that these states fully possess. The efficiency, the prestige and the authority of the organization would only benefit from such an extinction of the Security Council. Until then there will be **non-represented power** and the UN runs the risk of the League of Nations' lethargy. From the perspective of power and its representation only a reform concerning the center of the Security Council would offer a satisfactory solution. There are yet many hesitations about this and many personalities which express their skepticism.

But how much power remains non-represented? And what kind of power?

Much more than between the two world wars. There are no more non-represented states, but now there are other great entities of power of non- state nature.

In the half century since the conceiving of the UN's structure, the reality of power has become more subtle and polyform, involving economical, financial, scientific, technological, informational and even ideological, cultural and religious forms unequally distributed.

Of all, those forms favored by the scientific and technological revolution have continuously enlarged and diversified the panoply of developed states. In reflex, these states have generated international institutions with financial, commercial, scientific, military etc character, have become interconnected and have generated greater power. A proportional representation of power would be in their favor more than ever in history. The power excess which is not represented in the UN is to be found in other international institutions (of which the most viable belong to the developed states).

With a certain delay the reaction of the undeveloped states has chaotically oriented itself towards the forms unaffected by the technical and scientific revolution, by ideology culture, religion. After the failures of African and Asian "democracy" or "socialism" in the last decades, the only available forms of power remained traditional culture and religion. Power has its alchemy that interchanges its forms. Fundamentalist trends try to obtain the rest out of religion and traditionalism and sometimes manage to do it so efficiently that they can obtain funds and technology, conquer political power in certain states and undertake against adversaries actions equivalent to those of classical military power. In Iran and Afghanistan the revolution and the war resulted in the conquering of the state institution. In Algeria there have been similar attempts etc. In the Middle East the Palestinians have found such a profitable alchemy between religion and military power that they are causing the Israelis more casualties than any actual wars.

The events of September 11th 2001 were another proof of efficiency in which goals usually achieved by means of military action were achieved by means of terrorist actions with a religious basis. September 11th marks a qualitative threshold: never before have the partisans or the guerillas hit such targets. The importance of the phenomenon mustn't be minimized, but considered in relation with the goals it aims at and achieves. It represents real power[7].

To sum up, we could say that if the polyformy of power produced entities of non- state power in the developed world, the same thing took place afterwards in the non-developed world. The first produced transnational corporations, the latter transnational religious terrorism. Both are non-representable in the UN.

Therefore the UN and any similar institution is and will be aimed at contributing to the security and stability of the world. This is a matter of law and power and the organization must be in very explicit relations with both terms. The basic unit that reunited law and power and which was the only operational one was the state and this is why the state was put at the basis of the organization. The way in which it was believed to achieve the goal of security and stability was to represent the states as members enjoying the same rights.

In fact things happened differently. The state is in a more and more equivocal relation with power although both the security and stability of the world depend firstly on power not of a certain form, but of all forms. It would have to represent it satisfactorily, but this is unrealistic, firstly because partially power escapes the working unit (the state) or appears outside the state. The contradiction is between the fact that security and stability depend on all forms and the UN represents only some of them. This is not something new, but during the Cold War the fact was tolerable because rival superpowers concentrated enormous powers and to a certain extent the other forms of power were influenced by the

gravitation of the poles. But nowadays the dispersion is in continuous growth and very probably it will generate surprising manifestations. Besides, in the shadow of the rivalries between superpowers, the integrating processes gave birth to the European Union and the future is not closed to other integrationist forms like this. All these represent realities that can't be noticed by the present UN unless modified to enter the expression of the state. Without the catastrophic imperative, the world could change radically before the organization could react otherwise than under the vague forms of condemning resolutions, humanitarian and peace maintaining missions etc. Representing only the states, at the present the UN can intervene only for amelioration, but not for prevention.

No matter what the reform's content may be, one thing I for sure: the UN remains only the organization of states. In exchange, a series of international institutions, born from the dynamic of power in the last half century, expresses better the realities that inevitably escape to the UN. What can be done in realistic terms is that the UN's reformation should be correlated more profoundly to the network of these institutions. Its reform mustn't be thought in itself, but must be seen more and more as part of a system of international institutions which is in continuos development. Its reform should be seen only in correlation with theirs. The UN might be thought to lose thus a certain personal dignity, but this is very unlikely to happen to an institution that cannot be replaced as legitimacy provider. It could gain in exchange a series of advantages, a tighter contact with very dynamic realities that otherwise will make it be overwhelmed at shorter and shorter intervals. It will get more of that power it cannot represent, or, more specifically, of its usufruct. It will improve considerably its efficiency conditions. It will increase its influence capacities over some centers of power and alongside its prestige in the world system. There would be no more attempts to

escape it, but it would become the best and accepted place for negotiation.

All these could belong to the future. The UN reformation presupposes a serious compromise capacity which presupposes a more complex world system than that in which we live, a multi-polar world and a greater dilemma. For the time being, in the present transition, the various parties involved take up out of inertia the forms institutional formulas, the imperative is too weak and will is separated from power. The will to take a compromise is reduced. Far from considering that they have to make concessions, many weakly developed states are reticent to the transfer of economic and social problems to the Bretton Woods institutions and to a Security Council extended in the advantage of the developed states. They insist on democratization and legitimacy. On the other side, the US mostly have a strong position and are little willing to make concessions to a reform which in their opinion, wants to turn an inefficient organization into a more inefficient one. They think they can do without the UN and don't want to finance their own opposition. They therefore prefer to let the institution drift until it becomes more concessive.

The great powers are not too interested in the reform either. As it can be seen from the recent Iraqi problem, the present architecture of the UN gives them enough possibilities to do their game with the superpower.

For the moment condemning resolutions, humanitarian and peace maintaining missions are successful forms of activity (although there have been failures too). But problems emerge here too when missions involve military interventions or other intercessions, because of the basic unit, the state, or because of the transformations it has undergone in the last century. Sovereignty is redefined etc. Yet nothing will replace the state as basic unit and it's hard to imagine a mixture in which other representations units can emerge alongside with the state.

Therefore, for the moment, the UN will stay mainly as it is. Its transformation to correspond to the post Cold War world will be slow and unspectacular. Excepting a not yet foreseeable multi-polar system, only the catastrophic accentuation of global challenges could accelerate things.

In the interval of this transition, the reform, as much as it will be, will have to discover its formula between power and legitimacy. A system with a democratic hegemonic superpower leads to the idea that the democratic legitimacy provider principle should and could be strengthened. No matter what the reasons for which now both the great powers and the weak states ask for legitimacy may be, historical experience in such cases proves that even after having cancelled the causes the effect persists. The first half of the 21st century will continue to want to be legitimate.

But realism takes to the conclusion that in a hegemonic system the democratic principle has to be strengthened alongside with the elitist one. The affirmation mustn't be understood as in favour of the US, since, from their positions, the great powers wouldn't want anything else. The formula will have to be the proof that the two are not incompatible.

This is what would happen if the Security Council would be enlarged with an unexaggerated number of permanent members among which the five developed states proposed by the American project (among which Germany and Japan) and the most representative states of the undeveloped world: India, Brazil, Nigeria. The inclusion of eight or nine states would contribute a lot to the democratic mediation of the decision. At the same time, the developed ones would lead to the increase of authority and efficiency. The other three would include the developing world in the elite of permanent members and would prevent suspicions concerning the North's domination. As far as the right of veto, that numerous states would want abolished, is concerned, the elitist principle of power will undoubtedly keep it, because its abolition is,

as Paul Kennedy and Bruce Russett say, "a splendid idea"[8], but a fully unrealistic one. In exchange, we agree with their idea that the right of veto could be limited to problems connected to solving the conflicts.

The finance of the organization and the military intervention capacity are two of the most discussed problems and definitely some the reform must take into account. The present quota system makes the organization vulnerable either because the poor states are behind with their payments or because the rich ones make pressure to condition their quotas. In both situation an unhealthy atmosphere, which is incompatible with any principle of the states' equality of rights, is created in the organization. There have been many discussions about another finance system, for instance of putting a tax on some international financial transactions. It is evident it would be the first thing to be done to strengthen the organization. Although in our opinion as long as there is the right of veto, this would not make the organization more independent, because the taxes could be avoided like the quota, much better results could be obtained according to the taxation system and in any case the internal work climate would improve, which is very important. Specialists think the opinion is feasible in its financial aspect, but anyway the real problem were not money, but, as Richard Falk says[9], the political control over the organization.

As far as the military force is concerned the same dependence on the member states can be noticed; syncope and delays come up when the states have to provide military units and hence failed actions. On the field the UN troops find themselves often in the situation to accomplish missions for whose difficulty they are numerically, logistically etc. inferior. The Dutch UN troops failed in Bosnia because of material and force inferiority, but the failure is perceived as a UN failure and affects its prestige. Paul Kennedy and Bruce Russett come up with the proposal of a rapid reaction force that would enable a prompt reaction. But the weak part of the idea is only that these

troops would have to be provided by states whose task would be to prepare them and put them at the UN's disposition[10]. More appealing is Richard Falk's idea that these forces should be made up of volunteers so that states shouldn't hesitate in case the life of their own citizens should be in danger. Combining the ideas, the solution would appear under the form of a professional military force based on international volunteering, organized under the form of fast intervention units permanently at the UN's disposition and financed in an independent system.

Undoubtedly, an independent finance and an armed force of its own would give the organization some of the power it lacks. As far as those inevitably non-represented forms of power, Richard Falk's opinion is somewhat like ours. As we further remain skeptical about a representation in the UN of other operational units than those of the states, we note with satisfaction an idea that couldn't change what has been said, but yet represents a step in this direction. R. Falk thinks the UN could connect the civil society and provide it a place in the structure in an Assembly of intergovernmental or non-governmental circles. Besides an

accentuation of the democratic character it has been so much discussed about, such an opening could be a beginning in order to operate with another basic unit than that of the state.

Similarly interesting, Falk comes up with the attractive idea of an Economic Security Council created in the UN. Once again the author is in favor of our ideas. Besides the fact that it would make the institution more adequate to the representation of economic power that has become very important in the last half century, such a creation would facilitate the UN's integration in the network of other international economical institutions. Its reform would be connected to their dynamic transformation and the UN would gain a more important role in formulating the global economical policy. And obviously through such activities the UN's possibility to lead real prevention politics could come true.

Therefore there are in the present reforming possibilities of a certain consistency. Even if the motivation of the involved factors is not very strong yet, the beginning of the reformist process before the great problem comes up could provide these factors with a good occasion to manifest that preventive wisdom the UN demands.

<center>*</center>

Since the beginning of 2003, the most recent events on the international scene focus on the Iraqui problem and on the possibility of a war in the area. The tension has risen to a situation which might be qualified as equivalent with a crisis in the world system. In this situation the UN proves to the full its unique position of agora where legitimacy is obtained.

Less through the way in which it started and more through the course subsequently imparted by a series of actors, the present crisis achieved a maximum stake and has become one of those crises that contribute to the formation of the new world order. Or if we take into account the dimension of the stake, it is no longer surprising that we assist to a series of new events. Among them, the

appearance of a separation in the UN and, more surprisingly, in the NATO. Prominent members of the NATO like France and Germany have become closer to Russia's position and considerably distant to the UN's. For the first time in its history the alliance hasn't had a unitary position with regard to the guarantee of one of its members (Turkey) and at the same time it marks an important landmark in the reforming of this military organization. Similarly, a series of bilateral relations between the USA and other actors have been or will have to be redefined in order to be favourable to these. This will certainly mark the history of the UN.

After more than a decade since the Cold War, we can now see the first massive and

articulate attempt to restrict the excess of power. According to a now classical logic, it appears as a coagulation at the secondary level of the great powers, but it uses the possibilities offered by the UN, the configuration of the present Security Council and the present voting system. It is evident that to the simple and unambiguous policy of the US the great powers have responded with a complicated and surprising political game that for the moment has confused the hegemonic power and to a certain political extent has managed to annihilate it. Aware of the fact that whatever it may be the solving of the present crisis will create a precedent and will give the world a moral, the US feel pushed into a difficult situation in which they will pay an important price for any of the solutions they will choose. Giving up the started action would be a signal in the sense that they have renounced imposing their own outlook to the historical process and in this case the excess of power they have would reprezent costs that bring no benefit and are therefore useless. Besides, the dismantling of the huge force demonstration will certainly be interpreted as weakness by the numerous hostile states and this might result into another series of losses. In the opposite case, continuating the action without legitimacy from the UN will put the US in the situation of confronting itself to the solitude of power and of supporting compensatorily the costs of the various parasites and interested friendships. On the other hand it presents nevertheless the advantage of being the the only way to obtain benefits, and historical initiative is not given up. The most desirable alternative, that in which the US might take action according to its own vision, but with the UN's approval, seems to become more and more improbable. But it would be so advantageous, that even if the battle seems already lost from this point of view, the US keep making efforts to meet the votes necessary to the resolution they want. This is the implicit recognition of the UN's importance of whose necessity they sometimes affirm to doubt.

In the present international crisis the various analysts can notice contradictory elements regarding the future UN reformation. There will probably be voices affirming that in its present formula it still proves its democratic functionality and even the capacity to restrict the power.

But it is too early to state our opinion about this aspect. What is certain is that the preat powers in the opposition have already managed to moderate the US's power by transfering to it almost all the costs of any nature that the solving of the crisis involves. And the most important of them are not the financial ones (although, unlike other situations after 1989, the US will support all by themselves).

Note:

[1] See James Paul, *UN Reform: An Analysis*, www.sfera.50megs.com. Boutros Boutros Ghali intended to reorganize the Secretariate, but the pressure put on him especially by the USA determined him to abandon the idea.

[2] *Sweeping measures announced by Secretary-General*, on www.un.org/docs/SG.res/1997/97A/51/950.html.

[3] Aspects such as the competence and the diminution of the staff's age average, the increase of the coherence between compartments were taken into consideration, problems were re-grouped and certain committees were founded, departments were reorganized, the role of regional commissions was re-examined etc.

[4] Garry Wilis, "Bully of the Free World", in *Foreign Affairs*, 1999, vol. 78, no. 2

[5] Samuel Huntington, "The Lonely Superpower", in *Foreign Affairs*, 1999, vol. 78, nr. 2

[6] Very recently, after the September 11th events, the US have considerably increased their defense expenses. The sums are by far higher than the total of the budgets of the main European countries.

[7] Michael Howard considers the State Secretary Colin Powell made "an irrevocable mistake" when he declared that the US is "at war" with terrorism because thus terrorists are admitted to have a certain status and a certain implicit legitimacy (Michael Howard, What's in a Name? How to Fight Terrorism, in "Foreign Affairs", 2001, vol. 80, no. 6, p. 45). As far as we are concerned, we think the American State Secretary as a military expressed correctly what he thought. He didn't acknowledge a certain legitimacy to the terrorists with this expression, but a certain power, enough in his opinion to speak about war.

Yet here a problem connected to power and legitimacy emerges. Michael Howard is obviously right: terrorism is not to be negotiated with, its legitimacy cannot be admitted. But this principle doesn't necessary discourage a terrorist organization and to a certain degree it can be said to stimulate it. It hopes to accumulate enough power to reach a level that would enable it to demand negotiations, recognition and obtain legitimacy. Any organization's dream is to do this alchemy. Anything can be done with enough power is its motto. Two evolutions are possible in this logic. The first one, in historical times, urged to conquering power in a state. If the state is powerful enough, sooner or later acknowledgement will come like in the case of Napoleon's France, of Soviet Russia etc. The Talibans' Afghanistan would have been recognized if it had had Russia's or China's power. The second one is the present one that notices the impossibility of such actions. This is why, in the latest forms, it avoids the state and gives up conquering power in a state. For the religious terrorism that took action on September 11th states are just hosts and it lives beyond them. By taking action in Afghanistan the US killed the dog, not the fleas.

[8] Paul Kennedy, Bruce Russett, "Reforming the UN", in *Foreign Affairs*, 1995, vol. 74, no. 5, p. 56-68

[8] Richard Falk, *The UN System Prospects for Renewal*, on www.transnational.org/forum/meet/2002/Falk_UNRenewal.html.

[10] Paul Kennedy, Bruce Russett, *op. cit.*

The European Union and the General International Law

Teodor Meleşcanu

The development and diversification of the norms in public international law, through the emergence of some autonomous law systems such as the regional or the specific ones, like *lex mercatoria* (rules in international trade) or the regulations regarding the law of the sea, the international protection of the human rights or of the environment have generated a direct concern towards the "threat" implied by an objective process of international law's fragmentation and especially the relationship which should exist between the general dispositions and those of the autonomous systems which become more and more present in the international law system.

Such situations may actually occur in four different cases:

a) In the case of a conflict between different interpretations of the general international law. Such a situation has occurred in the Tadic case[1]. The Decision of the Appeal Chamber of the Criminal Court for the Former Yugoslavia included the term "general control" instead of "effective control" used by the International Court of Justice in the Nicaragua case[2], as a criterion to define the situations when a military or paramilitary group can be considered as having acted on the behalf of a foreign power.

b) In the case of a conflict due to an action that can be considered as an exceeding of the general international law, by applying provisions following special laws. A situation like this is the Belilos case[3] concerning an interpretation of the reserves regime different from the general practice of the international law.

c) In the case of a conflict generated by the application of a special law that contradicts the stipulations of the general international law. Such an example is given by the Gatt panel's decision to solve the 1994 differences in the *Dolphin and Tuna Dispute*[4] based upon the idea that the provisions regarding the protection of the environment are not relevant in the commercial cases.

d) The conflicts which can appear following the emergence of self-sufficient law systems, at a regional level, drawing up special compulsory norms for the member states which can differ from those of the general international law.

Given the fact that the European Union is one of the most juridically structured regional systems and the relationship between its system of juridical principles and norms and those of the public international law has a special practical importance, for Romania also, I have considered that a presentation of the subject can be useful.

1. Prolegomena

While examining a juridical order, the first problem that occurs is to determine the process of creating the juridical norms which compose the order in question. These norms give to certain facts the power to generate juridical effects, transforming them in what we call "acts generating norms" *normeszeugende Tatbestande* (in German) or law sources[5]. These norms have a specific validity, during a certain period of time and in a given place. At an internal level, a norm can be valid inside a certain region or the entire state[6]. The same thing applies to the public international law.

The phrase "communitarian law" refers to the set of juridical rules following the treaties that have founded the Communities, from the acts adopted by their institutions while exercising the attributions offered through the treaties and also from the agreements concluded by the Communities with other states or international organizations[7]. In the international documents, the notion of general international law appears only one time as such, except for the cases when general law principles are mentioned[8].

By general public international law we must understand a system of principles and norms considered by the state as being international rules unanimously accepted, even if they are customary or conventional dispositions.

2. The Communitarian Juridical Order

The communitarian juridical system has the quality of representing *a juridical order*, that is an organized and structured set of juridical norms with its own sources, organs and procedures capable of elaborating and interpreting them, but also of ascertaining and punishing the transgression of these norms, when necessary[9].

The priority of the communitarian juridical order is strictly related to the direct effect, because when the principle according to which the dispositions of the communitarian law can directly create rights and obligations comes into force, there can be, inevitably, certain conflicts between the two systems. The principle of the communitarian law's priority doesn't appear in the concluded treaties, but it was recognized by the European Court of Justice in two famous cases. The first one is the *Van Gend en Loos* decision from February 5th 1963 and the *Costa vs. Enel* one form July 15th 1964[10]. This decision stipulates that "an internal law disposition cannot oppose to the law created through communitarian agreements, by its very autonomous nature"[11] because, unlike the regular international treaties, **the founding treaty of the European Community has given birth to its own juridical order, integrated in the member states juridical systems.** The same decision stipulates that, by creating a Community for an unlimited period of time, with its own institutions, juridical personality and capacity, international representation right and especially with authentic powers as a result of the limitation of the states' competences or of their transfer towards the Community, the states have limited their sovereign rights in some specific fields and thus have created a law corpus applying to their followers and to themselves[12].

This approach on sovereignty is no longer the traditional abstract one, conceived almost as a metaphysical, indivisible and inalienable quality like in the classic doctrine elaborated by Bodin and Hegel and developed by many others, which seemed to be an inherent element of the state[13]. **This is a new conception of sovereignty which corresponds to the idea of the sovereignty's division, which doesn't mean its binding to a certain area of the state's territory, but to some of its competences**[14]. Pierre Pescatore[15] was the first one to develop the idea of the division of sovereignty,

surpassing the concept of sovereignty expressed by the International Court of Justice in the famous *Wimbledon Case*, when the Court decided that the conclusion of any treaty didn't mean the abandon of sovereignty, because the very right to conclude treaties was an attribute of sovereignty.

This new approach regarding sovereignty allows us to speak about the "divided" sovereignty or the one "exercised together" by states and organizations such as the European Community, because the state doesn't have the exclusive competence to exercise the attributes of sovereignty on its territory. Such an approach can lead directly to an analogy with the model represented by the federal states. This analogy would be forced and exaggerated, given the fact that in the federal system the states give up certain fields of actions in favour of the federation (defense, foreign affairs etc.) and, on the other hand, the relationship with the European Communities doesn't mean the delegation of competences, but of the exercise of certain competences that doesn't allow the states to intervene by actions which are incompatible with the communitarian rules[16]. Such an example is the common commercial policy regulated by the 113 article of the EEC Treaty and which is of the unique competence of the Community, including when it comes to concluding commercial agreements with third states[17].

The Juridical Personality of the European Union

According to the general theory of international law, the states are international law subjects and the international organizations are only derived law subjects, with a functional limited personality. The founding Treaties of the European Communities stipulate that, in the international relations field, they have the necessary juridical capacity to fulfill their functions and achieve the established objectives. The European Communities have the right to negotiate and conclude international treaties; they enjoy diplomatic immunities and privileges and have the right to active and passive legation. Thus, the 210 article of the EEC Treaty (the 184 article of the Euratom Treaty) clearly stipulates the juridical personality of the Community. The 6th article, 2nd paragraph of the founding Treaty of the Coal and Steel Community says that "concerning the international relations, the Community has the juridical capacity to exercise its attribution and achieve its objectives". These general dispositions permit the clear recognition of the fact that each of the Communities has the juridical capacity to exercise its functions and accomplish its objectives, which means that they have a certain international juridical personality.

The classical attributes related to the international juridical personality refer to the right to negotiate and conclude international treaties, to appear as part in front of the international courts of justice or to participate in other international procedures for the solution of conflicts, and also to have active and passive international responsibility.

The European Community Treaty clearly stipulates its right to conclude international treaties[18]. These ones refer to the external aspect illustrated by the European Communities' participation, in their own name, to the activity of certain international organizations and also by the set of agreements concluded with third states[19].

Besides the right to conclude agreements, the Community has developed a network of diplomatic missions, exercising the right of active and passive legation. It has over 150 such missions accredited at its headquarters in Bruxelles. These missions also called delegations or representations have a diplomatic statute and their functions are the classic ones: to represent, to negotiate and to inform. There are also additional functions to the classic ones: to participate to the activity of the consultative organisms of the Community and also to fulfill the tasks which

rests to the executive organisms of the Communities. The European Community doesn't have diplomatic delegations in other countries, where each state is represented by national embassies. Nevertheless, the Community has accredited 45 delegations inside the countries in development which it cooperates with, and another 15 in other states (Algeria, Australia, Brazil, Canada, China, Egypt, USA, India, Israel, Japan, Jordan, Lebanon, Morocco, Tunisia, Syria, the former Yugoslavia), two regional delegations in Caracas for the Latin America and in Bangkok for Asia, four delegations with the international organizations (in New York with the United Nations, in Paris with the EOCD, in Geneva and Vienna with the European headquarters of the United Nations). The European Community has over 120 such delegations, at the moment[20]. The EU Commission doesn't have the exclusivity of the external representation. The Presidency of the Council is also represented in third states by the diplomatic mission of the state which exercises the temporary Presidency of the European Union. The EU's capacity to appear as part in front of international arbitral courts has been lately recognized[21].

Even if the Community has important external competences, its member states are still responsible regarding their foreign policy, but this one makes the object of a consultative and coordination system inside the common foreign and security policy (ECSP) which is seen as an intergovernmental cooperation pillar by the founding Treaty of the European Union.

Neither the Maastricht Treaty, nor the Amsterdam or the Nice ones don't include such clear disposition regarding the recognition of the juridical personality of the EU. After having included in the Treaty of Amsterdam the provisions regarding the possibility offered to the Council of the European Union to conclude treaties in fields like foreign affairs and justice, based on the common decisions of the member states[22], the idea of the EU's juridical personality started to be considered as implicit. Moreover, these dispositions have already been used in the European Union's practice, to conclude the Agreement between the European Union and the Federal Republic of Yugoslavia regarding the EU's monitoring mission on the 9th of April 2001, and the European Commission has started to speak in the name of the Union and not of the Communities[23]. However, recent evolutions have shown that the clear stipulation of the EU's juridical personality has become only a matter of time, absolutely necessary given its growing part at the international level[24].

Communitarian Law and National Law

The relationship between communitarian and national law is based upon two fundamental principles: the priority of the communitarian juridical order over the law of the member states and the direct effect of an entire set of communitarian dispositions which apply directly to the states and to their citizens.

The direct effect of the communitarian norms refers to the capacity of the communitarian law to be a source of law on the territory of the member states, to directly create rights and obligations not only for the communitarian institutions and member states, but also for their citizens and to allow these ones to appeal to them in front of the national courts in order to obtain the recognition of a certain right or to stop the application of any internal provision which is incompatible with the communitarian law[25].

The Principle of Subsidiarity

The principle of subsidiarity is included in the European Union Treaty at the 3B article, taken over from the European Community Treaty in the following form: "In the fields that do not belong to its exclusive competence, the Community will intervene,

according to the principle of subsidiarity, only in the case and to the extent which the objectives of the action taken into consideration cannot be sufficiently accomplished by the member states alone and can be better achieved at a communitarian level, due to the dimensions or the effects of the action"[26]. The disposition concerning this principle is followed by the one referring to the principle of proportionality frequently used by the European Court of Justice: the action of the Community will not exceed what is needed to achieve the objectives of the treaty. The Maastricht Treaty transforms subsidiarity into a "principle" of the European Community and Union[27]. The fact that, during the latest negotiations of the intergovernmental Conference for the adoption of the Maastricht Treaty, this principle has been included in the disposition part and not in the preamble, as initially intended, seems to show that the negotiators have considered it as **a principle with a compulsory juridical value.** This is also the opinion expressed by the European Council of Lisbon, in 1992. It is clear although that, at

this moment, this principle is especially of a political nature in spite of its recognized juridical value. It is true that it represents first of all a principle based on common sense, an element of clarity and democracy. The only danger that can appear and must be taken into consideration in the practice of law is that it shouldn't be used in an offensive manner, that is opposing or diminishing the field of application for the communitarian competences. If it is used to assure an optimum exercise of these competences, in a spirit of cooperation and solidarity between the different levels of competence, it will become one of the fundamental principles which will assure the integrated evolution of the European Union, because it is necessary to any federal structure.

We must keep in mind, however, that this principle doesn't apply to the fields of the EU's exclusive competence. Subsidiarity is frequently used to justify the necessity of the decentralization of communitarian law's application, even in the fields of exclusive competence for the Union[28].

3. The Relationship Between the European Union's Law and General International Law

The problem that occurs, from a theoretical but also practical point of view, is **if communitarian law represents or not a juridical order that is autonomous from the global order based on the public international law.** If in the first case brought in front of the European Communities' Court of Law (the Van Gend en Loos case in 1963), the Court stated that there was *a new juridical order of public international law*[29], in the Costa vs. Enel decision in 1964, the Court referred only to *an autonomous source of law, represented by the communitarian treaties,* without telling that this was part of the public international law[30]. Thus, during one year, the notion of communitarian law as public international law order has being replaced with an autonomous law order, even if this one has been founded upon sources following the international treaties.

Thus we are facing different options, from the point of view of the analyzed theme, with practical effects upon the relationship between public international law and the communitarian law order.

According to the classical theory of public international law, a juridical order is considered as autonomous if it fulfills two conditions: the former is that its founding law norms shouldn't be interpreted or applied by other institutions that the ones of the order in question and the latter is that this order should be self-sufficient, meaning that it shouldn't need to appeal to other principles or rules except for the ones included in the founding treaties of that order. These are at least two conditions that we will take into account in order to find an answer concerning the relation between the communitarian order and the public international law order.

Concerning the first condition, the founding treaties of the Communities give the European Communities' Court of Justice, in practically identical terms, the right to assure the respect of the law norms regarding their interpretation and application in the relations between the member states[31]. These dispositions can be interpreted only as provisions which give the judiciary organism of the Communities **a general and exclusive competence** regarding the regulation of these problems. Moreover, the Court's regulation procedures exclude the application of the public international law rule concerning *the appeal to all the internal means of attack* before bringing a complaint in front of the Court. In the *Humblet* case[32], the Court decided that "the prior resort to all national judiciary means of attack is out of the question because this would mean to submit the same case to the decision of the national courts". Moreover, the possibility of direct appeal for the member states' citizens and, in some cases, directly in front of the Court, and also the mechanisms of cooperation between the national and communitarian judges give more force to the conclusion that this basic rule of public international law, the resort to all the national means of appeal, doesn't function inside the Communities.

Besides these competences, the European Communities' Court of Justice can interpret the communitarian law and can also assure its autonomous development. Communitarian law can be the object of only one compulsory interpretation, given by the Court of Justice. This interpretation is not exercised, like in the national law, only by the decisions of the Court regarding the analyzed cases. The Court of Justice has also the autonomous function to assure the unitary application of the communitarian law for the whole Community, even in the cases when the national judges are competent to apply it.

Following the presentation above one can easily conclude that the communitarian law order fulfills the first condition to be considered an autonomous juridical order from the one of the general public international law.

The second condition for a juridical order to be autonomous is that the source of law which founds it should be sufficient and that it shouldn't need to resort to any other principles or external norms.

From this point of view, the situation of the communitarian law remains different. The communitarian treaties couldn't foresee, as any other juridical text, all the situations which should be regulated. On the other hand, the authors of these juridical documents have been more preoccupied by the regulation of the economic issues and less by the juridical aspects, usually limited at the institutional aspects[33]. The obligation to fill in any gaps naturally belongs also to the European Communities Court of Justice. While exercising this attributions, ECCJ recognized from the very beginning of its activity that it had been making use of the "common principles and approaches resulting from the national law systems of the member states" during this process of interpretation[34]. The Court of Justice has proved to be more reticent regarding public international law, considering that the use of international law principles and norms could affect the specific nature of communitarian law. The ECCJ has directly affirmed the subsidiary nature of the appeal to the dispositions of the public international law and, implicitly, its proceedings being abandoned when incompatible with the communitarian law. These cases are frequent in the jurisprudence of the Court. One of the most well-known such cases refers to the non application of the *non adimplenti contractus* exception. The non application of this exception isn't due to the fact that the international treaties wouldn't recognize the reciprocity principle, but to the fact that an institutional system of ascertaining the non-fulfillment of the obligations by a state has been established through these documents, thus eliminating the possibility for a state to adopt counter-measures according to the provisions of public international law[35]. This exception of

reciprocity is not the only international law rule that has been excluded from the communitarian law. A similar situation is the one concerning the *estoppel* or the foreclosure, in the cases when this exception refers especially to the issues concerning the Communities' institutional structure[36]. Another example refers to the Court's refuse to recognize the juridical effects of the *states' and international organizations' unilateral acts,* considered as law sources in the general theory of the public international law[37].

Another classic example frequently quoted is the interpretation given by the European Court for Human Rights in the 1995 *Loizidiu case*[38] regarding the effects of territorial reserves, different from the one of the International Court of Justice. The ECCJ decision in this case touches an entire field, the human rights, where communitarian norms prevail upon the norms and principles of public international law.

These examples illustrate the fact that in some cases the European Communities have advantaged their own norms in the detriment of the general ones. Meanwhile, we must take into account the fact that communitarian law doesn't regulate all the aspects of the relationship between its members and that, in some cases, the norms and principles of international law must be used. The relation between the two systems is proved by the simple conclusion that the European Union is an international organization with a clear specific nature, but an organization which must obey, nevertheless, the general rules of the public international law regarding the creation and functioning of these international structures. Of course, these relations aren't univocal because the EU, in its turn, has an influence upon the law of international organizations. It has been conceived following a specific model, different from the one of other classic interstate cooperation organizations. The European organisms have a more developed and complex institutional structure and also with competences which overtake the national competences of the states, having as

an objective the creation of an integrate system closer to the structure of a federal state than of an international organization: a common economic policy, a single currency, a communitarian citizenship, a foreign and security policy, armed forces etc.

A second obvious relationship between general international law and the EU's law refers to the law of the treaties. The member states have been building up these European structures by concluding international treaties governed by the rules of general international law concerning the negotiation, the conclusion and the functioning of the treaties, as coded by the Vienna Convention regarding the law of the treaties. This enumeration could continue with the evaluation of other fields where the connection between the law of the European Union and the general international law is obvious, but this is not our purpose, but to prove the fact that European law isn't built up out of nowhere, but upon the general norms of public international law. These once proved, we must admit that the European law has in the same time the clear tendency of becoming an autonomous system of public international law, not only with a clear specific nature, but also with specific dispositions which differ from the norms of general international law.

This analysis proves, in our opinion, that even if the communitarian law order is frequently described as an autonomous juridical order, independent from the member states' national juridical orders and also from the general public international law, it seems to be basically an intermediate order with a high level of autonomy, but which is not created on an empty field, but in the context of the norms of general public international law which apply, *mutatis mutandis,* to the communitarian relations, except for the cases when they risk to put in danger their specific nature.

Starting from the European example, but also from other precedents, the International Court of Justice in Hague has started to draw the attention upon the danger of the "fragmentation" of the international law due

to the multiplication of the international organisms of jurisdictional nature and to the emergence of some autonomous systems of juridical rules, in fields like human rights, commercial disputes or the protection of the environment[39]. Such cases, as well as others presented in different academic works as examples of "fragmentation" of public international law, dangerous to its functioning and also to the entire international scene, are in fact only problems regarding the development and diversification of international law. This one has started indeed, from the very beginning, with the regulation of some specific fields: either regarding the relations between two or more states, or concerning a specific theme. Famous founding works in international law such as the ones of Hugo Grotius do not refer to international law as a whole but to specific fields like the law of war and peace or the law of the sea. Along with the codification process after World War II, "the law of the treaties" and "diplomatic and consular law" have become currently used. Notions like "humanitarian law" regarding armed conflicts or "human rights" are currently used in the academic literature.

We could wonder what could be the new elements which came along and determined this kind of preoccupations at the international level. It is beyond doubt that one of these elements is the development and diversification of the norms of international law following the growth of the complexity of the fields which it is supposed to regulate.

A second element is the evolution regarding the organization and functioning of the international society. After the important stage of multilateralism, general and global regulations, great global conferences of codification of the rules in general public international law, such as the Conferences organized by the UN in Vienna[40], the efforts to solve all problems at a world level, usually by the UNO, we are in the middle of a globalization process to which public international law must also adapt. The unique approach, in this new situation, is the example of the neoliberal theory concerning the minimal state. The application of this vision to the international society's functioning means to accept a set of values, principles and norms unanimously accepted and valid for all the democratic nations and a minimal international structure to assure their respect. The United Nations Organization can be this structure, reformed itself to answer the new conditions. It is obvious that such a minimal structure couldn't respond to the growing complexity imposed by the globalization process[41]. It would have to be completed by the regional regulations such as the European ones or by specific regulations for every field such as the law of international trade, human rights, the protection of the environment etc.

The natural question that appears refers to the manner in which these specific fields will relate with general public international law, the set of values, principles and norms that are unanimously accepted by the democratic states. I believe that this relation should be governed by fundamental principles of public international law such as *in tóto jure genus per specie derogatur* rule or the *generalia specialibus non deogant* rule. Other rules regarding the interpretation of the successive treaties or other such general rules can be added to the basic ones aiming to solve the conflict between the norms of public international law.

A supplementary argument to the ones already stated is the fact that, following the International Law Commission's session in 2002[42], it was decided that the activity regarding the fragmentation of international law should begin by a series of studies upon precise themes such as the ones mentioned above.

Following the Commission's Report, these themes are:
-   The functioning and the sphere of application of the *lex specialis* rule and the problem of "autonomous regimes"
-   The interpretation of the treaties following "all the pertinent rules of international law which can be applied in the relations between the parts" in the

context given by the general evolutions of international law and the preoccupations of the international communities
- The application of successive treaties which regulate the same field
- The modification of the multilateral treaties in the relations between the parts
- The hierarchy of the norms in international law: *jus cogens, erga omnes* obligations, the article 103 from the United Nations Chart.

At the 55th session in 2003, the International Law Commission has started its session with the very examination of these rules, the first theme being the *lex specialis*. The objective of the Commission has been to elaborate, following a series of analysis, certain recommendations for the states' international activity, which seemed to show that the approach stated above would be adopted in the end. Of course, the elaboration of such rules of conduct would have to be accompanied by an effort to assure the dialogue between the international jurisdictional institutions which allow the unitary and coherent application of the different rules in international law: general rules, special rules or regional rules.

Note:

[1] See the Decision regarding "The Prosecutor vs. Dusko Tadic", case no. IT-94-1-A, A. Ch., July 15th 1999.

[2] The case concerning the "Military and paramilitary activities inside and against Nicaragua" (*Nicaragua vs. The United States, The ICJ Report 1986*, p. 14, par. 109–116.

[3] The Belilos vs. Switzerland case, The ICJ Decision from April 29th 1998, the documents of the European Court for Human Rights (Series A), no. 132, par. 60.

[4] See the restrictions imposed by the USA to the tuna importations and the decision adopted by Gatt, document WT/DS26/AB/R February, 13th 1998.

[5] See Kelsen, *General Theory of Law and State,* Cambridge, 1945, p. 110 and 123, and also Julio Barberis, "Les règles spécifiques du droit international en Amérique Latine", in *Recueil des cours de l'Academie de droit international,* vol IV, 1992, Hague, 1993, p. 93–223.

[6] Julio Barberis, *op. cit.,* p. 113 – 114.

[7] Jean Boulouis, "Le droit des Communautes Européennes dans ses rapports avec le droit international general", in *Recueil des cours de l'Académie du droit international,* Hague, vol. IV, 1992, p. 19.

[8] *Ibid.,* p. 19.

[9] G. Isaac, *Droit communautaire général,* Paris, Masson, 1983, p. 111.

[10] The 6/64 case, in The Hansen Collection of ECJ Decisions, p. 1251.

[11] *Idem.*

[12] *Ibidem.*

[13] Jean Victor Louis, *L'ordre juridique communautaire.* CEE, Luxemburg, 1993, p. 15.

[14] *Idem.,* p. 16.

[15] Pierre Pescatore, *Le droit de l'integration,* Leyden, 1972, p. 72 and the following.

[16] Jean Victor Louis, *op. cit.,* p. 20.

[17] See the "ECJ Decision from December 15th 1976" in the *Donckerwolcke Case* in the Hansen Collection, p. 1937, which stipulates that the states can intervene when it comes to common commercial policy only if the EEC allows them to do so.

[18] See the 113rd article referring to commercial agreements, the 238th article referring to association agreements etc.

[19] See Louis Dubuis, *Les rapports du droit régional et du droit universel,* « Colloque de Bordeaux de la societe francaise pour le droit international », Paris, Pedone, 1977, p. 271.

[20] Jean Victor Louis, *op. cit.,* p. 77.

[21] See Groux and Manin, *op. cit.,* p. 153 – 161.

[22] See the provisions of art. 24 of European Union founding Treaty.

[23] Nanette A. E. M. Neuwahl, "Legal personality of the UE", in *The European Union and the International Legal Order,* Hague, Asser Press, 2001, p. 22.

[24] Emmanuelle Bribosia and Anne Weyemberg, "La personnalité juridique de l'Union Européenne", in *L'Union Européenne et le monde après Amsterdam* published by The Institute of European Studies, 1999, p. 60.

[25] Mariane Dony, *Droit de la Communauté et de l'Union Européenne,* The University of Bruxelles Editions, 2001, p. 117.

[26] The dispositions of the 3B article, 2nd paragraph.

[27] See the *Papers of the Maastricht Debates: Subsidiarity and the defiance of change,* EIPA, Maastricht, 1991.

[28] Jean Victor Louis, *op. cit.,* p. 99.

[29] The decision of the ECJ on February 5th 1963 in the Van Gend en Loos case.

[30] The decision of the ECJ on July 15th 1964 in the Costa vs. Enel case.

[31] See the disposition of the article 31 of the Coal and Steel Economic Community, article 164 of the European Economic Community and article 136 of the CEEA.

[32] See the ECJ decision in the Humblet case, on the 16th of December 1960, case 6/60 in the Hansen Collection, p. 1127.

[33] Jean Boulois, *Le droit des Communautes européennes dans ses rapports avec le droit international général, op. cit,.* p. 45.

[34] See the decision of the ECJ in the case A.M.& S, May 18th 1972 in the Hansen Collection, p. 1575.

[35] See the case Costa vs. Enel, July 15th 1964, doc. cit, the Hansen Collection.

[36] See the case the Greece vs. the Council, September 27 th 1988, case no. 204/86, the Hansen Collection cit., p. 5323.

[37] *Idem.*

[38] Loizidiu vs. Turkey, Prelimiary Objections, the decision of March 23rd 1995, ECHR Papers (Series A) no. 310.

[39] Martti Koskenniemi and Paivi Leino, "Fragmentation of International Law? Postmodern Anxieties ", in *Lieden Journal of International Life,* no. 15, 2002, p. 554.

[40] See the Convention regarding diplomatic relations, April 18th 1961, the Convention regarding the consular relations, April 24th 1963, the Convention regarding the law of the treaties, May 23rd 1969 and others in "Commission du droit international et son oeuvre", 5th edition, New York, 1997.

[41] See Teodor Melescanu, Speech at the UN international law Commission plenary session, July 24th 2003.

[42] See the Report of the International Law Commission, the 54th session, UNO Document A/57/10, supplement no. 10, p. 272.

Post-Cold War European Security and the Developments on the Approach to National Minorities Protection

Mihail Dobre

I. Setting the Stage

The radical changes that were produced by the ending of the Cold War have determined new theoretical approaches to the issue of reviewing the security architecture and cooperation at international level. The "security" concept itself had a significant development, and its content extended well beyond its traditional military and territorial dimensions. Therefore, a view gained widespread support, that the risks and threats to the security of a state are no more of a predominantly military nature, but they include economic, social and political aspects[1].

This wide and systemic approach to the security concept was consecrated in the United Nations Organization, after the UN Security Council adopted the Resolution 688/1991 which explicitly linked the respect for human rights to the need to ensure international peace and security. Because this resolution authorized the intervention of a multinational coalition in Iraq in order to prevent the repressive actions of the Iraqi government against its Kurd minority, it was considered that it contributed to the strengthening of the approach that "the human rights issues are of international concern", whilst their infringement does represent a threat not only to the security of the neighboring but also to security of all states. Later in the 1990s the same approach that linked the national minorities issue with the international security have been the driving

force for the adoption of Resolutions 1160/1998, 1199/1998 and 1244/1999 with reference to infringement of human rights in the then Federal Republic of Yugoslavia, especially those of the Albanian minority in the Yugoslav province of Kosovo.

Furthermore, after the upsurge of old rivalries and ethnic tensions in international relations, with a special view to the Central and Eastern Europe, the extension of the semantic content of the concept of security had as a reference point the inclusion of the issues related to the respect for human rights and the rights of persons belonging to minorities. This approach has reflected the development of a **comprehensive concept of security**, which included, together with military, political, economic and environmental dimensions, a new component: the **societal dimension**. It was there the place where appropriate attention has been paid to the issue of human rights and minority protection[2].

The ethnic and nationalist disputes have been identified, principally in Central and Eastern Europe, as possible challenges to the territorial and political *status quo* of the region, with logical consequences for the European security. Suggestively enough, the Strategic Concept of NATO that was adopted by the Alliance's Rome Summit in 1991considered that the "Risks to Allied security are less likely to result from calculated aggression against the territory of

the Allies, but rather from the adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe..."[3]. After a decade or so, NATO reviewed its Strategic Concept in the occasion of the Washington Summit of 1999, but maintained most of its security assessment, when stating that "The security of the Alliance remains subject to a variety of military and non-military risks which are multi-directional and often difficult to predict. These risks include uncertainty and instability in and around the Euro-Atlantic area and the possibility of regional crises at the periphery of the Alliance, which could evolve rapidly. Some countries in and around the Euro-Atlantic area face serious economic, social and political difficulties. Ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states can lead to local and even regional instability"[4].

The same point of view was shared by another important institution with relevance for European security, the Western European Union, which stated in 1992 that "security in its broadest sense encompasses not only military but also political aspects, respect for human rights and fundamental freedoms, as well as economic, social and environmental aspects"[5].

The interrelationship between security and respect for human rights, in particular those of persons belonging to national minorities, has been emphasized in the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. The OSCE documents shared the view that

"issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them, are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State"[6]. In sharing this view, the OSCE participating states reflect the perception that the aggressive nationalism does represent a threat to global security and consider that "respect for human rights and fundamental freedoms, democracy and the rule of law is at the core at the OSCE's comprehensive security concept"[7].

The Council of Europe documents include the same comprehensive approach to security concept, and at the highest political level, the Council of Europe member states expressed the clear position that "the protection of national minorities is an essential element of stability and democratic security in our continent"[8].

At the same time, the new trends in European security, while determining a more acute sensitivity to the relation between security and the respect for human rights, have generated an impulse to set new norms and standards for the protection of national minorities. Whilst during the 1990's the WEU and NATO had no aim to set standards in this field, and at the European Union level there was no special development because the Community fora, acting in accordance with the subsidiarity principle, entrusted the member states with the task to ensure the national minorities protection, the main standard setting initiatives in this particular area found appropriate environment in the OSCE and the Council of Europe.

II. The European Norms and Standards
1. The OSCE Documents

The issue of national minorities protection represented an important point on the agenda of the Conference for Security and Cooperation in Europe (CSCE) from its inception in 1970's, but following a mixed set of reservations from both Western and Communist countries, it did not found itself among items included in its list of priorities[9].

The **Helsinki Final Act**, that was signed on 1 August 1975 by the Heads of State or

Government of 35 countries in Europe and North America, stipulated few references to minorities. The most important one was included in Principle VII from the "Declaration on Principles guiding relations between Participating States", and stated that "The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere"[10].

The documents that were adopted by this security institution reflected an ever-growing interest for the issue of national minorities protection, but tangible results were not possible until the fall of the Communist regimes in Central and Eastern Europe. The post-1989 accomplishments of the pan-European forum were directed both to norm setting and the monitoring of the States' compliance with the commitments that were undertaken. In this respect, the most important developments were the documents adopted by the **1990 Copenhagen meeting** of the CSCE Conference on Human Dimension and the **1991 Geneva meeting** of experts on national minorities issues. After the transformation of the CSCE into an organization, following the decisions of the 1994 Budapest summit meeting, there were no major normative developments. However, a special mentioning should be made to the relevant provisions of the **Charter for European Security,** that was adopted in the occasion of the 1999 Istanbul summit meeting, as well as the efforts for conceptual redefinition that have been undertaken by the OSCE High Commissioner on National Minorities.

a) The Copenhagen Document

The OSCE made an important breakthrough when the **Copenhagen Document** was adopted, on 29 June 1990, by the second meeting of the OSCE Conference on Human Dimension. An entire chapter – Section IV, articles 30-40 – of this document has been devoted to the protection of national minorities. The result was a remarkable set of provisions "as far as the quality and the quantity of the concepts are concerned"[11].

It was reaffirmed that "respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States".

The document stated that "persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will". In particular, a number of rights have been recognized for the persons belonging to national minorities, namely:

- the right to use freely their mother tongue in private as well as in public;
- the right to establish and maintain their own educational, cultural and religious institutions, organizations or associations;
- the right to profess and practise their religion;
- the right to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;
- the right to disseminate, have access to and exchange information in their mother tongue;
- the right to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations;
- the right to effective participation in public affairs, including participation in the

affairs relating to the protection and promotion of the identity of such minorities.

The Copenhagen document did not attempt to adopt a definition of "national minorities" and reflected the approach specific for the post-Second World War period, in which the rights are granted to the individuals, to the persons belonging to national minorities, and not to the groups as such. However, some of the articles were well beyond the limits of the international law. In particular, an example is given, despite its vague formulation, by article 35, which stated that "The Participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in

accordance with the policies of the State concerned"[12].

The Copenhagen Document had a further importance by the way it evoqued, for the first time in an international document, the special problems related to the Gypsi/Roma population, which in the same period were equated as "the new Jews" of the post-Communist Europe[13].

The standards included in the Copenhagen Document do continue to represent a landmark in any action aimed at assuring the protection of national minorities and a reference point for any new endeavour in the field. It is a proof in itself the very fact that Romania explicitely indicated the Copenhagen Document in the bilateral treaties with Germany and Hungary – article 15 in both cases –, when specifying the enforcement, as legal commitments, of the provisions which define the rights of persons belonging to national minorities as they are stipulated in the pertinent documents of the UN, the OSCE and the Council of Europe.

b) The Report of the Geneva Meeting of Experts

The way to approach the issue of national minorities protection remained virtually unchanged after the Geneva meeting of experts on National Minorities, that was organized on 1-19 July 1991. The Geneva Report reiterated the rights that were mentioned in the Copenhagen Document, underlined a number of principles (for instance, non-discrimination) for defining the behaviour towards national minorities, and insisted on actions to be undertaken for giving substance to these principles. Special attention was devoted to the participation of persons belonging to national minorities in public life, dialogue and consultation, special measures for these persons on a non-discriminatory basis with regard to the other citizens of the State, and taking into account the historical and territorial aspects relevant for national minorities.

Aware that there was no widely accepted approach on the issue, the Geneva report took

note of the measures adopted by some participating States for the promotion of national minorities protection and listed fourteen measures of this sort – the so-called "shopping list" –, for instance the representation in the decision making and administrative bodies, local administration and autonomy, the setting up of joint permanent commissions for facilitating the dialogue in the trans-border regions etc.

The Geneva meeting of experts has identified no solution to the definition of "national minorities", and any attempt to promote the "collective rights" was bound to be immediately rejected by the vast majority of states, on the assumption that they can feed the danger of separation of national minorities from the state where they currently live.

The most significant achievement of this meeting was the general acceptance that "problems related to national minorities, as

well as the respect of obligations and international commitments with reference to the rights of persons belonging to them, are issues of legitimate international concern, and therefore do not constitute an exclusively domestic issue of the respective State"[14].

c) Recent OSCE Standard Setting in the Field

The normative *acquis* established in Copenhagen and Geneva found itself reaffirmed by the subsequent OSCE documents, including the ones that were adopted by the **OSCE Istanbul Summit**, on 17-19 November 1999. As far as the **Charter on European Security** is concerned, while reasserting that the protection and promotion of the rights of persons belonging to national minorities are essential factors for democracy, peace, justice and stability within, and between, participating States, it is worth mentioning one further normative development concerning the issue of national minorities. In Paragraph 19[15] of the **Charter**, the OSCE governments recognized that respect for human rights, including the rights of individuals belonging to national minorities, is not just an end in itself but also a means to strengthen the territorial integrity and sovereignty of states. They also acknowledged that one way to preserve and promote the ethnic, cultural, linguistic and religious identity of national minorities within an existing state is to provide them with a degree of autonomy[16].

It is not here the place for an in-depth discussion about this development. However, these provisions should be approached in line with the open debate at the time of Istanbul OSCE Summit – and still today! – on the search for a solution to the crisis in Kosovo, a crisis that was fundamentally related to the Yugoslav authorities failure in handling the problems specific for national minorities.

d) Mechanisms for the Trotection of National Minorities

The norms setting activity in the OSCE for the protection of national minorities went hand in hand with the concern to ensure compliance with the commitments that the Participating States assumed in this field. A first attempt, that was promoted prior to 1989, was the creation of a "Human Dimension Mechanism", which consisted of a complicated system of independent expert missions and rapporteurs[17]. It was specifically a Cold War envisaged instrument and remained mainly as a theoretical construction.

The most important mechanism created by the organization – and the most effective institution that was imagined by this pan-European structure – is the one expressed by the activity of the **OSCE High Commissioner on National Minorities**. In accordance with its mandate, as approved by the **1992 Helsinki summit**, the High Commissioner can provide "early warning" and as appropriate "early action" at the earliest possible stage in regard to tensions involving national minority issues[18]. On the other hand, the mandate made clear that the High Commissioner will not consider "violations of OSCE commitments with regard to an individual person belonging to a national minority"[19], which implies that the High Commissioner deals with the problems related to national minorities as such, the possible implication being a tendency to approach the "national minority" as a collective entity.

The activity of this OSCE institution was and continue to be based on "quiet diplomacy", and is dedicated to a balanced approach, that is capable enough to highlight its main role as the "early warning" instrument of the organization. In real terms, the core philosophy of the High Commissioner on National Minorities is contained in the general approach on the relationship between the State and the

minorities, as explicitly expressed, in October 1995, during the OSCE Human Dimension Implementation Meeting in Warsaw, by the then OSCE High Commissioner, the Dutch Ambassador Max van der Stoel:

"... it is in my view the duty of the state to see what it can do to help if other groups in society face problems they cannot solve on their own. The minority, on the other hand, has to realise that it cannot claim a privileged position. In formulating its demands, it also has to take into account that poorer states can often not afford what richer countries can provide without much effort.

The state, in turn, will have to realise that its interests are better served by following a generous policy towards minorities than to stick to a minimalist approach. If persons belonging to a national minority feel that the state takes their interests into account, they will develop a more positive attitude towards it. Feelings of loyalty will prevail over any tendency towards separatism.

But let us not forget that minorities also have an important role to play in helping to prevent conflicts. If a minority refuses to recognize that it shares a common destiny with the majority in the state within which it is living, if it constantly seeks to isolate itself from the rest of society and insists on institutional arrangements, which would promote such isolation, the reaction on the other side might be increasingly suspicious and negative. And thus a process of polarisation can develop, which can ultimately lead to confrontation and conflict.

On the other hand, the minority can also try to follow a policy, which combines efforts to safeguard its identity with the recognition that living together on one territory and consequently sharing so many common interests inevitably requires a certain degree of integration into society. By rejecting

isolation, by recognizing that the fates of minority and majority are linked, the minority will also be able to create more understanding for the vital need it feels to maintain its own identity"[20].

The efforts undertaken by the OSCE High Commissioner in late 1990s were concentrated mainly on certain recurrent issues and themes, which have become the subject of his attention in a number of States in which he was particularly involved. With a view to achieving an appropriate and coherent application of some relevant minority rights in the OSCE area, the High Commissioner elaborated, together with the internationally recognized experts from the (Hague) Foundation on Inter-Ethnic Relations, three sets of recommendations: the **Hague Recommendations regarding the Education Rights of National Minorities** (1996), the **Oslo Recommendations regarding the Linguistic Rights of National Minorities** (1998) and the **Lund Recommendations on the Effective Participation of National Minorities in Public Life** (1999). In the occasion of the 1999 OSCE Istanbul Summit, these recommendations have not been accepted by the Participating States as common standards for the entire OSCE community of states, and therefore any specific reference to the above mentioned recommendations was not able to meet the consensus rule. However, it is to be noted that the **Istanbul Declaration**, after commending the essential work of the High Commissioner, underlined "the requirement that laws and policies regarding the educational, linguistic and participatory rights of persons belonging to national minorities conform to applicable international standards and conventions" and emphasized the importance of increasing the "efforts to implement the recommendations of the High Commissioner on National Minorities"[21].

* * *

It is no doubt that the OSCE made great progress in its endeavours to protect the national minorities. At the same time, it was

confronted with two main difficulties: on the one hand, there is the vague language in which the documents are drafted (see for

example article 35 of the Copenhagen Document); on the other hand, the political – and not legal – character of its documents became one of its main weaknesses. In reference to this latter aspect, it is however worth mentioning a widespread view on the activity of the OSCE that "it is not obligatory for a commitment to be legally binding to have binding force"[22].

Despite the fact that the OSCE norms and commitments were well beyond the present framework of the international law, they do essentially reflect the traditional approach in accordance to which the rights are granted to the "persons belonging to national minorities" and in no case to the national minorities as such. The normal consequence of this aspect is the very fact that the OSCE had no solution for identifying a definition to the concept of "national minority", as well as for the relationship between individual and collective approach in defining its rights[23].

These problems have also been the critical point for the other pan-European institution: the Council of Europe.

2. The Council of Europe Documents

Since its foundation in 1949, the Council of Europe had a special and constant interest for the safeguarding of human rights and fundamental freedoms, which in fact does constitute the underlying mission of the Strasbourg organization. This particular interest was reflected in the promotion of the **European Convention for the Safeguarding of Human Rights and Fundamental Freedoms,** that was opened for signature on 4 November 1950 and entered into force in 1953. It is important to note that the Convention was in line with the prevalent mood in the aftermath of the Second World War and therefore did not include clear and direct provisions with reference to national minorities issue. But without specially mentioning the national minorities, it is worth signaling that art. 14 specified that "the enjoyment of the rights and freedoms set forth in this Convention shall be ensured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status"[24].

During the Cold War period there were attempts to pass an additional protocol to the European Convention on the rights of persons belonging to minorities. A first attempt was blocked in 1968 by the European Court on Human Rights[25], and afterwards the Council of Europe, in particular its Parliamentary Assembly, expressed in different instances its interest on the minorities situation in the then Communist countries (for example, resolutions or recommendations on minorities issue in Romania, Bulgaria or the USSR)[26].

In the years when the Cold War came to an end, the resurgence of inter-ethnic conflicts in the area of former Yugoslavia and former USSR, as well as the increasing internal tensions within some European states that have had national minorities on their territory, have stimulated the Council of Europe member states to launch a review of the practices and the relationships that were between and within states, in order to codify new legal norms and commitments for the protection of minorities. The initiatives were directed towards the elaboration of a **European Charter for Regional or Minority Languages,** but in particular to the creation of a legally binding document for ensuring the national minorities protection (be it a distinctive and separate Convention or an additional protocol to the European Convention on Human Rights).

a) European Charter for Regional or Minority Languages

This document was adopted by the Committee of Ministers on 22 June 1992, then opened for signature on 2 October 1992 and entered into force on 1 March

1998. Its specific relevance for the measures aimed at protecting the minority groups is provided, for instance, by article 1, in which there is a definition of the terms used in the Charter. Thus, the **"Regional of Minority languages"** were considered the ones "traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population" and "different from the official language(s) of that State". Furthermore, by "territory in which the regional of minority language is used", the Charter specified "the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter".

The Part III of the Charter stipulates the measures to promote the use of regional or minority languages in public life, which refer to the use of those languages in education, public services, media, cultural activities, economic and social life, trans-border cooperation between the states parties to the Charter. The implementation of these measures was entrusted to a mechanism (articles 15 to 17) that involved reports from the states parties and the functioning of a "committee of experts", working in close cooperation with the Secretary General of the Council of Europe and reporting to the Committee of Ministers on the problems identified[27].

b) First Endeavours for an International Legal Instrument for the Protection of National Minorities

The first initiative to elaborate a legal instrument was carried forward by the European Commission for Democracy through Law (the Venice Commission), when adopting in February 1991 a proposal for a "European Convention for the Protection of Minorities". In article 1 of the proposed Convention it was emphasized that "the international protection of the rights of ethnic, linguistic and religious minorities, as well as the rights of persons belonging to those minorities, as guaranteed in this Convention, is an essential component of the international protection of human rights and therefore is an area for international cooperation". It is within this approach a clear distinction between "the rights of minorities" and "the rights of persons belonging to minorities", the former being an obvious expression of the "collective rights". At the same time, the Convention proposed a definition of the protected groups and included procedures of implementation that were centered on a "European Committee for the Protection of Minorities"[28].

After the rejection of this proposal by the Council of Europe's Committee of Ministers, the efforts were channeled in the Strasbourg organization for the setting up of an additional protocol to the European Convention of Human Rights on the rights of minorities. The text of the Additional Protocol was adopted on 1 February 1993 by the Parliamentary Assembly of the Council of Europe through the **Recommendation 1201** (1993)[29], and submitted for approval to the Committee of Ministers. The proposed Protocol included a definition of "national minority" as a "group of persons in a state who:
a.   reside on the territory of that state and are citizens thereof;
b.   maintain longstanding, firm and lasting ties with that state;
c.   display distinctive ethnic, cultural, religious or linguistic characteristics;
d.   are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state;
e.   are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language".

Moreover, the text of the proposed additional protocol, despite making use of the widely accepted formula of "persons

belonging to national minorities" – that implies the individual rights for the persons concerned –, included explicitly in Article 12, for the first time in a draft international legal document, the concept of "collective rights": "Nothing in this protocol may be construed as limiting of 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".

On the other hand, another part of that text – Article 11 – aroused controversy by making an eventual connection between autonomy and ethnicity: "In the 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".

The draft additional protocol was dismissed by the First Summit of the Council of Europe – that was held in Vienna, on 8-9 October 1993 –, on the grounds that there was no consensus on the interpretation of the term "national minority"[30]. Consequently, the Vienna Summit decided to elaborate two legal instruments on the protection of national minorities: a **Framework Convention for the Protection of National Minorities** and an **Additional Protocol "complementing the European Convention on Human Rights in the cultural field by provisions guaranteeing individual rights, in particular for persons belonging to national minorities"**[31].

c) The Framework Convention for the Protection of National Minorities

This Convention opened for signature on 1 February 1995 and came into force on 1 February 1998. It is the first legally-binding multilateral European text it the field of national minorities protection. Contrary to the Recommendation 1201, it does not provide for a definition for the "national minorities", neither identifies the rights to be protected. But it sets out, in programme-type provisions, the principles to be respected by the states parties to it. "These provisions, which will not be directly applicable, leave the States concerned a measure of discretion in the implementation of the objectives which they have undertaken to achieve, thus enabling them to take particular circumstances into account"[32]. Among other things, the Framework Convention aims to:

- Combat discrimination and promote full and effective equality;
- Promote the conditions necessary to preserve and develop the culture of national minorities;
- Guarantee their freedom of assembly, freedom of association and freedom of conscience and expression;

- Not to hinder, but even encourage, transfrontier contacts;
- Promote participation in public life and prohibit forced assimilation;
- Foster access to the media;
- Allow the use of the minority language and provide opportunities to learn it etc.

Despite the fact that a Framework Convention does not require a specific mechanism to supervise its implementation, in this case it provides for the monitoring of compliance with its provisions. The Convention entrusts this task to the Committee of Ministers of the Council of Europe, with the assistance of an "advisory committee". In accordance with the Convention, the contracting parties are obliged to present, within one year from the entry into force, a complete report on legislative and other measures to implement its provisions. After that, each party submits reports periodically and at the request of the Committee of Ministers.

The adoption of the Framework Convention triggered immediately the reaction of the Parliamentary Assembly of the Council of Europe, the body that

produced the Recommendation 1201. On 31 January 1995, the day before the Framework Convention was opened for signature, the Parliamentary Assembly reiterated its position by adopting the **Recommendation 1255 (1995) on the protection of the rights of national minorities**. Welcoming the adoption of the Framework Convention, the Recommendation 1255 stated (in its para 7) that "The convention is weakly worded. It formulates a number of vaguely defined objectives and principles, the observation of which will be an obligation of the contracting states but not a right which individuals may invoke. Its implementation

d) Current Developments

The Parliamentary Assembly of the Council of Europe continues its efforts aimed at making accepted a legally binding treaty, that defines the "national minority" and specifies the rights to be protected in this context. The rapporteur of the Committee on legal affairs and human rights, Rudolf Bindig prepared since 1995 a report on "the rights of national minorities" that was presented and adopted in the occasion of the winter session of the Assembly in January 2001. The Bindig Report relaunched the initiative to elaborate an Additional Protocol to the European Convention on Human Rights, based on the text of the Recommendation 1201 (1993), with a larger definition for the concept of "national minority" and retaining the full content of its very disputed articles 11 and 12. The rapporteur underlined that this draft protocol has become part of the international law by means of its inclusion in the bilateral treaties concluded between Romania and Hungary (1996), Hungary and Slovakia (1995), and Romania and Ukraine (1997), but he didn't mention the interpretation included in the Appendix of the Romanian-Hungarian Treaty[35].

The Bindig Report recommends also the adoption of an additional protocol to the Framework Convention for giving the European Court of Human Rights or a

machinery is feeble and there is a danger that, in fact, the monitoring procedures may be left entirely to the governments"[33]. It proposed a list of twelve rights, covering the substantive provisions of the Recommendation 1201, to be taken into consideration in the drafting exercise for the Additional Protocol on cultural rights[34]. The proposal had no follow-up.

As for the Additional Protocol on cultural rights, it has never been completed, remaining a dead letter from the decisions of the 1993 Vienna Summit Declaration of the Council of Europe.

general judicial authority of the Council of Europe the power to give advisory opinions concerning the interpretation of the Framework Convention. Furthermore, it asks the Committee of Ministers to attach to the Council of Europe Commissioner for Human Rights a person with special responsibility for issues concerning the protection of minorities' rights, making suitable financial provision for this purpose[36].

The Bindig Report was adopted by the Parliamentary Assembly on 23 January 2001 and the Recommendation 1492 (2001) that it formulated was submitted to the Committee of Ministers[37]. It is worthy mentioning that on 13 June 2002 the latter structure of the Council of Europe – the Committee of Ministers –, after analyzing the Recommendation 1492 (2001), adopted a reply to the Parliamentary Assembly which included the following assessment:

"With regard to the proposal for an additional protocol to the European Convention on Human Rights concerning the rights of national minorities, which would include the definition of national minority contained in Assembly Recommendation 1201(1993), the Committee of Ministers considers that it is somewhat premature to reopen the debate on this project. The Committee of Ministers

would stress in this connection that, when Protocol No.12 to the European Convention on Human Rights comes into force, any discrimination against a member of a national minority, including discrimination based on association with such a minority, will be covered by the general prohibition on discrimination"[38].

In this context, it is important to note that a further development in this field, with specific relevance for the aim to ensure the protection of national minorities, was the adoption of the 12th Additional Protocol to the European Convention on Human Rights on non-discrimination, which was opened for signature and ratification in Rome, on 4 November 2000[39].

* * *

The work for a definition of rights and freedoms in order to ensure the protection of national minorities is continuously carried forward within the Council of Europe, together with a clear support for the indivisibility of human rights. In this context, it is worth mentioning there are rights - to profess a religion or belief, to participate in free and fair elections, freedom of assembly, of association - that are being considered as implying a collective dimension by way they are exercised. They are the expression of a trend in international affairs that consider the collective rights as not necessarily representing a challenge to the state's sovereignty and territorial integrity. It is, in fact, in the philosophy of the Strasbourg organization the belief that the group rights are not directed against the individual rights, but they are "nothing else than the right of the individual to receive from groups the means he needs for his self-fulfillment... Since the group derives its own rights from serving the individuals who compose it, it has no rights against the rights of the individual. In the hierarchy necessitated by the plurality of persons, the individual takes precedence over the group, and the groups themselves can organize themselves only according to the closeness of their relationship with the individual"[40].

3. Central and South-East European Regional/Subregional approach

All the regional/subregional structures that were formed in Central and South-Eastern Europe after the ending of the Cold War - the Central European Initiative (CEI), the Visegrad Group, the South-East European Cooperation Process (SEECP), the South-East Cooperation Initiative (SECI), different trilateral or quadrilateral forms of cooperation, and recently the Stability Pact for South East Europe – have paid a special attention to the relationship between the strengthening of security and the protection of national minorities. All their political declarations and other documents reflect this specific concern for the security in the region. But they were not able - with one exception - to agree on a document specifically aimed at assuring the protection of minorities on their respective countries.

The exception was the Central European Initiative.

From the very outset of their cooperation, the member states of the Central European Initiative devoted particular attention to questions related to national minorities. Such an approach reflected their intention to give political cooperation a higher profile within the CEI scope of activities with a special regard to the problem of national minorities in the Central European region. It was expected that a positive solution of national minorities issue at regional level could offer a model to be applied within a greater European framework.

At their meeting in Turin, on 18-19 November 1994, the Foreign Ministers of the CEI countries welcomed the drawing up

of the **CEI Instrument for the Protection of Minority Rights,** which was opened for signature to CEI Member States, the EU Associated Countries and other interested countries. Up to date, 11 out of the 16 current CEI member states signed the Instrument. Romania signed the CEI Instrument in 1997.

The CEI Instrument is a political document, reflecting the internationally accepted norms and principles. As well as the Framework Convention for the Protection of National Minorities of the Council of Europe, the CEI Instrument is based on the rights of persons belonging to national minorities to be exercised either individually or in common with others. In the CEI Instrument the minorities are also considered as an integral part of the State and society where they live.

The CEI Instrument does not provide for a formal control mechanism. The task to follow the observance of its objectives was intrusted to the CEI Working Group on Minorities, which therefore has the functions of an implementation mechanism. The implementation is thus monitored through regular exchanges of information and opinion, the member states being encouraged to share their experiences in the field for their mutual benefit.

It is worth noting that since the launching in 1999 of the Stability Pact for South Eastern Europe, the Working Group on Minorities – which is one of the components of the Stability Pact Regional Table – decided to pay more attention in its work to the provisions of the CEI Instrument which are at the same time priorities of the Stability Pact Working Table on Democratization and Human Rights.

III. Preliminary Assessment

1. After this brief analysis of the international/European approach to the protection of national minorities, one could emphasise that:
- the issue of national minorities is no longer an internal problem of a State, it is an issue of international concern;
- the protection is ensured for the national minorities as entities, but the rights are granted to individuals;
- no definition for national minorities was accepted by the Governments, despite the proposals contained in the draft of the **European Convention for the Protection of Minorities**, forwarded in February 1991 by the European Commission for Democracy through Law, the **Recommendation 1201/1993** of the Parliamentarian Assembly of the Council of Europe and the subsequent similar texts adopted by the Parliamentary body of the organization.

2. The approach included in the documents adopted by the OSCE and the Council of Europe is the one defining the

post-Second World War period, which places the national minorities issue in the wider context of the problem of respect for human rights and fundamental freedoms. Therefore the emphasis is on individual rights and the concept used refers to the "rights of persons belonging to national minorities". However, it came soon to the fore the idea that the simple protection of national minorities by means of ensuring respect for human rights and fundamental freedoms does not suffice.

3. On the other hand, it is already a common place to say that observance of human rights, fundamental freedoms and democratic principles are a precondition for a stable and peaceful Europe. The same also applies to observance of international standards concerning national minorities.

Lasting peace and stability in Europe can only be achieved if the provisions of the most relevant instruments – mainly the **OSCE Copenhagen Document** and the **Council of Europe Framework Convention for the Protection of National Minorities** – are fully implemented.

The implementation of these international norms and standards is essential for the protection of the identity of national minorities, but will often not be able to provide an adequate solution to specific problems a particular minority has to cope with. Therefore, in such cases, a positive dialogue has to be developed between the state and the minority.

4. The provisions included within the documents adopted by the European institutions went much further in terms of quality and quantity than the similar ones that were produced in the UN system or within the regional structures on the other continents. This is in itself the reflection of the actual importance of the national minorities issue and at the same time the recognition that their protection is not only a mere humanitarian issue, but also a political one, that pertains to the specificity of the historical development of Europe.

These provisions set the standards on the protection of national minorities. Being the product of negotiations among states, which are less tempted to make concessions in this field, these standards should be understood as a minimal approach, and therefore as starting point for the States' actions to build up a system for the protection of national minorities, and in no case the final end of this activity. It is in fact a widespread belief that nothing prevent the States to enact legislation and to implement it in a more generous way, thus going beyond the limits of the European standards.

5. As far as the concept of "collective rights"/"group rights" is concerned, it was advanced by some in the international debate on the protection of national minorities, but it was also rejected on historical grounds by the vast majority of states. This rejection was motivated on the fact that past experiences witnessed the opposition of the group rights to the individual ones, and in recent history the call for group rights led to war and interethnic conflict. It is in fact a line of thinking that considers that, legally speaking, the concept of "collective rights" is a non-sense in itself, as long as the bearer of the rights has no legal personality, and therefore it has not the capacity to exercise certain rights and to be subject to certain duties.

However, the present development of the relationship between individual rights and collective rights is no more defined by an exclusive approach. The rights that were identified in the Council of Europe as having a collective dimension by way they were exercised, have been perceived as not being directed against the individual rights and thus capable to be used for the benefit of the individual, if he/she is to be a complete human being. It was rightly argued that the so-called collective/group rights would have a weak significance if the group members were not in a position to enjoy them individually. Consequently, the collective rights seem to be promoted by their supporters as a corollary to the individual rights, which will stay as the fundamental reference of the modern democratic society.

But a positive approach to collective rights within the documents specific to the European organizations is not likely to be promoted in the foreseeable future, and the main difficulty is still produced by the lack of a generally accepted definition of the concept of "national minorities". In the meantime the need for supplementary and special measures to ensure an effective protection of national minorities has already been highlighted, so that the way for new developments in this particular field is open.

* * *

After this brief outline of the conceptual and institutional developments to the protection of National Minorities within the main European institutions, it is appropriate to see how the Romanian authorities formulated their approach in this field after the ending up of the Communist regime in December 1989. But a closer look to this issue will be the topic for a further study.

Note:

[1] Barry Buzan, "New patterns of global security in the twenty-first century", in *International Affairs*, 67, 3, 1991, p. 431-451; and by the same author, *People, States and Fear. An Agenda for International Security Studies in the post-Cold War era*, Harvester-Wheatsheaf, London, 1991.

[2] Barry Buzan, "New patterns of global security in the twenty-first century", p. 47-49.

[3] Press communique, NAC S-1 (91) 85, *The Alliance's New Strategic Concept agreed by the Heads of State and Government participating in the meeting of North Atlantic Council in Rome on 7th - 8th November 1991*.

[4] Press Communique, NAC- S(99)65, *The Alliance's Strategic Concept. Approved by the Heads of State and Government participating in the meeting of North Atlantic Council in Washington D.C. on 23rd and 24th April 1999*.

[5] *Declaration of the Extraordinary Meeting of the WEU Council of Ministers with States of Central Europe*, Bonn, 19th June 1992.

[6] *Report of the Meeting of Experts on National Minorities*, CSCE, Geneva, 1991.

[7] *Charter for European Security*, OSCE, Istanbul, November 1999, para. 19.

[8] *Vienna Declaration*, Council of Europe Summit, 9 October 1993. See also Catherine Lalumiere, *Speech on the occasion of the Interregional meeting organized by the Council of Europe in advance of the World Conference on Human Rights, "Human Rights at the Dawn of the 21st Century"*, Strasbourg, 28 January 1993, in *Human Rights at the Dawn of the 21st Century*, Council of Europe Press, Strasbourg, 1993; the same for Daniel Tarschys, "The Council of Europe: towards a vast area of democratic security", in *NATO Review*, Vol. 42, No. 6/1995-1/1996.

[9] Arie Bloed, "The CSCE and the Protection of National Minorities", in *ODIHR Bulletin*, vol.I, no.3, 1993, p.1.

[10] *The Final Act of the Conference on Security and Cooperation in Europe*, Helsinki, 1975.

[11] Arie Bloed, *op. cit.*, p. 1.

[12] *Document of the Copenhagen Meeting of the Conference on the Human Dimension*, CSCE, Copenhagen, 1990.

[13] Victor Yves Ghebali, "Les valeurs de Grande Europe, produit du laboratoire politique de la CSCE", *Relations Internationales*, 73, printemps 1993, p. 73.

[14] *Report of the Meeting of Experts on National Minorities*, CSCE, Geneva, 1991.

[15] The full content of Paragraph 19 reads as follows:

"We reaffirm that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism. The protection and promotion of the rights of persons belonging to national minorities are essential factors for democracy, peace, justice and stability within, and between, participating States.

In this respect we reaffirm our commitments, in particular under the relevant provisions of the Copenhagen 1990 Human Dimension Document, and recall the Report of the Geneva 1991 Meeting of Experts on National Minorities. Full respect for human rights, including the rights of persons belonging to national minorities, besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty. Various concepts of autonomy as well as other approaches outlined in the above-mentioned documents, which are in line with OSCE principles, constitute ways to preserve and promote the ethnic, cultural, linguistic and religious identity of national minorities within an existing State. We condemn violence against any minority. We pledge to take measures to promote tolerance and to build pluralistic societies where all, regardless of their ethnic origin, enjoy full equality of opportunity. We emphasize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law.

We reaffirm our recognition that everyone has the right to a nationality and that no one should be deprived of his or her nationality arbitrarily. We commit ourselves to continue our efforts to ensure that everyone can exercise this right. We also commit ourselves to further the international protection of stateless persons."

[16] The Paragraph 19 provisions were perceived by some as "unexpected". See Victor Yves Ghebali, "The OSCE's Istanbul Charter for European Security", in *NATO Review*, no. 1, Spring-Summer 2000, p. 24.

[17] Arie Bloed, *The CSCE and the Protection of National Minorities...*, p. 1. In 1990', this type of missions have been sent in Estonia, the Republic of Moldova and in the area of former Yugoslavia.

[18] *CSCE Helsinki Document 1992, The Challenges of Change*, Helsinki, 1992, chap. II (3).

[19] *Ibidem*, chap. II (5c).

[20] *Report of Max van der Stoel, the OSCE High Commissioner on National Minorities, OSCE implementation meeting on human dimension issues*, Warsaw, 2-19 October 1995

[21] *Istanbul Declaration*, November 1999, para. 30.

[22] Peter van Dijk, "The Final Act of Helsinki - Basis for a Pan European System?", in *Netherlands Yearbook of International Law*, 1980, p. 110, apud Arie Bloed, *Two Decades of the CSCE Process...,* p. 22-23.

[23] Patrick Thornberry, *Minorities and Human Rights Law*, Minority Rights Group, 1991, p. 30.

[24] *The Convention for the Protection of Human Rights and Fundamental Freedoms*, Rome, 1950.

[25] *Ibidem,* p. 28.

[26] Cf. *Ibidem.*

[27] *European Charter for Regional or Minority Languages*, Strasbourg, 1992.

[28] See P. Thornberry, *op. cit.,* p. 28.

[29] *Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights*, Strasbourg, 1993.

[30] See paragraph 4 of the Explanatory Report to the *Framework Convention for the Protection of National Minorities* (doc. H (95) 10).

[31] See the relevant decisions in *Vienna Declaration*, Council of Europe Summit, 9 October 1993.

[32] See paragraph 11 of the Explanatory Report to the Framework Convention (doc. H (95) 10).

[33] Para 7 of the *Recommendation 1255 (1995).*

[34] For a critical approach, see Heinrich Klebes, "The Council of Europe's Framework Convention for the Protection of National Minorities", in *Human Rights Law Journal*, [Strasbourg], 28 April 1995, Vol. 16, No. 1-3, p. 92-116.

[35] "The Contracting Parties agree that Recommendation 1201 does not refer to collective rights, nor does it obligate Parties to grant those persons the right to a special territorial autonomy status based on ethnic criteria".

[36] *Rights of National Minorities*, Report, Committee on Legal Affairs and Human Rights, Rapporteur: Rudolf Bindig, Germany, Socialist Group, Doc. 8920, 29 January 2001 revised.

[37] *Recommendation 1492 (2001) on the rights of national minorities.*

[38] Cf. Committee of Ministers, 799th meeting, 13 June 2002, *Rights of national minorities - Parliamentary Assembly Recommendation 1492/2001* (REC 1492 (2001), GR-H (2002) CB8).

[39] The Protocol no. 12 to the European Convention on Human Rights, which provides for a general prohibition of discrimination, was adopted by the Council of Europe Committee of Ministers on 27 June 2000 and opened for signature by member States on 4 November 2000 in Rome, on the occasion of the European Ministerial Conference on Human Rights. This Protocol overcomes the current non-discrimination provision of the European Convention (Article 14), which is of a limited kind, because it only prohibits discrimination in the enjoyment of one or the other rights guaranteed by the Convention. The new Protocol removes this limitation and guarantees that no-one shall be discriminated against on any ground by any public authority.

[40] See the introductory speech delivered by the then Secretary General of the Council of Europe, Catherine Lalumiere at the "Interregional meeting organized by the Council of Europe in advance of the World Conference on Human Rights", *Human Rights at the Dawn of the 21st Century*, Strasbourg, 28 January 1993, in *loc. cit.*
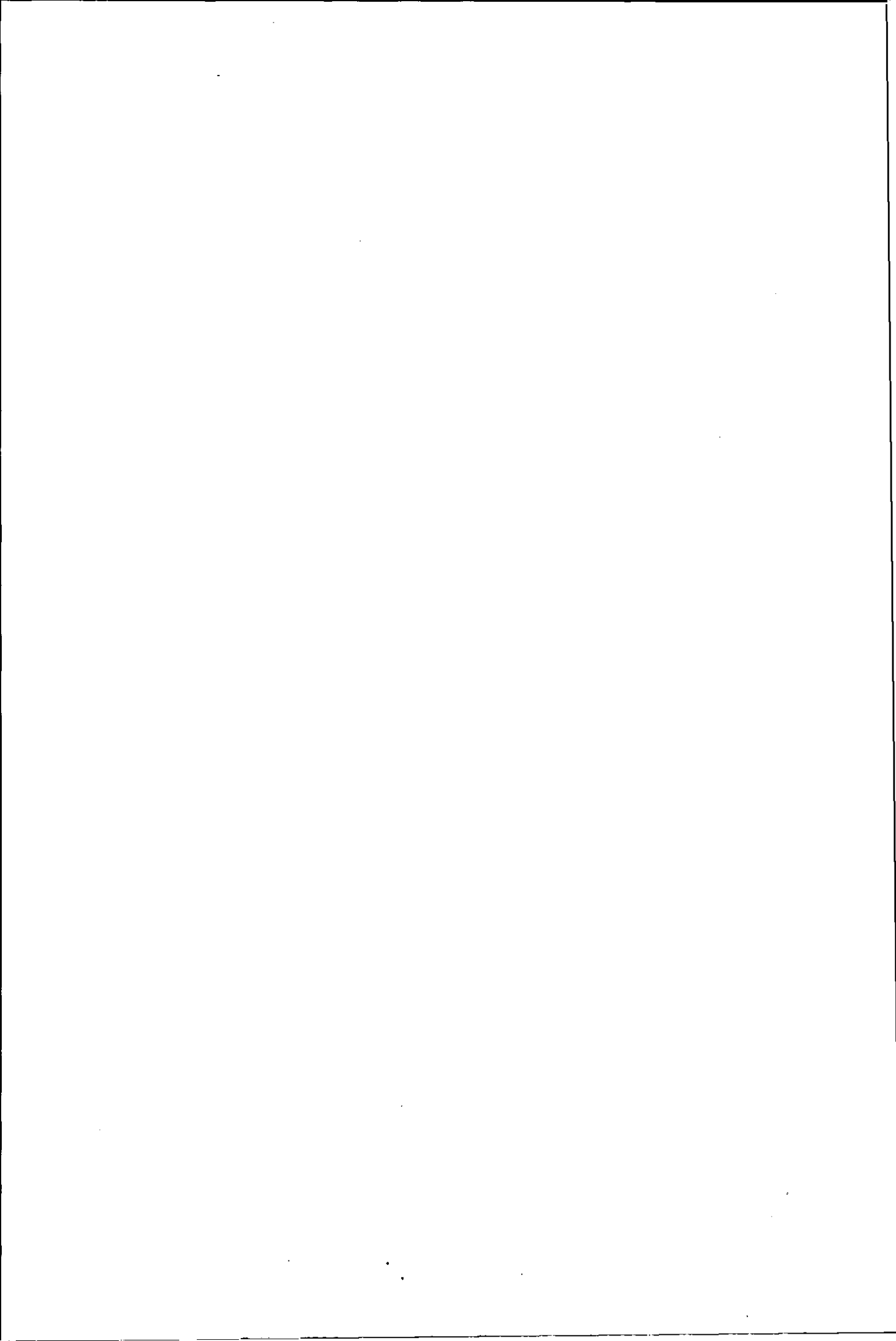
Prohibition of War as a Means of Solving International Conflicts

Dumitru Mazilu

Becoming more and more aware of the ominous consequences of war within international life, the peoples of the world have pronounced and are still pronouncing themselves for classifying war of aggression as being unlawful and for the punishment of those liable for having violated the norms and principles of international law. In this respect, their effort has materialized in the elaboration and adoption of certain regulations that condemn and forbid manifestly war of aggression by specifying that threat and use of force as well as resort to military means and war, are not durable solution as regards conflicts and international litigations.

§ 1. A Moment of Choice in Outlawing War of Aggression

After World War II, while humanity endeavoured by joint constructive effort to do away with the painful consequences of the devastating conflagration, it appears more and more prominently the need to trace some most precise norms to outlaw war of aggression. An extremely significant moment in this direction is considered to be the elaboration and adoption of the Pact of the Society of Nations[1]. Within this important international document it is sanctioned the will of member States of not making recourse to war for finding solutions to the possible litigations existing between them. "AH the Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council" and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council (art. 12). First of all it is noteworthy that the Member States of the Society of Nations committed themselves to avoid recourse to war for solving a conflict between them but they chose resort to peaceful methods, such as arbitration or the Council of the Society of Nations. However, should the conflicting parties not accept the arbiters' decision or the Council's report, the Pact of the Society of Nations accepted war after a three months' deadline, hi this respect, the elaboration and adoption of the Pact did not constitute but a moment - a truly significant one, indeed - in the continuous struggle of peoples and progressive forces for the prohibition of war of aggression and its removal from international relations. Regulations sanctioned by this important international document play a remarkable role in underlining the priority of peaceful means to find solutions for any dispute.

"likely to lead to a rupture" (art. 12); that is to say, a conflict or tensional state between two or more States, which represents a contribution to rethinking and re-establishing international relations on the solid foundations of peace.

§ 2. Condemning Recourse to War for the Settlement of International Disputes

The adoption of the *General Treaty on renouncing to war as a means of national policy*[2], at Paris, on 27th of August 1928, represented, undoubtedly, a crossroads in the evolution of International Law with regard to the constitution of the Law of Peace. By this Treaty, the High Contracting Parties solemnly declared that "in the names of their respective peoples they condemn recourse to war for the solution of international controversies, and renounce it, as an instrument of national policy in their relations with one another" (art.1). Furthermore, the High Contracting Parties "agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means" (art.2)[3] The literature of specialty has rightfully consigned that the negotiation and adoption of such treaty constituted a decisive step taken forward in the development of International Law, as in its rules war of aggression is placed outside the protection of the law by stipulating the need to resort to pacific means for finding solutions to litigations[4].

How widely spread this point of view was, results from the fact that until 1939 – namely during 10 years - 63 States became forming parts of the Treaty said. These States – condemning solemnly war of aggression-engaged to renounce to it in their reciprocal relations of cooperation, fact that has had a particular significance in the settlement of certain cooperation relations within a peaceful climate and international security. As Nicolae Titulescu has asserted, under a legal aspect, the Treaty means the transposition of three things into the department of international law, "all of them, mainly, of practical nature:

a. the suppression, as far as the Members of the Society of Nations are concerned, of war in the four cases in which

the 1919 Pact did not succeed in stemming the legal right to war;

b. the extension regarding the renunciation to the legal right to conduct war for States that are not Members of the Society of Nations

c. the obligation of not opposing now on to sanctions that the Society of Nations would give in order to stop war - because, as long as there is a legal solidarity organized with regard to action foreseen in art. 16 of the Pact, there is at least a legal solidarity from the part of all signatory nations of the Kellogg Pact of not opposing the former one which represents actually the application of the latter"[3], [t is also remarkable that the Treaty of Paris does not include any limitation in time or any regulations with view to its withdrawal or denunciation by the Party States. This spotlights the conception that governed the elaboration of this important international treaty, namely that the option of States to renounce to war as an instrument of national policy in their relations with one another gives expression not to a conjectural attitude but to durable conduct, unlimited in time and not submitted to change. "The present Treaty shall, when it has come into effect as prescribed in the preceding paragraph[6], remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at Washington and the Treaty shall immediately upon such deposit become effective as; between the Power this adhering and the other Powers, parties hereto", (al.2 art.3).

By giving voice to their trust as for the ratification of the Treaty mad by all the States in the world, the Signatories consigned in its preamble: "hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavour and by adhering to the present Treaty as soon as it comes into force bring

their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy".

The condemnation of the war of aggression and placing it outside the protection of the law raises the problem of defining aggression and understanding its consequences within international relations.

§ 3. War of Aggression - a Crime Against International Peace

Considering that several States - forming part in the Treaty of Paris -committed themselves to renounce to war as an instrument of national policy in their relations with one another, and as a consequence to the appearance of a powerful trend against acts of aggression, there can be easily inferred the conclusion that it is for the benefit of general security and peace that aggression be defined[7].

An important place in the process of defining aggression is held by the Conventions of London (3-4* of July 1933), which specifies what aggression means and who is to be considered an aggressor. Thus, the elaborated texts stipulate that a State is considered to be an aggressor if it becomes liable for perpetrations, such as "invasions by the means of armed forces, even without any previous declaration of war, made against other States' territories, vessels and aircrafts; the naval blockade of other States' coasts and harbours; support given to armed bands, formed on the territory of one State and invading another State's territory; a State's refusal - despite all requests made by the invaded State - to overtake to its own territory, all the measures in its power, to deprive the armed bands formed on this territory of any assistance or protection[8]. Furthermore, it is sanctioned that "no consideration of political, military, economic or of any other nature, shall serve as an excuse or justification for an act of aggression", as defined in the texts of the Convention.

Later on, after World War II, there arose the problem of establishing some more precise criteria in order to determine accurately the concrete situations presenting acts of aggression as well as aggressor State,

taking into account the fact that, quite often, in trying to justify its aggression, the aggressor State invokes different reasons by which it declares the other State as being its aggressor. By giving course to these requirements, the U.N. General Assembly[10] adopted the definition of aggression[11] specifying all actions belonging to this grave form of illegal recourse to force. The Special U.N. Committee aiming to define aggression, took over valuable previous contributions -- inclusively the defining elements presented in the 1933 London Conventions -, concluding that aggression consisted in a State's recourse to armed force against other State's sovereignty, territorial integrity or political independence, or any other way, incompatible with the Charter of the United Nations. In the light of this document, an act of aggression implies: a. invasion or attack made by one States* armed forces on the territory of another State, or any other military or temporary occupation, resulting from such an invasion or attack, or any annexation, by force, of a territory or part of territory belonging to another State; b. bombardment made by the armed force of one State on the territory of another, or the use of any weapons of a State against another State's territory; c. naval blockade of the coasts or ports of another State; d. attack by the armed forces of one State against the land, naval or air forces or the naval and civil air forces of another State; e. the use of the armed forces of a State which are stationed on the territory of another State with the approval of the host State, contrary to the conditions stipulated in the agreement, or any extension regarding their presence on the given territory after the expiry of their agreement; f. the action of a

State to agree that its territory, available to another State, be used by the latter to commit certain acts of aggression; g. the act of sending by a State or on its behalf, armed bands or groups, of irregular forces or mercenaries to commit acts of armed forces against another State, of a gravity that is tantamount to the results of the above-mentioned acts, or the very fact of engaging itself substantially in such an action (art. 3). ft is specified as plainly as possible – in the text adopted by the United Nations General Assembly, as well[12] – that no reason, regardless its nature (political, economic, military or any other), *cannot justify an act of aggression* (art.5).

Moreover, of special significance is the sanction made by the World Forum's General Assembly with regard to the tact that no territorial acquisition or special advantage resulting from an act of aggression is legal and they should not be recognized as being so (art.5). Meanwhile, it is asserted that none of the elaborated texts could affect, no matter what, peoples' right

to self-determination, freedom and independence (art.7)[13], as it results from the UN Charter. As it has been emphasized in the literature of specialty, this definition was liable to improvements and completions so that it might comprise all forms of aggression and facilitate the adoption of the necessary measures for the prevention and elimination of all acts of aggression[14].

Prohibiting war of aggression requires placing outside the protection of law all acts qualified as aggressive. There is no doubt that their precise settlement facilitates the determination of aggressive acts and taking measures for their suppression as well as punishment applied to those liable for having committed them. Thus, it has also been attempted the deterrence of some possible aggressors.

The General Assembly defined war of aggression as being a "crime against international peace" (art. 5), sanctioning the principle according to which "aggression generates international liability" (art.5).

§ 4. Condemning War Propaganda

On the grounds of a multilateral analysis made on both world conflagrations and the outbreak of armed conflicts in different areas of the world, the UN General Assembly firmly condemned war propaganda[15], qualifying it as a serious peril addressed to peace and international security[16]. Soon after World War II, in November 1947, on the occasion of the third ordinary session, the UN General Assembly adopted a resolution by which it condemned war propaganda "regardless its form or the country it occurs in, should it aim at, represent or enhance a threat to peace, its violation or an act of aggression"[17]. War propaganda has been defined as an act of ideological preparation to war, of a particular gravity, inciting to aggressive actions and generating a warrior psychosis, favourable to violent confrontation, use of armed force and other means of mass-destruction.[18]

On account of the serious consequences to war propaganda, it has appeared the preoccupation for its incrimination, condemnation and elimination from international life. Thus, within the conferences concerning the unification of criminal legislation held in Warsaw (1927), and in Brussels (1930) it has been approached, in all details, the problem or" liability in the case or" undertaking warlike propaganda activities. In 1933, during the debates of the Legal Committee of the League of Nations, it has been stressed the need to sanction war propaganda, all actions undertaken to spread information which could lead to the deterioration of interstate relations or harm the international climate. The legal Committee found it mandatory that States adopt reprehensive measures against all acts of disseminating information

of calumnious nature that might bring about the deterioration of international relations.

Over the years following World War H, within several European debates, it has been pointed out the request to condemn and punish war propaganda, consigning - in the Final Act of the Conference on Security and Co-operation in Europe - the obligation of all participating States "to promote, by all the means they would consider appropriate, a climate of trust and respect among peoples. Accordingly they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force"[19].

Furthermore, war propaganda has been incriminated within the internal legislation of several countries. Thus, English criminal legislation foresees sanctions against any person trying to humiliate or insult the head of a foreign State, an ambassador or other dignitary in order to undermine the pacific and friendly relations that the United Kingdom has with the State the offended persons belong to. Similar relations are to be found in the Legislation of the United States of America, France and other countries.

In Romania, criminal legislation incriminates and punishes war propaganda by including it among crimes committed against peace and the entire humanity[20].

A careful analysis on the phenomena of our contemporary world leads to the conclusion that war propaganda should be considered only the direct incitements to war of aggression and all manifestations that prepare such a climate. It was the case of the dissemination of fascist ideology* of the irredentist conceptions etc.

For several years, the UN Commission on International Law focused on the elaboration of the bill of crimes committed against peace and humanity by incriminating and qualifying war propaganda as a crime against peace and humanity. As an expression of the consistence proved by Member States in condemning war propaganda, it is in the Declaration on Principles of International Law Regarding Relations of Friendship and Co-operation between States that war propaganda is incriminated and it is also sanctioned the compliance of States to "restrain from all propaganda favouring war of aggression"[21].

§ 5. Preparations for War - a Grave Peril Addressed to Peace

In terms of advanced technology, the diversification and development of arms of ail sorts, the production and modernization of thermonuclear, chemical and bacteriological weapons or the production of the bomb with neutrons, preparations for war represent a serious threat addressed to peace.

For this very reason, it has been recently developed a powerful trend of opinion against war preparations or any actions that might bring about the deterioration of interstate relations, the accentuation of strain in international relations. In important international documents it is sanctioned the commitment of States not undertaking actions of war preparation and the avoidance of such actions. Thus, in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water[22], it is stipulated the obligation of each State Party "to refrain, furthermore, from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion at any place under its jurisdiction or control" (al.2 art. 1).

In the reports made by the UN Secretary General regarding the economic and social consequences of arms race and its profoundly harming effects on peace and world security[23] as well as in the resolutions adopted by the UN General Assembly it has been emphasized the need to adopt some

urgent and effective measures against war preparations, for the cessation of arms race and the achievement of concrete progress towards disarmament, mainly nuclear disarmament[24]. Putting an end to arms race and the adoption of some real measures in order to accomplish disarmament would represent a concrete contribution to the maintenance and promotion of peace and international security. It becomes obvious that all action taken to enhance the development, production and qualitative improvement of different types of weapons, especially nuclear arms, represent a huge peril to world peace. Preparations for war imply actions that run counter to the norms and principles of international law, to co-operation and understanding among peoples;

consequently, they become vehemently condemned by worldwide public opinion. Therefore, the *Statute of the International Military Tribunal* of August 8th, 1945, qualifies the planning, preparation, initiation and waging of "a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing" (art.6) as being crimes against peace within the jurisdiction of the Tribunal for which there shall be individual liability[23]. All these represent the expression of the undeterred determination of all peoples and progressive forces in the world to put an end to all warlike actions or deeds likely to endanger peace and international security.

Note:

[1] *The Pact of The Society of Nations, Versailles, 15/28 June, 1919.*

[2] Romania became part of the Treaty on the 21st of March 1929 by ratification (see M of Nr. 30/1929). Known under the denomination of Briand-Kellogg Pact, this Treaty gives voice to the major reasons that determined its elaboration and adoption: "persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated" (al.3. Preamble).

[3] The reasons leading signatory States adopt this position are to be found in the Preamble of the Treaty said: "Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interest by resort to war should be denied the benefits furnished by this Treaty" (al. 4, Preamble).

[4] See Nicolae Titulescu, *Diplomatic Documents,* Edit Politică, Bucharest, 1967, p. 293.841 and next; Donnedieu de Vabres, *Le Proces de Nuremberg,* Paris, p. 59 and next.

[5] Nicolae Titulescu, *cit. work*, p. 293.

[6] It is about article 3 that states that the Treaty "shall be ratified by the High Contracting Parties named in the Preamble (Germany, U.S.A., Belgium, France, Great Britain, India, Italy, Japan, Poland, Czechoslovakia, e.n. Mote) in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington".

[7] The Signatory Powers of the 4th of July 1933 Convention (Romania, Czechoslovakia, Turkey, U.S.S.R. and Yugoslavia) have specified their reasons for signing such a convention: "mindful of the that the Briand-Kellogg Pact of which they are Signatories, prohibits all aggression", deeming it necessary in the interests of die general security, to define aggression as specifically as possible in order to obviate any pretext whereby it might be justified" (al. 3-4, *Convention for the Definition of Aggression,* London, 4th of July 1933).

[8] See art. 2, The *Convention of London* (3th of July 1933). The *Annex,* to this article gives voice to the Signatories desiring, subject to the express reservation that "the absolute validity of the rule laid down in Article Convention shall be in no way restricted", by furnishing certain indications for determining the aggressor: " declare that no act of aggression within the meaning of Article Q of that Convention can be justified by the following grounds, among others:

    A.   The internal condition of a State:

    E.g., its political, economic or social structure; alleged defects in its administration; disturbances caused by strikes, revolutions, counter-revolutions, or civil war.

    B.   The international conduct of a State:

E.g., the violation or the threatened violation of the material or moral rights or interests of a foreign State or its nationals; the rupture of diplomatic or economic relations, economic or financial boycotts; disputes regarding economic, financial or other obligations towards foreign States; frontier incidents not forming any of the aggression specified in Article 2".

[9] *Ibidem*, art3. The article makes reference to the Annex concerning art. II in which some of these considerations are enunciated.

[10] Doc. A/XXIX/3314 - 14th of December 1974.

[11] The definitive project of the definition of aggression has been elaborated by a special Committee of the United Nations, made up of 35 States, including Romania as well.
Following its long debates – during which the significant historical experiences and future possible situations have been evaluated – there have been elaborated both the defining elememts of aggression and the criteria required fort the definiton made to the aggressor. The definitive project met the unanimity of the special Committee's Members.

[12] This text takes over almost integrally art.3 of London Convention (3rd of July 1933).

[13] The document stipulates these people's right to fight against foreign domination and to request and obtain assistance in accordance with the principles of the Charter and the Declaration on the principles of International Law, especially regarding peoples under collonial or rasists regimes, or other forms of foreign domination.

[14] see *Aurel Preda – Mătăsaru, Non-aggression and negotiation: an equation of peace,* Edit. Politică, Bucharest, 1981, p. 27 and next.

[15] Even from its early days, the United Nations Organization strived for peace maintenance and international security, considering that war propaganda was an action undertaken against these major objectives of mankind (see doc. A/III/110 – 3rd of November 1947).

[16] See doc. A/III/110 – 3rd of November 1947.

[17] 110 / III Resolution (3rd of November 1947).

[18] It is known, for instance, the part played by war propaganda in the preparation and outbreak of World War II. Launching the absurde idea of rasial superiority and stirring warior instincts represented the priority objectives of military propaganda in Nazi Germany.

[19] *Declaration on Principles Guiding Relations between Participating States,* Conference on Security and Co-operation in Europe, Final Act, Helsinki, 1975.

[20] Art.356, Title XI, Part.II, The Penal Code of Romania.

[21] Doc. A/XXV/1970. The text of this declaratoin has been elaborated by a Special Committee constituted in 1974, comprising 31 Participating States, among which Romania, as well.

[22] The Treaty has been ratified in our contry by Decree nr.686 (1963) in B. Of Nr.20 – 31st of October 1963.

[23] These reports have been issued by experts coming from different contries, onclusively ours. This problem has been approached within the U.N.O. at an initiative made by Romania.

[24] See Resolution nr. 2667/XXV, 7th of December 1970.

[25] See also Resolution nr. 3 (I) - 13th of February 1946 and nr.95 (I) -11th of December 1946.
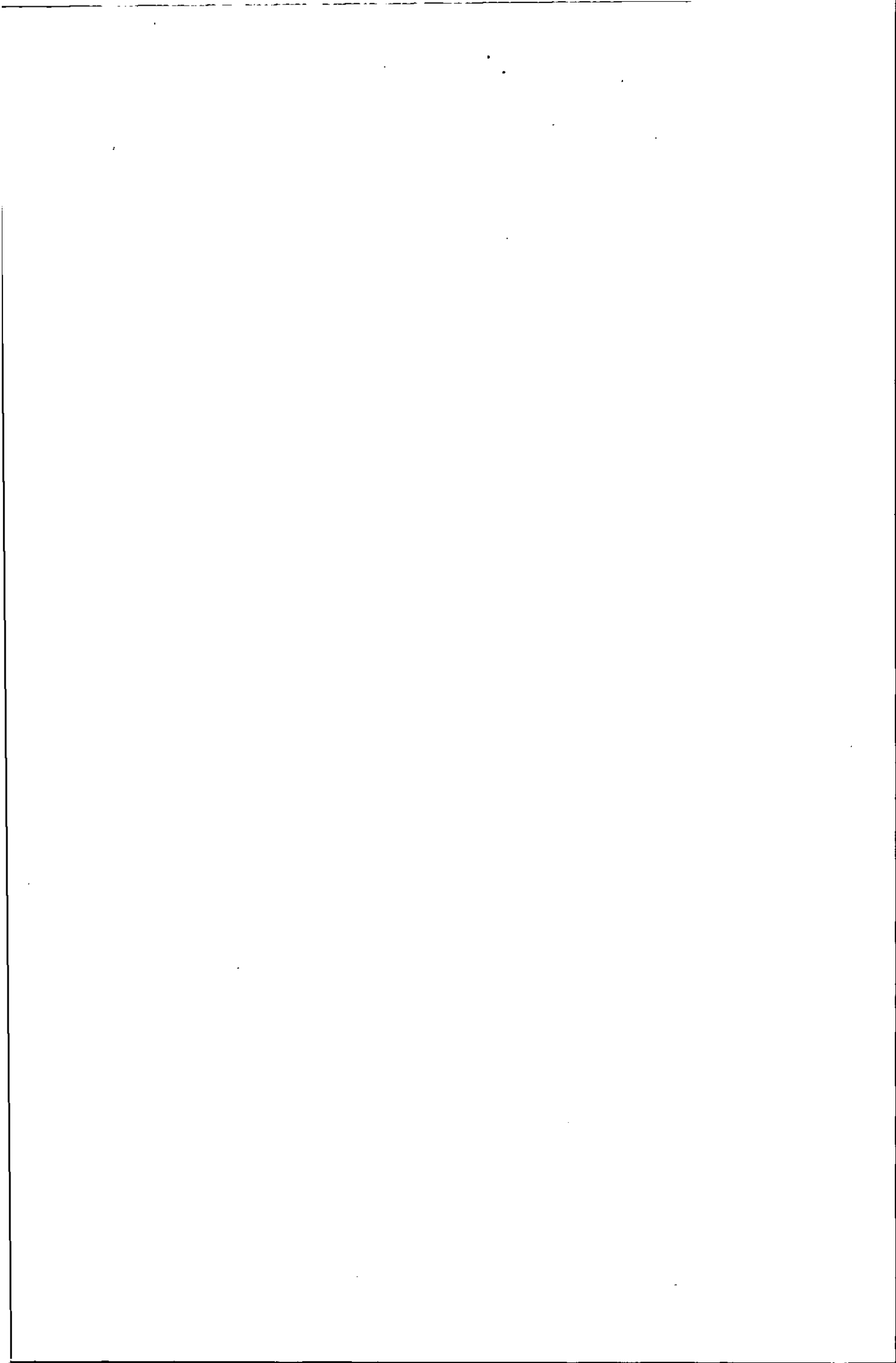
The Iraq War and the World Security Architecture

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After 13 years from the collapse of the security sisteme characterized by American-Soviet bipolarity, which had established the world order for fifty years the analysis of the decisions and actions of international political actors, offers new elements for a wider interpretation of transformations occurred in the geopolitical environment at a global level.

The political decisions in the aftermath of 11 September 2001, the terrorist attacks in the United States and the Iraq War represent the most important and relevant actions which will influence the future of the international geopolitical environment. Thus, if the anti American terrorist attaks triggerd a new start of the new global America's policy, acknowledged also as a explicative frame for the most of events and subsequent political decisions, the crisis generated by the American intention to attack Iraq and the war development, represent a complex phenomenon, with long term influences on the international policies of the states also present on the configuration process of a both European and global security system architecture.

In opposition with the political actions generated by the 11-th September attacks, that also triggered, as far as the international relations system, is concerned unanimity, approval, multilateral support, enhanced cooperation and legal support, the Iraq war created some political, diplomatic and economic series of contradictory reactions, as fellings of frustration, disapproval or even diplomatic conflicts and strategically regrouping.

Although it is very probably that the United States wanted to deal with the Iraqi regime at a certain time, the anti-American terrorist attacks had reveald the moment for thaht. On the 17 September 2001 the american president signed a document wich confirmed the American intention to fight against international terrorism. The panic and the horror unleashed by the attacks had the role to credit USA with trust and to offer the moral support or even justification for its all subsequent actions. America was looked at with sympathy and compassion and all the states and organizations offered their support, either symbolic or real to fight against this plague named terrorism.

This support even took the form of bilateral and multilateral agreements on counterterrorism, similary to the one signed with Russia in May 2002, which reaffirmed "the previous arrangements expressed before the 21st of October 2001 had the role to fight against terrorism of all forms, and we honor the international coalition efforts against the terrorism beginning with the tragic events of the 11th September 2001."[1] That was a legalization of an important institutional framework based on international agreements, between US and Russia (in this case), which solicited the international organizations' support – G8, European Union, OSCE, 6+2 Group, NATO-Russia Committee – to enhance bilateral, regional and multilateral efforts, actions that demanded low enforcement, intelligence, but also diplomatic, political and economic activities.

The international political system had never seen such unanimity in admitting and solving problems. The entire institutional arsenal, at a bilateral, regional and multilateral level, was in the hands of the community interest while the United States had the leading role in this retaliatory mission. The proportion and the significance of those acts, experimented just in the case of the United Nation Organization, were also invested with international authority, symbolical power and the liberty of action by the leading nation: USA. Obviously, other states that suffered from terrorist threat where ready to proceed with institutional adjustments meant to deal with this problem -- this was also

seen as an opportunity to enhance power and social control.

Without insisting on the american power and other authority configurations in 2002, we must specify that this enormous politically, institutionally, economic and symbolic investment, was left unfinished. What does this mean? The Afghanistan war nither ended by capturing the leaders of the "Al-Qaida"- network, nor by the annihilating or destroyng the terrorist groups, wich ment the removal of the Taliban regime form Afghanistan. Little on the contrary, it was pretty much, but still not enough. Some analysts considered that the stake in Afghan war was much more than fighting against terrorism.

The Iraq War and the Separation in Terms of Interests

Although there were some comments, about a possible American next target, after the Afghan war, early soundings of America's intention to destroy the Iraqi regime, generated the first disaaprovals of the international community. This is why the connection between the counterterrorism and the Iraqi regime could be found in the fight against the hostile international cooperation regimes, which also supported financially and logistically the terrorist groups. These were exactly the efforts made by the American and British diplomats to find and explain the link between Al-Qaida and the Iraqi regime. The connections were easily rejected, because the intelligence reports that made the analysis had never convinced the international community, already engaged in fight against the terrorism, of the necessity of this kind of actions, especially when the political, economical and strategic consequences far beyond their capacity of control.

As the American pressure on Iraq increased, many states had intensified their diplomatic actions to regroup around UN, considered by some of them the only international organization capable to stop, through unilateral actions, the deterioration of international relationships. Even though,

UN and US threats, to comply with the United Nations resolutions, adressed to Iraqi regime had began in November 2001, states and organizations did not react until the United States tried to force UN to adopt a firm position. That's how the 1441, 1447 and 1454 UN resolutions appeared, stipulating more firmly the international community requirements as far as the Iraqi regime.

Consequently the diplomatic conflict wich was concerned last until the end of the Iraq war started. The United States of America begun the attack of the Iraqi regime with its entire political, diplomatic and military force.

In March 2002, the number of Americans who appreciated the policy of G.W.Bush was very high (82 %). 88 % of Americans where approved the President's activity in the war against terrorism, although they were 10% fewer beginning with October 2001 and finally only 66% considered as adequate the way, that Presidency acted to prevent terrorism, also 72% of them supporting a military intervention to remove the Saddam regime.[1]

America had a strong internal support as well as allies abroad, even thuogh the support

of the president decreased, as the diplomatic crises had extended. The Great Britain, Canada, Australia, countries form Europe, Asia, Latin America offered diplomatic or military support for a military intervention against Saddam regime. Eloquently is the case of the American query to exempt on the national territories of other states the American military personnel from the law trials during antiterrorist war; Romania was one of the European countries that offered that kind of protection to American soldiers, incurring critics from European Union partners. That represented an important American test to verify the sustainability of the project, as well as the new allies.

Moreover, American troops were already in the Gulf region and had their aircrafts patrolling above the excluding area in Northern and Southern Iraq, military bases in Saudi Arabia, Kuwait, Bahrain, Turkey and the Marine fleets were in the Persian Gulf and the Mediterranean See.

Even though US officially declared the specific term of disarming the Iraqi regime (among other objectives[2]), analysts affirm that other interests reprersented the American motivations in this war[3]:

- To complete military operations that had begun in the first Gulf war and to provide regional security trough massive military presence;
- To diversify the oil supply of United States and to control the transport routes and terminals from Gulf area;
- To strategic reshape the Middle East in order to start the modernization of the muslim-Arab world, to integrate it in the democratic system and to install the regional prosperity;
- Implication of Americans in the eradication process in the center of the terrorist phenomenon.
- To rebalance the power lines in Middle East, to reduce the pressure on Israel, Turkey, to create the Palestinian State.
- To strengthen military support for America's interests in the Caspian region and also in communications lines and transport routes towards safe regions.

In this political-diplomatic conflict between USA, on one side, and France-Germany-Russia, on the other side, the US leading alliance was numerical inferior but strategically superior. The Defense Secretary Deputy, Paul Wolfowitz stated that USA had succeeded to form a "formidable alliance" that would support American policy concerning the Iraqi crises. The geostrategic significance and the power of their allies was the main argument of Americans.[4] The countries of Commonwealth, leaded by Great Britain, also assured military capabilities for U.S., if the situation required, but also the minimum legitimacy of his international actions. Without the force of Blair's political support, United States would have had a problem in justifying their actions.

From American perspective, the opposition of some occidental economic powers, wich were also reliable partners for America, didn't represent an insurmountable obstacle. The single concern for Americans was not to prolong forever the expectation, given the fact that the dollar had started to lower on the financial markets, the price of the oil barrel continued to be high and the American economy would have been affected on long and medium term. Having the experience and the precedent of the war from Bosnia and Kosovo, when states from the Western Europe that now opposed to action, took part at it, the precedent of declaring the war without having the agreement of the NATO Security Council, served as a base of negotiation and legitimating the American action, if they ever needed it for removing (turning out) the political regime in Baghdad. The state that caused serious problems to Americans was Turkey, for consenting to the opening of a front in the north of Iraq, from the Turkish territory; the leadership from Ankara negotiated toughly the conditions for supporting this plan. Although they didn't receive the necessary sums of money from the Turkish economy, the Turkish Allies raised serious problems to tue American army, delaying the start and the end of the

war – 40 American transport ships loaded with military equipment and personnel had to go around the entire Arabian Peninsula in order to serve the U.S.Army.

As far as the East European American allies, were concerned countries as Romania and Bulgaria, because of their categorical position on the American administration side, provoked the disaproval of France, President Chirac declaring that the candidates pro-American attitude will have consequences on the admission in the European Union. Romania and Bulgaria made public their opinions, from the very first moments of the crises and, although President Bush considered the allies that US reunites to be "a coalition of voluntary states", an American Senator appreciated that it will be much more correct to speak about a "coalition of bribed states".[5] Romania and Bulgaria have risked their diplomatic relation with other states and could be targets for terrorist attacks, stated Los Angeles Times in March 11, 2003. American administration declared at the beginning of the war that it will do its best to reward the political behavior of Romania and Bulgaria, President Bush sent Don Evans, Secretary of Commerce of United States, for thanking those countries and announcing a series of American investments and granting them the status of "functional market economy". Even if other Eastern and Central European States supported American policy, countries as Hungary, Poland, Czechs, and the Baltic States were much more moderate in statements and actions. Romania and Bulgaria bet on an economical and political compensation in exchange for their support.

Regarding the relations with Russia, USA went up to threatening it with economical and geopolitical losses if Russia used its veto at the Security Council of UN to reject the US resolution to apply military actions against Iraq[6].

Some conclusions can be drawn from the above statements:
- Security Council could not obstruct USA actions;

- No other international actor could influence the American decision to attack Iraq;
- US negotiated economic and political interests only with reliable allies, excluding in their decision the sharing of economical benefits with important strategically partners such as Germany;
- US reaffirmed its hegemonic position on the international political arena in difficult geopolitical conditions. Furthermore, US threatened with retaliation the opposing countries;
- The international law system, including institutions created to ensure stability and prevention of wars, demonstrated that they were not adapted, at that moment, to this kind of political, diplomatic and military confrontation and that they still didn't have the capability to oppose US policies.
- This political and diplomatic conflict revealed the vulnerability of European and international institutions in front of an American challenge.

France, on the other side, led a much more heterogeneous coalition than US. Germany, Russia, China, India, Muslim countries and states from different continents along with France did not support an American intervention without UN Security Council approval. French role in this international action meant to limit the American position was obvious; France organized a diplomatic campaign of an international rally on all continents.

Not only France supported the safeguard of the international relations system based on the law. "It is an attitude based on the international law and on the international community capacity to solve crises without making automatically use of military force", declared the Spokesman of the French Government on March 13 2003.[7] In fact, France motivations are far more complex. France, like other European countries – Russia for instance – had their economic interests in the Persian Gulf region, interests already compromised by the American intervention. French companies had contracts

in Iraq, within the Oil for Food Program, the same with the Russian companies that collaborated for 15 years with the Iraq in oil industry. Despite of the French-Iraqi economic cooperation, those elements could not represent the fundamental motivation for its opposition to American intervention. Being the threats with economic retaliation and loss of possible participation at post-war Iraq reconstruction, France should have had to moderate its political speech about war and start negotiating with America. It's obviously that other geopolitical consideration laid at the basis of Paris' political decision. France sought the opportunity of creating a power balance capable to offer it the desired credibility and authority in the international system. As a single actor on the international stage, France ceased to play a significant role in the international relations since the end of the First World War but as an actor within the European Union, its importance is enhanced by the entire institutional mechanism that functions in Bruxelles. It is difficult to understand how Germany rallied to the French position despite its 50 years lasting strategic partnership with USA, within transatlantic relation, but it's sure that Germany expectations are related to the common European political project based on institutionalism and cooperation that will function for a long time from now on. France lost much more in the economic field than if it had cooperated with the Americans but it hopes that the political and economic outcome that followed the confrontation will make the difference on long term. Since the end of the Cold War, French companies had major losses – in oil field and armament sales – in Middle East and it is possible that France intended to try to balance power relations through diplomatic efforts.

Even if France had a history of special relations with the Arab countries, it couldn't do anything to prevent the American action toward getting control over this geostrategic area. Michele Alliot-Marie declared in an interview, granted to a Greek newspaper, that France opposes to "the preemptive wars" and it wants to create a "peaceful disarmament organization" in view of preventing international crises[8]. French officials consider that "the preemptive war concept is opposed to the collective security that is based on the respect of international legitimacy and authority of Security Council". Underlining that even other countries could represent "a threat to peace", countries such as North Korea, the French minister declared that "for this reason, France solicits the creation of an efficient organization for peaceful disarming, mechanism meant to offer guaranties to international community"[9]. This means that the French attempt to adapt the Western interests within world geostrategic area trough its institutionalism, is either incapacity to adapt means to new realities, either a non-realistic strategic option. The fact that there are no reliable institutions to deal with security in a specific part of the world and the fact that French, along with other states, cannot create these institutions, shows its weakness in international arena and that it cannot ask for supplementary rights. The discrepancy between French external political intentions and reality seems the same with the difference between the French external political project and the European project. As the former French Foreign Minister, Hubert Vedrine[10] explained in March 2002, France has made progress in adapting its institutional mechanism toward a fast evaluation of external political decisions because "we don't want to influence neither the France expressions nor its capacity to negotiate"[11]. It is obviously that France policy is fully adapted to the European realities but concerning other geostrategic areas, France cannot provide or create more security or crises management. France position adopted in the case of Cote d'Ivoire is typically for France external policy: applying military procedures to solve a conflict, even if affects French interests, is taking place with the necessary delay to exhaust diplomatic actions.

France intention to use its veto and to stimulate other state to do so, arouse major critics from its allies who accused Paris supports for authoritarian regimes, allegations

expressed considerations that France acted as an "enemy" and should be treated in consequence[12].

Even if France call for use of international in crises case and some of its intentions were honorable, there are few elements that raise questions about its motivations:

- respecting UN resolution and continuing with international inspections prolonged Iraqi people sufferance as much as solving fast the crises; French partisan position, as much as other powers, did only start the war and make speculations on America legitimacy of action; it is possible that unanimity with regard international pressures would have made possible full cooperation of Saddam, if not his peaceful removal;

- the French support for an authoritarian regime, with consequences on human rights and humanitarian catastrophes by using a legal practice that proved its inefficiency in several occasions – Bosnia, Kosovo – could offer justification for other oppressive regimes in other world regions. These raise a question that is it worth putting in balance people's sufferance with the maintaining of juridical and institutional statu-quo?

- Considering UN the only "source of legitimacy" for an international action, limited at this moment, to actions and opportunities meant to urge the extension of democracy and the security of human rights in the world;

- France tendency toward strategic dominance is under its economic, politic and military capabilities – that was the reason of trying to gain advantages in a favorable geostrategic situation.

Thus, even if its intentions with regard of European Union and the creation of a European defense and security identity are commendable, those have to be put in balance with a more widely vision of solving crises without a military force capable to provide credible threats. It configures two perspectives regarding security projection in world: one is based on international law and enhancing cooperation within a unite Europe

and the other one of based is force threat followed by cooperation. France will be part in the first camp.

Regarding Germany, anti-American policy of Gerhard Schroeder Government is something new in transatlantic relations. Despite inconceivable two years ago, Germany fallowed France diplomatic campaign without hesitations. Although the German press condemned sometimes Schroeder foreign policy, the German-American partnerships abandon could have consequences on long term even though US declared that that it is willing to "ignore" for the moment Berlins aggressiveness. The economic interdependence of German stockholders in multinational corporations makes difficult the Germany reprisal trough economic instruments. In fact, United States preoccupation for its partner is much more profound then this particularly diplomatic conflict. If European Union does not succeed in becoming an autonomous military power, the partnership will be renewed.

Concerning Russia, US threatened a couple of times that it was going to revenge any attempt of opposal in the Security Council, it declared that they would cease their cooperation in the energetic, strategic, military partnership and even clearing investments. An interesting fact is that, even though the American-Russian partnership was considering to based on the cooperation in the energy sector, esspecially the oil one, new studies revealed that the cooperation should be built in other fields like the nuclear one.[13] The focus on oil had eclipsed the fields where American interests could successfully cooperate with the Russian interests: the development of new technologies to produce nuclear energy and the nuclear waste management, field of tremendous benefit for both sides, as the Russian analysts, David and Nadejda Victor demonstrate. Even though American policy was not completely adequate in supporting of the American-Russian partnership, it is certain that they have special interests in developing it. If American investments did not succeed in supporting economic recovery and

development of Russia, the cooperation in security matter prevails in front of other domains. According to an American official, at the end of war in Iraq, Russia "should be forgiven" – when France should be "punished" and Germany "ignored" – demonstrate the importance of this relation.

On the Russian side, President Putin's statement from March 17 2003 was edifying for its attitude during the diplomatic conflict and after even more important, for the entire group formed with France and Germany. "It is a first step toward a multipolar world", declared Vladimir Putin, commenting in Paris, on February 10th, the France-German-Russia tripartite statement against the war.[14] The general intention of the Russian diplomacy is the creation of a international relation system which is not completely dominated by the winner of the Cold War, meaning the US, and that allows the other powers a maneuver range and the possibility to influence Washington's external policies. The conditions being given, Ilia Fabricinikov, researcher at the Political Study Center – PIR, stated that an imposed war, won by the USA, would not correspond to Russian aspirations. Apart from personal opinions, Russia did not indanger its partnership with the USA, but earned the European partners respect, economic partners much more important than those across the Ocean.

Even if France,Germany and Russia did not have any geopolitical or geostrategic advantage, in the middle of Iraq's crises, these states have succeeded to rally on the common point and create the premise of a possible future counterpart to the American hegemony; it is not possible for the moment, but there are new opportunities for the three partners.

As far as NATO is concerned the Iraq's crises and its end brought again, in specialists attention, the role and the capacity of the Alliance to face the threats of the XXIth century. The debates related to military intervention outside (???) influence and legal area were followed by those concerning the readiness (???) of the Alliance to play a key role in the reinforcement of peace in Iraq but

it seems that Germany has categorically opposed to that strategy. NATO decided its neutrality in this conflict, rejecting even the security guaranties for Turkey (a week after Germany decided to send in Turkey its AWACS aircraft). Besides, NATO has much more accurate objectives as the intensive integration of new members, of the candidates, as well as its decision making.

Related to the European Union, the diplomatic conflict and the Iraq war revealed the weakness of this European institution, the separation between states on this subject being given. The announced war against the Saddam regime divided the European Union, by creating to camps with irreconcilable positions; *their different opinion conflict canceled year and year if efforts towards European security and defense project (???)*. The High Commissar for common foreign and security politics of EU, used to his mediator role in reconcile the disagreements, was forced at the end of February to recognize his failure: "That day, all was destroyed, because each part sustained totally different positions, without even trying to give consideration to a compromise solution", declared an European diplomat.[15]

The European Summit held in Brussels on March 20 this year, adopted a common statement concerned Iraq, reaffirming the "fundamental role" of the United Nations in the international relations and gave promises for a humanitarian aid of EU and demanded protection of the territorial integrity of Iraq.[16] According to diplomatic sources, the official text, that was adopted much more rapidly, in an extremely divided context over Iraq's crises, was stating the necessity that the UN "continues to have a central role, during and after the actual crises". On the other side, the document sustains the protection of "territorial integrity, sovereignty and political stability in Iraq". It is obviously that the EU failed to produce the necessary consensus over a political common decision and that was happened because of the opposing interests involved in this conflict.

At this point the evolution events might lead to a series of conclusions concerning ulterior developments on the European and international stage:

- The diplomatic conflict between the two camps, the US and its opponents, was a powerfull conflict, that pursued the balance of power in the world and an attempt to break the American hegemony.

- France, Germany and Russia have not succeeded in creating a counterpart of the US security projection system; they have obtained just a symbolic advantage in the contingency of a Russian participation to institutional security mechanism in Europe and, probably, the promise of an enhanced economic cooperation on the Paris-Berlin-Moscow axis.

- The Iraqi crises reconfirmed the hegemonic position of the United States within the international relations system.

- The diplomatic conflict between the two sides will continue after the end of the war, motivation strong enough to enable us to affirm that the conflict has much more profound motivations and that it is the result of different goals over the new world security at different levels.

Some analysts consider that this political and diplomatic conflict, which burst out in the Iraqi crises, has deeper roots. This phenomenon could be explained through a series of geopolitical projects with civilizing vocation which coordinates the international actors' policies. The two political parties, US with its allies and France-Germany-Russia axis and its supporters propose different patterns of evolution in the international relation system.

Gerard Dussouy analised these security patterns of the political future of the world through the perspective of three geopolitical scenarios.[17] Also he considers that, on the basis of a dialectics homogenization/ heterogeneity process, might had to occur 3 patterns in the new world order:

1. The planetary pattern concerning the perspective of the world and the global communication;

2. The hegemonic homogenization pattern;

3. Antagonist heterogeneous pattern or disorder.[18]

Thus, according to his theory, the first pattern represents the dominant perspective in the world and both security projects, that we mentioned are included in this perspective. His supporters' state that it deals with harmonious order of world business based on a universaly spread democracy, despite cultural specificity, the generalization of mass consumption and trade. The modernization, the uniformity of the societies generates a community, that guaranties universal peace and in which communication plays an important role in the "annihilation of will power and of violence in interstate relations, eliminating the irrational attitudes of political leaders."[19]

Opposed to this convergence of change and communication forces is the resurection of laical or clerical nationalisms, the demographic curve outburst viewed as a sign of cultural burst. Also, contradictory tendencies appear in the concerning western culture and the acculturation process can raise questions about its cultural identity. The American pattern has more chances to undergo as an integration project of "a double social and moral dimension"– seen as an equivalent of democracy, human rights and free market. In this pattern, the difference between the US and EU will be considerable and concessions as well as counterparts supported by the democratic ideal throws questions at the system's conversion towards democracy. Cultural dialog will mean just accommodation and the "neutral languages" acquisition, such as English, produce cultural conservation. The most important assumption is that it is less likely that western values would be capable to assimilate all cultures without being itself influenced. Cooperation in the security field assures the future spread of democracy throughout history meaning that the hegemonic interventions do not solved the crises. The paradox is that as the dialog and institutional negotiations enhance, security is far from being reached.

Communication on the other hand creates a feeling much stronger then the economy. Despite the American hegemony and its proclivity to mediatizate its culture, humanity remains split in mental patterns[20]. Even though America controles, at a global level, most of the political and economic messages, we cannot speak about a global public opinion. Promoting the democracy in the detriment of a much stronger national environment is the contemporary paradigm. Even though the UN configures a new manner of international relations, this institution cannot represent the future of an alliance with a universal vocation. The globalization and the correlative trends of economic regionalization have accelerated the negotiation proceses and so the transparency in international relations.

The "heterogeneously homogenization" and the "disorder" patterns raise much more contradictory problems and don't produce order principles. These patterns state that the self-determination right triggers imperialist nostalgias. Also state dismantling raised questions about equity in international relations. The hegemonic homogenization pattern is considered to be a cautious manner to go back to interdependency or integration paradigm because it expresses an inadequate process of a stable power structure which has the tendency to uniform national and social entities through the same laws.

We think that three aspects compete to its accomplishment:

- Through globalization, the burst of welfare through a new form of transnational capitalism – "the new economy[21]" assisted by the communication regulatory function;

- The demographic equilibrium and the integration of the population;

- Actors ideological conformation which suggest 2 scenarios: pax Americana or pax democratica.

Moreover, NATO's expansion is considered to be the fulfillment of an American internal foreign policy and of a strategic objective in Europe, without complying with the European requests[22] just like the globalization collects resources and

direct them to the American economy. The international organizations reform by sharing the roles and responsibilities is not, at least for the moment, an American priority because it could undermine the US position in the world. And without the US, such a reform is impossible.

The antagonist heterogeneity or disorder is based on binomial optimism/pessimism related with the future potential of international relations system. The recurrence of a series of phenomena such as the "feudal"[23] way to go back to firms autonomy or the recurrence to the territorial or cultural reshape is explained as a double phenomenon of saturation and proliferation that threatens the world with disorder.

The phenomenon's proportion is related to two principles: sensitivity and vulnerability. "Within a atomizing logics of capitalism, the modern western concept on the world, shocked them because of its impotence to built a new world order".[24] This skepticism manifests itself at two levels: a theoretical one and a practical one. The ideologic incapacity to shape the international environment is a drift of values. From the practical point of view, the absence of a shared and admitted global conception prevent us from believing in the creation of a normal society. The frontier denial becomes another saturation source. The globalization of the work market creates big companies new "transnational feudalism"[25] considered as a capitalism counter reform. The social perspectives saturation risk to accelerate along with the rising heterogeneity of populations and the intensified migratory fluxes; those think along with other phenomena creates profound and frustrating contradictions. Attitudes and behaviors which derive from such ideological discrepancies shape the international political environment related to the outbreak and the development of the crises.

State policies regarding relevant action toward redefining security environment in Europe, and not only, reflects one or more tendencies within the three patterns. If for the United States the globalization and

hegemonic homogenization fits just well, the contrary tendencies within the second pattern, combined with elements within the disorder and globalization scenarios define the entire European decisional arsenal regarding its future.

The United States policy is in the favor of maintaining actual hegemony given the fact that it permits the pursuing of its national interests without being punished. The US lead the most significant security alliance in Europe and its power allows ---- taking major decisions sometimes just by itself. The NATO enlargement was an American decision and not a European one, backed just by the Germans who wanted a territorial protection from its former enemy Russia. Gradually, the American attention was directed to the Middle East area and the center of Eurasia[26], to rich oil areas; there the United States tries to create a security system that will allow its safe exploitation.[27]

The American security strategy is based on the extent role of regional security alliances such as NATO.[28] The well-known American analyst, Zbigniew Brzezinski considered that America has an additional 4 major characteristics of its power, attributes that we can consider also strategic priorities:

1. Economic regional cooperation (APC, NAFTA) and through international specialized organizations such as World Bank, IMF, WTO;

2. Proceedings which stress consensus based decisions even if they are dominated by US;

3. The preference for democratic relations between the most important alliance members;

4. A judiciary and constitutional world elementary structure.[29]

Obviously some characteristics of the American foreign policy, as Brzezinki later admitted, are no longer representing its interests, as the decision to renounce to the juridical international support for its actions in the Iraq crises demonstrate.

America promotes its own global security project because it is considered that a world without their power is much less secure and with much less prosperity. Brzezinski states that the US should have three major political objectives after the Cold War: avoiding the anarchy, blocking the rise of another rival concerning power and prolonging its supremacy.[30] The recent events occurred on the international stage can confirm the American international policy trend. By seeking and stimulating strategic partnerships in Europe, Middle East and in the Far East, US tries to built new security systems that permit the achievement of its objectives. USA would want to see their allies – especially from the NATO – engaged in actions outside its legal influence area and, also, that Europe could handle its own security problems without eliminating, of course, the transatlantic relation within the European security architecture. In order to promote these strategic goals at global level, America relies on its allies or "geopolitical players" as well as on " its geopolitical pivots"[31] and takes care of their protection and welfare. Countries such as Germany, Turkey and Japan will always be supported for their geostrategic significance and for their capability to activate on the international stage.

The Afghanistan and Iraq wars have showed the geostrategic and geopolitical importance of Eurasia for America. The US, the only world superpower, started the conquest of the "heartland". American troops are for the first time in history in the heart of the Eurasian continent with the clear intention to build a security system that will allow them to stay as long as it is necessary. The US have many strategic priorities in the most relevant areas of the world:

- The construction of a lasting relation with China, seen as the regional power;[32]
- The pacifying of the so called "Eurasia Balkans";
- The European integration and its consolidation;
- An adequate relation with Russia and drawing it in a series of regional and global security projects.

Those projects proove that America is determined to influence in the future, the

security of the global policy and the result of those efforts will produce a new world security architecture. The United States have the power and the political will to project and shape the future of the world but that does not mean that its policies will not be influenced by other international players. But the course of action belongs to the US.

On the other side, the European project led by France and Germany, within the European Union, whose divergent interests with US don't limit to the access and control of important geopolitic areas, aim at the creation of a stable and secure economic and political area.

But Europe is in a much complex situation then the Unites States are. Its non-unitary cultural characteristics and the necessary time for its institutional edifice reflects in its problems but this does not mean that they will not succeed in this project. Europe still has problems with the defining and the functioning of its institutions and that reflects in the promotion of its international projects. Much more stable than other geographical areas, the European Union is an important player end hopes to become much more powerful than it is now. The European project of building new security architecture is based on a legitimate and feasible international juridical system but raises serious doubts, how much time it will lost about and about the mechanism capacity to work in conditions of rapid change and of multiplying challenges of today's world. But time will decide which project is the most adapted one for the challenges of the future.

It's hard to assert that the European Union is more democratic than the USA but the European integration project is one of most innovating cohabitating systems known to human kind and its decision mechanisms are a great example for the political communities of the present.

The difference between pan-European development pattern, as referring to the liberal-institutionalist perspective of Europe, and the American communitarian perspective could be decisive in the foreign policy in which the rapidity of the American decision process could not be matched by the complex and heavy European mechanism. If the dispute for resources and markets has begun than the US started with multiple advantages: it is the only superpower, no other competitor can reach its military and technologic capabilities, the international relation system don't permit to sanction its international political behavior and the economy and the states are more adapted than ever to competition.

The asymmetric confrontation on different levels favors · hegemonic homogenization but does not eliminate opposing tendencies and if the United States will have a moment of weakness, the European Union and other players will certainly take advantage of it. Those two political projects with civilizing vocation, the American and the European, will confront in future and will influence the political future of humanity.

Note:

[1] White House Press Release, May 24, 2002.

[1] Poll Finds Support for Bush, War on Terrorism Isn't Fading – Gary Langer, ABC News, www.abcnews.com, www.gallup.com

[2] Donald Rumsfeld declarations about American objectives in Iraq, 22 March 2003, Mediafax.

[3] Economist Nicolas Bavarez, L'Expansion, February 2003; Erich Marquardt, US Government Objectives in Iraq, Power and Interest News Report, 21 March 2003.

[4] Mediafax, 11 March 2003.

[5] Los Angeles times, 11 March 2003.

[6] Alexander Vershbow, American ambassador Moscow warned, in an interview, that Russia could suffer economic and geopolitical losses if will use its veto in UN Security Council to reject US resolution that authorize military action against Iraq, Mediafax, 11 March 2003.

[7] Mediafax, 13 March 2003.

[8] French Defense Ministry interview, Michele Alliot-Marie in greek Elefterotypia newspaper, quoted by Mediafax, 14 March 2003.

[9] *Idem.*

[10] „Cohabitation, Europe: comment se fabrique la politique etrangère?" In *Politique Etrangere*, 4/2002.

[11] *Idem*, p. 864.

[12] Statement of the president of International relations Affaires Subcommittee within the Representing Chamber, republican Douglas Bereuter, quoted by Mediafax, 17martie 2003.

[13] „Axis of Oil?", David G. Victor and Nadejda M. Victor, *Froreign Affaires*, March/April 2003.

[14] Mediafax, 17 March 2003.

[15] France Presse comment, quoted by Mediafax, 16 March 2003.

[16] Mediafax, 20 martie 2003.

[17] Gerard Dussouy, *Quelle géopolitique au XXI siècle*, Éditions Complexe, 2001.

[21] *Idem*, p. 290.

[22] *Idem*, p. 294.

[20] *Idem*, p. 294.

[21] Apud, Alan Greenspan, President of Federal Reserve, p. 301.

[22] Apud, Pascal Boniface, p. 305.

[23] *Idem*, p. 308.

[24] *Idem*, p. 310.

[25] *Idem*, p. 311.

[26] NATO and the Caspian Security: a Mission Too Far?, Richard Sokolski, Tanya Charlick-Poley, Rand.

[27] A New Persian Gulf Security System, Andrew Rathmell, Theodore Karasik, and David Gompert, Rand 2003.

[28] *The Grand Chessboard*, Zbigniew Brzezinski, 1997, romanian edition, Univers Enciclopedic, 1999.

[29] *Idem*, p. 40-41.

[30] *Idem*, p. 236.

[31] *Idem*, p. 30.

[32] *Idem*, p. 214.

The Black Sea's Importance in the Context of EU and NATO Enlargement

Teodora MOŞOIU

Cooperation among the Southeast European's states and those riparian with the Black Sea is tightly connected and intrinsic influenced by a complex of internal and external factors that comprise not only on-going processes/initiatives but also sub-regionally elements of risks. The Euro Atlantic integration's goal stimulated and promoted regional cooperation, creating all the necessary conditions for positive evolutions for the countries in the region and at continental level.

All six riparian countries with the Black Sea (Romania, Bulgaria, Turkey, Georgia, Russian Federation, and Ukraine) established a contractual relation with the European Union (EU) or NATO.

Romania and Bulgaria officially applied to the EU in 1995, starting the negotiations in 2000. Turkey signed in 1963 the association agreement and in 1999 was declared the 13th candidate country. In 2002 in Copenhagen, Turkey was ensured that its candidacy would be evaluated again in 2004 pending on the progresses registered on the recommendations issued at the European Council Summit. Russia, Ukraine and Georgia signed the partnership and cooperation agreements with the EU in 1996 and they were implemented in 1999.

Romania and Bulgaria were invited in November 2002 in Prague to become NATO full members. Georgia signed in 1994 along with Romania, Bulgaria, Ukraine and Russia the Partnership for Peace document. Ukraine signed in 1997 a document for the establishment of a special partnership with NATO, and NATO-Russia relation acquired an improved level of cooperation with the creation of NATO-Russia Council. Furthermore, high-level officials from Ukraine and Georgia recently declared their intentions to become NATO members.

Sub-regional cooperation is a necessary step toward Euro Atlantic integration but it is not an alternative to this process. Those NATO or EU candidate states that have an increased probability to become on a short or medium–term full members have become stabilization catalysts of the regional security environment and promoters of democracy and prosperity in their adjacent area. Therefore, these countries turned out to be active participants in *bi-lateral or multi-lateral* sub-regional cooperation initiatives due to interdependent interests:

- The participation in these initiatives fulfilled NATO and EU's requests for cooperation and good neighboring relations, and was considered as a pre-condition for future membership.
- Certain countries assumed the role of regional security providers and perceived this process of regional cooperation as an opportunity to reveal their accomplishments as functioning democracies and stability pole in a volatile region.
- Certain countries contributed alongside NATO or EU member states to disseminate principles of the domestic reform engendered in the preparing process of becoming members of these two organizations.

Based on these premises certain level of action were highlighted:

- Sub-regional cooperation can become a means of starting or improving to fulfill the multitude of EU's requests including those of legislative harmonization. In this particular way, free trade areas can be created that can lead on medium term to an increased competitivity of goods.
- Cooperation promotes development, the improvement of the transportation infrastructure, communication, energy, contributes to a flourishing tourism and help to protect the environment. Furthermore, it facilitates the solving of trans-national problems such as: organized crimes, drugs and persons trafficking and illegal immigration.
- Sub-regional cooperation can attract investments and foreign aid through the creation of new opportunities and a stable security environment.

Unfortunately, political-military coope-ration was at the beginning slightly drawn backward due to divergent interests expressed by the riparian states but also because of the political and ethnical complexity of the region. During the last years, a series of relevant processes in the economic field such as Black Sea Economic Cooperation (BSEC), military field BLACKSEAFOR, internal affairs SECI or for promoting confidence and security building measures in the Black Sea were developed or increased. Every single process proposed improved sub-regional coope-ration, some of them being successful some of them failed due to the lack of resources or the perpetuation of bi-lateral or multi-lateral disputes and the lingering of divergent objectives of the riparian states. EU has an important role in developing regional cooperation in the field of stabilization and economic development, integration of certain riparian states and improvement of the transportation infrastructure, alongside NATO, which engaged in cooperation activities among riparian states at PfP and EAPC levels.

NATO member states involvement in the Black Sea area was significantly reduced and the US was maintaining the classical line of the 6th Fleet involvement through Cyprus Greece, Turkey up to Caucasus and allied priorities aimed at promoting stability in North Africa and the Balkans. At the present there are not military forces dislocated into the Black Sea. Geo-strategically the Black Sea was not considered as being a region *per se* but a nodal point of several regions with different developments such as Caucasus, the Balkans and Middle East.

Politically, the Black Sea area has a dual potential. This potential has on one hand *positive* developments characterized by:

- The amplification of EU-NATO relationship with Ukraine and Russia, thus creating premises for promoting stability in the region;
- The development of the regional cooperation can generate a containment of those areas that have a conflict drive potential (Dniester, Abhazia);

On the other hand there is a *negative* potential characterized by:

- The persistence of tensioned conditions, latent conflicts determined by separatist movements (Moldova, Caucasus);
- The political instability which deter-mines the dismantling of state authority and organized crime flourishing which spreads to the Western Europe;
- Favorable conditions to development and spreading of international terrorism;

Economically, the Black Sea area has an important but lowly used potential:

- Possible market 350 mil. consumers;
- Goods contractor for foreign trade;
- Significant mineral resources that can be extracted;
- Opportunities to develop the tourism;
- Opportunities for the modernization or privatization of the defense industries of the states in the region, in the process of economic transition;
- Opportunities for developing the capacity of energy infrastructure, which at the present does not cover the regional necessities.

There are several projects developing for the moment in the region regarding:

- The connection with the pan-European transport corridor[1] after the accomplishment of the EU-financed project regarding the construction of the ferry-boat terminal in Batumi port;
- The use of Constanza-Batumi ferry-boat;
- The re-emergence of the "Silk Road" through TRACECA project.

Geo-strategically and militarily, the Black Sea area has a great potential for:

- The enlargement of NATO aerial warning system to the Black Sea and Caucasus area that will improve the region states' response to their own security risks;
- The use of the Black Sea as a buffer zone for counter-acting the traffic of sensitive materials and armament coming form the CIS area and for the diminution of non-conventional risks impact such as the organized crime and international terrorism;
- The use of the regional infrastructure (Constanza, Varna, Burgas) to project military forces to peace-keeping missions out-of-area;

Conclusions:

The Black Sea region can become a nodal point for economic development than on long term would have an important impact on expanding stability and prosperity to Caucasus and Central Asia.

Connecting the Black Sea to a unique approach of the NATO South flank will contribute to manage in a right framework the new risks and challenges to the Euro-Atlantic security and will create a strategic plank between South-East Europe and Turkey. Furthermore, the region can play an important role in spreading certain successful security assistance forms of cooperation to the Caucasus and Central Asia states. It can also become a transportation passage for aids dedicated to Afghanistan as well as for donations offered under „Train and Equip"

Program initiated by the US for Georgia. In this context, the importance of the Black Sea region will increase due to its port capacities and civilian and military infrastructure it possesses and which can be adapted to ensure the protection/rapid deployment of NATO forces/capabilities in an area expanded to the Caucasus and the Middle East but also for sustaining/rotating the troops stationed in the Balkans.

Romania as a regional player and future NATO member can contribute alongside other actors in the region to design a long term cooperation strategy among partners and allies regarding security and stability of the Euro-Atlantic area in the Balkans, Caucasus and the Black Sea.

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[1] The 3rd Conference on pan-European transport Helsinki, 23-25 June 1997, defined the Black sea as an area of pan-European transport.
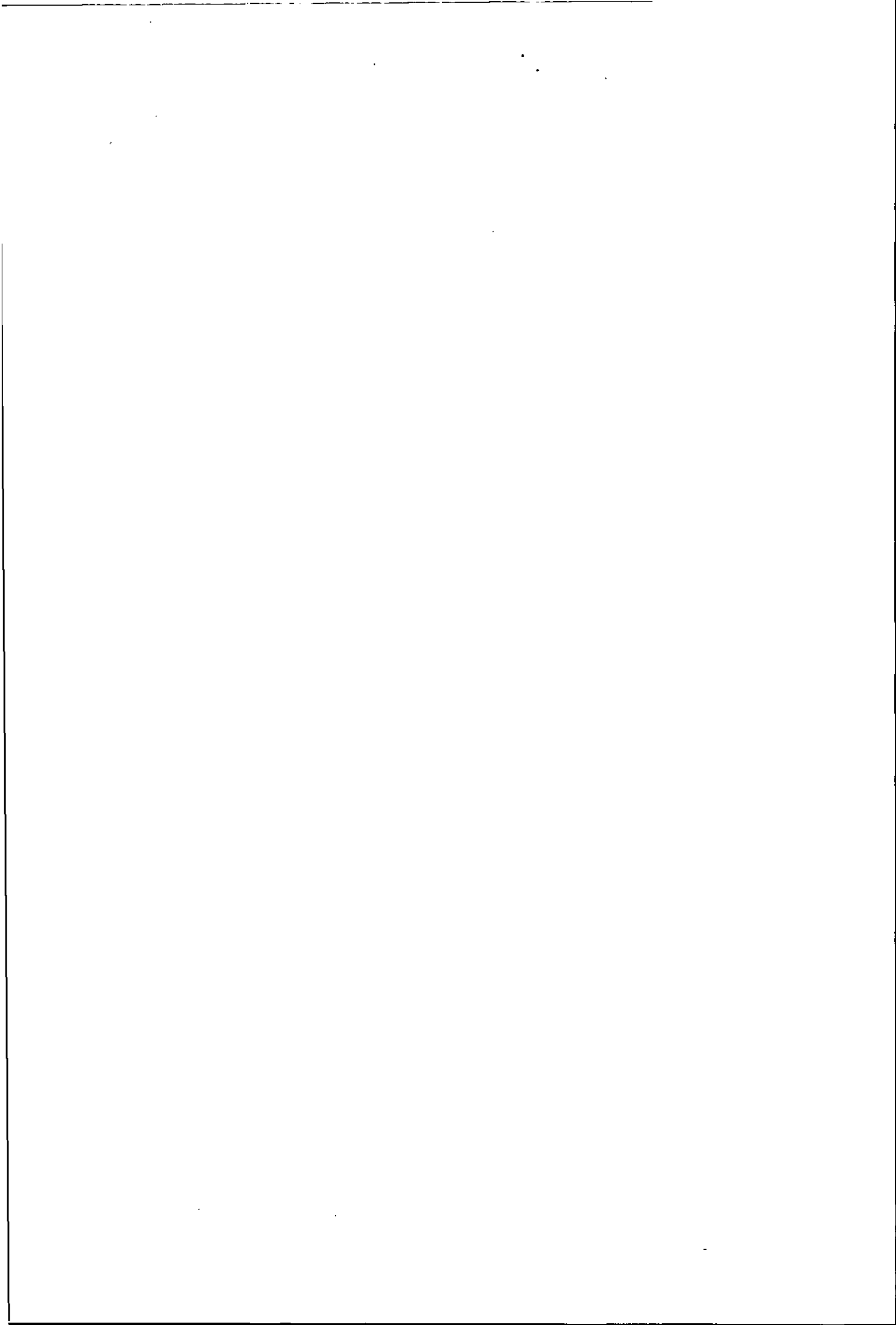
Bărbulescu Iordan Gheorghe, *"European Union: Profound study and extension. Book I – From the European Communities to the European Union"*, Bucharest, Trei Publishing House, 2001, 437 p.

The author's writing, comprising four books is the outcome of an extensive research which had as a first result his very doctorate thesis (December 1996) entitled: "Central European States' pre-joining to the European Union, key-element for European Unification".

The writing review has regard to the current situation in the European Union and the three European Communities; the impact of its extension to the present and future member states, to the institutions and policies; the model of the future European Union.

The first book containing eight chapters intends to introduce the current status of the European Communities and European Union, its achievement being made through a political approach including a legal and an economic component as well.

In the *"Introduction"* the author walks through the European unification objectives (peace assurance, economic and political unification, and social dimension), unification method (cooperation and integration of member states) and unification characters (member states, European Council, Community institutions and bodies and their role). The working method and the writing plan are also presented, the book being intended as an interdisciplinary one.

"The historical process of European integration" starts from the historical idea of a Joint Europe, outlining the integrating process origins up to the 19th century, then between 1900–1945, and the European construction after 1945: the European movement and European federalism, the Marshall Plan which led to the establishment of Organization of European Economic Co-operation (OEEC), the Haga Congress which generate the European Council (EC).

The creation of the three European Communities – the European Community of Steel and Carbon (ECSC), the European Economic Community (EEC), the European of Atomic Energy Community (EAEC), joining six members states, of which general objectives and institutional systems are broadly described – opens the integration process which continues with the establishment of an European Free Trade Association (EFTA).

The successive extension achieved between 1972–1986 that increased the number of member states to 12 were accompanied by inevitable internal crises and also by initiatives that led to the unification and consolidation of the European Community institutions.

The institutional reform achieved by adoption of the European Unique Act (1986) was completed by the European Union Treaty (1992).

The fourth extension (15 members) dated 1995 and the "Agreement for the creation of an European Economic Space" were followed by new reforms fulfilled within two stages: the Treaty of Amsterdam (1997) and the Treaty of Nice (2000).

The chapter referring to the *"Nature of European integration process"* analysis: the political nature of phenomenon, outlined by issued values – peace, justice, co-operation and progress; the juridical nature of phenomenon, essential component without the objectives will not be achieved (the conventional origin of European Communities and the Community Law, the formal condition as a international organization of EC, the community and

intergovernmental factors in institutional system); the progressivism of integration process and the treaties reforms.

The chapter entitled *"European Communities. Structure and functioning"* outlines the Community law and the joint institutions.

The source of primary law, as part of the Community law, consists of constitutive treaties of European Communities (Treaties of Paris and Rome), certain protocols and agreements, issued by member states, unlike those of Community institutions specific to derivated law.

The derivated law, in the case of EEC and EAEC, the decisional power is expressed through rules, directives and decisions. Recommendations and opinions as well as the joint positions and actions materialize through derivated law non-commitment acts.

As regards ECSC, the derivated law operates with general and individual recommendations and opinions.

The jurisprudence analysis has regard to legal aspects and composition of the Court of Justice of the European Communities.

Application of the Community law is both achieved at the national level through the internal administration of each state and at the level of Community institutions – the Council and the Commission.

Another analysis has regard to the report between the Community law and the National law, the report between the Community law and Constitutions of member states, as well as the relationship between the Community law and joining of new members.

A detailed presentation is made of the joint institutions, i.e.:

- European Parliament (its structure and organization, its competencies – normative, budgetary, political, international, community law defence);
- People's Lawyer;
- Council (Community and international institution, its uniqueness, Committee of Permanent Representatives, Council Chairmanship and Secretariat, European Council, competencies – derived from its affiliation to the Community institutional system, normative, budgetary, executive, international, Community law defence and foster the Community law and action –, decision process – sessions and agenda, terms of agreements, conditioned vote and ECSC Council features);
- Commission (its composition – members and their appointment, members' characteristics, terms of service, President and Vice-President –, structure and competencies – Community law defence, foster the Community law, legislative, executive, budgetary, international competencies –, decision process – self organization and good fellowship, written procedure, delegation of responsibilities, Commission agreements);
- Court of Justice of European Communities (its legal nature, composition and procedures);
- Court of Auditors (composition, competencies, organization, rules and procedures);
- European Central Bank;
- Auxiliary bodies of the European Communities (Economic and Social Committee – composition and structure, competencies, internal organization –, Committee of the Regions, ECSC Committee, Agencies).

The Chapter dedicated to the *"Establishment of the European Union. The Treaty of Maastricht"* starts with the process of generation and ratification of the European Union Treaty (EUT) entered into force on 1 November 1993. Its coming into being was due to the necessity of a reform policy of the constitutive treaties following the European integration

process development and under the pressure imposed by Berlin's wall fall and German reunion.

The formal structure of EUT is based on joint decisions, on the three pillars – a Community pillar (ECSC, EEC, EAEC) and two intergovernmental pillars (Common Foreign and Security Policy – CFSP – and Justice and Home Affaires – JHA), and on the final decisions.

The EU objectives of a political and economic nature are connected with the pillars that support them. Thus, the political objectives having had for purpose the establishment of the Political Union intended the creation of a "European Citizenship", a joint foreign affairs policy and security, a co-operation in the fields of justice and internal affairs policy, the maintenance of the Community competencies regarding the customs union, the consolidation of certain Community policies regarding environmental, research and development, professional training aspects, as well as the so-called "Social Europe", the introduction of new

Community policies (related to visas, education and youth, public health, culture, etc.), the economic and social cohesion (concept with a strong political connotation) and the Community acquis defence.

The economic objectives intend the achievement of the Economic and Monetary Union (EMU) for the purpose of a "balanced and sustained economic and social progress".

The EMU policy gets over three establishment stages, its contents and objectives resulting from an economic policy and a monetary policy.

The economic policy is supported by budgetary discipline rules of the member states, the co-ordination of economic policies as well as by the generation of certain financial help mechanisms for member states.

The monetary policy is characterized by the establishment of a unique currency (ECU, subsequently become EURO) and by the establishment of the European Central Bank System composed of the European Central Bank (ECB) and of the National Central Banks of member states.

As regards the supports between EU and the member states and their peoples, EUT promotes the principle of solidarity between people, of federalism and subsidiarity, commits to respect the national identity of the member states, and formalizes in EU the principle of democracy, the observance of fundamental rights.

EUT consolidates the imagine of a "À la carte Europe" through the "exemption terms" of social and monetary aspects which allowed certain states, such as United Kingdom and Denmark, to obtain a special integration regime based on concessions from member states.

The European Council, having the role to give the Union impulses necessary to its development and to define its general policy trends, became an institutional structure in 1975 through the Dublin meeting, also obtaining the full legal formalization through the Unique European Act and EUT. It is the institution to which the EU Treaty by a special consideration, many provisions referring to the CE compositions, functioning and functions.

Another chapter is dedicated to the *"European Union Improvement. Treaty of Amsterdam"*. The adoption of another treaty by the member states following Intergovernmental Conference (IGC) in 1996 was generated by the need of the institutional reform for the purpose of EU preparation for extension towards Central and Eastern Europe. Its structure made of three parties (novelties imposed by the transition from an Economic Community to a Political Union, specific CFSP and JHA subjects and the final and general decisions) was intended to be a simplification and improvement of EUT. Despite all efforts, this has not been fulfilled yet, the great reform still remaining a desideratum.

The achievements aimed at the institutional system – the European Parliament (composition and organization, the legislative procedures), the Council (voting share, QMV – qualified majority vote), the European Council, the Commission) the European Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions.

On the occasion of the Amsterdam reforms, "à la carte" option was institutionalized, its role being the "faster intra-Community integration", the consolidated co-operation being broadly debated.

As regards the EU citizens' rights the only modification aimed at the joint free movement of persons and residency regime, becoming European Parliament / Council co-decisional subject.

The new treaty defined the non-discrimination principle for sex, ethnical, race, religion or handicap reasons, as well as the equal treatment for men and women, the Union being given normative competencies for these matters. Also, it ensured the full free movement of persons, while the partial communication of the third pillar came into being (co-operation in the following fields: police, legal, justice, fight against terror, unlawful weapon traffic, fiscal fraud, racism, xenophobia, mutual extradition).

The objective of a better "transparency" towards the European citizens in decision making (subsidiarity) as well as the hierarchy and typology of institutional decisions have not been fully solved by the Treaty of Amsterdam.

The progress of the material and social, environmental, health, consumer protection policies, of the external affairs policy and joint security haws not been significant, being rather a series of redactional changes, while the international economic relations have experienced a slight variation.

After Amsterdam, the union results in respect of IGC '96 main objective was pessimistic in general, although there was a certain parliamentary progress, a better definition of joint values and principles as well as technical improvements in treating the joint policy.

The chapter entitled "Institutions for an extended Europe. Treaty of Nice" follows the way of the European Union during its consolidation process in a moment where the deepening should have been completed with the extension towards new members (EU – 27).

A series of European Councils – Copenhagen (1993), Essen (1994), Cannes and Madrid (1995), Luxembourg (1997), Helsinki (1999) – decided in turn to formally open the EU towards new democracies, pre-joining strategy, actual plan for integration to the Internal Market, starting of extension process. The mission of the Nice Council was to close the Amsterdam institutional items, which had remained open.

The new treaty operated EUT modifications, achieving the institutional adaptation with the view of fluidizations and effectiveness of the decisional act, generalization of the qualified majority vote, consolidation of the "flexibility" principle and co-operation.

Other modifications operated aimed at the fundamental rights, joint security and defence, fight against criminality, discrimination, free movement of persons throughout the territory of member states, immigration and asylum, visas, joint commercial policy, Court of Auditors, Economic and Social Committee, Committee of the Regions, etc.

The new treaty limits have been given by the non-resolution of certain very significant aspects affecting the democracy and effectiveness principle. This is about the vote sharing within PE and Council, which continue to under-evaluate the large states and over-evaluate the small states, and the maintenance of unanimity.

In "*Conclusions*" the author underlines the objectives he intended to review – the European Communities and EU up to the point of formal joining of the first Central and Oriental European States (PECOS), mainly the deficiencies of their political and institutional

system, as well as the successive revisions to the constitutive treaties for the successful consolidation and extension of the European Union.

In the author's opinion, EU as a "synthetic idea" can be fulfilled through the federalization of European states of which "union" be based on the adoption of a Constitution.

A representative bibliography, comprising author writings, basic and complementary Community documents, specialized magazines complete the informational contents of this writing.

For a better understanding of the subject treated, the author adds seventeen annexes.

Mihaela ŞOLTUZ

Geopolitica integrării europene (The Geopolitic of European Integration)
Autors: *Ilie Bădescu, Ioan Mihăilescu, Elena Zamfir, Ioan Marginean, Pavel Abraham, Ionel Nicu Sava, Claudiu Degeratu, Radu Baltasin, Călin Cotoi, Darie Cristea, Sandra Dungaciu, Dan Dungaciu*. Editura Universităţii din Bucureşti, 2003.

This book tackles, in a systematic way, the problematic geopolitic. It is not a book written by an author, but authors. Some chapters presents the general frame, both from historic and political point of view. Others present mathers with a large application, obvious, different one from others.

Geopolitics is the science of relations between the ethnic organization of the space and the economic, political, cultural and religious organization imprinted in configurations and territorial spatial systems. Is the science of the spatial dimension of political, economic, cultural and religious life of the nations.

According to H. Mackinder „that person who has control over the Eastern Europe, dominates the hearthland (central earth), and that person who dominates the hearthland, dominates the Global Island, and that person who dominates the Global Island, dominates the World. The main candidates in the geopolitical competition for the control over the Global Island are: Russia, Germany and England.

The manner in which a powerful nation strategically situates itself from within the land towards the seas and oceans, to the intermediate space of the rimland (rimland = the inner or continental culture) is transmitted in all its actions, from within that teritory.

The paradigm of the strip frontier or of the liniar frontier = generally speaking, when referring to aggressive neighbours, the states use the image of the liniar frontier and when the project expansive strategies towards the neighbouring spaces, they use the image of strip frontiers.

> e.g. Russia - in Basarabia – strip frontier;
> - in the neighborhood – both paradigms.

The policy of European and Euroatlantic integration cannot ignore the old geopolitical landmarks, that is the frontier landmarks. Europe is a land of frontiers, no matter how many changes may occur to their regime in the near or for future. The illusion that borderlines are a geopolitical landmark is about to lose its importance, comes from the eighteenth century climate which has radically shaped the mintal space of the European intellectuals.

Fr. Ratzel stated that the state is an organism, whose spatial characteristics are:
- **the position** (die Lage);
- **the space** (das Raum);

- **the borders** (die Grenzen), to which he adds the idea of **the central state** (Mittelpunkt), a sort of *„germ"* from which the states are born through „spatial evolution". Examples of this „germ": the 7 hills of Rome, the Valley of the Nile, Transylvania.

Sabin Manoila noticed that as far as the Romanian state is concerned, its borderline greatly overlaps the ethnical borders of the Romanian people, although groups of the Romanian people are situated on each side of the frontier.

Nowadays, the discussion evolves more and more round the concept of *„buffer states"* – small states which are located in intermediate positions (from the geopolitical point of view) between the powerfull states and which claim a special type pf politics – **the buffer politics**. The emergence of the Balcan states: Romania, Bulgaria, Serbia is an expression of the other powerful states' will: to have a „buffer space" between Russian and Constantinopole.

Henry Kissinger reffered to the Balcans from the perspectives of the discontinous areas theory, considering that the United States should unite „in the whole" the fragments of the discontinous shore areas and that they should secure a control over the Sovietic Eurasie.

Referring to the new European configuration I. Parvulescu considered that it would not depend on the economical space, nor on other spatial configurations, but on semisecret organizations whose life cycle would depend on the duration of ideologies, dinasties and states.

Among the paradigms of the European integration the following issues are mentioned:

1. the European Union approach as an international organisation;
2. treating the European Integration as a form of regionalisation within in the global economy;
3. defining the European Union and the European Integration as unique phenomena.

A parallel structure (consisting of journalists, politicians, intellectuals, financial experts, analysts) was created in order to create the unique global system. This structure has to prepare everything in order to anticipate the pshycological resistence of the population and of the states which do not want „to develop" in this planetary „melting pot".

M. Mc.Luhan considered that globalization is not necessarily a pozitive uniform process, and that it also has an alineating and rootless aspect, creating a world in which the gap between „signified" items and „signifiers" is impossible to disappear, a world in which globalization is doubled by irony and unhappiness. A nation is a whole of elements, feelings, spontaneous and standard processes, and that globalization is not a phenomenon of economic, ethno-cultural, symbolic deconstruction.

The old and the new globalism are often being mentioned. From the neological geopolitics point of view, the globalisation is used to represent a frame of generalisation of the man with a global existence. After the fall of the communist states, an ideological gap has appeared, and there have been attempts to fill this gap with the concept of globalization.

The 90' represents a „climax" of debates around the idea of globalization. Samuel Huntington issues forward with the following assertions:

1. *the Coca Cola colonization thesis*: the culture of the western nations, especially the north american culture has concured the world by means of fast-food, of clothing and of pop music;
2. *the modernization thesis*: as civilizations evolue, they abandon the traditional values, institutions and habits.

As Maria Todorova writes at the beginning of her interesting book about the invention of the Balkans, everybody knows that the Balkans are a very dangerous region. And the answer for the Balkans problems is not *occidentalism*. After the decade of the communist regimes in Eastern Europe, new perspectives on security were born: the state is to be

protected against the external or internal threats. NATO was one of the organizations to take the lead in a new course A sure region claims clear principles and workable long term solutions.

During the last decade, the Balcans have been the most instable and problematic region in Europe but are the issues that cause troubles in the Balcans tipical of that area only, or are they some how of future of Europe as a whole. Most of the discussion related to the Balcans are, anyway, about the „security" of the region and about the security of the continent as a consequence of the Balcans developments. Barbara Jelavich says in her book „History of the Balkans" that although the Balkans peninsula has played an important role in the history, the area has been subject to less intensive than any other European region.

As far as our country is concerned, there is no obstacle to came in the way of the Romanian legislative alignment to the communitary standards and normatives. Obtaining the European Union and NATO member status is a national objective in most of the government documents and the officials in charge with elaborating the policies in this field are more active than ever.

Becoming a United Europe and NATO member is a solution and a good one. But the simple aderation to this, can not passed away the misunderstandings for years.

THE MIDDLE EAST AND THE UNITED STATES. A HISTORICAL AND POLITICAL REASSESMENT, edited by David W. Lesch 2nd. edition, Trinity University, Westview Press, Colorado&Oxford,1999

David W. Lesch este profesor asociat de Istoria Orientului Mijlociu la Trinity University în San Antonio. Dintre lucrările sale se remarcă cea apărută la Westview Press în 1992 *"Syria and the United States. Eisenhower'scold war in the Middle East"*.

Lucrarea de față analizează politica SUA față de Orientul Mijlociu. Prima ediție, apărută în 1996, face analiza dintr-o singura perspectivă – cea americană. Ediția a doua adună la un loc diplomați și cercetători din Europa, Orientul Mijlociu și SUA realizând o cercetare multidimensională a politicii americane față de Orientul Mijlociu, revizuită și îmbunătățită cu noi date și analize post 1996.

SUA au devenit interesate de zona Orientului Mijlociu o dată cu perioada primului război mondial când și-au arătat interesul față de provinciile fostului Imperiu Otoman. Prima implicare oficială în politica zonei s-a concretizat prin trimiterea în Siria a comisiei King-Crane. În ciuda interesului arătat de unele companii petroliere în zonă, în toată perioada interbelică administrațiile americane nu au acordat o prioritate deosebită evenimentelor din zonă. Valoarea strategică a zonei a apărut în perioada celui de al doilea război mondial, când aliații au reușit să învingă Africa Korps. Imediat după război, s-a constatat că reconstrucția postbelică și boomul economic postbelic al SUA va deveni tot mai dependent de petrolul din zonă, ceea ce a determinat o concentrare tot mai accentuată a SUA față de zona respectivă, și pe fondul debutului războiului rece și începutul confruntării dintre cele două blocuri politico-militare, zona Orientului Mijlociu a devenit o zonă prioritară pentru politica SUA. Pe măsură ce evenimentele s-au derulat (crearea statului Israel, crearea statelor arabe și apariția naționalismului arab, conflictul arabo-israelian, creșterea puterii statelor OPEC, mișcările islamiste) implicarea administrației americane în zonă a devenit tot mai puternică. Încheierea războiului rece în 1989 a înlăturat unele tensiuni dar a produs altele în același timp. Noul context creat de criza din golf din 1990-1991 a produs apariția unor noi probleme de rezolvat.

Acest volum încearcă sa răspundă acestor aspecte.

Partea I, intitulată *From Idealism to Realism: Wilsonian Intent to Cold War Practice*, începe cu examinarea condițiilor în care s-a creat Comisia King-Crane, care a fost un produs al intențiilor idealiste enunțate de Wilson în cele 14 puncte ale sale, în special cel legat de autodeterminarea popoarelor. James Galvin autorul care se ocupa de analizarea comisiei King-Crane dintr-o perspectivă siriană concluzionează că această comisie nu a avut un caracter chiar așa de idealistic pe cât pare, stabilind primele contacte cu procesul de creare a statelor din zonă și cu naționalismul autohton din zona care a avut rezultate dăunătoare atât pentru SUA cât și pentru statele din regiune.

Capitolul 2 al acestei părți este realizat de Paul Kingston care analizează misiunea trimisului special al președintelui Truman, Edwin Locke Jr. Se analizează politica SUA în zonă, în anii imediat următori celui de al doilea război mondial când politica SUA cunoaște un avânt în lumea a treia, simbolizat de Programul în Patru Puncte al președintelui Truman și care s-ar fi dorit a fi un fel de Plan Marshall pentru lumea a treia.

Politica SUA față de Orientul Mijlociu a devenit treptat o politică tipică de război rece, când fiecare tabără a încercat să dejoace posibilele ofensive ale adversarului, SUA devenind un actor activ în criza declanșată în 1953 de alegerea lui Muhammad Mussadiqin în Iran și care a fost răsturnat de la putere, deși fusese ales în mod democratic, considerând că ar putea orienta Iranul spre URSS. Această criză este analizată într-o perspectivă triunghiulara – Mark Gasiorowskiin cap.3 prezintă punctul de vedere din Washington, Sussan Siavshi în cap.4 prezintă punctul de vedere iranian, iar Sir SamFalle în cap.5 care în acea perioadă era reprezentant de rang înalt al Marii Britanii în Iran oferă o imagine de la fața locului și apreciază ca fiind corectă acțiunea anglo-americană în timpul crizei.

Partea a doua a lucrării se intitulează *The Cold War in the Middle East* și examinează episoadele care au marcat conflictul dintre superputeri în zonă și cum acesta a afectat dinamica evenimentelor în zonă.

Peter Hahn în cap.6 analizează politica SUA în zonă pe măsură ce necesitățile legate de războiul rece au devenit predominante în zonă analizând relațiile SUA cu Egipt de la sfârșitul regimului regelui Farouk până la începutul regimului Nassersi terminând cu criza Suezului din 1956. In analizele cuprinse în articolele 7 până la 10 Richard Parker, Robert Satloff, David Lesch, și Erika Alin examinează crizele din Iordania, Siria și Liban din 1957-1958 și mediul politic din regiune în anii '50 când războiul rece era la nivelul cel mai ridicat suprapus pe conflictul arabo-israelian, construcția statală a țărilor arabe și începuturile tensiunilor interarabe. Această secțiune se încheie cu contribuția lui Malik Mufti (cap.11) care analizează relația SUA cu panarabismul promovat în special de președintele egiptean Nasser, față de cel promovat de regimul Ba'thist în Iraq și Siria după criza Suezului și începuturile tensiunilor interarabe până la războiul de 6 zile din 1967. Autorul concluzionează că politica SUA sub administrațiile Eisenhower și secretarul de stat John Foster Dulles ca și cea dusă de Kennedy și Lyndon Johnson care au fost criticate în trecut, au fost până la un punct interpretate greșit, și că de fapt au fost mult mai profitabile decât au fost percepute.

Partea a treia intitulată *Warand Peace, War and Peace* examinează rolul pe care SUA l-a jucat în această situație aparent fără sfârșit. Fawaz Gerges deschide această parte în cap.12 cu o analiză a războiului din 1967 care a inaugurat procesul de pace așa cum îl știm azi și care de fapt a realizat introducerea subiectului israeliano-arab în disputa dintre cele două superputeri producând o situație care aproape a dus la conflict armat în 1973. Gerges analizează implicațiile războiului asupra percepțiilor statelor arabe, ca având un "impact negativ devastator" asupra imaginii SUA în țările arabe, dar reieșind totuși că, de fapt, SUA deține și "cele mai multe cărți" în zonă.

Janice Stein(cap.13) se opreşte asupra negocierilor tensionate dintre cele două superputeri în timpul conflictului din 1973 rezultat care a contribuit la o modificare mai accentuată a configuraţiei internaţionale şi regionale în acelaşi timp şi la o "răcire" şi mai accentuată a relaţiilor sovieto-americane până în anii'80. Bernard Reich (cap.14) analizează relaţiile care s-au dezvoltat între Israel şi SUA în timpul negocierilor de pace din anii '70-'80 conducând la Declaraţia de Principii dintre Israel şi OEP; JoAnn DiGeorgio-Lutz (cap.15) se ocupa de relaţiile precare dintre SUA şi OEP în aceeaşi perioadă, dar dintr-o perspectivă palestiniană, caracterizând ca pe o ironie faptul că atât israelienii cât şi palestinienii au apelat la medierea americană care a dus la semnarea Protocolului de la Oslo. Partea a treia se încheie cu contribuţia lui Mohamed Sid-Ahmed (cap.16O), care încearcă să găsească o definire a termenului de **PACE** pentru statele din regiune (arabe pe de o parte şi israelian pe de alta) concluzia la care ajunge fiind aceea că de cele mai multe ori interesul nu coincide, şi că trebuie să se găsească o definiţie care să reflecte mai bine dorinţele arabe (drepturile palestinienilor) şi ca SUA trebuie să aibă o atitudine imparţială faţă de conflictul israeliano-arab.

Partea a patra intitulată *The Gulf Crisis and War* se concentrează asupra evenimentelor care au precedat şi au urmat ocupării Kuweitului de către Iraq în august 1990 culminând cu intervenţia coaliţiei Naţiunilor Unite în februarie 1991. La acest moment SUA a fost implicată la nivelul cel mai ridicat în această zonă din toată perioada. Dacă înainte de 1990-91 SUA s-a mulţumit să ducă o politică a *status quo*-ului şi să ţină URSS în afara zonei, din acest moment putem vorbi de o implicare directă în zonă, jucând un rol din ce în ce mai activ. SUA s-a implicat iniţial prin susţinerea loviturii împotriva regimului Mussadiq şi începutul relaţiilor cu regimul Şahului pe care dorea să-l folosească drept reprezentant al intereselor sale în zona Golfului, dar după căderea regimului şahului în 1979 SUA şi-a îndreptat atenţia spre regimul lui Sadam Hussein care ar fi combătut politica lui Khomeini şi care ar fi asigurat în percepţia SUA stabilitatea regiunii. Războiul din Golf însă a însemnat o nouă reconfigurare a intereselor regionale suprapusă şi pe fondul încetării războiului rece. Gary Sick care era membru în Consiliul Naţional de Securitate în timpul administraţiei Carter examinează politica SUA în zona Golfului în perioada post războiul doi mondial concentrându-se în special asupra rolului SUA în regiunea Golfului în timpul revoluţiei iraniene din 1979, analizând şi schimbările survenite în politica americană în regiune ca reacţie la desele schimbări de situaţie din regiune.

Shafecq Ghara (cap.18) analizează evenimentele din perspectiva kuweitiană, concentrându-se asupra dezvoltării relaţiilor dintre SUA şi Kuweit, susţinând ca, Kuweitul care avea interese divergente faţă de SUA era reticentă la început faţă de relaţia cu SUA, dar din necesitate a fost obligată să accepte colaborarea cu SUA în timpul războiului Iran-Iraq din 1980-88, dar autorul concluzionează că relaţiile între cele două state au cunoscut un nivel intens în timpul crizei din 1990-91 (cu menţiunea că analiza nu cuprinde şi dezvoltarea ulterioară a evenimentelor). Amatzia Baram (cap.19.) examinează relaţiile SUA-Iraq care s-au dezvoltat începând cu războiul din 1980-88 şi analizează decizia lui Sadam Hussein de a invada Kuweitul, Baram afirmă că deşi administraţia americană percepea relaţia cu Iraq ca având o evoluţie pozitivă în perioada 1980-88, măsurile pe care le-a luat au fost pentru a stopa politica agresivă pe care Sadam Hussein a început s-o promoveze după încetarea războiului.

E. Gregory Gause (cap.20) analizează relaţiile dintre SUA şi Arabia Saudită în preajma conflictului din 1990-91, concluzionând că dilema tradiţională cu care s-au confruntat liderii sauditi în relaţiile cu SUA, aceea de a se afla sub umbrela protectoare a SUA şi de a-şi menţine independenţa în ceea ce priveşte aspectele legate de politica internă şi regională, a fost înlăturată de către acceptarea, în ciuda unor opoziţii interne, a trupelor americane pe propriul teritoriu. Yair Evron (cap.21) examinează politica Israelului în timpul războiului din

Golf, concentrându-se în special asupra relațiilor dintre SUA și Israel, încercărilor lui Sadam Hussein de a atrage Israelul în război și care ar fi putut să determine ieșirea din coaliția internațională a unor state arabe, și a situației existente după războiul rece care ar putea duce la duce la cooperare și interese mutuale legate de inițiativele și potențialele amenințări regionale (analiza este pentru perioada până la 1996). Robert O. Freedman (cap.22) examinează rolul pe care l-a jucat URSS în perioada războiului și în evenimentele care au urmat încheierii lui precum și în eforturile depuse pentru încheierea păcii în Orientul Mijlociu. Freedman concluzionează că războiul din Golf a reprezentat un punct de cotitură în erodarea poziției URSS în regiune și efortul lui Gorbaciov de a menține activă prezența URSS în regiune s-a dovedit în cele din urmă a fi fără rezultat SUA reușind să se impună în cele din urmă în regiune. Freedman analizează și rolul important pe care URSS l-a jucat în zonă și pe care va continua să-l joace în urma dezmembrării URSS. Uniunea Sovietică a avut relații tradiționale cu Iraq interesele sale în zonă deși au fost active ele s-au dovedit a fi în același timp inconsistente, în special datorită faptului că URSS era între politica internă și necesitățile economice care îi dicta o mai mare apropiere de Iraq decât de SUA dar și alte interese economice care îi dicta o mai mare apropiere de Consiliul de Cooperare al Golfului și o colaborare cu coaliția ONU în ceea ce privește sancțiunile împotriva Iraqului

Partea a 5-a lucrării se intitulează *Retrospective and Reassessment,* și conține capitole care analizează evenimente și probleme de interes comun, care au dominat și definit politica SUA în regiune în perioada de după cel de al doilea război mondial. Tema comună care leagă aceste capitole este trecerea de la războiul rece și efectele pe care le-a avut pe plan regional (în special asupra relațiilor arabo-israeliene) la schimbarea rolului URSS de la superputere la cea de putere de rangul doi.

Această parte debutează cu contribuția lui Georgiy Mirsky (cap.23) care prezintă din punctul de vedere al Moscovei, motivația, ideologia și interesul politicii URSS în zona Orientului Mijlociu în perioada războiului rece precum și transformarea politicii sale după prăbușirea URSS. Mirsky concluzionează că URSS a preferat în mod tradițional să submineze interesele occidentului prin sprijinirea mișcărilor de eliberare naționale, deși multe din acestea neavând nimic de a face cu ideologia marxist-leninistă, dar această politică de ajutorare care conținea și un bagaj ideologic important a dispărut după glasnostul inițiat de Gorbaciov.

John Duke Anthony (cap.24) se concentrează asupra relațiilor dintre SUA și statele din Golf în preajma războiului din 1990-91 și subliniază aspectele negative și pozitive ale relațiilor precum și potențialul pentru viitor (analiza se oprește la anul 1999).

Wiliam Quandt (cap.25) prezintă o retrospectivă asupra politicii SUA legată de Orientul Mijlociu și trece în revistă oportunitățile și problemele în regiune care se află în fața politicienilor. Quandt afirmă că obiectivele SUA au fost atinse în cea mai mare parte, cu costuri relativ mici în termeni umani și economici comparativ cu cele din Asia de SE, și că SUA trebuie să-și definească obiectivele în concordanță cu noile schimbări care au apărut în regiune .

Yvonne Haddad (cap.26) examinează în ultimul capitol rădăcinile fenomenului islamist în general ca și rolul pe care SUA și Occidentul l-au jucat în regiune. Haddad oferă o perspectivă pesimistă în ceea ce privește relațiile din zonă afirmând că în zona Orientului Mijlociu viitorul va fi unul conflictual dacă unor probleme curente nu li se va găsi o rezolvare care să fie percepută în mod satisfăcător de către părțile interesate (statele arabe-s.n),

Așa cum am afirmat la început, din păcate, (din perspectiva ultimilor evenimente.) contribuțiile, analizele și concluziile autorilor se opresc la momentul 1999,in opinia noastră o nouă reeditare care să includă și ultimile evoluții ale relațiilor internaționale ar fi mai mult decât utilă și interesantă și care ar putea arăta percepțiile la momentul actual asupra politicii americane în Orientul Mijlociu.

Cetăţenie Naţională - Cetăţenie Europeană[*], National Citizenship-European Citizenship

The European Union has experienced dramatic internal and external changes within the last few decades. These changes have deeply affected and changed traditional concepts, meaning and importance of the principles of sovereignty and nationality.

The notion of citizenship is most associated with existence of nation state, whose nationals deemed to have rights of social protection and political participation, as well as duties towards the society to which they belong. Nationality citizenship is not static concept; it evolved and changed over time. Using this notion in the context of the European Union is, at least for this moment, a challenge.

The volume "National Citizenship - European Citizenship" is the result of the "Summer School National Citizenship – European Citizenship" that took place in Vălenii de Munte, between 1-10 August 2002.

The Romanian National Committee for Cultural Development initiated this special event, having a considerable support from Netherlands Embassy and Vălenii de Munte City Hall.

The summer school has reunited notorious names in the filed of international relations, history, culture, military, researchers, and students from the main Romanian universities centers also. The speakers being from different backgrounds, it provided a variety of views and perspectives of the two aspects of citizenship: national citizenship and European one, on the other hand.

Thus, reuniting the academic field, the courses have prepared the background for more complex studies and for a deeper understanding of the main and continuos integration process that developed in Europe since the end of the World War II.

The seminar was designed to be deliberately interactive; the architecture of these courses was based on workshop method.

The structure of this work is divided into three sections: the first part of the book encompasses the proceedings of these distinguished participants, the second part presents the students essays which were awarded at the "I as an European Citizen" contest and the final part relates the echoes of this first edition of the Summer School Vălenii de Munte in Romanian media.

These articles try to define what is a European, what is the ground for speaking of a common European identity and its position vis-à-vis of national and European citizenship.

Some of these articles describe more or less chronological story of European idea of identity and citizenship.

The theme exposed by Irina Moroianu Zlătescu in her article "From the member of Greek polis to the modern citizenship" follows the historical line, reviewing the important moments across time of European unity. There are point out a series of historic project debating the idea of united Europe. Even the term of citizen of Europe has a long history, being used for the first time by one of the greatest minds of Europe, Victor Hugo. All these projects reveal the fact that Europe is not only a geographic term, but become a political one too.

The same chronological debate, but in the cultural context, is the Eugen Simion's article "To be European' which demonstrates that the most representative Romanian personalities conceived the development of the country in close connection with the European space and culture.

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[*] *Edition coordinated by Gabriela Tarabega, Edited by Libra, Bucharest, 2003,187p, Summer School National Citizenship-European Citizenship, Vălenii de Munte, 1-10 August 2002.*

Following the same line, Avram Filipaş shows the fact that the European culture is an ensemble of national cultures and national identities, while these national cultures represent the differences specific of this ensemble. In the end, European Integration process represents a system of preserving the national identities and cultures. The extinction of the national culture and national identity will lead inevitable to the disappearing of the European Culture and Identity as a whole.

His conclusion is that the European citizenship symbolizes the common fundamental values of all Europeans, which stood at the base of the European Union creation.

In concrete terms European citizenship confers four specific rights on all nationals of EU Member States also: the right to move freely and to stay in the territory of Member States; the right to vote and to stand as a candidate in local and European Parliament elections in the Member State of residence; entitlement to protection, in a non-EU country in which a citizen's own Member State is not represented, by the diplomatic or consular authorities of any other Member State; the right to petition the European Parliament and to apply to the European Ombudsman.

A strictly examination, we may say even technical, of the key concepts of national citizenship/European citizenship and national identity/European identity from juridical and etymological point of view by some authors, determine the consistency of this volume.

Terminology difficulties are not stopping here. Daniel Cazacu Ganea tries to make a distinguish between the concept of citizenship versus nationality, which is specify also in Romanian legislation.

As we know, national citizenship cumulates a series of rights and obligations for its citizens.

The work was completed with an interesting study case by Professor Uwe Becker titled "The Dutch experience. The Netherlands, Europe and its Eastern Enlargement". There were analyzed the positions of the Netherlands in Europe since the beginning, and its attitude to the eastern enlargement of the EU.

After these critical and variety analysis, the authors concluded that it is obviously that European nation states will soon merge into a new European super state. Even if differences must and will exist, it is important to protect and to respect local, regional and national differences.

The European identity and European citizenship should not be seen as an alternative or version of a national identity, but as something inherent in itself.

Citizenship of the Union shall complement and not replace national citizenship.

To sum up, I think that this volume is one example of the effort, which made in the theoretical and research field, opening new perspectives on the contemporary realities of the European ensemble.

Mihaela Mustăţea

"*Strategic issues in the New Central and Eastern Europe*". On October 2nd - 4th, 2003, the Center for Strategic and International Studies (CSIS) and the Center for Eastern Studies (CES) co-hosted the inaugural conference of **the Forum of the Brzezinski Chair** in Warsaw, Poland:

CSIS established the Brzezinski Chair last year to advance understanding in the fields of geostrategy, international security, European affairs, and global politics. Professor Simon Serfaty, director of the CSIS Europe Program, holds this CSIS Brzezinski Chair.
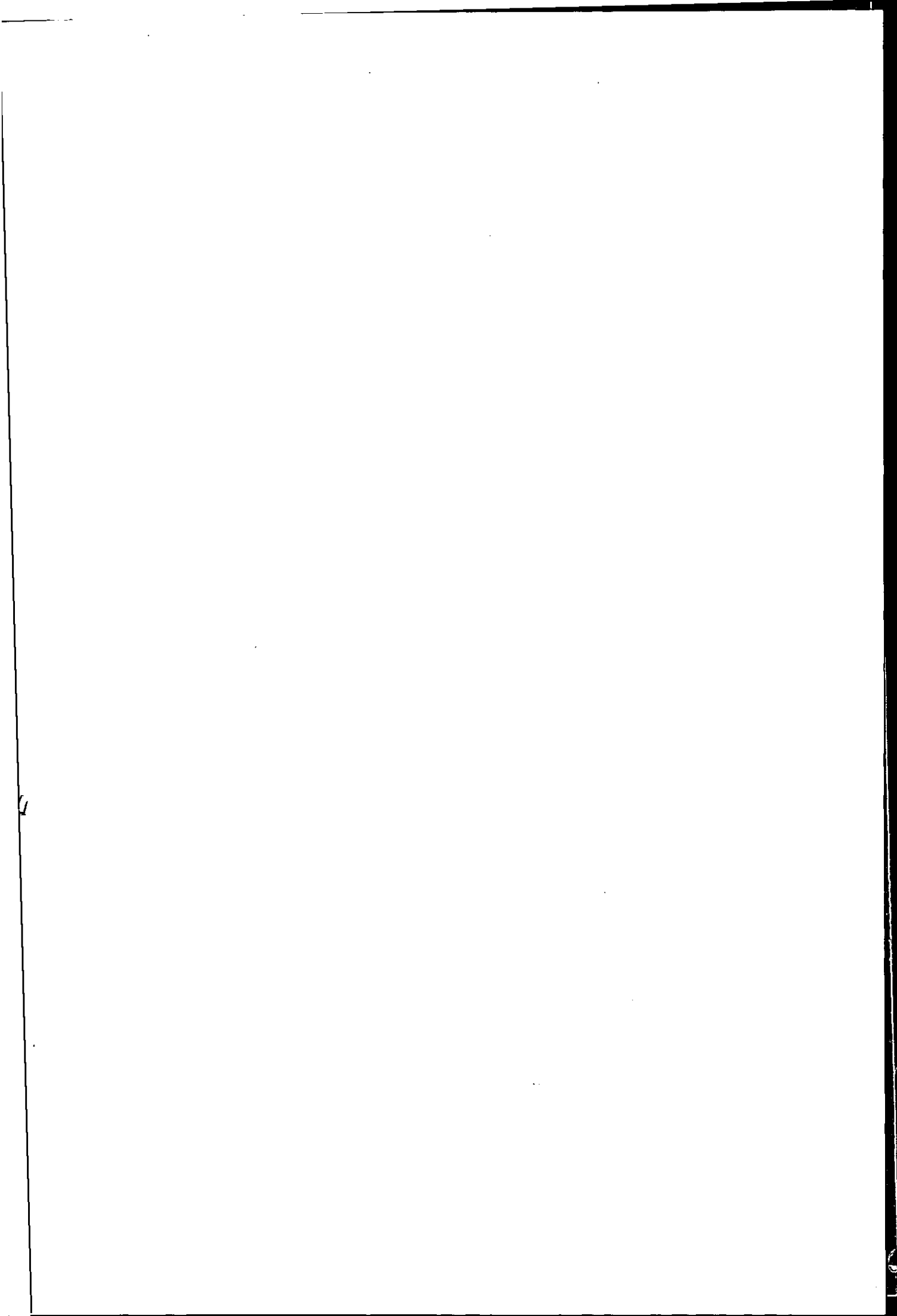
"*The Forum is designed to create a critical mass of new strategic thinkers in this region of geostrategic importance who can move to higher ranks in the foreign and security policy circles of their respective countries*", said Celeste Wallander, director of the CSIS Russia and Eurasia Program. "*It will also contribute on a scholarly and policy level to the transition and integration of Central and Eastern Europe*".

The regionally based Forum is including 35-40 participants from research institutes in Belarus, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, and Ukraine, as well as a select set of leading young American experts on the region.

Polish President Aleksander Kwasniewski delivered the opening remarks at a commemorative dinner on October 2nd. Government leadership sessions followed on October 3rd at the Belvedere Palace featuring by distinguished central and eastern European panelists, including the former President Vytautas Landsbergis and the acting Foreign Minister Antanas Valionis from Lithuania, Uladzimir Ulakhovich from Belarus, Anatoly Grytsenko and the former Foreign Minister Borys Tarasyuk from Ukraine, and Marek Siwiec from Poland. At the October 3rd dinner, CSIS Trustee and Counselor Zbigniew Brzezinski delivered the keynote address. On October 4th, scholars from central and Eastern Europe met with regional policymakers to discuss current issues ranging from EU and NATO enlargement to relations with Russia and the West, with a luncheon address delivered by Polish Secretary of State Adam Rotfeld.

George Anglițoiu, who has contributed with policy paper concerning "The Balkans and the West", has represented the Center for Euro-Atlantic Studies at this Conference.