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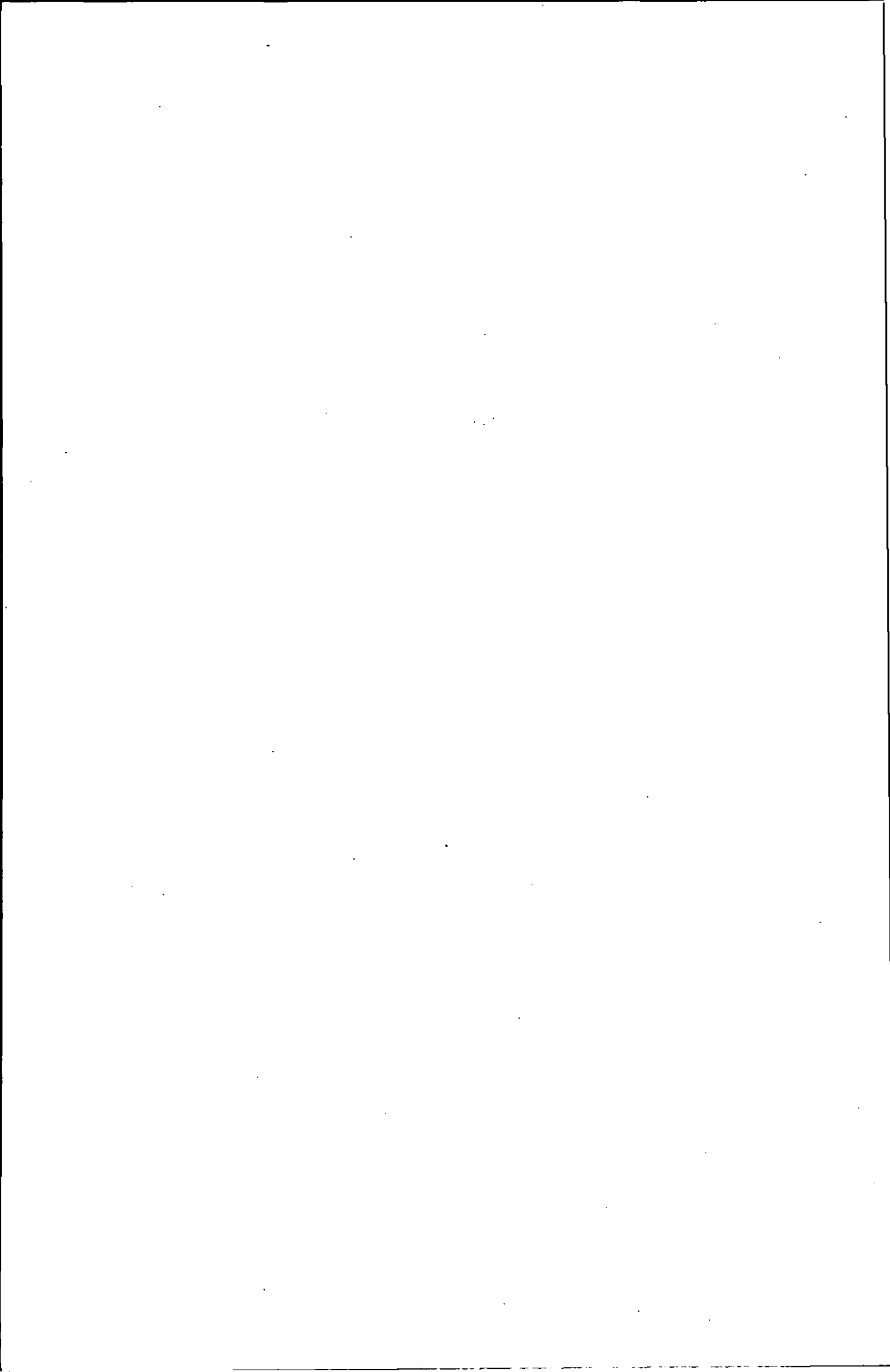
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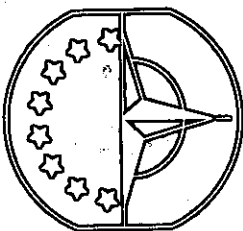
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Contents

Master in State Management and Humanitarian Affairs*

The generous idea upholding the meaning of *South-East Europe Rectors and Diplomats' Meeting* in the beautiful city of Rome points out to the need of working together for greater stability in this part of the world and responsibility sharing in shaping the future of Europe. Higher Education is not only a means of acquiring knowledge as such, but it is also a unique spiritual universe capable of forging a strong partnership between the international community and the states of Southeast Europe. This can only advance our shared commitment to political and economic reform, accelerate the region's integration with the rest of Europe and promote greater stability throughout the area.

The *Master in State Management and Humanitarian Affairs* as a project to be addressed in this broad format, with a generous participation of leading Universities from South-East Europe, can be a path among others to strengthen democracy, economic development and security all over the area. It can enhance public awareness of the need to develop a new philosophy of togetherness and tolerance in a growing globalized world, which includes practical components beyond the academic approach such as specific commitments and actions by the states of the region to improve their investment climate and combat corruption. It can provide the missing link to understanding humanitarian needs and the role to be played by the young educated generation of today in facing the challenges of the political environment.

Co-ordination between the states of the region and the EU and NATO member states and structures, as well as with specialist humanitarian agencies simply does not provide enough support for development and stabilizing endeavours. If there is to be a lasting solution that can prevent the region from drifting towards new human rights abuses and from turning thousands of defenceless human beings into refugees and displaced persons, the developments and changes we need will have first to make their way into people's mind. And this can only occur as a consequence of persevered and resolute action in schools and universities where the philosophy of hatred and intolerance is to be challenged with rational tools which have to replace the irrational disputes on the battlefield.

I am strongly of the opinion that we all need a new partnership with the countries of South-East Europe, a partnership of science and cool judging minds, a real working arrangement in which the European Union, NATO and other major players can bring their share. It is the only way we can further our projects that are to bring the countries of the region into the European and transatlantic mainstream, and that make these countries create conditions by which full integration is possible.

We have good examples to follow and to elaborate on in any academic framework. The exceptional struggle against violence toward minorities and the atmosphere of intolerance, which have blemished the regional political environment, constitute a good case. The achievements of the NATO missions under the aegis of the UN (IFOR and SFOR) in Bosnia and Herzegovina, the UN mission (UNMIK) and NATO's KFOR in Kosovo are valuable assets in this respect. The superb leadership Italy provided as an individual country in mounting Operation Alba, whose aim was to stabilize the situation in Albania in 1997, was all the more remarkable since this operation took place outside the NATO framework and it drew on the lessons learnt in Bosnia and Herzegovina.

I think it is time to lay even more emphasis on the need to bring the debate on these very sensitive issues where it belongs: the academic circles and the University. It is the only way we can provide the future of the region with the tools it needs. Our students are the leaders of tomorrow and it is our responsibility to make sure they will have the opportunity to choose among decent options of governance with clear minds, as knowledgeable as they can be and definitely more open to diversity and tolerance than our generation is. In fact, democracy is how we learn to live together, but, above all, democracy is about learning, which brings us to our job: teaching.

If our job is teaching, our goal here is to promote integration into Europe. The countries of the region can come together, and they each will be better candidates for full integration into Europe and into the transatlantic community inasmuch as they can develop a culture of togetherness and tolerance based on national cultures and common understanding of the common good. And this is precisely where we have to work. It is our duty to students and the institution we proudly serve: THE UNIVERSITY.

Constantin Buşe

Le droit international économique: les règles et les institutions qui s'appliquent aux relations économiques

Teodor Meleşcanu

*L*e principe essentiel qui est à la base du droit international public est le principe de la souveraineté, qui s'exprime par deux autres principes – celui de l'indépendance et celui de l'égalité des États.

En réalité, pourtant, il est évident qu'il y a des différences entre les États et qu'en fait ils ne sont égaux ni du point de vue de leur dimension ou de leur force politique et militaire, de leur population ou de leur ressources, ni surtout du point de vue économique. La distance qui sépare les pays riches des pays pauvres, les pays développés des pays en voie de développement devient de plus en plus évidente.

Il est donc certain qu'à l'avenir la cohésion de la société internationale ne peut pas être assurée seulement par les procès de globalisation et d'intégration qui s'accordent avec les États où il y a des conditions minimes de compatibilité, mais elle implique aussi la nécessité d'approcher les problèmes du développement.

L'opinion qui prédomine est celle conformément à laquelle le problème du développement est un problème économique. Ceci est évident. Mais le développement ne s'en tient pas seulement à l'économie. Il est surtout un problème social parce qu'il affecte tous les aspects d'une société : la vie sociale, la vie individuelle et la mentalité des gens qui vivent dans une société donnée. Il met en cause le domaine scientifique et l'ensemble des techniques qui sont employées pour la découverte, l'exploitation et l'usinage des richesses naturelles, aussi bien que l'ensemble des sciences sociales: la sociologie, la psychologie, la géographie, l'histoire, l'économie, etc.

Finalement, les décisions relatives aux solutions des problèmes du développement sont des décisions qui tiennent du domaine de la politique.

La question naturelle qui se pose est celle relative au rôle des règles de droit dans ce domaine qui, à première vue, semble relativement réduit. En réalité cela n'est pas vrai, car tous les problèmes du développement dépendent de la structure et des mécanismes intérieurs et internationaux, qui s'expriment par des règles et des principes de droit interne et international et par les structures ou les mécanismes qui sont employés pour leur mise en pratique. Si, quant à l'idée que les relations économiques internationales doivent jouer un rôle important dans le procès de la globalisation et de l'assurance d'une cohésion au niveau de la société internationale, tout le monde est d'accord, en ce qui concerne les moyens concrets d'action en vue de la réalisation de cet objectif, on voit se manifester au moins deux options différentes:

— l'une qui considère que l'objectif des normes et des institutions internationales dans le domaine économique doit viser à créer un cadre mondial fondé sur les principes et les règles de l'économie de marché et de la libre concurrence en tant que la meilleure modalité d'assurer le développement économique de tous les États;

— l'autre qui part de l'idée de l'établissement de certaines normes juridiques et d'un régime juridique spécial fondé sur le principe du "droit au développement" et de la création d'un "nouvel ordre

économique international", des concepts promus par les pays en voie de développement. Par conséquent, dans cette étude nous allons traiter trois thèmes distincts:

- les règles et les institutions qui promeuvent les idées de la globalisation et de l'intégration conformément aux principes et aux normes de la libre concurrence;
- celles relatives au droit au développement;
- la "lex mercatoria" – les règles et les institutions qui s'appliquent aux relations économiques, des règles qui ne font partie ni du droit interne ni du droit international.

I. La globalisation et l'intégration conformément au principe de la libre concurrence

À partir de cet objectif, les efforts internationaux ont été conçus sur l'idée de l'adoption des mesures en vue de la libéralisation du commerce des produits et des services par l'élimination des barrières tarifaires et nontarifaires et la solution des disputes qui pourraient surgir entre les États. Dans ce contexte, après la deuxième guerre mondiale, les efforts en vue de la création de l'Organisation des Nations Unies ont été complétés d'une activité consacrée à la constitution d'un ensemble de règles et d'institutions ayant comme fondement le principe de la libre concurrence en matière économique. Les négociations ont visé à créer certaines institutions financiaires-bancaires et de commerce international vouées à consacrer les normes spécifiques aux relations économiques internationales. C'est ainsi que, par les accords de Bretton Woods, ont été créés le Fonds Monétaire International (FMI), la Banque Internationale pour la Reconstruction et le Développement (BIRD) et la Société Financiaire Internationale (SFI). Les négociations vouées à créer une Organisation mondiale du commerce, à la Conférence de Havane, n'ont pas permis la finalisation de ce projet et n'ont conduit qu'à la conclusion de l'Accord général pour les tarifs et le commerce, qui s'est transformé par la suite en l'Organisation Mondiale du Commerce, qui a le siège à Genève, en Suisse. La principale organisation de spécialité dans ce domaine est donc l'Organisation Mondiale du Commerce (OMC), qui a succédé à l'Accord général pour les tarifs et le commerce (GATT).

L'Organisation Mondiale du Commerce

L'Organisation a été créée le 1 janvier 1995, à la suite du Round Uruguay, pour succéder à l'Accord général pour les tarifs et le commerce (GATT). La création de l'OMC a complété le système des trois pylônes visé à Bretton Woods en vue de la coopération dans le domaine commercial et financier.

Tout comme son prédécesseur, GATT, l'Organisation Mondiale du Commerce représente un for international pour les négociations commerciales multilatérales. Elle est en même temps le for international qui assure la monitorisation de la mise en pratique de ces accords par les États qui en sont parties. Ces accords sont réalisés ayant comme fondement le consensus des États participants et ils ont pour objectif de conduire à de nouvelles mesures de libéralisation du commerce mondial des produits et des services.

Pendant les 47 ans de son fonctionnement, GATT a représenté une structure internationale efficace dans le cadre de laquelle les pays membres ont débattu les problèmes commerciaux qui les intéressaient et, en même temps, un for pour la solution des disputes qui ont surgi en matière commerciale. OMC a pris de GATT les résultats du dernier round de négociations des années 1986-1994, connu sous le nom du Round Uruguay, aussi bien que les principes et les règles fondamentaux de son fonctionnement, renforçant sa capacité d'action pratique, surtout celle relative au système d'adoption des décisions et règles de solution des disputes. À la difference de

GATT, OMC a un calendrier pour résoudre les disputes et des dispositions qui ne permettent pas le blocage du mécanisme. De même, les buts de l'OMC sont devenus plus étendus. Si GATT se limitait au commerce des produits, OMC s'est élargi à inclure aussi les services (y compris les services bancaires, les assurances, les transports, le tourisme, les télécommunications). OMC couvre aussi les aspects commerciaux des droits de propriété intellectuelle.

Pendant que GATT, en tant qu'accord multilatéral, n'avait pas une structure institutionnelle solide, OMC est une organisation internationale structurée selon toutes les règles, tout comme les autres organisations du système international.

La structure de l'OMC

L'organisme suprême de décision de l'OMC est **la Conférence des ministres** qui se réunit au moins deux fois toutes les deux années. La première Conférence a eu lieu à Singapore en 1996 et elle a décidé la création de trois nouveaux groupes de travail qui existaient aussi à l'intérieur de GATT. Ce sont les groupes pour la relation entre le commerce et les investissements, l'interaction entre le commerce et la politique concernant la concurrence, et la transparence en ce qui concerne les acquisitions gouvernementales.

La deuxième Conférence a eu lieu à Genève en mai 1998 et elle a lancé l'idée ambitieuse d'établir un programme de travail pour le commerce électronique.

La troisième Conférence a eu lieu à Seattle et elle s'est fixé l'objectif de lancer un nouveau round de négociations multilatérales. Confrontée à d'amples mouvements de protestation, mais aussi à des positions fort divergentes exprimées par les États participants, la réunion n'a pas pu adopter les décisions proposées est elle s'est limitée à continuer les négociations sur des thèmes concernant l'agriculture et les services, qui avaient été commencées sous l'égide de GATT.

L'organisme exécutif de l'OMC est **le Conseil général**, où ont des représentants tous les États membres de l'organisation. Le conseil est responsable de l'activité de l'organisation conformément aux decisions adoptées par la Conférence des ministres et il lui rend compte. Le Conseil coordonne l'activité des groupes de travail, approuvant leur mandat et leurs rapports sur l'activité. Ces groupes de travail sont : le Conseil pour le commerce des produits, pour le commerce des services et pour les aspects commerciaux relatifs à la propriété intellectuelle. Le Conseil convoque aussi **l'Organe pour la solution des disputes**.

L'une des décisions les plus importantes du Round Uruguay a été la décision de créer un système plus efficace afin de **résoudre les disputes commerciales entre les États membres**. L'accord concernant la solution des disputes crée des procédures nouvelles consacrées à la solution des conflits qui pourraient apparaître au cours du procès de la mise en pratique des résultats du Round Uruguay.

La responsabilité de la mise en pratique du mécanisme revient à **l'Organe de solution des disputes**. Cet organisme est le seul qui a l'autorité de créer des panels d'experts pour analyser les cas et c'est aussi lui qui a la compétence d'approuver ou de rejeter leurs conclusions. Les procédures de l'OMC prévoient un calendrier strict pour la solution des différends, une année au maximum, aussi bien que le droit des États impliqués d'interjeter appel de ces décisions dans le délai d'une année et demi de l'adoption de la solution. Pour assurer le respect de la solution définitive, on prévoit qu'au cas où l'une des parties ne la respecte pas, l'autre partie a le droit de prendre les mesures qu'elle considère adéquates, sans qu'elle coure le risque d'être confrontée à des contre-mesures de représailles.

Rounds de négociations commerciales

La diminution des obstacles que le commerce rencontre a été la préoccupation principale de ce domaine à partir de la création du GATT et de l'OMC même. Ainsi ont été organisées huit conférences internationales importantes qui ont eu pour but principal la réduction des barrières tarifaires et nontarifaires.

La négociation la plus ample a eu lieu dans le cadre du **Round Uruguay**, qui a

conduit aussi a la création de l'OMC. Pendant les quatre années qui ont suivi, le commerce international s'est accrû de 25%. Bien que le round précédent, le Round Tokyo, ait contribué de manière substantielle à la libéralisation du commerce, le besoin de certains développements supplémentaires est apparu assez vite, surtout en ce qui concerne le combat des produits contrefaits, des mesures dans le domaine des investitions et du commerce des services (banques, assurances, tourisme), des domaines dans lesquels les politiques adoptées par certains États créaient des obstacles au commerce. Un autre sujet important était représenté par l'agriculture, qui n'avait pas fait l'objet des mesures significatives dans le cadre des rounds précédents. Le commerce des produits agricoles continuait à être confronté à des politiques protectionnistes qui déterminaient des distorsions dans son évolution normale. De même, dans le commerce des produits textiles et des confections, certains États ont soulevé des questions à propos des flux commerciaux, et le fait que sur ce sujet il n'y avait que des accords bilatéraux dans le cadre de l'Accord multifibre (AMF) a exigé lui aussi qu'on lui accordât un intérêt particulier au niveau multilateral.

Le Round Uruguay de négociations commerciales multilatérales a été lancé a Punta del Este, en Uruguay, en septembre 1986. Prévu initialement à durer quatre années, il a exigé plus de sept années et il a été finalisé le 15 septembre 1993. À la différence des rounds précédents, il a conduit aussi à un accord, l'accord qui prévoit la création de l'OMC.

Les 125 États qui ont participé au round ont signé a Marrakech, au Maroque, le 15 avril 1994, "L'Acte final" du round et un Programme d'action. L'Acte final est un document de 500 pages qui crée l'OMC, mais qui modifie aussi une série de règles commerciales sur la base desquelles fonctionnait GATT. Dans l'annexe à l'Acte final il y a un nombre de 22.500 pages de concessions individuelles que les pays participants se sont offertes réciproquement.

L'objectif principal du Round Uruguay a été de diminuer d'un tiers les barrières

tarifaires et nontarifaires que le commerce rencontrait. Le résultat final a dépassé l'objectif établi, les réductions réalisées étant d'environ 40%.

L'un des résultats importants est représenté par le fait que, pour la première fois, une série de règles a été approuvée concernant le commerce des services qui intéressait surtout les États-Unis et d'autres pays développés où la prépondérance des services dans le PIB dépasse par beaucoup 50%. La règle fondamentale est celle d'accorder la clause de la nation la plus favorisée entre les participants et de créer des règles concernant l'accès sur les marchés. On a annexé à l'accord des règles spécifiques pour les principaux domaines comme par exemple: les services financiaires, les télécommunications, les transports aériens et le déplacement de la force de travail. De même, l'accord réalisé contient aussi l'engagement de continuer les négociations concernant la libéralisation dans ce domaine, en lançant des rounds de négociations à des intervalles de cinq ans. À la conclusion du round, les États participants se sont mis d'accord à continuer les négociations dans le domaine des télécommunications, des services financiaires, des transports maritimes et des déplacements des personnes.

En mai 1998, dans le cadre de la Conférence des ministres de Genève, les États membres se sont mis d'accord à commencer à examiner les aspects relatifs au **commerce électronique**. Alors, les États membres se sont engagés à ne pas imposer des droits de douane sur les transmissions électroniques et à continuer à examiner des mesures pour faciliter ce type d'activités.

Dans le cadre du Round Uruguay on a aussi négocié des aspects commerciaux concernant **le droit de propriété intellectuelle.** On a établi à cette occasion des standards internationaux dans ce domaine, aussi bien que des procédures vouées à assurer le respect de ces standards améliorés. Par exemple, les programmes des ordinateurs ont été assimilés aux œuvres littéraires et, par conséquent, ils sont protégés pour une période de 50 ans. Les pays développés sont obligés à se conformer à ces nouvelles règles

à partir du 1 janvier 1996, pendant que les pays en voie de développement ont joint le nouveau système à partir du 1 janvier 2000.

En ce qui concerne **le commerce des textiles et des confections**, le Round Uruguay a établi le déclenchement d'un procès voué à conduire, dans un intervalle de 10 ans, à l'introduction de ces produits dans le domaine des règles GATT. Parce qu'en 1974 les pays développés ont imposé des cotes pour l'importation des textiles et des confections, bien que ce fût une pratique qui ne se retrouvait pas dans la philosophie de GATT, on s'est mis d'accord à déclencher un procès de réduction graduelle de ces restrictions bilatérales et de développement des possibilités pour un commerce sans restrictions dans ce domaine. C'est l'Organe de monitorage des textiles qui s'occupe de ces problèmes.

Les accords réalisés **dans le domaine de l'agriculture** renforcent et clarifient les règles pour le commerce des produits agricoles, prévoient la réduction des subventions et d'autres politiques spécifiques à ce domaine, notamment les mesures de réductions des importations par des barrières nontarifaires. L'objectif fixé est de réduire aussi les droits de douane pour les produits agricoles d'environ 36% dans un intervalle de six ans et d'éliminer les restrictions nontarifaires en les remplaçant seulement par des mesures nontarifaires réduites. Sous l'égide du Comité pour l'agriculture, on a lancé aussi des négociations vouées à continuer à libéraliser le commerce des produits agricoles. Pour compléter les mesures dans le domaine agricole, on a adopté aussi deux accords relatifs aux mesures sanitaires et phytosanitaires, qui visent à prévenir que les mesures adoptées dans ce domaine puissent être employées comme des obstacles au commerce des produits agricoles.

Dans le cadre du Round Uruguay on a adopté aussi toute une série de **mesures de réduction des obstacles nontarifaires**. Celles-ci comprennent des mesures spécifiques comme par exemple les garanties commerciales, les procédures antidumping,

les subventions, les licences d'importation, les obstacles techniques et les systèmes d'évaluation douanière. Les accords réalisés ont visé la consolidation des mécanismes GATT et leur élargissement pour couvrir les obstacles nontarifaires, comme par exemple l'emploi des règles d'origine ou les inspections effectuées sur les navires de transport. En ce qui concerne les subventions, on a pris comme point de départ la politique appliquée par bien des États d'adopter des mesures pour riposter contre les exportations subventionnées en imposant des taxes spéciales sur celles-ci. L'accord réalisé interdit certaines subventions et laisse ouverte la possibilité de prendre des mesures de rétorsion par rapport aux subventions qui ont des effets négatifs sur le commerce.

Dans l'Acte final sont incluses certaines références qui concernent **les politiques relatives aux investitions**. Ainsi, on admet que certaines règles internationales sont employées pour restreindre le commerce international. L'idée est d'éliminer ces dispositions dans un intervalle de 2-5 ans.

Les gouvernements participants aux négociations se sont aussi mis d'accord en ce qui concerne la création d'un organisme spécial voué à s'occuper **des problèmes du commerce et de son influence sur l'environnement**. L'idée est que l'organisme créé présente des reccommendations spécifiques d'actions sur ce sujet.

Au début de l'année 2000 les membres de l'Organisation Mondiale du Commerce comptaient 137 États et territoires douaniers, et environ 30 autres États sont en négociation pour accéder à l'OMC. Pourtant, le procès d'adhésion est un procès complexe parce que les États en question sont obligés à appliquer les règles respectives et, en même temps, à offrir aux autres partenaires des concessions négociées en vue de l'accès de leurs produits et services sur le marché de l'État candidat à l'adhésion. Parmi les pays qui sont en négociation et qui ont un commerce significatif, il faut mentionner le Taïwan, la Fédération Russe, l'Arabie Saoudite et le Vietnam. Récemment, la Chine est devenue le 138ème État membre de l'OMC.

II. Le Droit au développement

L'ensemble des thèmes concernant le développement au niveau international est d'inspiration "tiers-mondiste", et le siège des débats est offert par l'Organisation des Nations Unies, notamment sa structure spécialisée, "La Conférence des Nations Unies pour le Commerce et le Développement" (UNCTAD – abréviation de l'anglais). UNCTAD a été créée en 1964 en tant qu'organisme permanent de l'Assemblée générale de l'ONU, pour s'occuper du commerce, des investitions et des problèmes du développement. Un rôle important est joué aussi par les "Programmes" et les "Fonds" ONU, comme par exemple le Programme des Nations Unies pour le Développement (PNUD), créé en 1965, le Programme alimentaire mondial (PAM) ou le Fonds des Nations Unies pour la Population (FNUAP).

Un lieu spécial revient aux programmes spéciaux qui ont été lancés par les Nations Unies sous la forme des deux "Décennies pour le développement" (les années '60 et '70).

La première "Décennie de l'ONU pour le développement", en fait une simple résolution (1515 (XV) de 1960) par laquelle l'Assemblée générale affirmait la nécessité d'une "action concertée pour le développement des pays en voie de développement", s'assignait un objectif global à atteindre, celui de réaliser une croissance minime de 5% du PIB pour les pays sous-développés. Comparées à cet objectif, relativement précis mais qui dépendait des possibilités de chaque pays, les autres dispositions avaient un caractère extrêmement général, tous les États étant *invités à intensifier leurs efforts* dans ce domaine. À l'occasion de la première évaluation il était clair que les objectifs fixés n'étaient pas réalisés (très peu de pays avaient atteint l'objectif de réaliser une croissance de 5% du PIB). Cela a conduit à l'idée de lancer une deuxième "Décennie pour le développement", mieux préparée par des négociations politiques et techniques (à laquelle les pays socialistes, à l'exception de la Roumanie, n'ont pas pris part).

Le 24 octobre 1970, dans le cadre de la session commémorative de l'ONU, on a adopté à l'unanimité la résolution 2626 (XXV) relative à la deuxième "Décennie pour le développement". Les documents adoptés reprennent l'objectif global de la première Décennie, qu'ils figent à une croissance de 6% du PIB par an pour les pays en voie de développement. Mais cette fois-ci, l'objectif est détaillé par components : une croissance de 3,5% par an du produit brut par habitant dans les conditions d'une croissance moyenne de la population de 2,5% par an; les expansions du domaine agricole de 4% par an et dans le domaine industriel de 8%; la croissance progressive des économies de la population visées à atteindre 20% en 1980; la croissance équilibrée du commerce extérieur de 7%.

Aux objectifs économiques on a ajouté des objectifs sociaux, notamment la répartition plus équilibrée de la richesse sociale, l'augmentation du nombre d'emplois; l'enseignement, la santé publique, le logement, etc.

Par rapport à la première Décennie, celle-ci comprend aussi des mesures sous la forme d'obligations, des accords à négocier, etc., aussi bien que des procédures d'évaluation de la réalisation des mesures approuvées.

Du point de vue juridique, la deuxième Décennie est en fait une stratégie consignée par l'Assemblée générale avec la force qu'une telle décision implique.

Au niveau pratique, les objectifs de cette Décennie n'ont pas été atteints non plus, et de l'analyse effectuée dans le cadre de l'ONU s'est ensuivi que l'idée de Décennie ne pouvait plus être employée avec succès, et on y a renoncé.

Un troisième élément important dans le cadre de l'ONU est représenté par la "Charte des droits et des obligations économiques des États" (adoptée par la résolution 3281 (XXIX) de 1974).

Bien qu'originairement on visât l'idée de son adoption sous la forme d'un traité international, on a vite renoncé à cette idée, et, finalement, la Charte DOEE a été adoptée sous la forme d'une résolution, ce qui ne veut

pas dire que les droits et les obligations qu'elle comprend n'ont pas de valeur juridique. Beaucoup de ses articles ont été adoptés par consensus, ce qui fait qu'ils représentent une "opinio iuris communis".

La Charte a été adoptée dans le contexte d'une crise monétaire et du pétrole au niveau international (1974). Pendant la session extraordinaire de l'ONU d'avril 1974 on a adopté la "Déclaration concernant l'instauration d'un nouvel ordre économique international" (la résolution 3201 (S-VI) de mai 1974), dans laquelle on a inclus d'une manière expresse l'idée d'une Charte de la DOEE. Les idées sont reprises aussi dans le Programme d'action adopté à cette occasion et, sans doute, elles ont influencé aussi les prévisions de la Charte.

La structure de la Charte DOEE, formée de 32 articles, est la suivante:
- préambule (exposé des motifs);
- éléments fondamentaux des relations économiques internationales (15 principes de base y sont compris);
- les droits et les obligations économiques des États (28 articles);
- les responsabilités communes par rapport à la communauté internationale;
- dispositions finales.

Parmi les éléments les plus importants de la Charte il faut mentionner:
- la souveraineté et la solidarité, y compris la souveraineté permanente sur les richesses naturelles, qui a profondément divisé les participants (la nationalisation ; le régime des investitions étrangères). L'idée de la solidarité est limitée à l'obligation de l'État de tenir compte, dans l'exercice de ses droits souverains, aussi des intérêts légitimes d'autres États;
- l'égalité et l'inégalité compensatoire. Le principe est accompagné par l'acceptation des discriminations légitimes par rapport aux discriminations illégitimes (fondées sur des éléments extra-économiques). Si dans les pays en voie de développement le principe est celui de l'égalité, par rapport aux pays développés c'est le principe de l'inégalité compensatoire qui intervient (l'idée de régime préférentiel, des privilèges, des obligations sans contrepartie).

Si du point de vue économique ses effets sont discutables, la Charte a eu une influence certaine au niveau conceptuel et elle a influencé la pratique de certains organismes internationaux, y compris les organismes de l'Union Européenne, mais aussi de certains pays développés tels que la France (à voir les Accords de Lome, conclus par l'UE avec les pays africaines et de Caraïbe).

L'échec des approches globales, du type des Décennies pour le développement, a déterminé UNCTAD à réorienter son activité dans la direction d'une approche sectorielle, en traitant des thèmes d'intérêt pour les pays en voie de développement, avec des politiques spéciales pour les pays moins développés. Les thèmes principaux d'activité de UNCTAD sont: les investissements et le développement des entreprises; les politiques macroéconomiques, la dette extérieure et le développement du financement; les transports, la douane et la technologie des informations.

Un rôle important revient à la promotion de la coopération technique, UNCTAD étant impliquée dans plus de 300 tels projets dans plus de 100 pays. Leur but est de contribuer au développement de la capacité des pays en voie de développement et des pays en transition pour renforcer leur politiques économiques et leur capacité de négociation sur ces thèmes, au niveau international.

On peut résumer quelques – uns des résultats obtenus par UNCTAD ainsi:
- la création d'un système généralisé de préférences, en 1971 (GSP);
- la conclusion d'un système général de préférences commerciales (GSTP) entre les pays en voie de développement, en 1989;
- la réalisation de certains accords internationaux sur des produits, pour stabiliser les marchés (cacao, café, sucre, jute, bois tropical, huile d'olives et céréales);
- la création du Fonds commun pour des produits de base, conçu afin d'offrir de l'aide financiaire pour maintenir des stocks internationaux, en 1989;
- l'élaboration de certaines règles d'action internationale en ce qui concerne le rééchelonnement de la dette *extérieure*, en 1980.

III. Y-a-t-il un troisième type de droit, une "lex mercatoria"?

La conception qui prédomine aujourd'hui en matière de droit est marquée par le dualisme conformément auquel il n'y a que deux ordres juridiques : le droit national, donc l'ordre de l'État, et le droit international, respectivement l'ordre entre États.

L'idée d'un troisième ordre juridique, cette loi du commerce international, vient poser un problème de fond pour les conceptions traditionnelles.

Cet ordre juridique serait créé par des personnes privées pour réglementer les rapports entre elles (éléments du droit interne), des rapports qui, pourtant, ont un caractère international (ce qui le rapproche du droit international). Mais son caractère n'appartenant pas à l'État le différencie de tous les deux.

Dans la théorie *générale du droit*, on considère que celui-ci se fonde sur l'obligativité et la contrainte (à voir Kelsen), donc il depend de l'existence d'une administration publique centralisée.

L'hypothèse d'un ensemble cohérent de règles transnationales dépend de l'existence d'un réseau commercial international qui échappe même seulement en partie au contrôle de l'État.

En réalité, la plupart des relations internationales sont soumises "de facto" surtout aux previsions de droit interne, car elles ne s'établissent pas dans le vide, mais dans une partie ou l'autre du monde, qui se trouve sous la souveraineté ou l'autorité d' État ou d'un groupe d'États. Mais la plupart des fois ces rapports sont liés à plusieurs États par des éléments ainsi que : la nationalité de ceux qui prennent part à la transaction (des individus ou des sociétés); le lieu de l'exécution du contrat; le siège de l'instance arbitrale etc.

La nature même de ces transactions multiplie les liaisons respectives, ce qui rend difficile ou même impossible la prétention qu'il existe un seul ordre juridique intérieur voué à réglementer les opérations respectives.

De l'analyse de la pratique qui existe en ce qui concerne les relations économiques internationales il s'ensuit au moins deux conclusions:

La première conclusion est que les relations économiques transnationales ne peuvent pas se dérouler en dehors du contrôle des États et, par conséquent, du droit interne – de l'État (même s'il ne s'agissait que des impôts). Donc, bien qu'on accepte l'existence d'une "lex mercatoria" distincte, celle-ci ne pourrait pas prétendre qu'elle soit un ordre juridique complètement separé des règles du droit interne.

La deuxième conclusion est que, à cause de leur complexité, les relations économiques transnationales ne peuvent pas être réglementées exclusivement par le droit d'un État ou de plusieurs États, défini sur la base du droit international privé, et qu'il y a, donc, la necessité objective d'avoir d'autres règles à part les règles nationales, *pour réglementer* les relations économiques.

Cela peut conduire à l'idée d'un véritable système de normes, dont le fondement est représenté par un système autonome de sources et qui dispose des mécanismes voués à assurer le contrôle de leur application.

Quels seraient les éléments capables à offrir la base pour soutenir l'idée de ce "troisième ordre juridique" – la "lex mercatoria"?

(1) L'apparition et le développement de nouveaux types de contrats, le plus souvent d'une grande complexité, qui ne se retrouvent ni dans le droit interne ni dans le droit international (des traités). (Par exemple : les contrats pour des livraisons "à clé" des installations et des produits, les contrats de privatisation ou de concession, les contrats "de développement", des clauses qui offrent des garanties contre la nationalisation etc.).

Ces contrats comprennent des clauses-type qui s'ajoutent aux règles intérieures en matière et qui représentent un vrai supplément transnational aux chapitres du droit national qui concernent les contrats spéciaux.

(2) La multiplication des arbitrages pour les opérations commerciales transnationales

est le deuxième élément qui favorise l'apparition de ce droit transnational. On se réfère ici non seulement aux instances arbitrales ad hoc prévues dans les contrats, mais aussi au système spécial déjà créé par certaines institutions, telles que la Chambre de commerce international qui a une Cour d'arbitrage, ou le Centre international pour le règlement des différends relatifs aux investitions (CIRDI) appartenant à la Banque Mondiale.

Ces instances ont un rôle important dans la ratification de certaines règles spéciales qui concernent les relations économiques transnationales, donc dans la création de la "lex mercatoria".

Il y a beaucoup de tels accords ou contrats qui se réfèrent expressément au droit international (aux règles ou aux principes du droit international) comme étant applicables (Par exemple: le Traité de Washington, du 18 mars 1965, pour le règlement des différends relatifs aux investitions étrangères). En pratique, les principes généraux sont souvent salvateurs pour les arbitres appelés à décider dans une cause et il y a une vaste reconnaissance de leur emploi dans ce but. Pourtant, il ne s'agit pas des principes généraux du droit international, mais des principes généraux de droit qui résultent du droit comparé des principaux systèmes juridiques (des nations civilisées, comme le dit l'article 38 du statut de la Court Internationale de Justice).

Du point de vue juridique, on peut affirmer que ce n'est pas "scandaleux" de parler de l'existence d'un ordre juridique transnational, même s'il s'agit d'une étape embryonnaire.

Mais ce droit est subordonné au droit international public, tout comme les droits nationaux.

Son existence dépend, pourtant, aussi du degré de tolérance de l'ordre juridique intérieur dans de divers États, car les acteurs transnationaux continuent à être soumis au droit interne, en ce qui concerne leur statut (nationalité, lois sociales, lois fiscales, lois d'ordre public). Même s'il n'existait que le problème de la mise en pratique des décisions arbitrales et la nécessité d'un "exequatur", cela serait suffisant pour souligner sa relation avec le droit interne, national.

La conclusion naturelle est, donc, qu'on peut parler d'un système autonome, mais qui n'est indépendant ni du droit international public ni du droit interne, mais qui a ses propres règles (des clauses-type dans les contrats spéciaux, la pratique des tribunaux) et l'application de certains principes généraux.
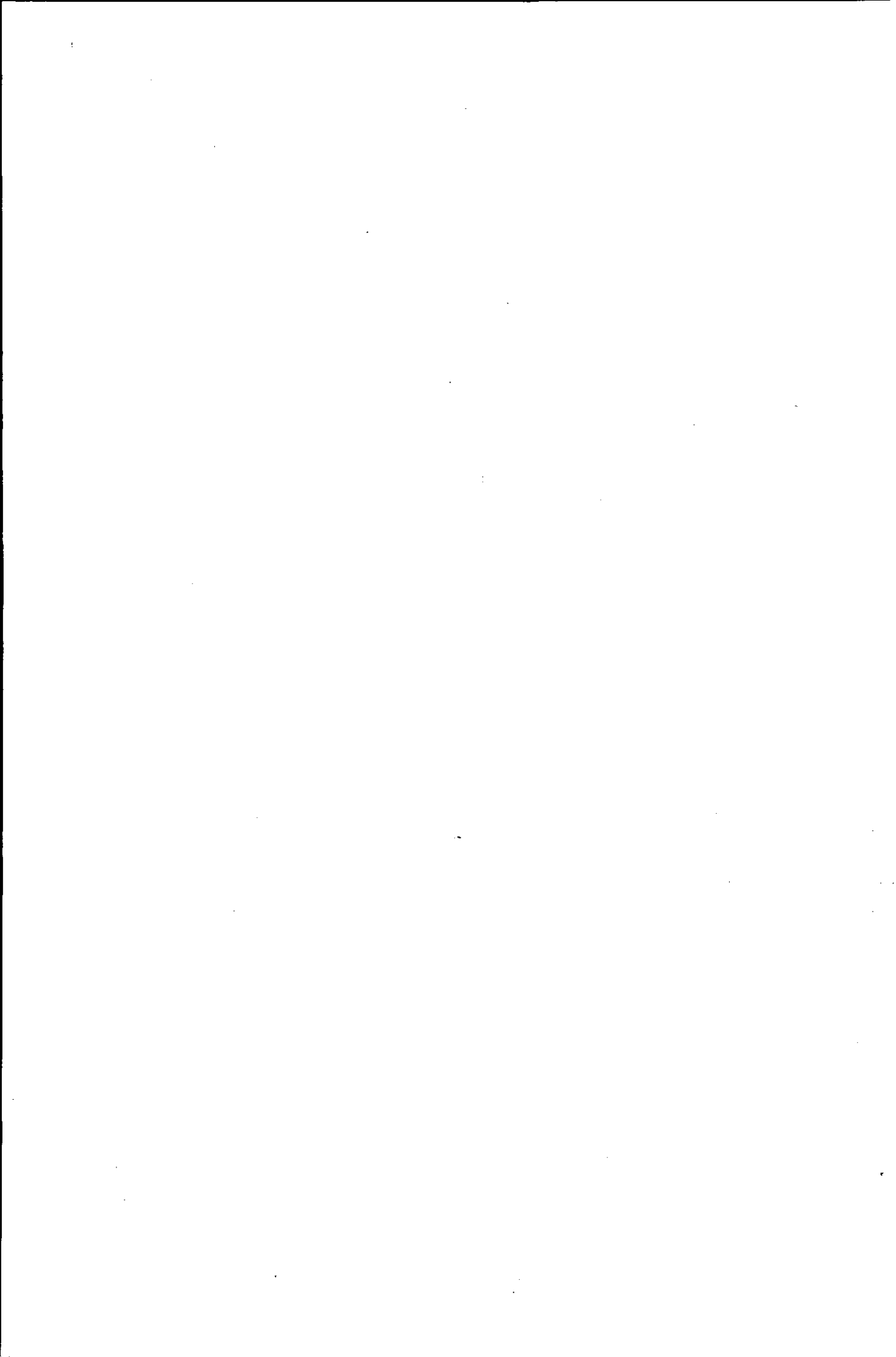
Reflections on Weak States and Other Sources of International (In)Stability

Enver Hasani

The concept of international stability is probably one of the most widely used concepts in the International Relations discourse, in particular concerning the issue of self-determination after the end of the Cold War. The principle of territorial integrity of states, the restrictive interpretation of self-determination, and the extreme caution in recognizing new self-determination claims following Cold War's demise, have cumulatively been justified by an appeal to the values of international (peace) and the stability of international order. However, the concept under discussion is not related to self-determination issues only. It is wider in scope and far more complex in its content than it appears at first sight. The concept of international stability should not only be seen as an end result of the self-interest and power, politics pursued by states in their mutual relationships. In the era of interdependence and globalization that we live in, other principles and values, norms and institutions certainly influence the interstate relationships, no matter how confused these principles, values, norms and institutions might be. At the same time, there are other sources of international (in)stability, in addition to those focusing on state-as-actor component. These are the issues that we deal with in the following paragraphs. We start our elaboration in order to answer two general questions: 1) what is international stability and 2) what are the sources of international (in)stability?

In International Relations literature a clear cut definition of the concept of international stability per se is not given. Its definition is contrived from: the analyses and observations made by scholars as to the nature of the international system (bipolarity vs. multipolarity); the means or institutions designed for the management of power relations within the international system (balance of power, hegemony, collective security, world government, peacekeeping and peacemaking, war, international law and diplomacy); finally, the analyses and observations concerning the very nature of international actors, e.g. states (democracies vs. non-democracies).

When defined, though, the concept of international stability in its essence captures the main features of either the international system or of its components. In both situations, the definition of the concept focuses on state-as-actor unit, rational in its actions, thus excluding other non-state entities from this conceptualisation. These non-state actors, such as national or religious groups, terrorist organizations, etc., may as well be incorporated into the definition of the concept.

Of the definitions focusing on a state-as-actor, those offered by Karl Deutsch and J. David Singer, are singled out as the most important. Although probabilistic in its nature, this definition purports to take as a vantage point both the total system and the individual states comprising it. From the broader, or

systemic, point of view, these authors define the stability as "the probability that the system retains all of its essential characteristics; that no single nation becomes dominant; that most of its members continue to survive; and that large-scale war does not occur". And, from the more limited perspective of the individual actors, stability would refer to the "probability of their continued political independence and territorial integrity without any significant probability of becoming engaged in a war for survival".[1] This conceptualisation of international stability does not account for non-state entities, whose actions are not taken into account as a potential source of international instability. These non-state entities, following the end of the Cold War, proved to be a huge source of instability not only in interstate relations but also in the relations and affairs that develop within sovereign states. These non-state factors were at the end one of the major causes of the collapse of former Communist federations (Soviet Union, Yugoslavia and Czechoslovakia). The ethnic claims for self-determination triggered by the rising nationalism in the post-Cold War era threatened and continue to threaten the regional and wider stability, this being admitted by liberal[2] and realist[3] scholars alike. The case of former Yugoslavia is a metaphor for the new international system, that is, a system which is more turbulent and anarchic at present than ever before during the recent history.[4] This is not to say that the international system of the Cold War period was not anarchic. It did not have an overreaching supranational authority entrusted with securing order and stability in the system. However, it did have some relative stability and the mechanism to maintain this state of affairs, which rested with the two superpowers who took on the role of disciplinarian within its own blocks (or spheres of influence). With the collapse of this system, new logic of anarchy ushered in focusing not only on interstate relations but also on the internal dynamics of the existing sovereign states. With the demise of the Warsaw Pact, NATO's new security role changed accordingly. This new security role of NATO had to be formally accepted in the light of new changes in the structure of the international system. Thus, meeting in Rome in November 1991, the alliance's heads of state and government adopted what they called NATO's "new strategic concept". The danger the alliance faced was no longer "calculated aggression" from Moscow but "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".[5]

The initial debate regarding the international stability focused on the international system and its structure. Some scholars asserted that the multipolar world was less stable compared to that composed only of two powers (bipolarity).[6] In this debate, some other scholars denied the existence of bipolarity and multipolarity in international politics.[7] Some others saw the nuclear deterrent as the main source of international stability, ignoring the role of the structure of the system itself.[8] Empirical evidence relied upon by these scholars belongs mainly to the pre-WW II period. This evidence is put foreword both to support and oppose the distribution of capabilities (bilpolarity and multipolarity) as the sources of international stability in K. Waltz's terms. The debate was heated in particular after the Cold War and was triggered by John Mearsheimer's famous article *Back to the Future*.[9]

Scholarly works examine various means and institutions designed for power management in international politics. They are ranked and classified, according to their order of importance in different ways. In common, they mostly relate to the following concepts: balance of power, hegemony, collective security, world government, peacekeeping and peacemaking, war, international law and diplomacy.[10] Among these means and institutions, the balance of power takes the most prominent place in scholarly analysis as well as in interstate relations.[11] This is the reason that we devote our attention to the balance of power only, leaving aside the rest of the instruments and institutions.

Balance of power is an end result of the activities of the state-as-unitary actor acting in an essentially anarchical environment. Although there are very few differences among the scholars as to the side effects of the balancing behaviour of states, such as that concerning the possibility of cooperation under the conditions of anarchy, most of the authors agree that the balances of power are formed systematically.[12]

As we saw, the second part of the definition of international stability focuses on the state, or the second level of analysis. From this perspective it is assumed that stability exists when states continue to preserve their political independence and territorial integrity without the need to pursue the struggle for survival. Is this definition, which we label a "classical" one, accurate enough to cover all forms of stability pertaining not only to the present but to the Cold War era as well? In trying to give an answer to this, IR scholars have focused their attention on the internal dynamics of states and their social, political and economic fabric they are made of. This line of reasoning, by and large present during Cold War years, has produced a large amount of evidence and very useful theoretical insights, known as the "theory of democratic peace".

The main premise of this liberal view on international stability is that democracies are war-prone but that do not go to war with each other.[13] In their mutual relationship, democratic states observe and externalize the democratic norms, rules and procedures and institutions which, in turn, prevent the recurrence of the logic of balance of power and security dilemma. The logic of anarchy and its consequences, say these authors, remain valid only among the undemocratic and authoritarian states that are, in some cases, named as the "outer concentric circles",[14] or the "periphery" of international society.[15] The "theory of democratic peace" is not confined to the interstate relations only.

Within this liberal view there has also emerged another stream of thought focusing on intra-state relations. The assumption, notes

Kelvi Holsti, that the problem of war (conflict) is primary a problem of relations between states has to be seriously questioned.[16] In essence this assumption was earlier questioned in scholarly work, in the studies regarding the phenomena of state-building of the nations that emerged from the process of decolonization. As we shall see in the following chapter, these new states did not have to struggle for their survival in an anarchical society of states in order to secure and preserve their newly won independence and territorial integrity. Their political independence and territorial integrity were rather guaranteed and preserved by the same "anarchical" society. This was done through the norms on sovereign equality of states, fixed territorial borders and the so-called juridical statehood[17]. The international regime providing for these norms proved to be very stable in the long run and has favored the political independence and territorial integrity of these states but to the detriment of political and economic development and the social cohesion of these countries.[18] The legitimacy of the ruling elite that took on the task of state-building following the end of decolonization derived not from the will of those governed but from the norms on equality of states, fixed territorial borders and juridical statehood. These qualities, in essence, enshrined the collective will of the majority of the members of international society.[19] However, as we shall argue later, any other approach, other than the above one, supporting former administrative (colonial) borders as a basis for international statehood, would have proved more destabilizing, especially had it been based on the ethnic principle.

The analysis of state building, both in theory and practice, in former colonies and its impact on the international stability has further been extended to the new states that emerged after the collapse of Communist federations following the end of the Cold War. Long before these new states emerged, the Communist federations had descended into anarchy and violence, imperiling their own citizens and threatening their neighbors through refugee flows, political instability, and

random warfare. This second wave of the failed (collapsed/or weak) states, whose very existence rested with the presence of juridical statehood in international realm, produced the instability in the system (in one case even causing a serious rift among the great powers of the present-day international system: Kosova during NATO air campaign of March – June 1999). These types of states are associated with the resurgence of ethnic nationalism and the violence it produces.[20]

Ethnic nationalism, as a divisive and destabilizing force in international relations, has been treated with equal care as the state system itself. In fact, those who studied ethnic conflicts as a source of international instability have made a parallel between the behaviour of ethnic groups and the states. Barry R. Posen is among them. He states that ethnic (and other religious and cultural) groups enter into competition with each other, amassing more power than needed for security and thus begin to threat others. The crux of this argument is that ethnic (and other religious and cultural) groups behave, upon the collapse of the previous state structures, in the same manner as do the sovereign states under the conditions of anarchy.[21] Nevertheless, as opposed to the previous wave of the failed states, this time the role and the commitment (military and non-military)

on the part of international community, in terms of preserving the political independence and territorial integrity of its newly accepted members, is by far greater and more effective than in the past. As a sign of this role and commitment, the international community has added new norms and procedures concerning democracy, the rule of law and the respect for human and minority rights (apart from old ones regarding the sovereign equality of states, fixed territorial borders and juridical statehood). A qualitatively new meaning was attached to the territorial integrity of states that emerged from former Communist federations. In some cases, as in the Balkans, this new interpretation was brought to the foreground by the use of force, huge military deployments as well as economic and other assistance on the part of the international community. This was done in order to render meaningful the new concept of territorial integrity that should be seen in close connection with the internal political and economic infrastructure of these new countries. For this purpose, new institutional mechanisms and programs, such as the Stability Pact for South-Eastern Europe, were set up. This means that the assumption of the "democratic peace" that liberal and democratic states are producers of peace and stability in the system is gaining weight and proving to be correct, in Europe at least.

Notes:

[1] Karl W. Deutsch and J. David Singer, "Multipolar Power Systems and International Stability". *World Politics* Vol. 16 Issue 3 (April, 1964) pp. 390-406 at 390-391.

[2] See, for example, Stephen Van Evera, "Primed for Peace: Europe after the Cold War". *International Security* Vol. 15 Issue 3 (Winter 1990/91) pp. 7-57.

[3] See, for example, John J. Mearsheimer, "Back to the Future: Instability in Europe after the Cold War", *International Security* Vol. 15 Issue 1 (Summer 1990), pp. 5-56.

[4] A thorough analysis of the Yugoslav case in the above sense can be found in Richard H. Ullman, "The Wars in Yugoslavia and the International System after the Cold War". In Richard H. Ullmand (ed.), *The World and Yugoslavia's Wars* (New York: Council on Foreign Relations, 1998) Chapter 2.

[5] See, *North Atlantic Treaty Organization, NATO Handbook* (Brussels: NATO Office of Information and Press, 1993), appendix II, the Alliance's Strategic Concept Agreed by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Rome on 7th and 8th November 1991.

[6] More on this debate, see, Karl Deutsch and J. David Singer, *Multipolar Power Systems and International Stability*, pp. 390-406; Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*. 4th ed. (New York: Alfred A. Knopf, 1966); Richard Rosecrance, "Bipolarity, Multipolarity and the Future". *Journal of Conflict Resolution*. 10 (September 1966), pp. 314-327; Kennth N. Waltz, *Theory of International Politics* (Addison, Wesley:

Reading Mass, 1979) ;　John Lewis Gaddis, "The Long Peace: Elements of Stability in the Postwar System". *International Security*, 10 (Spring 1986) pp. 99-192.

[7] Thus, R. Harrison Wagner, proposes distinction between the tight power distribution of the Cold War and the loose distribution following it. Cf. R. Harrison Wagner, "What Was Bipolarity". *International Organization*, Vol. 47 Issue 1 (Winter, 1993), pp. 77-106.

[8] James M. Goldgeier and Michael McFaul, "A Tale of Two Worlds: Core and Periphery in the Post-Cold War Era". *International Organization* Vol. 46 Issue 2 (Spring 1992), pp. 467-491. For the opposite view, see, Kenneth Waltz, *Theory of International Politics*, pp.180-182.

[9] The crux of the issue in this article is that bleak future of humanity following the Cold War. Mearsheimer believed that the new system of multipolarity created after the Cold War would be more war-prone. He also believed that the stability of the past 45 years shall not be seen again in the decades to follow. Among the reasons for this, Mearsheimer included the hyper-nationalism, especially in Eastern Europe. See, John Mearsheimer, *Back to the Future: Instability in Europe after the Cold War*, pp. 5-56.

[10] See more on this in E.H. Carr, *The Twenty Years' Crisis: 1919-1939. An Introduction to the Study of International Relations* (London: Macmillan, 1946); Hedley Bull, *The Anarchical Society. A Study of Order in World Politics* (London: Macmillan, 1977); Inis L. Claude, *Swords Into Ploughshares: The problems and Progress of International Organization* (New York: Random House, 1984); Robert Gilpin, *War and Change in World Politics*. (Cambridge : Cambridge University Press, 1981); Charles W. Kegley, *The Long Postwar Peace* (New York: Harper Collins, 1991); Thomas J. Volgy and Lawrence E. Imwalle, "Hegemonic and Bipolar Perspectives on the New World Order". *American Journal of Political Science* Vol. 39 Issue 4 (November 1995) pp. 819-834.

[11] See more on the development and the history of the idea of balance of power, in Evan Luard, *The Balance of Power. The System of International Relations*, 1648-1815 (London: Macmillian, 1992), pp. 1-30.

[12] Hedley Bull, though, says that balances of power may come into being through conscious efforts and policies of one or all sides. Hedley Bull, *Anarchical Society*, pp. 104-106. Among these types of the formed balances fall the Concert of Europe (1815-1919). This system of great power management of international affairs did achieve the greatest ever success in maintaining the stability in international affairs. There were wars among great powers during this time as well: Britain, France and Russia fought in the Crimea in 1854-1855 and Bismark went to war first with Austria and then with France to unify the German states in 1870-1871. Nevertheless, a certain amount of conflict may be accommodated and is accommodated by the international system without the system itself losing its overall stability. It is stability, at the end, *not* conflict, that has been normal condition of the international system. See, also, Andreas Osiander, *The States System of Europe, 1640-1990. Peacemaking and the Conditions of International Stability*. (Oxford: Clarendon Press, 1994), pp. 3-4.

[13] See, more on this in Michael W. Doyle, "Liberalism and World Politics". *American Political Science Review* Vol. 80 (December 1986) pp. 1151-1169; Joanne Gowa, "Democratic States and International Disputes". *International Organization* Vol. 49 No. 3 (Summer 1995) pp. 511-521; John M. Owen, "How Liberalism Produces Peace". *International Security* Vol. 19 No. 2 (Fall 1994) pp. 87-125.

[14] Barry Buzan, "From International System to International Society: Structural Realism and Regime Theory Meet the English School". *International Organization* Vol. 47 Issue 3 (Summer 1993) pp. 327-352 at 349-352.

[15] James M. Goldgeir, Michael McFaul, *A Tale of Two Worlds: Core and Periphery in the Post-Cold War Era* pp. 476-491.

[16] Kalevi J. Holsti, *The State, War and the State of War* (Cambridge: Cambridge University Press, 1996) p.15.

[17] More on this, see, the eloquent study by Robert H. Jackson, *Quasi-States: Sovereignty, International Relations and Third World* (Cambridge: Cambridge University Press, 1990).

[18] Jean François Bayart, *The State in Africa: The Politics of Belly*. (London: Longman, 1993) pp. 41-118.

[19] I. William Zartman, *Collapsed States. The Disintegration and Restoration of Legitimate Authority* (Boulder: L. Rienner Publishers, 1995) pp.1-11; 207-273.

[20] They are called this way because of the weaknesses of the state institutions and the lack of political and social cohesion within these states. See, Gerard B. Helman and Steven R. Ratner, "Collapsing Into Anarchy". *Current Issue* 353 (June 1993); Lawrence Freedman, "Weak States and the West". *Society* Vol. 32 Issue 1 (November-December 1994) (http://www. Epnet.com/).

[21] See, Barry R. Posen, "The Security Dilemma and Ethnic Conflict". *Survival* Vol. 35 Issue 1 (Spring 1996) pp. 27-45. Identical view is expresses also by Markus Fischer, but regarding medieval times. This author says that the behaviour of communes, duchies, principalities and other actors of this period was more or less like the behaviour of modern states acting under the conditions of anarchy. Cf. Markus Fischer, "Feudal Europe, 800-1300: Communal Discourse and Conflictual Practices". *International Organization* Vol. 46 Issue 2 (Spring 1992) pp. 427-466.
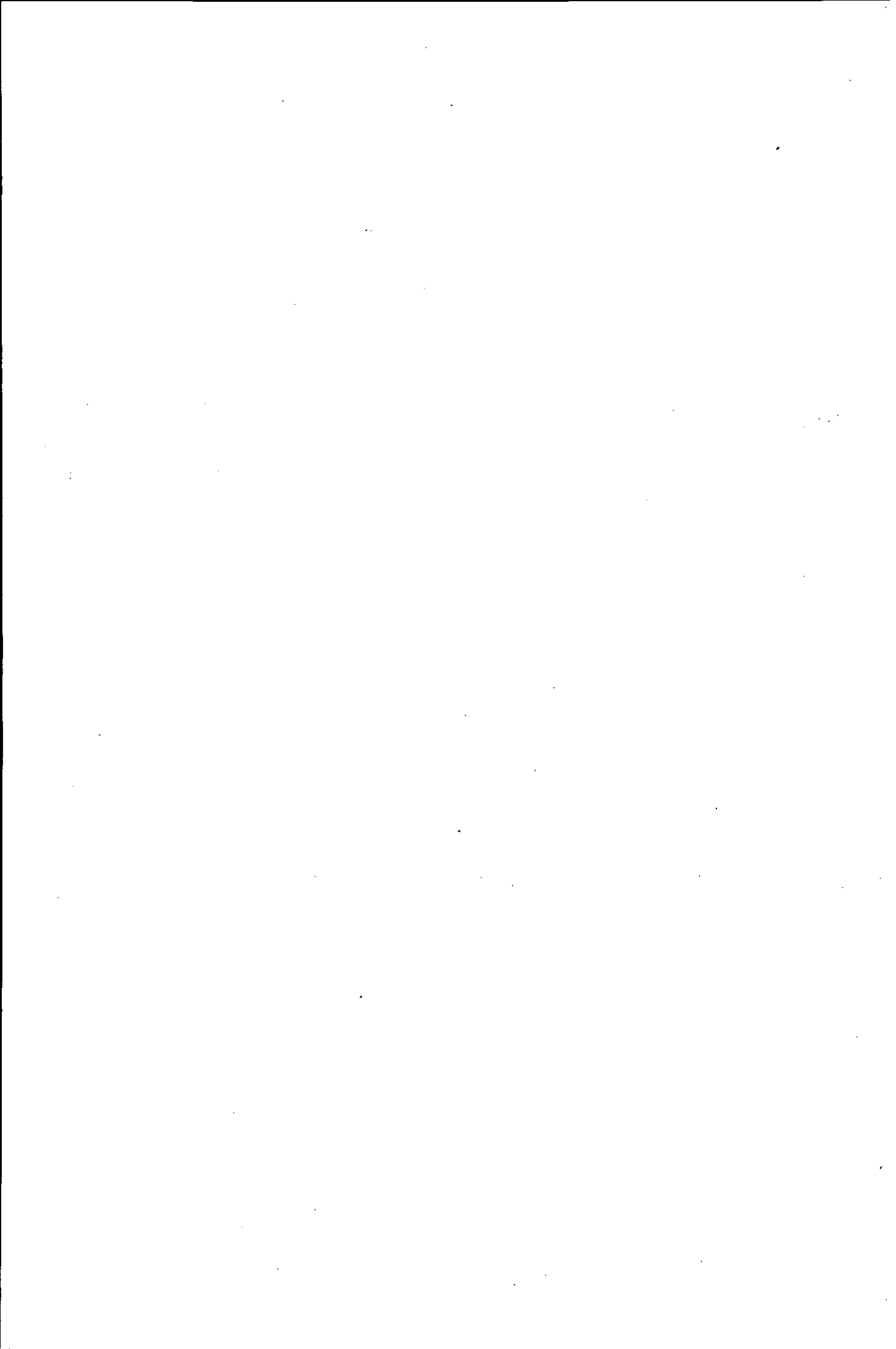
Current Dimensions of the Multifaceted Process of EU Enlargement

Dan Ciupală

*A*nalyzing the dynamics of European enlargement process it is always a laborious undertaking, complicated by the fact that there is limited agreement when it comes to what kind of polity the EU is. For the past decades of the twentieth century the evolving European political order was often portrayed as difficult to analyze and describe, because of the arduousness to synthetize what kind of political integration is possible and likely in a multicultural and pluralistic region organized politically on the basis of nation-states.

Actually, the EU has come a long way from a bargained agreement among nation-states, to a quasi-federal polity upon which the phenomenon of globalization increasingly brings pressure. From the slogans of large corporate entities and trade organizations, to public debates, globalization has captured the imagination of people the world over and it is a common issue today not only for the press or political science, but also for the common people.

At the core of most discussions of the issue is the extraordinary explosion of both technology and information, in ways that have considerably reduced the twin concepts of time and space. In particular, information and communications technology has emerged as perhaps the most dominant force in the global system of production, albeit with significant ramifications in all other spheres of contemporary human existence.

In a broader sense, globalization can be approached as the shrinkage of distance on a world scale through the emergence and thickening of networks of connections, environmental and social as well as economic[1].

Globalization, considered by many to be the future, is frequently confused with internationalization, but is in fact something different. Internationalization refers to the increasing importance of international trade, international relations, treaties, alliances, etc. for which, however, the term of reference remains the nation, even as relations among nations become increasingly necessary and important.

In the classical nineteenth-century vision of Smith and Ricardo the national community embraced both national labor and national capital, and these classes cooperated, albeit with conflict, to produce national goods, largely with national natural resources. These national goods then competed in international markets against the goods of other nations, produced by their own national capital/labor teams using their own resources. This is internationalization as defined above.

In the globally integrated world of the late twentieth century, however, both capital and goods are free to move internationally. An important consequence of free capital mobility is to totally undercut Ricardo's

comparative advantage argument for free trade in goods, because that argument was explicitly and essentially premised on capital being immobile between nations. But the conventional wisdom seems to be that if free trade in goods is beneficial, then free trade in capital must be even more beneficial! In any event, it no longer makes sense to think of national teams of labor and capital in the globalized economy.

In opposition with internationalization, globalization refers to global economic integration of many formerly national economies into one global economy, mainly by free trade and free capital mobility, but also by easy or uncontrolled migration of people.

When different national markets with different rules for the internalization of external costs merge into a single market, then the different rules of cost accounting present a great problem. Under globalization the market left to itself will resolve the difficulty by standards-lowering competition – the way of counting costs that results in the cheapest product will prevail. Capital will move to the country that does the least complete job of internalizing environmental and social costs. Consequently globalization results in a larger share of world product ocurring under regimes that externalize costs to the greatest degree, making it difficult to argue that globalization will increase efficiency, even recognizing the legitimate claims of absolute advantage.

Nevertheless, it is becoming clear that globalization is no passing or ephemeral phenomenon but it is able to foster a large number of conflicting and sometimes even contradictory interpretations, particularly of a qualitative or value-laden nature. This is reflected in the existence of some bewilderment and a growing alarm over globalization's ramifications. Because of globalization's multifaceted nature, it is essential to grasp the different motivating forces that are impelling these developments aside from the purely economic, and also to recognize the different directions from which they are coming. As Paul Streeten has pointed out, there is a globalization that can come "from above" in the form of multinational firms, international capital flows and world markets[2].

Intrinsic to this form of globalization is a growing legal and institutional framework, which we attempt to evaluate in this article, starting from two premises.

The first is that increased interdependence among human beings produces discord, since self-regarding actions affect the welfare of others. At worst, the effects of international interdependence include war[3]. As international relations "realists" have long recognized, interdependence and lack of governance make a deadly mixture.

This Hobbesian premise can be stated in a more positive form: Globalization creates potential gains from cooperation. This argument is often seen as "liberal" and is associated with Adam Smith[4] and David Ricardo, but it is actually complementary to Hobbe's point. The gains of cooperation loom larger relative to the alternative of unregulated conflict. Both realists and liberals agree[5] that under conditions of interdependence, institutions are essential if people are to have opportunities to pursue the good life.

The second premise is that institutions can foster exploitation or even oppression arousing a dilemma: although institutions are essential for human life, they are also dangerous.

The only alternative to this solution remains to explain how effective institutions that serve human interests can be designed and maintained. And today, more than ever, we can ask the rhetorical question: who guards the guardians?

Democratic theorists emphasize that citizens should reflect on politics and exercise their collective will[6], based on a so-called "culturally established background consensus shared by the citizenry"[7]. Governments derive their just powers from the consent of the governed[8] and also from their reflective participation.

Although we agree with the conclusion that institutional protection from the arbitrary exercise of state coercion is as important at the global level as at the level of the national state, we speculate about the nature of the public institutions that are viable in a partially globalized world.

Political institutions can be defined as persistent and connected sets of formal and informal rules within which attempts at influence take place. Starting from this definition, for the purpose hereof, we are interested in their consequences, functions, and procedures in the context of globalization, which, in all its forms, is powered by an unrestrained drive to maximize profits.

Open the borders, reduce and privatize the state, deregulate, be efficient and competitive, submit everything and everybody to savage free market law – such are the rules and basic principles of key economic globalization actors. In practice, productive structures and processes are increasingly more distanced from human development needs. Such globalization entails economic instability and political crisis. Never before has social inequality and exclusion reached such levels – too many human beings for an economy meant for less people, pursuing an unsustainable pattern of resource-use and consumption.

In the face of this exclusionary globalization, we need to look at other globalizations. Some of them bear alternatives and hopes. In the struggle against globalization serving only business interests, actors emerge who are forging the bases of a global civil society founded on human rights and active citizenship. However, funda-mentalisms of all sorts also proliferate in civil societies, propagating intolerance and violence. The explanation is that ongoing processes are challenging the world power system formed in the past. National states have been weakened and have been losing their regulatory capacity over economic forces active on a world scale.

However, most of the traditional institutions are still deeply influenced by their origins and need many changes to confront challenges posed by globalization processes. Instead, we should aspire to a more loosely coupled system at the global level that attains the major objectives for which liberal democracy is designed at the national level. We can think of outcomes in terms of how global governance affects the life situations of individuals[9].

Governance should enhance the capability sets of the people being governed, leading to enhancements in their personal security, freedom to make choices, and welfare as measured by such indices as the UN Human Development Index. In order to accomplish these functions: security, liberty, welfare, and justice we need to design institutions culturally and politically so diverse[10] that most functions of governance should be performed at local and national levels, on the familiar principle of federalism or of the European Union's notion of "subsidiarity."

A few key functions, however, should be preserved and exercised by regional or global institutions, such as to limit the use of large-scale violence, to limit the negative externalities of decentralized action, to provide focal points for the states policies in the domain of infrastructure. A major implication of interdependence produced by the globalization is that it provides opportunities for the actors of the globalized world to externalize the costs of their actions onto others. Examples include monetary policies, air pollution by upwind countries, and the harboring of transnational criminals or terrorists. In situations with a clear focal point, no one has an incentive to defect. Great efficiency gains can be achieved by agreeing on a single standard – for measurement, technical specifications, or language communication. Actors may find it difficult, for distributional reasons, to reach such an agreement, but after all institutionalized solution has been found, it will be self-enforcing.

Apart from these organizational functions, the global governance cannot exist without assuming the preventive role of dealing with system disruptions and providing a guarantee against the worst forms of abuse, particularly involving violence and deprivation, so that people can use their capabilities for productive purposes.

As global networks have become tighter and more complex, they have generated systemic effects that are often unanticipated, like global climate change and more recently the collapse of the World Trade Center towers of New York under the terrorist attack of September[11].

In the same category should also be included the struggle against the dictators that exterminate their own people. In order to avoid the disruptions of the balance, induced by their political actions in the global system, they may need to be restrained or removed by the system itself. It is true that one of the reasons for such actions, which lead to the above-mentioned disruptions, that are so great as to be morally indefensible, should be considered the global inequality, but concerted international action remains the only appropriate response to it.

Yet, the effects of globalization on inequality are much more complicated than they are often portrayed. Whereas average per-capita income has vastly increased during the last forty years, cross-national inequality in such income does not seem to have changed dramatically during the same period, although some countries have become wealthier, and others have become poorer.

Meanwhile, inequality within countries varies enormously. Some globalized societies have a relatively egalitarian income distribution, whereas in others it is highly unequal. Inequality seems to be complex and conditional on many features of politics and society other than degree of globalization, and effective action to enhance human functioning will require domestic as well as international efforts[11].

Whatever the economic effects of globalization, social globalization certainly increases the attention paid to events in distant places, highlighting abuses, particularly in the context of the envisaged NATO and EU enlargement. Advocating such issue is not new: the transnational antislavery movement between 1833 and 1865 is an important historical example. Yet, the expansion of concern about human rights during the past two decades has been extraordinary, both in the scope of rights claimed — and frequently codified in UN agreements — and in the breadth of transnational advocacy movements and coalitions promoting such rights.

The concern about poverty, however, has not been matched by effective action to eliminate its sources. The European Union (EU) provides a compelling example of first-mover advantages in international organizations. New members of the EU have to accept, in their entirety, the rules already established by their predecessors. As a result, the innovators of the European Community — the six founding members — gain persistent and cumulative advantages from having written the original rules. These rules are important. Even if implementation is often slow, during the 1990s all members of the EU had implemented more than 75% of EU directives, and more than half had implemented more than 85%.

In the same context, the second key question is that of stability. If institutional rules constrain majorities, why do these majorities not simply change the institutional rules to remove the constraint? The general answer seems to be that institutions generate rules that avoid this paradox, for example, by giving agenda-setting power to particular agents[12] or by requiring supermajorities to change institutional arrangements.

These rules ensure that majorities cannot alter them easily when the median voter's preferences change and, as a rule, they are required chiefly in order to reach certain equilibrium than to *protect the* oppressive global institutions. The way to reach such equilibrium, without sacrificing the individual liberties, could be to pay more attention than we have to expectations of how others will behave and, therefore, to underlying values and beliefs. Expectations are critical determinants of action. They depend heavily on trust, reputation, and reciprocity, which depend in turn on networks of civic engagement, or social capital.

Building such networks is an incremental process and, from this point of view, we cannot speak about a very clear-cut partition into "international" and "domestic" but, rather, they are networks that cross those lines. Rational strategic action depends on the expectations and incentives that these networks create. Without an understanding from a historical, institutional and political point of view[13], we can neither comprehend the varying expectations on which people *rationally act nor design institutions based on*

Sparing no society, poverty and destitution are now global phenomena. Worse still there is a radical separation between economic and social spheres, while economies are globalized, the social is nationalized. The greatest indicator of the narrow limits of economic globalization is increasing control over migration. All barriers to circulation of goods are lifted but their producers are blocked from moving freely. In addition, visions and wills are forged within societies to exclude foreign workers, denying them basic citizenship rights. These are globalization's contrasts and dead ends.

As is fairly apparent from the preceding arguments, we can only conclude that the impact of the adverse consequences of globalization on the enjoyment of human rights is multidimensional; all aspects of human existence, be they political, economic, social or cultural, are affected.

The negative impact on one dimension of human rights, e.g. economic rights, necessarily has a visible effect on other rights. This reality reinforces the principle enunciated in the Vienna Declaration and Programme of Action (1993) that human rights are "universal, indivisible, interdependent and interrelated".

Today, international human rights obligations have to be viewed through the prism of this fundamental principle. The Charter of the United Nations recognizes the important linkages between the maintenance of international peace and security, the establishment of conditions of economic and social progress and development, and the promotion and protection of universal human rights.

A singularly important development is the imposition by the Charter of a legal obligation on Member States to take joint and separate action in cooperation with the Organization to promote, *inter alia*, higher standards of living, full employment and conditions of economic and social progress and development, and universal respect for, and observance of, human rights.

Action taken by Member States, either collectively or singly, to defeat this pledge is clearly a violation of the Charter, which under certain circumstances may amount to violations of principles of *ius cogens*.

International economic relations and the policies that drive those relations cannot in the name of *laissez-faire* economics be exceptions to the international rule of law. They are essentially subject to the dictates of international law, particularly those that recognize the sovereign equality of nations, the right of self-determination of peoples and respect for human rights as cornerstones of modern international law. While States are directly obliged to comply with those principles, they are also obliged to ensure that private economic actors within their jurisdictions do not act in a fashion that abuses and blatantly violates those rights[15].

This view should become dominant when European developments are seen as reflecting the imperatives of international competition, technological and economic globalization and mass migration.

Politically, a sense of collective identity was non-existent until the establishment of the Union. A shared identity is not to be expected, given the lack of an institutional infrastructure that could assure the political accountability of office holders to a European constituency. Adding new member states from Central and Eastern Europe will increase heterogeneity and make the development of a common identity even more unlikely and, thus, beyond the economic difficulties, we can expect also a real cultural shock of integration.

Such a shock could occur further to the enlargement of the existent global polity with a law-abiding culture to countries and groups without a similar respect for law. Possibly, the argument is relevant for some candidates of EU membership. Yet, the effect may be modified because these new members may emphasize a different legitimacy basis for their integration with the EU, like for example their commitment to become part of a modern and democratic Europe. If, however, participation in discourses over the aims and justifications of European institutions and policies is important for awarding legitimacy to the globalized governance, a possible development of the extension of the integration of the South-Eastern European countries with the EU is towards an increasing legitimacy gap between those taking part in discourses

normative views. We cannot simply assume that the material self-interest is a sufficient explanation, as economists do.

Another form of globalization can come from below (such as the environmental and anti-nuclear movements, or, more relevant to this discussion, human rights struggles). The human rights movement has long laid claim to a universalizing, some would say a globalize mission. This is evident in the assertion that the regime of rights and freedoms established through the Universal Declaration of Human Rights – and the numerous other instruments that have since been promulgated in the same spirit – extend beyond the sphere of purely national concern.

The globalization-from-below activists have the potential to add a democratic dimension to the debates about globalization from above. In this way, globalization can be brought down from the institutional sphere, where the major political decisions are made, and where the globalization from above is located, to the daily realities of ordinary citizens. Especially important, it can help them mobilize in resistance against the hegemonizing tendencies that globalization from above may present.

From this viewpoint there are serious questions that emerge from an examination of the extent to which the phenomenon of globalization respects the basic human rights principles of equality and non-discrimination: The nature of contemporary global inequality is captured by an examination of the main elements that are touted as being the bedrock of the globalizing "revolution".

Should we review, for instance, the situation of Romania, we could say that globalization has not affected all Romanians with the same intensity or in the same way. Most of the rural population lacks cable television and has no awareness of the World Bank or the IMF. As of 1996, over half of foreign direct investment in Romania was placed in Bucharest alone. Largely owing to the expense of many cross-border connections, globalization has gone furthest in Romania among the middle classes. A cellular phone and McDonald's fast food are too costly for the inhabitants of some of the

disadvantaged zones of Romania[14], declared and acknowledged as such through several Governmental Resolutions.

These reassertions of an existing situation point to one dimension of the globalization divide – the rural and the urban. That usually translates into another division: those who have and those without. In a country like Romania, where the majority of the populace is based in the rural area eking out a subsistence existence, the fact is that globalization has not improved things.

Partaking in the processes of globalization, represented by the opening of free markets, the liberalization of trade barriers and the removal of protectionist barriers, is thus no guarantee that all will benefit.

There are clearly also problems concerning whether globalization is even of benefit to those who contribute a considerable amount to its success – workers around the world, legal and otherwise. Thus, while the countries of the developed part of the world clearly rely on migrant labor to sustain and operate their economies, the extent to which they either recognize or reward this category of person is debatable.

Paradoxically, increased integration – often touted as one of the major benefits of globalization – will not produce benefits for a very significant section of the population: the labor turned redundant further to the privatization and restructuring of the Romanian economy, and this because the drive towards a single European market, which has increased the mobility within the European Union of its Member States' citizens, has meant instead, over the past few years, increasing restrictions for migrant workers, for those originating from Romania included. And yet, the economies of the EC members are increasingly dependent on this cheap, flexible labor force. They are an unprotected population, whose rights are often not addressed by the national legislation of either the receiving states or their states of origin.

However, not only the Romanian society faces great challenges on the issue of poverty and social exclusion. Globalization processes may also be seen to unveil and deepen the logic of inequality and exclusion in the world.

and interactions and the candidate countries, the bystanders. The bystanders are impacted, but because they are not taking part in argumentation over the future of Europe, they are less prone to give legitimacy to the new polity, which is based on globalization.

Lately, there has been a growing clamor – particularly from the main beneficiaries of globalization – that rules need to be established to govern the international economy, with a specific focus on questions such as copyright violations, trade sanctions, and protections for increased foreign investment. Unsurprisingly, most such demands emanate from those who are already benefiting to a considerable degree from the current inequities in the global economy.

However, what is required is a more balanced approach, which ensures that human rights principles are integrated into the rule-making processes from the outset. The primacy of human rights law over all other regimes of international law is a basic principle that should not be departed from.

In seeking to achieve this objective, critical challenges must be made to the dominant neoliberal economic framework of analysis, and in particular to the measures of austerity and punitive conditionality that have been the modus operandi of the existing system, which Romania has also felt in the relations with the IMF and the World Bank.

Further reviews of existing debt relief and poverty eradication measures must also be undertaken by the European institutions, keeping in mind that economic and social integration, in the meaning of causal interdependence among parts, dictate political integration, in the meaning of structural connectedness and institution building.

In conclusion, as the European Union faces globalization, the actual challenge resembles that of the founders of the European Union: how to design working institutions for a polity of unprecedented size and diversity. Only if the European institutions are able to rise to that challenge, they will be doing their part to ensure the "rebirth of freedom" on a world and human scale in a united Europe.

Notes:

[1] Robert O. Keohane, Joseph S. Nye Jr., *Power and Interdependence*, 3rd ed., New York, Addison-Wesley, 2001, p.15.

[2] Paul Streeten, *Globalization and its Impact on Development Co-operation*, UN Press Release, vol. XLII, *Development*, No. 3,1999, p.11.

[3] Thomas Hobbes, *Leviathan: or the Matter, Forme, and Power of a Commonwealth, Ecclesiastical and Civil* (ed. Michael Oakeshott), Oxford, Basil Blackwell, 1967, p.27.

[4] Adam Smith, *The Wealth of Nations*, Chicago, University of Chicago Press, 1976, p.53.

[5] Robert O. Keohane, Joseph S. Nye, Jr., *op.cit.*

[6] James Madison, *Federalist No. 10*, in *The Federalist Papers*, by Alexander Hamilton, John Jay, and James Madison, Wesleyan University Press, 1961, pp.56-65.

[7] Jurgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge, MIT Press, 1996, p.19.

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[13] Fritz Scharpf, *Governing in Europe*, Oxford, Oxford University Press, 1999, p.15.

[14] Jan Arte Scholte, *Globalization, Governance, and Democracy in Post-Communist Romania*,UN Press Release, vol.V, *Democratization*, No. 4, 1999, pp.66-67.

[15] Deborah Spar and David Yoffie, "Multinational Enterprises and the Prospects for Justice", in *Journal of International Affairs*, vol. XLII, No. 2, Spring 1999, p.557.
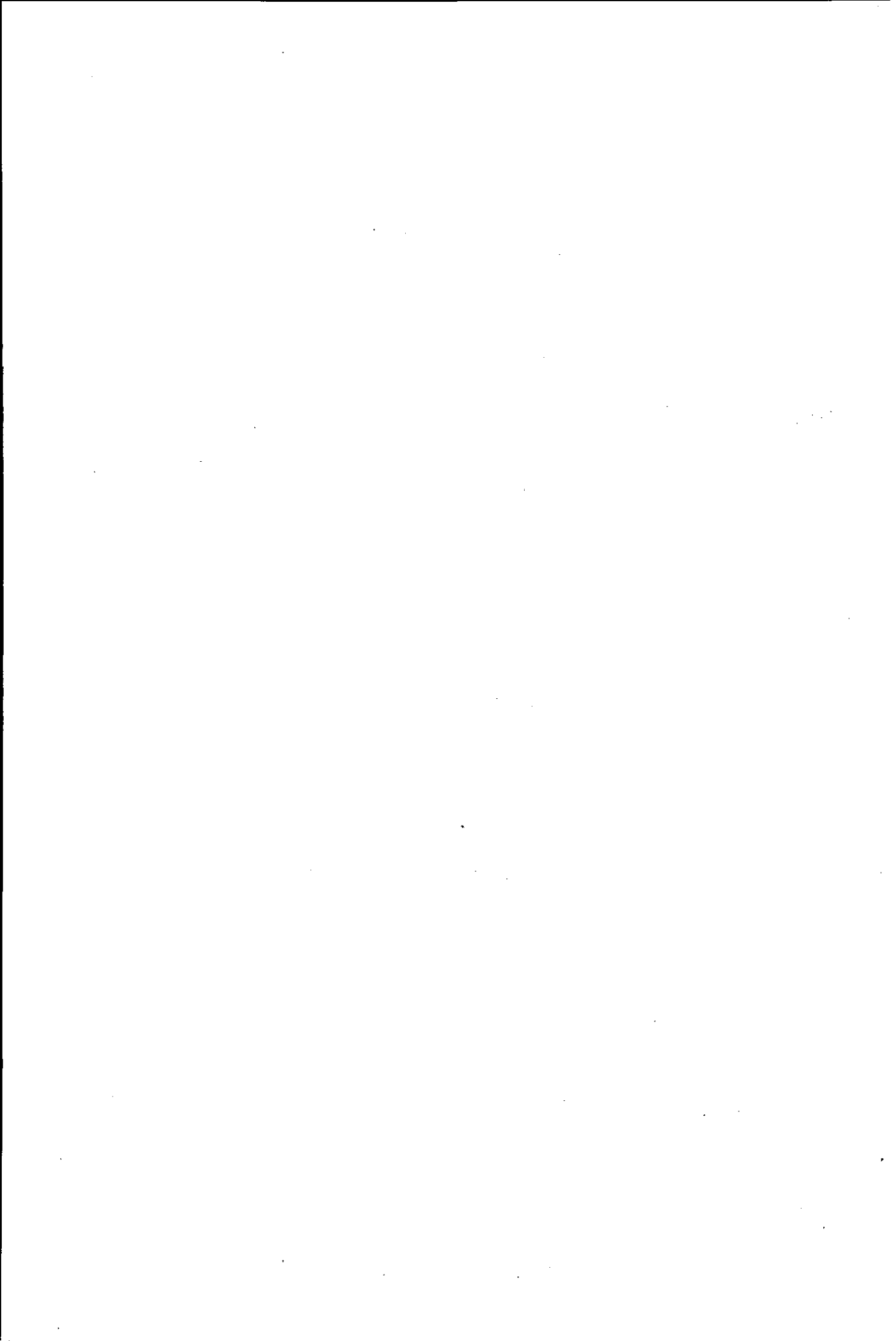
L'élargissement otanien et le nouvel ordre européen de sécurité*

Gheorghe Ciaşcai

Le contexte général

Jusqu'aux évenements du 11 septembre 2001, c'est le processus de l'élargissement de l'Alliance atlantique, le sujet otanien, sur lequel ont été portées les polémiques les plus animées, tant dans les cercles officiels que dans ceux des experts de l'espace euro-atlantique. Mais, au-delà de cette rumeur, l'extension otanienne a offert d'une part l'occasion de prouver la validité des théories d'interprétation des relations internationales, et d'autre part de régler les rapports de forces dans une Europe déboussolée après la chute de l'ordre bipolaire. Les réalistes, les idéalistes kantiano-wilsoniens, les institutionalistes, etc. ont interprété, conformément aux cannons de leurs paradigmes ou/et aux intérêts des alliés et de l'Alliance, l'élargissement, soit comme une conséquence de politique intérieure américaine (c'est-à-dire de politique électorale), soit en qualité d'aboutissement logique d'un processus géopolitique à l'échelle de l'espace euroatlantique qui a été entraîné par la fin de la guerre froide.

L'auteur de cet article partage l'opinion que l'apport de l'Alliance atlantique à la stabilité et à l'équilibre du pouvoir en Europe est indispensable, ainsi que la conviction que la présence des États-Unis est nécessaire; néanmoins, il ne saurait pas éviter à exprimer le doute quant à l'accomplissement d'un but fondamental de l'élargissement: A-t-il été rempli, le vide de sécurité de l'Europe Centrale et Orientale par l'élargissement otanien? De même, ce doute a conduit à d'autres questions: Comment a modifié une Alliance atlantique nouvelle et élargie l'ordre sécuritaire européen? Quels sont les rapports entre cette Alliance et les autres institutions de sécurité européenne, surtout l'OSCE? Où se trouvent les PECO au sein du nouvel ordre européen? Voici seulement certaines questions auxquelles va tenter de répondre l'article. On va tenter une évaluation de la scène européenne de sécurité à l'heure de l'élargissement de l'OTAN, en insistant sur une approche structurelle qui pourrait permettre de dégager la place des pays de l'Europe centrale et orientale (PECO) dans le cadre de l'ordre européen de sécurité.

L'extension de l'Alliance atlantique, soit géographique, soit des missions, soit des intérêts représente le phénomène sécuritaire qui exprime le mieux la nouvelle configuration des rapports de forces sur le continent européen. À la suite d'une victoire sans gloire à la fin de la guerre froide, l'OTAN a réussi à survivre, même plus à s'adapter, et davantage à modeler l'espace sécuritaire euro-atlantique. Quoiqu'on dise, en spécial aux cercles des conseillers du président sortant des États-Unis M. W. Clinton, que l'élargissement va aboutir à la disparition des lignes de division en Europe, la philosophie

et la logique fondamentale de l'élargissement répondent, moins formellement, aux exigences de renforcement de l'alliance, et d'augmentation de puissance, spécifiques à la théorie réaliste et néoréaliste.

La polémique générée entre les supporters «réalistes» de l'élargissement, comme M. Kissinger, d'un part, et l'ancienne administration américaine, par la rhétorique de certains membres de l'administration et même celle du président Clinton, d'autre part, quant à la possibilité de la Russie d'accéder à l'Alliance, a mieux dévoilé les arrière-pensées réalistes de l'extension otaniene. Au-delà d'un langage wilsonien et de certaines intentions institutionnalistes – *la stabilité générale à l'échelle du continent européen, sécurité collective, l'indivisibilité de la sécurité,* etc. – on découvre, en fait, un projet assez bien

désigné de déménagement de l'ancienne ligne de démarcation vers l'intérieur du *Heartland*! Ce processus, d'ailleurs désirable du point de vue des pays de l'Europe centrale et orientale, a été accompagné de l'apparition d'une pléthore d'arrangements otaniens concernant les pays d'ancien *block soviétique* et les pays neutres par lesquels l'Alliance atlantique a réussi à occuper le rôle central sur la scène de sécurité européenne post-guerre froide. Parmi les autres acteurs intergouvernementaux européens principaux ayant une vocation sécuritaire, l'OTAN s'est imposée par le pragmatisme et l'efficacité de sa bureaucratie diplomatique et militaire, mais spécialement par la détermination des États-Unis, de transformer une machinerie de guerre froide en une institution stabilisatrice dans l'anarchie relative européenne post-guerre froide.

Le système européen de sécurité au seuil du III-ème millénaire: entre l'approche atlantique et les aspirations européennes

Avec la fin de la guerre froide, l'Europe est entrée dans une ère d'incertitude et d'instabilité, en raison des nouveaux risques qui se sont fait jour et des conflits qui se sont développés en Europe Centrale et Orientale[1]. Dans ces circonstances, où une multitude de menaces et risques difficilement prévisibles mettent en difficulté les habitudes acquises, il y a beaucoup de personnes qui évoquent avec une sorte de nostalgie la stabilité de la bipolarité.

Les organisations nées pendant la guerre froide et qui ont contribué à gérer cette dernière, soit ont disparu (Pacte de Varsovie, CAEM), soit se sont trouvées dans l'obligation de redéfinir leurs finalités et leurs stratégies. La fin de partage de l'Europe a remis en question la délimitation des zones d'action des institutions existantes – OTAN, UE, UEO, OSCE, Conseil de l'Europe – ou des institutions récemment créées – CEI, de nouvelles organisations subrégionales (groupe de Visegrad, ICE, SECI, etc.).

Mais, en raison de l'émergence de nouveaux défis en matière de sécurité provoqués par la désintégration de l'URSS et de son glacis central européen, les

anciennes organisations ont été contraintes de s'engager rapidement dans un processus d'adaptation aux exigences de la nouvelle situation stratégique et géopolitique de l'Europe. Un autre problème complémentaire qui s'est posé pendant cette période d'après-guerre froide c'est le problème de répartition des tâches entre ces institutions, puisque cette multiplicité institutionnelle a entraîné une nuisible concurrence inter-institutionelle. Ces institutions ont beaucoup de temps donné l'impression de totale impuissance, les divergences d'opinions et de conception entre leurs membres ont été flagrantes et la coordination quant à la répartition de tâches entre elles a été peu convaincante. L'action très tardive en Bosnie-Herzégovine et en général en ex-Yougoslavie prouvait le manquement de structures de sécurité appropriées pour la maîtrise des crises en Europe post-guerre froide.

On peut considérer qu'à présent il y a deux projets en matière de sécurité qui cherchent modeler l'espace sécuritaire européen. Le projet euro-atlantique, appuyé sur l'OTAN et la présence des États-Unis dans le jeu de l'équilibre de pouvoir en Europe, c'est

le premier. Le deuxième est le projet "européen" qui mise sur l'émergence d'une Union européenne achevée du point de vue politique, défensif et stratégique. La version plus large du projet européen est le modèle paneuropéen bénéficiant du cadre offert par l'OSCE et de la présence de plein droit de la Russie. En plus, on va examiner très rapidement le rôle des organisations subrégionales sur la scène sécuritaire européenne et la place occupée par les PECO au sein du nouvel ordre européen de sécurité.

L'élargissement otanien et le projet euro-atlantique

De toutes ces institutions en charge des questions de sécurité sur le continent européen, c'est sans aucun doute l'OTAN qui semble la plus déterminée et la plus prête à prendre le rôle de chef d'orchestre ou, plus exactement, à prendre le rôle *hégémonique* à l'échelle de l'Europe et de ses alentours[2]. L'intégration des trois nouveaux membres, l'extension de l'espace de responsabilité et de missions, les actes conclus avec la Russie et l'Ukraine, le CPEA et le PfP ont changé bien la configuration de l'Alliance et ses tâches à l'égard du système de sécurité européenne. En ce qui concerne ces évolutions otaniennes on peut partager le point de vue de M. Ronald Asmus. De l'opinion de l'expert américain, le processus d'adaptation de l'OTAN au nouveau contexte sécuritaire a parcouru jusqu'à présent deux étapes – de la "*défense frontalière avancée*" à la "*stabilité en Europe*" –, et à l'avenir il va pouvoir parcourir encore deux autres étapes: "*la sécurité de l'Europe*", où l'OTAN accepte gérer les questions de sécurité en Europe et dans les régions contiguës de celle-ci, ainsi que le scénario "*défense d'intérêts communs*" sans limite régionale, partout où les États-Unis et l'Europe souhaitent défendre des intérêts communs[3]. Sous le langage de l'ancien responsable du Département d'État, on a découvert les opinions de l'expert en questions stratégiques du Rand Corporation, qui sait bien que la raison principale d'une alliance politique et militaire est la défense des intérêts communs des alliés. Or la défense de ces intérêts demande la préservation et même l'augmentation de l'efficacité politique et militaire de la l'organisation, c'est à dire la préservation et la croissance de sa puissance. L'affirmation de l'ancien Secrétaire d'État, Mme Albright, au cours des débats du Sénat américain relatives à l'élargissement otanien de mai 1997, «*NATO enlargement is not a scholarship program*»[4], est un bon exemple d'une très réaliste vision quant au statut de l'Alliance atlantique.

Au-delà d'une approche rhétorique quasi-wilsonienne, l'administration du président sortant, spécialement l'équipe de Pentagone, savait que la position-clef assumée par l'OTAN au sein de l'ordre sécuritaire européen post-guerre froide avait besoin d'instruments appropriés, parmi lesquels on peut compter une stratégie d'action claire, un système efficace de commandement et de force et une habilité diplomatique adéquate. Les deux nouveaux concepts stratégiques de Rome et de Washington, la réforme des commandements et des forces alliées aux années '90 et les nombreuses actions et arrangements externes de l'Alliance, y compris l'élargissement limité, ont montré le pragmatisme, et en dernière instance, la nature profondément réaliste du processus d'adaptation de l'OTAN. En fait, même l'existence de l'organisation dépend de ses racines «réalistes». La philosophie intime et d'ailleurs la *raison première* inscrite dans le cœur de l'OTAN est *l'équilibre de pouvoir* en Europe. Donc en ce qui concerne le raison d'être de l'OTAN soit on parle de *l'équilibre de pouvoir* en Europe, soit on ne parle rien! Selon ce principe on joue toujours le rôle de l'OTAN à l'échelle de l'Europe entière.

Les projets européens – UE à la quête d'une identité sécuritaire et stratégique

En ce qui concerne l'Europe, c'est-à-dire l'Union européenne, et sa capacité de développer un modèle de maîtrise de la dynamique sécuritaire à l'échelle de l'Europe entière, on exprime en général beaucoup de doutes quant à la viabilité et la cohérence de celle-ci. En dépit de la multitude d'intentions et de projets relatifs à la défense européenne, une défaillance de celle-ci est visible, comme bien a montré M. François Géré, dans une analyse portée à trois niveaux: *«l'incapacité à trouver un dénominateur commun d'intérêts assez puissant pour déterminer des objectifs communs de politique extérieure; un reste de méfiance (...) que l'on efforce pourtant de ne pas déclarer pour éviter de mettre en péril l'Europe commerciale; et le refus de fait de consentir les sacrifices financiers nécessaires pour se doter d'une organisation de défense commune»*[5]. L'évaluation très sévère faite par le renommé specialiste de Paris en 1999 relative à la politique de sécurité et de défense commune de l'UE a été le moins partiellement infirmé de decisions succesives prises aux sommets de l'UE en decembre 1999 à Helsinki, en mai 2000 à Feira et en decembre 2000 à Nice, ainsi qu'aux réunions du Conférences concernant

les capacités militaires tenues à Bruxelles en novembre 2000 et 2001. Même si les pointes faibles relevés par l'analyse de M. Géré restent les défis principaux à l'adresse du projet sécuritaire et de défense de l'UE, pourtant la détermination des dirigeants européens de mettre en place la Force européenne jusqu'au 2003 et de créer au niveau de l'exécutif de l'Union des structures politiques et d'expertise stratégique nécessaires à la mise en œuvre de la politique européenne de sécurité et de défense représentent les signes claires quant à la mutation survenue dans l'identité stratégique de l'Union. Une eventuelle réussite de l'actuel projet européen ayant la finalité en 2003 pourrait modifier d'une certaine manière les rapports transatlantiques au sein de l'Alliance atlantique et la configuration géopolitique de l'Europe.

Mais à présent la dépendence quasi-totale des européens de leur super-allié d'outre-Atlantique en matière de réseau satellitaire, d'infrastructure logistique et de capacités apropriées de projection des forces constitue un obstacle réel et presque insurmontable en ce qui concerne l'émergence d'une *Europe de défense* autonome.

Le dessein paneuropéen

Derrière de cette expression, on va trouver la bien connue OSCE. À l'égard de l'OSCE, c'est l'héritière de l'ancienne CSCE, le symbole de la détente pendant la guerre froide, et rien n'indique un changement radical de son rôle de forum de dialogue et coopération, bien qu'elle soit désormais une organisation de plein droit et dispose de beaucoup d'institutions et mécanismes d'intervention. En dépit des efforts déposés par la Russie (jusqu'à l'arrivée au sommet du pouvoir en Russie du président Poutine qui a proposé une autre approche vis-à-vis de l'OSCE) qui a suggéré «d'attribuer à l'OSCE la fonction de coordonner les activités de toutes les autres organisations de sécurité du continent sur la base d'arrangements

établissant une division de travail approprié»[6], et de l'adoption au sommet de l'OSCE d'Istanbul de la "Charte sur la sécurité européenne", le système d'arrangements otaniens a pratiquement doublé et presque substitué les enjeux et les fonctions principales de l'OSCE.

Quoique dispose d'un réseau institutionnel assez large, l'hétérogénéité des membres et des intérêts, le système décisionnel au sein de cette organisation et même sa philosophie, respectivement la sécurité collective, sont des obstacles difficilement surmontables à l'avenir de l'OSCE. Malgré une activité sécuritaire pléthorique qui mélange le contrôle d'armaments, la monitorisation des sources

de conflit comme la question des minorités, la diplomatie préventive, les missions de maintien de la paix et des structures qui soutiennent cette activité, l'OSCE a prouvé plusieurs fois sa faiblesse à l'égard des sujets très chauds de la sécurité européenne. L'insuccès de sa mission en Kosovo de l'automne de 1998 suivie par l'intervention otanienne du printemps de 1999, l'impossibilité d'imposer sa décision de retrait des forces russes de la République Moldavie (la région du Dniestr), le rôle modeste joué pendant les crises successives de l'espace ex-yougoslave et de l'espace ex-soviétique donnent l'image d'une entreprise gigantesque, mais qui manque d'une puissance réelle. La réussite relative du processus de monitorisation de la mise en œuvre des Traités CFE I et CFE II, l'activité excellente menée par l'ancien haut comissaire pour les minorités nationales, M. Max van der Stoel, ou les missions des bons offices de la présidentie de l'organisation sont insufissantes pour aboutir à l'objectif principal de l'OSCE, respectivement une sécurité indivisible à l'échelle de l'espace euro-atlantique.

Les organisations et initiatives de coopération subrégionales qui sont très nombreuses en Europe Centrale et Orientale – Conseil Baltique, Groupe de Visegrad, CEFTA (ACELE), CEMN, SECI, Pacte de stabilité en Europe de sud-est, Processus de Royaumont, etc.[7] – ont essayé d'accomplir le double rôle de micro-systèmes de sécurité collective dans un milieu extrêmement anarchique et aussi de passerelles vers les organisations de sécurité occidentales.

Le Groupe de Visegrad a été le premier qui ait reussi à accomplir cette double mission par un très habile changement de la géometrie de sa composition et de ses fonctions. Cette organisation a cherché tour à tour à être un arrangement sécuritaire subrégional informel qui a eu au debut trois membres: la Hongrie, la Tchécoslovaquie et la Pologne. Puis, après le divorce de velours survenu entre la République Tchèque et la Slovaquie, le Groupe a augmenté à quatre son nombre de participants, mais la dérive nationaliste du regime Meciar à Bratislave a fréquemment provoqué un certain ralentissement de la coopération ayant le but l'intégration dans les organisations euroatlantiques. Après l'échec électoral du parti de M. Meciar de 1998, le Groupe a connu une certe intensification de son activité et a cherché à soutenir les efforts du nouveau gouvernement slovaque dans ses démarches à joindre l'OTAN et l'UE.

Les autres arrangements subrégionaux mentionnés ci-dessus, spécialement le Conseil Baltique et le SECI, ont tenté de suivre les trajectoires pareilles, cependant ni les Pays baltes ni la Roumanie ni la Bulgarie n'ont réussi à avoir les succès obtenus par leur voisins du Groupe de Visegrad. Pourtant, l'activité en commun au sein de ces arrangements a apporté une importante contribution à la formation d'une nouvelle culture sécuritaire, basée sur la coopération, le dialogue et le bon voisinage.

La place des PECO au sein de l'Europe

À l'égard des PECO, à la suite de dix ans de transition, à l'heure de l'élargissement de l'OTAN, ceux-ci se trouvent partagés en matière de sécurité en raison d'appartenance ou de non-appartenance aux institutions sécuritaires occidentales, en occurrence l'OTAN, et de réussite ou d'insuccès de leur réforme économique, politique et sociétale.

Ceux qui sont restés en dehors de l'Alliance regardent avec espoir la continuation du processus de l'élargissement et avec réticence une Russie qui ne cache pas le désir de garder un droit de regard quant aux questions de son «étrangère proche», y compris les Pays baltes, ou même aux affaires des Balkans.

Certes, le rôle de Moscou dans la pièce jouée par M. Milosevic reste encore à établir. Au plus, la présence d'un ancien *apparatchik* du service de renseignements soviétique au sommet du pouvoir (à Kremlin), qui ne cache pas l'intention de Moscou de rétablir son prestige et son influence du moins au sein des anciennes frontières de l'Union

soviétique, est en mesure d'inquiéter les responsables politiques et militaires des pays exclus de la vague d'élargissement de Madrid et de la prochaine vague de Prague. La nouvelle doctrine de sécurité de la Russie affirme clairement les intérêts spéciaux de la Russie vis-à-vis de ses voisins occidentaux et des anciens ennemis de la guerre froide. L'OTAN est presque désignée comme un facteur de risque à l'adresse de la sécurité russe, et son élargissement comme une menace contre les intérêts de la Russie. En conséquence, entre une Alliance toujours hésitante à l'égard de nouveaux aspirants à l'intégration et une Russie de plus en plus déterminée à revenir à son statut d'antan, les pays non-intégrés à l'OTAN occupent une place inconfortable, à cause de l'absence de garanties réelles de sécurité. Et lorsqu'on parle de sécurité, on comprend tant ses dimensions classiques – politique et militaire – que les nouveaux aspects relevés par les recherches de l'école de Copenhague – sociétal, économique et environnemental. Si à présent les risques militaires semblent lointains, à l'exception de l'espace ex-yougoslave, les autres sont toujours actuels.

Même si les PECO non-OTAN et/ou non-UE ont une participation active aux différentes formules de coopération régionale ou subrégionale comme OSCE ou ACELE (Accord Central-Européen de Libre Échange), par exemple, la faible capacité d'influence de ces organisations a conduit les officiels des pays mentionnés ci-dessus à une perception pessimiste quant à leur propre sécurité. Dans ce contexte, même après le 11 septembre 2001, le risque de rester une sorte de zone grise entre le système occidental (NATO et UE) et le système de sécurité de la Russie (CEI et Traité de Tachkent) a été l'inquiétude la plus évoquée exprimée par les différents officiels ou par les experts des pays concernés.

Notes:

[1] Philippe Braillard, "La difficile quête d'un système de sécurité en Europe: les limites de l'approche institutionelle", *Études Internationales*, p. 9

[2] Voire Zbigniew Brzezinski, *The Grand Cheassbourd*, New York, Basic Books, 1997

[3] Ronald Asmus, "L'Amérique, l'Allemagne et la réforme de l'Alliance", *Politique Étrangère*, no. 3/97, pp. 251-252

[4] apud James Chace, "A strategy to unite rather than divide Europe", dans *NATO Enlargement/ Illusions and Reality*, CATO Institute, Washington, 1998, p 177

[5] François Géré, "Un second système otanien verra-t-il le jour?", *Défense nationale*, No. 7/1999, p. 74

[6] Victor Yves Ghebali, "L'OSCE et la négociation d'un document-charte sur la sécurité européenne", *Défense nationale*, no. 7/1998, p. 107

[7] Alyson J. K. Bailes, "Les organisations subrégionales, cendrillons de la sécurité européenne", *La Revue de l'OTAN*, No. 2/97

Un moment significatif de l'évolution de l'Union Européenne: le Sommet de Nice
(7-11 décembre 2000)

Georgiana-Margareta Scurtu

*L*a conférence intergouvernementale tenue à Nice a eu un mandat très clair (CIG): préparer l'Union à l'élargissement par le moyen d'une révision du traité dans quatre domaines clés:
- taille et composition de la Comission
- pondération des voix au Conseil
- extension du vote à la majorité qualifiée
- coopérations renforcées

En outre, la CIG a examiné également l'opportunité des réformes des autres institutions et organes dans la perspective de l'élargissement. Toutefois, en marge des discussions sur ces quatre thèmes, d'autres sujets de nature institutionnelle ont été soulevés en cours de la CIG. Il s'agit notamment (mais pas exclusivement) de:
- la simplification des traités (regroupement des dispositions fondamentales des quatre traités dans un seul traité qui sera présenté d'une manière plus claire et lisible);
- l'articulation des compétences (qui fait quoi dans l'Union européenne, quelles compétences doivent s'exercer à quel niveau (communautaire, national, régional), comment assurer une meilleure complémentarité des différents niveaux d'action législative et administrative ...);
- l'intégration de la *Charte des droits fondamentaux* dans le traité après sa proclamation à Nice;
- autres questions afectant l'équilibre institutionnel.

Toutes les délégations ont affirmé que la discussion de certains ou de tous ces aspects est indépendante du processus de l'élargissement et ne peut en aucun cas constituer un préalable à l'adhésion des nouveaux membres de l'Union.

I. Taille et composition de la Commission: dans ce domaine les changements sont profonds et radicaux; la Commission pourra croître jusqu'à compter 26 membres, ayant un système de rotation égalitaire, avec une période de transition jusqu'en 2010.

Le président sera désigné à la majorité et non plus à l'unanimité. Après le vote de la Commission, il aura le droit de démettre un commissaire de ses fonctions et disposera d'une grande autonomie de décision en ce qui concerne les modes d'organisation de l'institution, comme l'attribution de portefeuilles et la nomination des vice-présidents.

II. Pondération des voix au Conseil: celle-ci a été la discussion la plus délicate à mener et la décision la plus difficile à prendre. Pratiquement, celle-ci
- aboutit à rendre la majorité qualifiée plus difficile à atteindre, et donc le blocage plus facile, alors que la logique aurait dû être l'inverse dans une Union s'élargissant;
- aboutit à rendre le processus décisionnel encore plus complexe.

La réponderation des voix a été faite selon le critère démographique, de sorte que les pays ayant plus d'habitants seront mieux représéntés au niveau décisionnel, comme il suit:

29 voix – Allemagne, Grande Brëtagne, France, Italie
27 voix – Espagne, Pologne
14 voix – Roumanie
13 voix – Hollande
12 voix – Grèce, Tchéquie, Belgique, Hongrie, Portugal
10 voix – Suède, Bulgarie, Autriche
7 voix – Slovaquie, Danemark, Finlande, Irlande, Lituanie
4 voix – Lettonie, Slovénie, Estonie, Chypre, Luxembourg
3 voix – Malte

Une décision ne peut pas être prise si moins de 14 États membres ont voté pour elle où si les voix consignées représentent moins de 62% de la population européenne.

Pratiquement, le système adopté à Nice est très complexe, car il y a trois seuils pour la prise des décisons: la majorité des États, la majorité qualifiée des voix et le critère démographique.

III. Extension du vote à la majorité qualifiée: elle est quantitativement importante, puisqu'une trentaine de nouveaux chapitres relèveront de ce mode de décision, qui devient ainsi de plus en plus la règle générale du Conseil.

Qualitativement, sur les sujets sensibles de la cohésion, de la réglémentation fiscale, du droit social, les progrès sont insignifiants, voire nuls: la Conférence s'est heurtée dans ces domaines à l'intransigeance de certains États membres qui n'ont voulu renoncer à leur droit de veto (par ex., l'Espagne y pourra faire appel jusqu'en 2013, au sujet des aides régionales, la France – dans les négociations commerciales sur le domaine de l'audiovisuel, la Grande Bretagne – dans les décisions portant sur la fiscalité, l'Allemagne – dans le domaine de l'immigration et du droit d'asile).

IV. Les coopérations renforcées – considérées comme étant désormais un outil essentiel pour l'Union élargie, permettant à un nombre restreint d'États d'avancer plus vite vers l'intégration. La Commission va s'en servir, tout en jouant pleinement son rôle de garante – d'une part pour permettre aux pays qui souhaitent lier en grande partie leur propre destin d'atteindre de nouveaux objectifs ambitieux et d'autre part pour lutter contre le risque de fragmentation que des coopérations renforcées incontrôlées pourraient faire naître.

Il faut ajouter que ce mécanisme créé à Amsterdam a été assoupli pour les premier et troisième piliers; des coopérations renforcées pourront également être mises en œuvre dans le domaine de la Politique étrangère et de sécurité commune (PESC).

V. Le Parlement européen: le traité d'Amsterdam prévoyait que le Parlement (qui compte maintenanat 629 membres) ne pouvait pas avoir plus de 700 sièges. À Nice, ce traité a été revisé et le nombre des possibles élus européens a augmenté à 728; l'extension de la codécision offre un rôle conforté à cette institution. La distribution des euromandats sera la suivante:

Allemagne – 99
France, Italie et Grande Bretagne – 72
Espagne et Portugal – 50

La situation des pays candidats est la suivante:

Roumanie – 33
Lituanie – 8
Hongrie et la République Tchèque – 20
Slovénie – 7
Bulgarie – 17
Estonie et Chypre – 6
Slovaquie – 13
Lettonie – 12
Malte – 5

Quels sont les acquis du Sommet de Nice? (aspects non-institutionnels)

♦ Proclamation conjointe par le Conseil, le Parlement européen et la Commission de la *Charte des droits fondamentaux* qui réunit dans un même texte les droits civils,

politiques, économiques, sociaux et de société, exprimés jusque-là dans des sources diverses, internationales, européennes ou nationales. Son texte a été rédigé et conçu avec rigueur en vue de devenir une norme juridique.

La *Charte* ne vise pas seulement à protéger les citoyens contre les éventuels excès des institutions européennes; elle vise aussi à protéger les États des retours au passé qui seraient irreconciliables avec les valeurs communes de référence.

♦ Le Conseil européen a approuvé le rapport de la présidence et ses annexes concernant la politique européenne de sécurité et de défense; le Conseil européen a invité la prochaine présidence, avec le Sécrétaire général/ Haut représentant, à faire avancer les travaux au sein du Conseil "Affaires générales", conformément aux mandats visés dans le rapport de la présidence. L'objectif est que l'Union européenne soit rapidement opérationnelle dans ce domaine. Une décision à cet effet sera prise par le Conseil européen le plus tôt possible au cours de l'année 2001 et, au plus tard, au Conseil européen de Laeken. La présidence suédoise est invitée à soumettre un rapport sur l'ensemble de ces sujets au Conseil européen de Goteborg.

♦ Le Conseil européen a approuvé *l'Agenda social européen* qui définit, conformément aux conclusions du Conseil européen de Lisbonne et sur la base de la communication de la Commission, des priorités d'actions concrètes pour les cinq prochaines années autour de six orientations stratégiques dans tous les domaines de la politique sociale: *"Pour des emplois plus nombreux et meilleurs, Anticiper et tirer parti du changement de l'environnement de travail en développant un nouvel équilibre entre souplesse et sécurité, Lutter contre toutes les formes d'exclusion et de discrimination pour favoriser l'intégration sociale, Moderniser la protection sociale, Promouvoir l'égalité entre les femmes et les hommes, Renforcer le volet social de l'élargissement et des relations extérieures de l'Union Européenne".*

Cet *Agenda* constitue une étape majeure pour le renforcement et la modernisation du modèle social européen, qui se caractérise par le lien indissociable entre performance économique et progrès social.

Sur la base de rapports de la Commission et du Conseil et d'un tableau de bord régulièrement mis à jour, le Conseil européen examinera chaque année lors de sa session de printemps, et pour la première fois à sa réunion de Stockholm en mars 2001, la mise en œuvre de cet *Agenda*.

♦ *Europe de l'innovation et de la connaissance:* résolution du Conseil portant sur le plan d'action pour *la mobilité des étudiants et des enseignants*, le Conseil invitant les États membres à renforcer leur coordination interne pour mettre en œuvre les 42 mesures concrètes, de nature administrative, réglementaire, financière ou sociale, destinées à définir, accroître et démocratiser la mobilité en Europe, et à promouvoir les formes de financement adéquates. (Il sera procédé tous les deux ans à une évaluation des progrès accomplis.)

Des rapports d'étape de la Commission et du Conseil ont été également présentés sur la mise en œuvre du plan d'action de l'Europe (qui vise le développement d'une société basée sur la connaissance) ainsi que sur les progrès accomplis dans la construction de l'*"Espace européen de la recherche et de l'innovation"*.

♦ **Coordination des politiques économiques** (indicateurs structurels, régulation des marchés financiers, euro, paquet fiscal)

♦ **Préparation du Conseil européen de printemps** (les 23 et 24 mars, à Stockholm) qui donnera l'occasion de faire le point sur la mise en œuvre de la stratégie globale décidée à Lisbonne.

♦ **L'Europe des citoyens avec les volets suivants**: *Santé et sécurité des consommateurs* (avec l'institution d'une "Autorité alimentaire européenne" qui

devra fonctionner au niveau le plus élevé d'excellence scientifique, d'indépendance et de transparence et de contribuer ainsi à la prévention des crises; la politique de sécurité alimentaire doit s'appliquer à l'ensemble de la filière alimentaire, humaine et animale), *la lutte contre l'ESB* (maladie de la vache folle), *la Sécurité maritime* (le Conseil européen invitant le Parlement européen et le Conseil à mener à bien l'adoption, dans les plus brefs délais, des dispositions sur le contrôle des navires et du port par l'État et sur les sociétés de classification; aussi, le Conseil a pris note des nouvelles propositions de la Commission visant à améliorer le système européen de signalement et d'information sur le trafic maritime, à créer une *Agence européenne de sécurité maritime* et à combler les insuffisances du régime international existant en matière de responsabilité et d'indemnisation), *l'Environnement* (changement climatique, environnement et développement durable), *les Services d'intérêt économique général* (dont le champ ne doit pas être figé, mais il faut tenir compte des évolutions rapides de notre environnement économique, scientifique et technologique"; ces débats, qui s'inscrivent dans le cadre des dispositions de l'art.16 du traité, ont montré l'intérêt d'une réfléxion approfondie sur ces thèmes), *la Sécurité des approvisionnements de l'Union dans certains produits* (le Conseil européen demandant à la Commission d'effectuer, en coopération avec le Secrétariat général du Conseil, une étude approfondie sur la sécurité des approvisionnements dans l'Union et d'identifier les possibilités de développer une coopération dans ce domaine), *l'Espace de liberté, de sécurité et de justice* (avec la lutte contre le blanchiment de capitaux, la coopération judiciaire et policière, ainsi que l'asile et l'immigration), *Europe de la culture* (avec culture et audiovisuel, sport), *Régions ultrapériphériques* (le Conseil européen fera le point sur l'état d'avancement des travaux sur l'ensemble du dossier lors de sa réunion de Göteborg, en juin 2001), *Régions insulaires* (le Conseil européen, sur la base de la déclaration no. 30, annexée au traité d'Amsterdam, confirme la nécessité d'actions spécifiques au bénéfice des régions insulaires, cf. à l'article 158 du TCE, en raison de leurs désavantages structurels qui en ralentissent le développement économique et social, dans les limites des disponibilités budgétaires).

♦ **Relations extérieures**: *Chypre* (le Conseil, après avoir accuielli favorablement et appuyé fermement les efforts du Secrétaire général des Nations Unies pour arriver à un accord d'ensemble sur le problème du Chypre, dans le respect des résolutions du Conseil de Sécurité des Nations Unies, a lancé un appel à toutes les parties concernées pour contribuer aux efforts d'aboutir à une conclusion positive du processus commencé en décembre 1999), *Méditerranée* (le Conseil a confirmé l'engagement de l'Union à approfondir ce partenariat dans tous les domaines; le programme MEDA sera doté d'un montant de 5,35 milliards d'euros pour la période 2000-2006, ce qui reflète l'importance accordée par l'Union au partenariat; aussi le Conseil européen appuie l'annonce de la BEI d'un soutien supplémentaire d'un milliard d'euros pour les pays de la zone), *Balkans occidentaux* (Le Conseil européen a souligné l'importance de la contribution du *Pacte de stabilité* et a rappelé l'intérêt que présentent d'autres initiatives visant à promouvoir la coopération avec les pays de cette région; il a confirmé que le processus de stabilisation et d'association est au cœur de la politique de l'Union, en faveur des cinq pays concernés, qui bénéficient chacun d'une démarche individualisée. Une claire perspective d'adhésion, indissolublement liée aux progrès en matière de coopération régionale, leur est offerte, conformément aux conclusions de Cologne et de Feira. Le Conseil européen continue à appuyer les efforts de la Commission européenne et de la Commission du Danube, afin de rétablir la navigation sur le Danube), *Développement* (l'adoption d'une déclaration du Conseil et de la Commission sur la politique de développement de la Communauté, la résolution sur les maladies transmissibles et la pauvreté).

Tenant compte du fait que l'enjeu final de l'élargissement est celui de la réunification à terme de toute la famille européenne dans un contexte démocratique, économique, social et culturel, commun et solidaire, il ne faut pas perdre de vue le fait que les valeurs et les politiques ne peuvent être défendues et mises en œuvre que par des institutions efficaces: en voilà le but de la réforme institutionnelle. Autrement dit, réussir la réforme des institutions n'a pas d'autre objectif que de les rapprocher des citoyens; sans doute, les Européens s'identifieront à l'Europe si elle répond à leurs grandes aspirations, à la fois dans leur vie quotidienne et leurs perspectives d'avenir.

Certes, la mise en commun de certains plans de souveraineté est loin d'être aisée, car elle touche directement aux cultures distinctes et à la manière d'exercer le pouvoir aux plans national et européen; quand même, beaucoup de chemin a été parcouru depuis le traité de Maastricht jusqu'à *Nice où les participants sont arrivés à un accord substantiel et équilibré qui, en améliorant le fonctionnement du triangle institutionnel de l'Union Européenne ouvre la voie à l'élargissement: renforcement des pouvoirs du président de la Commission et plafonnement différé, extension de la majorité qualifiée et nouvelle grille de pondération des voix aux Conseil, rôle conforté du Parlement européen par l'extension de la codécision; enfin, le mécanisme des coopérations renforcées crée à Amsterdam a été assoupli pour les 1-er et 3-ème piliers; des coopérations renforcées pourront également être mises en œuvre dans le domaine de la Politique étrangère et de sécurité commune.*
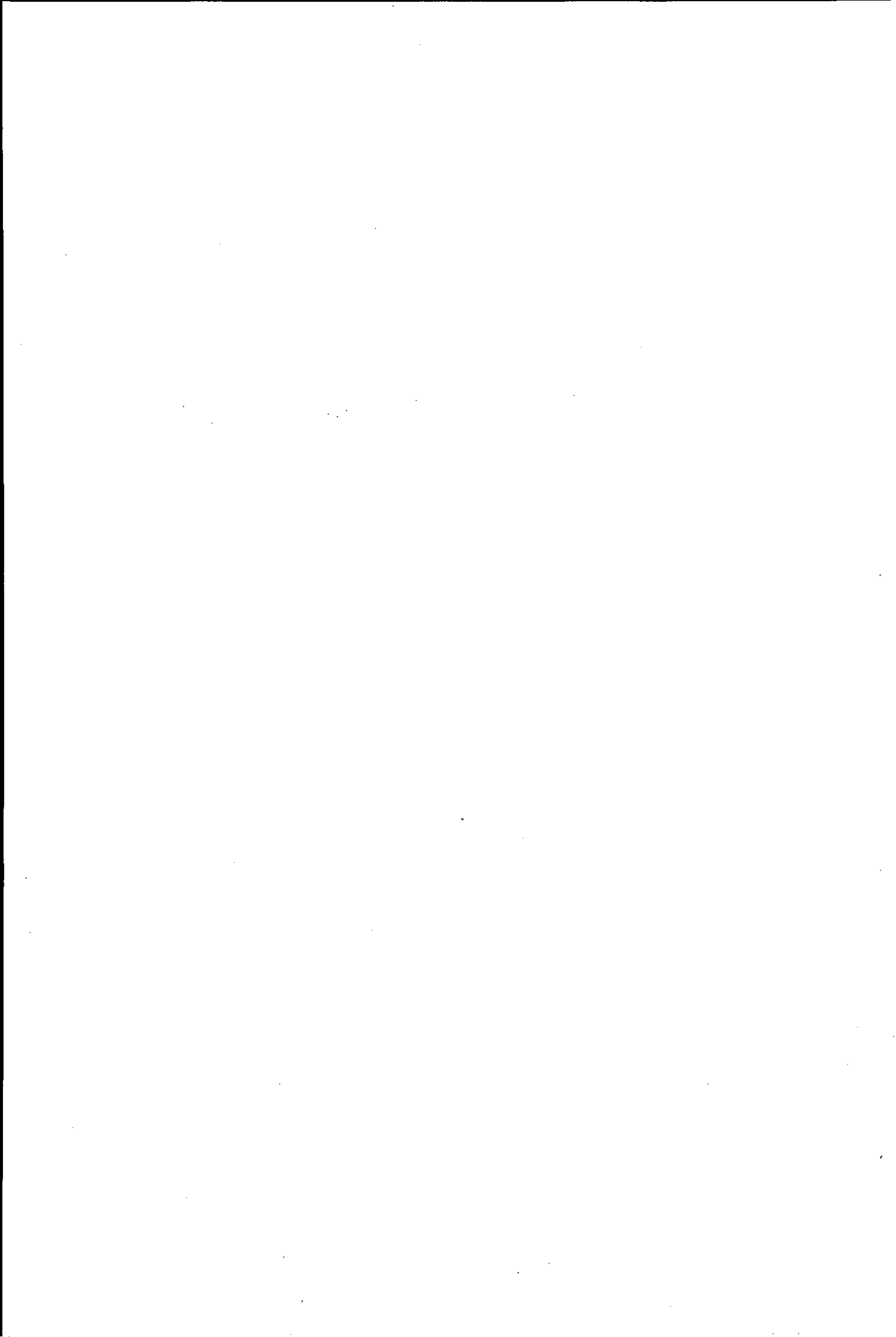
Russia's Concern about NATO's Enlargement: A Regional Approach

Florina-Laura Neculai

INTRODUCTION

The implosion of the Soviet Union, in 1991, conferred to 21 European and Caucasian countries a new status, that of independence. Theoretically, since 1991, there is no longer any "iron curtain," and a new era started for Central and Eastern Europe, for the Baltic and Caucasian states. All these newly born countries – be they small or big – started to make efforts on the road to democracy.

One of the reasons why all these countries, more or less committed to democracy, are willing to be integrated in the Euro-Atlantic structures is that at the eastern border of the former Soviet empire, Russia is a threatening presence. The Russian Federation – the official successor of the USSR – is no longer a super-power as a decade ago, but a powerful actor on the regional arena. Many of these states feel threatened by Russia especially because they are economically dependent on it, Russia making desperate efforts to maintain its sphere of influence in the countries of the CIS. The last years of the 20th century proved that NATO's enlargement process is a reality. Before any wave of enlargement, the officials of both NATO and Russia regularly meet and consult since the Central and the Eastern Europe is part of the former Warsaw Pact, the political and military block with which NATO was involved in the Cold War.

This article approaches one of the most important subjects of contemporary international politics. I intend to discuss the relationship between NATO and Russia, as it has evolved since the Second World War. The article attempts to give an imparcial overview of the reasons for Russia's concern, whose underlying causes are discovered through historical, economical and geopolitical analysis.

1. Historical Background

The animosities between East and West have complex roots in history. The World War II (WW II) is, in this sense, a definig moment. At the end of WW II the balance of power was very much changed. Europe lost supremacy in favor of the USA, which supported the rebuilding of Western Europe. Countries like Germany, Italy and Japan – former great powers – were fighting to revitalize their economies that were in ruin. Other states like France and Great Britain were in a more difficult situation trying to survive after the loss of their colonies.

To sustain the rebuilding of the economy of the whole Europe, the USA – that did not suffer too much damage caused by WW II – launched the so-called "Marshall Plan". More precisely, on June 5th, 1947 the US Secretary of State, General George C. Marshall proposed, in a speech at the Harvard University, a program through which to help the European economy. The program

contained measures to boost industrial and agricultural production; an increase of export rates and financial stability were also its major aims. Sixteen European states – Austria, Belgium, Denmark, Eire, France, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Switzerland, Sweden, Turkey and the United Kingdom – became the beneficiaries of American grants.

Although the sixteen nations asked initially for a total of $29 billion to cover each country's deficit over the period 1948-1952, only $12.5 billion were delivered. The Marshall Plan was introduced "not only to safeguard America's strategic political and military interests in Western Europe, but also to take into account the need of the US to maintain its colossal export surplus in the face of a predicted domestic recession"[1].

For most of Western society it was obvious that the closed system chosen by the USSR and its satellite states was destined for bankruptcy. On the other hand, in the beginning communist systems seemed to functioning well and could even appear threatening for the capitalist world. For the capitalist world the whole international context was threatening since countries as: Portugal, Spain and Greece – all of them NATO members – experienced strong left-wing movements in the 1970s, when their dictatorships of the extreme right failed.

Almost parallel to the Marshall Plan, because of the increasing power of the Soviet Union, in April 1949, in Washington, the founding charter of the North Atlantic Treaty Organization (NATO) was created. NATO is an alliance of independent Western states that share as purpose the maintenance of peace and the protection of their liberty by constructing a military system capable to defend them from any aggression. Its act of birth was signed by 12 countries represented by their foreign affaires ministers: Belgium, Canada, Denmark, France, Iceland, Italy,

Luxembourg, Great Britain, Norway, Netherlands, Portugal and the United States of America.

On August 24th, 1949 the parliaments of all the signing member-states ratified the treaty. Defined as a defensive organization, Article 1 underlines that the parties are obliging themselves, as it is mentioned in the United Nations Charter, "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and the removal of threats to the peace, and for the suspension of acts of aggression or other breaches of the peace, and to bring about by peaceful means and in conformity with the principles of justice and of international law, adjustments or settlement of international disputes or situations which might lead to a breach of the peace"[2]. The North-Atlantic Pact was created for 20 years with the possibility to extend it.

The Cold War ended because "it was impossible for the two superpowers to divide the world and to rule it," mentions M. McCauley in his book[3]. Apparently, the USA won the Cold War, but in reality both sides had significant economic deficits due to the huge amount of spending in the arm race periods.

In the post-Cold War period there is a change in the European political system that is "full of contradictions, a source of intellectual confusion and political uncertainty"[4]. This period is characterized by agreements like: The Treaty on Conventional Forces in Europe (CFE) in 1990, the Tashkent Agreement in 1992, many summits within NATO (1990, 1996, etc.). They underline that Cold War belongs to the past and that compromises and understandings between the former actors of the Cold War are possible. The periodic meetings that take place between the parts facilitate communication and signed agreements are possible.

2. *Russian Concern about NATO's Enlargement*

The disintegration of the Warsaw Pact and the break-up of the Soviet Union did not result in a more stable system of international relations. On contrary, the dissolution of the

Warsaw Pact and of the Soviet Union resulted in many newly independent – larger or smaller – states being differently oriented: the Central European States and the Baltic States

directed to West, the Caucasus region directed to the Islamic world and the Russian Federation in an undefined category (it is not sure if Russia will follow the European or the Asian path). For Eastern Europe the post-Cold War period means a large area with an unpredictable future. When I mention "large area", I mainly refer to the fact that Russia inherited 76% of the former Soviet Union's territory and 60% of its population. In this significant part of the world, evils like extreme nationalism, chauvinism, authoritarianism or anarchy are not yet tamed and they have unpredictable consequences.

On the other side, the West remained strongly united "partly due to NATO,"[5] which tends to extend towards the east. Russians see NATO' s enlargement towards east as a threat to Russia's sovereignty. Some Russians go so far that they see in this enlargement process an attitude against Russia as a civilization. It is certain that Russia would have liked to see Central and Eastern Europe as a group of neutral countries, and the fact that some of them have already joined NATO makes Russia feel insecure. Some Central European nations made such significant progress in the transition period that they got accepted into NATO in the first wave of enlargement.

a) The Baltic States

More insecurity is provided to Russia by the idea that the Baltic States may join NATO in the next wave of enlargement. In the case of the Czech Republic, Poland and Hungary, Moscow could make concessions more easily, while in the case of the Baltic States concessions are more difficult to make because of the existence of many economic and political ties. Although none of them accepted to be a CIS member, Russia is still in economic relations with the Baltic States, which are very dependent on it. For example, 73% of Lithuania's imports are coming from Russia[6]. The Baltic States have for Russia a historical geo-strategic importance because they have always represented Russia's connection to the Western society.

Since Russia does not want NATO to penetrate the space of the former Soviet Union, it had to revise its foreign policy strategy. Its main interests focus on establishing a cordon sanitaire on the western rim, to defend ethnic Russians and to protect its economic interests. Besides, Russia has a deep economic interest in this region and any integration into NATO is thus excluded from Moscow's perspective. Although oriented to the west, for the Baltic States there is still a place for an alternative to NATO: a Baltic Security Treaty. "This would be an international Baltic security treaty, to last initially for 20 years and signed by the US, Russia, the Baltic States themselves, the Scandinavian countries and the main West and Central European States. Such a treaty should have two main aspects: the first to guarantee the independence, sovereignty, neutrality, borders, territorial integrity, and freedom from external interference of all the countries of the Baltic region; the second to provide far reaching military reductions in the region, beginning with Russia and especially Kaliningrad"[7]. Therefore, the advantage would be to the US because through such a treaty Russia would be limited to be just a regional power.

Briefly, the Russian Federation is strongly opposing any encroachment of NATO upon the space of the former Soviet Union, which includes also the Baltic States. For this attitude the Kremlin has its own reasons. But are the Baltic States right to be afraid of a Russian intervention? And is NATO membership a real solution to the security threat of the Baltic States?

An important problem that may become a threat to the national security of the Baltic States are the difficulties that the states from this region are facing in the process of building national armies. It is difficult for these states to build their armies, capable of defending their national interests, because militarily the Baltic States are dependent on the equipment and on the expertise of the former Soviet Union officers. Another serious potential threat to the Baltic States' security may be an internal one and refers to the ethnic Russians who live in the Baltic States.

This minority can be regarded as an internal threat to the Baltic States security more on the psychological level since they are associated with the past of the Baltic States. But if the Russian ethnics will refuse to integrate themselves in the culture and the political system of the Baltic States, claiming a kind of union with Russia, the problem is no more at the psychological level. They may be regarded as a more serious threat to the security and the integrity of the three Baltic States. All the three Baltic States have tried to define citizenship and imposed different conditions on the region's ethnic Russians. Probably a self-confident national army and a well-defined defense concept will support Lithuania, Latvia and Estonia in counter-balancing this potential internal threat. The solution to the above threats does not have to be NATO membership. However, it is true that there are threats for which NATO membership would be a salvation, such as in the case of building their own armies, for which there is a big need for a substantial help so that the Baltic States can cut any link with their Soviet past.

By not enlarging towards the East, NATO is respecting Russia's request not to interfere with the former Soviet Union space. In my opinion, this respect of Russia's will is not long lasting respect since NATO is thinking to include the Baltic States in a very smooth way. Before passing to facts, NATO tested the ground. I believe this because NATO first launched the idea and received strong Russian opposition. Noting that this second enlargement step was not going to be as simply as was in the case with the Czech Republic, Poland and Hungary, NATO initiated plans, meetings, etc. In this way a Baltic Action Plan took birth.

It stipulates from the first sentence the aim of the US (and not NATO – an attitude that *underlines who dictates in this* multi-national alliance): "Our goals are the same with those of the rest of Central and Eastern Europe: integration into the evolving European security and economic structures development of prosperous free market economies; and commitment to respect human rights and the rule of law"[8]. After exposing the operating policy which proceeds in three different but

parallel ways that include "pragmatic cooperation with Russia," and "normal and balanced relations with Russia" (which goes with a simultaneous western integration), the plan stresses that the US "is reassuring the Baltic States that the US commitment remains firm, and that we will continue to promote the development of the political, economical and social infrastructure of the three states"[9].

This is mainly the reason for which I see all the meetings between NATO and Russian officials as moments in which the West feeds the Russian nationalist pride or what is left of the Soviet glory and pride. The Baltic Action Plan highlights that the US will keep on proceeding in the way it considers appropriate.

Russia is not a *super-power anymore*, and economically it was in a free-fall for a long period of time. So Russia is not in the position to attack, still it demands NATO to respect its position by not invading the former Soviet Union space. At this point of the paper there is a critical question that must be addressed and attempted to answer: Why is NATO "burning" to get closer to the Russian Federation? Why does it want to have a border with it by including countries like the three democratically developed Baltic States? A possible answer is an instinctive one that NATO is a cautious and forward-looking alliance that tries to anticipate future threats. This would mean that the Russian Federation is still a powerful actor in the international political life especially taking into account the measurable elements of power such as: geography (with all its variables), underground resources, number of the population and its level of education, etc., so that once it recovers it can become a very serious potential threat.

The West would enjoy more knowing that Russia is just facing transitional difficulties and that sooner or later it will become a viable economic partner and an ally in the building of a new international community. Unfortunately, the Russian Federation has proved uncooperative in many ways and acts like it would rather encourage chaos. More than this, Russia is ruled by persons that lived and made their carriers in the Soviet Union. Some of the

people who accumulated hostility during the Cold War may still be in ruling positions and realizing the shame Russia is facing may act differently than a real democratic state would act, even if its army faces difficult times.

More precisely, "the Russian military faced a wide range of problems: economic turmoil, the disintegration of military-industrial cooperation with other republics and the need for military reform (...). In 1998, for example, the USSR's land forces comprised 1.6 million men equipped with some 60,000 tanks, produced at a rate of 3,500 a year. The 1992 military reform plans of the Russian Ministry of Defense projected a decline in the entire Russian armed forces to 1.5 million men"[10].

Poul Funder from the *Central European Economic Review (CEER),* approaching the issue of foreign investors in Russia, characterized the internal situation as "a country teetering on the brink of sovereign default. Add a stock market 85% off its highs. Throw in unpredictable elections and an abysmal record on corporate governance. And don't forget the civil war raging on the country's southern border"[11].

So the Russian Federation, according to the available data, was on a descendent trend in all domains, including economy and army. For the former, the CEER argues that the main reason of the economic standing of the country was due to "the Russian government that was still doing too much to help its friends, and too little to sponsor a level playing field that would benefit consumers"[12]. Furthermore, the CEER reporter argued that the Russian banking system had no future without the Duma passing bankruptcy laws, a more protective law for the minority shareholders and an improved legal infrastructure.

Nowadays the Russian economy is on an ascendant trend. The structural reforms carried out in Russia by President Putin's administration have been praised the IMF as encouraging. "However, continued growth depends on continuing reforms."[13]

In an interview for *Russia* magazine, the former Prime Minister of the Russian Federation, Yevgeny Primakov, admitted that Russia had economic difficulties, but still he described his country as being "a great power" in terms of territory, population, military power (in its nuclear component) and in its economic and research potential. NATO's expansion towards the East is seen by the Russian Prime Minister as a result of the attitude of some persons who live with the undefeated stereotypes of the Cold War and who, in this new era, are trying to impose a unipolar world. When the issue of former allies and adversaries is approached, Primakov stresses that "the relationship between the two sides in the eastward enlargement must be based on a reliable foundation that refers to mutual transparency of intentions, partnership in peace-keeping operations or in preventing regional conflicts, and to a reliable mechanism of consultations between the two"[13].

In conclusion to this section, the Baltic States are committed to embracing Western values, although they are dependent on the Russian Federation in many domains. In turn, NATO is committed to getting closer to the Russian Western border by including these states in the alliance in an undefined future. The Russian Federation, recovering after a long transitional negative slope, is strongly opposing it, sometimes becoming even threatening vis-à-vis the three Baltic States or NATO. Admitting that it still has economic difficulties, Russia has established connections with the EU and drives attention towards Caucasus and Central Asia.

b) Russia, Caucasus and Central Asia

The sociologist John Naisbitt argues that 500 years ago the commercial center of world trade moved from the Mediterranean Sea to the Atlantic[14]. Nowadays it is leaving the Atlantic to move to the Pacific. He is paraphrasing the words of the US Secretary of State John Hay who was saying that the "Mediterranean Sea belongs to the past, the Atlantic to the present and the Pacific to the future." The Asian shore is two times larger than Europe and the US. In Asia lives one half of the world population, in Europe only 6%. Thirty years ago the GDP of the pacific zone was 1/2 of the American one and 1/3 of that of Europe. In 2000 it was estimated to be almost equal to the American GDP and to

have surpassed the Western Europe one. US exports to South Korea, for example, more than it exports to Italy and Sweden put together.

The Russian foreign policy drives toward collaboration with Asian States. The last visit of President Putin in South-East Asia is very relevant in this sense. The visit reflected both geopolitical interests and economic ones. Since the Russian Federation cannot face the West by itself because it is limited to being a – regional power, it tries to recreate the Moscow Beijing – Hanoi – Phenian axis that would concern Washington. Visiting Seoul, Putin brought forward the idea of building a railway that would connect Seoul with Phenian and the South Korean harbors with Vladivostoc[15]. In Vietnam, Putin showed Russia to be disposed to selling weapons to Vietnam and to reduce the 85% of the debts this country has had to Russia since the USSR era[16]. Furthermore, Russia has extended its nuclear cooperation with Iran, a strategic enemy of Washington. In Bushehr an atomic pile is being constructed against Washington's critiques[17].

Russia has a multifaceted relationship with the West. On the one hand it needs it, on the other hand it is trying to protect itself from its "invasion" in its space. The only way to protect itself is by showing its interest towards the Caucasus and SE Asia and, in parallel, by cultivating an interest in regaining its influence in the former Soviet space, such as Ukraine, Moldavia, Georgia and Azerbaijan.

One may question the importance of approaching the Caucasus issue, since there is no threat of NATO's expansion in this region. First of all, all of them applied for the NATO PfP program, which means that the countries in this region do show an interest for Atlantic integration. Secondly, I want to prove that these countries have a link to NATO, which might threaten Russia. This link refers to the proximity of Turkey, which is a NATO member and to which some of these countries are linked. It is a region with a pro-American attitude that can be augmented by Turkey.

Such is the case of Azerbaijan. Of all the Caucasus countries, Azerbaijan is the closest to Turkey from a cultural and a linguistic perspective. This affinity was evident even in WW I, but Mustafa Kemal – "the father of the Turks" – gave up this cultural link with Azerbaijan during the process of Sovietization in order to obtain some permanent advantages from the Great Neighbor to the north. Although limited, the relationship between Turkey and the Turkish population in the USSR was always present in Soviet–Turkish relations. Azerbaijan is a particular strategic factor for Ankara's politics because it represents the gate towards Central Asia. Semih Vaner proposes to analyze Turkey's attitude towards Azerbaijan on several levels[18]: the first one is the attitude that is adopted by officials and that is dictated by prudence; at the society level there are two directions: the indifference one and emotional one (dictated by the political propaganda that the 21st century will be Turkish). At the society level there are the Islamists who show themselves very active.

In spite of Ankara's support for maintaining ties with Azerbaijan, the situation in the region is very complex, taking into account that Turkey does not have a direct frontier with Azerbaijan, between them being Armenia, an orthodox small country that is, also, in conflict with Azerbaijan. Armenia was the first state that after its independence from the USSR chose to "continue its collaboration with Russia and with the newly created community from December 1991"[19]. It signed – on December 29th, 1991 – a friendship, mutual assistance and cooperation treaty with Russia and since then it is a CIS member and a member of the Tashkent Pact – a collective security pact signed in Tashkent on May 1992. It asked the military support of the ratifying countries of this pact against Azerbaijan. Based on this reason the Armenian government is not sustaining the idea of a national army, as the Baltic States do, but prefers to maintain permanent Russian military basis on its territory.

Azerbaijan and Georgia (the third Caucasian republic) showed themselves more reticent to maintain their military dependence on Russia or to become CIS members. Because of the Tashkent Pact Azerbaijan can not throw out all Russian troops, but it tries to diversify its partners, by having good relations with Tashkent and with

Western partners. Still, Ankara can not pursue an anti-Armenian policy, first of all because this would remind its Western partners of Turkey's precedents and also because in Iran there is an important Armenian community and such an attitude would be a source of a clash of opinions with Teheran. Iran is conscious of the pan-Turkish current that exists in the area because "actual Azerbaijan is just 1/3 of the historical Azerbaijan, the rest of 2/3 is on the Iran territory,"[20] a situation that represents the discordance between Azerbaijan and Iran. This is the reason for which Iran is supporting Armenia against Azerbaijan, setting up with Russia a kind of alliance against the US ally in the region: Turkey.

Turkey's interest in Azerbaijan is not only cultural but also economic, because Azerbaijan belongs to the areas of the world richest states in oil with a long history of producing oil and natural gas. In the 20th century, the oil industry drew oil from the land, while the offshore exploitation is at a small depth because the soviet extractive technology was not performant. The Azerbaijan government invited the major foreign oil companies to develop the offshore fields with their technology and capital. A small country like Azerbaijan "was expected to reach in 2000, 25.6 million tones per years and 45.2 million tones in 2005"[21].

Under such circumstances Turkey's interest in this former Soviet Union republic is considerable high. Considering all the above mentioned details and insisting on remanding that Turkey want to use Azerbaijan as a gate towards Central Asia, then, Turkey was admitted to NATO based on some geopolitical reasons, since in the moment of admission and for years to come Turkey had difficulties with human rights issues. Furthermore, in 1989 Turkey had two other very important problems to solve: the Turkish-Greek conflict over Cyprus and the Kurdish dispute. Why was Turkey accepted into NATO unless it is due to its geo-strategic importance?

Another group of newly independent states from the former Soviet Union is purely Muslim and is formed by: Kazakhstan, Turkmenistan, Uzbekistan and Kyrgyszstan. Of those, Kazakhstan has the largest population and the longest border with Russia. It represents a vital interest for the Russian Federation because it is a kind of "cordon sanitaire" state between the Christian slaves and the Turkish-Muslim world.

Russia considers Kazakhstan to be vital for its past, present and future interests. 40% of the USSR's uranium was extracted from Kazakhstan. This country has, also, rare metals that are necessary in terrestrial attacks and very deep lakes useful for military training and the testing of submarine components. The country's wide plains were preferred by the Soviet army for training exercises and were also good for space launches and air force training. This is mainly the reason for which Russia signs agreements only for 5 years, with the possibility to extend it for other 10 years, hoping that it will never leave Kazakhstan[22]. Besides these reasons, Kazakhstan is the second richest country – after Azerbaijan – in oil and energy resources. For 1998, Kazakhstan oil exports were estimated at 60% of its production. Because of its geographic position most pipelines cross Kazakhstan, and most of its exports go to the Russian Federation.

Moscow has strategic interests in Central Asia, a reason for which it insists on maintaining its present military force there. The withdrawal of the Russian troops from the region would mean a rise of the Islamic forces and a direct and internalized threat to Russia. Still, Russia has two countries in the region it can count on: Uzbekistan and Turkmenistan. The former is the beneficiary of substantial military Russian support because it stands for stability in the region. It has a transparent politics (for Moscow) and, because of its geographical position, it can influence and exert pressure on Kyrghistan, Turkmenistan, Tajikistan and even Afghanistan. All the troops on its territory are under its sovereignty. The first government in Tashkent was determined to set up the basis of a collective security system, so that in 1992 it forced all its associates to sign the Tashkent Pact that guarantees that each republic has its own army under the protection of the powerful Russian army that is considered the guarantor of security in Central Asia.

Russia has good relations with Turkmenistan as well, because the latter proved to Moscow that it has an open politics. In December 1993 in Ashlamabad the two sides signed an agreement on double citizenship. Turkmenistan became a trusted partner for Russia in the area.

A general characteristic of the Caucasus and Central Asia is that almost all states there are confronted with internal ethnic conflicts. Armenia is in conflict with Azerbaijan over Nagorno-Karabah; Turkmenistan is in conflict with Tajikistan; in Kyrghystan the conflict between north and south is getting serious. I wonder if Russia does not feed all these conflicts so that it can impose its protectorate in the area and to keep its sphere of influence. The fact that these conflicts exist nowadays is at least partly attributable to Russia, which, in the process of homogenization of the Soviet Union's population, more or less intentionally cultivated an ethnic mixing policy. Because all these countries now have many minorities on their territories it is easy for Moscow to play the ethnic card. The new role of Russia – that of mediator – feeds the Russian nationalism and supports the idea that Russia is a powerful regional power.

To be a regional power implies being a strong state and having other states upon which to exercise one's influence. But the collapse of communism brought up other regional powers like Turkey and Ukraine. Oleg Serebrian considers the "possible" alliance between Turkey and Ukraine to be powerful enough to counterbalance the Russian influence in the region. Moscow sees both countries as enemies, while in the Ukraine Turkey is perceived as the third Western partner (after Germany and the USA) [23].

The implosion of the USSR left the Ukraine not only with nuclear weapons, but it also inherited most of the former Soviet Union harbors on the Black Sea, creating difficulties for the Russian Federation in transporting natural gas and oil from Central Asia to the West. The Russian Federation must invest substantial funds to modernize Taganrov, Novoronisk and Tuapse harbors because otherwise other pipelines will be constructed and will bypass Russia. As a matter of fact there are some options for pipelines and only one of them – the north route – is favorable to Russia. The rest are favorable to the USA, which has a special interest in the area, a reason for which it intends to help the former Soviet Republics in Central Asia to develop their own oil industry that will reduce the Russian influence in the area. The Russian influence in its former space will be further reduced because the US government considers that economic growth in this area can promote stability so that Russia will not need to play any mediator role.

In conclusion, for this part of the world I could not approach the issue of Russia and NATO since there is no threat of inclusion of these states in the North Atlantic Treaty Organization. Still, all the above-mentioned states applied for the NATO PfP Program and there is a small risk in this for Russia. Their integration seems utopian, but thinking that Turkey might intend to partially rebuild the former Ottoman Empire territory, the Russian concern becomes bigger. Furthermore, in the Russia–NATO relationship, American interests are covered by NATO, Russia being concerned with the penetration of the Western and especially American interests into its sphere of influence. When it comes of Central Asia and the Caucasus, American interests are not masked and are threatening for Russia. This threat is amplified because the US is sustaining and promoting the Turkish interests in this region, parallel with a policy of isolationism for Iran, whose sympathy towards the Russian Federation is evident.

c) Russia, Ukraine and NATO

The Ukraine is part of the so-called Russian "near abroad" or the former space of the Soviet Union that Russia considers to be its sphere of influence. Ukraine is, also, one of those four states that "inherited" nuclear weapons after the break-up of the Soviet Union. Compared to the other countries, it was reticent in giving up its nuclear status and became a party to START I and the Lisbon Protocol only after much outside pressure was exerted.

More precisely, after the USSR's dissolution Ukraine inherited the third-largest nuclear arsenal in the world. At that time, the legislative system was complicated. In accordance with international law, Ukraine possessed nuclear weapons, which were under the operational control of Moscow and were not at Ukraine's own disposal. Still, Ukraine had enough technical capabilities to take over control over these weapons and become the new owner of a part of the USSR's nuclear potential. But Ukraine's government, eventually directed towards a non-nuclear status, agreed that "Ukraine accepts all the commitments in terms of the NPT as a party-state to the Treaty, not possessing nuclear weapons, in the sense that it actually does have nuclear weapons, located provisionally in its territory in accordance with the Treaties in force. These weapons, while being its property, inherited as a result of collapse of the former USSR, are controlled by another state and, consequently, can be operationally used by Ukraine at its discretion. Ukraine guarantees that all nuclear weapons will be removed from its territory in the near future"[24].

The nuclear inheritance from the Soviet Union was not the only issue between the two countries. As mentioned above, Ukraine inherited the biggest number of the Russian harbors on the Black Sea, and it actually removed the Russian Federation's access to the Danube and the Black Sea. Russia lost full control of the Azov Sea and of the Bosphorus, which had a significant geo-economic and geo-strategic importance for Russia. The cost of losing Ukraine is high for Russia, especially that of losing control over the Black Sea harbors, Russia is forced to increase the capacity of its modest remaining harbors, Taganrov, Novorosuk and Tuapse. It has to move further in this direction, because of the oil pipeline I mentioned when I approached Central Asia and the Caucasus. A new pipeline network might be built which would avoid Russia, crossing Turkey and going directly to the Mediterranean Sea.

The economic and the geo-strategic implications of giving independence status to Ukraine are extremely high for Russia. All the inheritance that Russia left to Ukraine transformed this country into "a partial substituent of the USSR at the eastern border of Europe"[25]. In the international arena Ukraine is perceived to be a regional power, like Turkey and Russia. This is the reason why Russia is very interested in maintaining its connections with this country.

A method to maintain links with its former constitutive states is through the Commonwealth of Independent States (CIS), which is an inter-governmental organization founded on December 8th, 1991. It originally consisted of three former Soviet republics, Belarus, Ukraine and Russia, but in time all the former Soviet republics joined, with the exception of the Baltic States. The CIS is, I may say, a parody of the EU, since all members were required to have the same currency (the ruble), agreed to respect human rights, the preservation of ethnic minority cultures, etc. Since it is a parody, a kind of copy without a real support, disputes soon emerged between the member states over control of the Black Sea Fleet, economic reforms, and so on. The CIS that wanted to create a "military strategic space" failed, and is now an organization that exists on paper, but whose future is unknown.

Moscow's desire to create a kind of cordon sanitaire at its western border, formed by Belarus, Ukraine and Moldavia, was utopian years ago. Now it might become a reality since in all these three states Communist Parties are ruling the interests of their countries. Still, there is a small chance for this buffer zone not to be created and that is for Ukraine to follow the Western path or at least to adopt and follow the Baltic States model.

This is a difficult and complex issue, and Russia is fully aware of the situation. That is why it is not worried about a close Ukrainian integration into the North Atlantic Treaty Organization. Ukraine has serious problems in building its nation. Although Oleg Serebrian approaches this issue in his book, no one does it better than Huntington in the "Clash of Civilizations"[26]. Ukraine, says Huntington, is a mixture of two distinct cultures. The line of civilization splits Ukraine in two: the Western part and the Orthodox one.

Historically, the West part of Ukraine was part of Poland, Lithuania and the Austro-Hungarian empire. The population there was practicing the Greek-Catholic religion and was recognizing the Pope's authority. They were nationalists and were speaking the Ukrainian language, compared to those from the Eastern part that were Orthodox and spoke Russian. Nowadays, the consequences are evident: At the beginning of the 1990s the ethnic Russians were 31% of the Ukrainian population. At the presidential elections in 1994, Leonid Kravciuk – a nationalist – won the elections in the Western region of Ukraine, while his counter-candidate, the actual controversial president Leonid Kucima – who took Ukrainian language courses during the campaign – obtained the majority in the East part of Ukraine.

Because of this division within Ukraine, Huntington imagined three scenarios. There is a small possibility that Ukraine might split, and then the Western part will be an independent state while the Eastern one will be attached to Russia. A second scenario explains the reason why Ukraine and Russia overcame the dissention that existed at the beginning of the '90s over the nuclear weapons and Black Sea Fleet. The explanation resides in the fact that both are Slavic and Orthodox people that were connected throughout history, and thus a

Conclusions

The Russian Federation – the official successor of the former Soviet Union – wants to keep NATO and the American interests out of the space of the former Soviet Union. In a way, Russia wanted to transform these countries into a kind of cordon sanitaire. If such a buffer zone could be created, Russia would not share a border with NATO at its western rim. In the South the buffer zone would have a double benefit: first to keep NATO from getting closer to the border with Russia and second to prevent Islam from penetrating the Orthodox Russian society. This seems to be mainly what Russia desires.

"marriage" is possible. The third scenario, which looks like the most plausible one, imagines a unified Ukraine with tight connections with Moscow. The election results that showed that Ukraine elected a Moscow oriented president considerably increased the possibility of Kiev-Moscow cooperation.

Although a Western directed Ukraine would be desirable, there is only a small probability for it. The Ukrainian-Russian relationship is for Eastern Europe what the French-German one represented for Western Europe. Even though Ukraine adopted the PfP and participates in the program it is not an encouraging participation because of the many links that exist between the two sides. Russia also adopted the PfP, but it will never be part of NATO, although Putin likes to joke about an eventual Russian integration into NATO. Unfortunately, this attitude of Kiev has bad consequences on other countries, too, because from Tiraspol (Moldavia), to Sevastopol (Ukraine) and to Ponti (Gruzya) there is a chain of Russian military bases that are supported by this Kiev-Moscow axis. I intend to be optimistic and hope, probably as NATO does since it accepted Ukraine into its program, that one day Ukraine will overcome its difficulties in building a Ukrainian identity that would mean a compromise between the Western part and the Eastern one, and that Ukraine will be a regional power in a multi-polar world.

Unfortunately, NATO is determined to continue its process of enlargement. It acts as if it desperately wants to surround Russia. Why would NATO act like this? First of all, I want to make clear that, after the fall of communism, Russia did not act as if having offensive and threatening attitudes towards the West. If during the Kosovo crisis I found myself convinced that the NATO intervention did not reflect an offensive attitude, I do not dare to say that NATO's enlargement process is not offensively directed towards Russia. A possible explanation for NATO's attitude is that Russia is a threatening country and that

NATO is adopting preventive measures. But aren't these preventing measures stimulating Russia to act aggressively?

I think that NATO's and the American's approach to making Russia understand that it is reduced to a simple regional power may have negative consequences for the Russian nationalism and, in the political realm, may lead to the increase of left-wing or right-wing parties' opportunities and chances to get to power. The consequences would be negative for the world and especially for the states in the former Soviet Union space, because once in power these parties will attempt to recreate the former Soviet Union – an attractive idea for some Russians. What would NATO do then? Will NATO have the power to prevent the world from go back in history and relive the tragic past? Probably most of us think that the US will do everything possible lest the history should be repeated, but would the American public opinion favor a conflict with Russia?

In conclusion, if things will remain on the level of collaboration and exchange of experience, there is nothing dangerous. But if NATO continues to enlarge without taking into account the strong Russian opposition this may have extremely strong and long-lasting consequences not only throughout the former Soviet Union space or Eastern Europe but, also, in the whole world. NATO's attitude proves that the Cold War did not end for it, but entered into a new phase. Whether it will continue or not, NATO should remember that the atrocities which happened in Vietnam war were mainly due to the fact that the USA did not stop in time. Is NATO going to repeat this American mistake of not stopping in time and consciously throwing the world into a conflict?

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The Treaty of Nice – an Important Moment in the European Union's Construction

– The Institutional Reform –

Augustin Fuerea

The legal procedure

he Treaty of Nice was adopted on 7-11 December 2000, completing the Intergovernmental Conference that had been opened on 14 February 2000. This Conference was named the "Marathon Conference", as it lasted 4 days, in spite of a Council's Regulation which states that, generally, a Conference lasts only 72 hours. The Treaty was signed by the heads of state or government on 26 February 2001 and now it follows the ratification phase. The aim of the Nice Conference, from the institutional reform's point of view, was to adapt the way in which the European institutions operate in order to make it possible for the European Union to take in new member states. Thus, the Treaty of Nice marks a new stage in the preparations for the enlargement of the

European Union to include countries of Central and Eastern Europe, the Mediterranean and the Baltic.

As we all now, the composition and operation of the European institutions and bodies were agreed in the 1950's when the European Community had only 6 members; at the present, the European Union has 15 members and there has been no major reform of the institutions since the founding of the European Community. So, the conclusion is that the institutional framework needs some improvements in order to function well when there will be 27 member states or even more.

Thus, we will present and analyse the institutional changes made by the Nice Treaty to the European Union's institutions and the main bodies.

The institutional reform

I. THE EUROPEAN PARLIAMENT

The European Parliament is the institution that represents the citizens of the member states. In many areas, the Parliament acts as co-legislator with the Council. Also, the Parliament and the Council jointly constitute the budgetary authority. Besides, the Parliament exercises democratic

control over the Commission's activities. The members of the Parliament may enter one of the political groups of the European Parliament.

As far as the changes made by the Nice Treaty are concerned, we must say that the Treaty enhances Parliament's role as co-legislator. According to art. 189 (2), the

maximum number of the eurodeputies is 732, although the Amsterdam Treaty had limited it to 700. The Treaty also allocated the seats between member states and candidate countries, with effect form the next elections (see the table below). The candidate countries will not, of course, be represented in the European Parliament until they become members of the Union.

After analysing the number of seats allocated to each member, we could notice that Germany is the only state which will keep the same number, whereas the others have fewer seats; on the other hand, Belgium and Portugal will have 22 seats, whereas Hungary and the Czech Republic, that have larger population, get only 20 seats.

In conformity with the Nice Treaty, the Council will have the power to approve the eurodeputies' statute with a qualified majority. The Council will also be able to approve the political groups' statute.

Allocation of seats in the European Parliament

Member States		Candidate Countries	
Belgium	22	Bulgaria	17
Denmark	13	Cyprus	6
Germany	99	Czech Republic	20
Greece	22	Estonia	6
Spain	50	Hungary	20
France	72	Latvia	8
Ireland	12	Lithuania	12
Italy	72	Malta	5
Luxembourg	6	Poland	50
Netherlands	25	**Romania**	**33**
Austria	17	Slovakia	13
Portugal	22	Slovenia	7
Finland	13		
Sweden	18		
United Kingdom	72		
Total: 732 votes			

II. THE COUNCIL

The Council is the EU institution in which the governments of the member states are represented. Together with the Parliament, it is the Community legislator and budgetary authority. It is also the lead institution for decision making on the common foreign and security policy and on police and judicial co-operation in criminal matters.

The Treaties specify whether the Council is to take its decisions by unanimous agreement of all members, by qualified majority or by simple majority, in case of procedural matters.

At Nice it was reaffirmed the idea that it would be very difficult to obtain unanimous agreement in a Union that would one day have almost 30 member states. There is a danger of the decision process' paralysis. The reform is, therefore, meant to reduce the number of cases in which member states could impose their veto. The ratification of the Nice Treaty will allow qualified majority voting for decisions on 30 articles of the Treaty that previously required unanimity.

The process of extending the majority voting was rather difficult, as some member states have important interest in some domains, for example: Germany for the policy regarding immigration, asylum, United Kingdom for the tax policy and so on.

The Nice Treaty also provides for a change in the weighting of votes from 1 January 2005; the number of votes assigned to each member state is altered and the candidate countries have been set a certain number of votes (see the table below). After the Treaty's ratification, qualified majority will be obtained if a decision receives a specified number of votes and if a decision is approved by a majority of member states. Moreover, a member state may ask for confirmation that the qualified majority represents at least 62%

of the total population of the, otherwise the decision is not considered to be adopted.

According to the new allocation of votes, the four big states (Germany, France, Italy and United Kingdom) have 29 votes each, and Spain keeps an intermediate status, owning 27 votes, just like Poland.

In conclusion, we may say that at Nice, as far as the Council was concerned, the main problem was represented by the decision adopting process, which had to be made efficient for the time when there will be 27 or more member states.

Weighting of votes for member states and candidate countries in the Council

Member States		Candidate Countries	
Belgium	12	Bulgaria	10
Denmark	7	Cyprus	4
Germany	29	Czech Republic	12
Greece	12	Estonia	4
Spain	27	Hungary	12
France	29	Latvia	4
Ireland	7	Lithuania	7
Italy	29	Malta	3
Luxembourg	4	Poland	27
Netherlands	13	**Romania**	**14**
Austria	10	Slovakia	7
Portugal	12	Slovenia	4
Finland	7		
Sweden	10		
United Kingdom	29		
Total: 345 votes			

III. THE COMMISSION

The Commission was created as an independent institution to represent the European interest common to all member states of the Union. The Commission is the one that has the power to propose the legislation on which the European Parliament and the Council have to take a decision.

Also, the Commission is responsible for implementing common policies, it administers the budget and manages the Community programmes. In external affairs, the Commission represents the Community and

conducts international negociations. As a final competence, the Commission monitors compliance with the Treaties and the decisions taken by the Community institutions.

We might add that this institution is collectively accountable to the European Parliament and that the Commission's decisions are taken by simple majority. At present, it consists of two nationals of the most heavily-populated member states and one national of each of the others.

At Nice, they started the discussion from the given fact that the Commission should function efficiently in an extended Union, too.

Thus, the Treaty of Nice introduces some changes within the European Commission, as follows: it' limits the Commission to one member per member state with effect form 2005. A ceiling on the number of commissioners will be imposed once the Union has 27 member states. At that point, the Council will take a unanimous decision on the exact number of commissioners (which must be less than 27). The nationality of the commissioners will then be determined by a system of rotation that will be fair to all countries.

The Treaty of Nice also decided to increase the powers of the president who will, thus, decide on the allocation of portfolios and may re-assign responsabilities in the course of the Commission's term of office. The president will also be entitled to demand a commissioner's resignation, subject to the Commission's approval.

IV. THE COURT OF JUSTICE

The European Court of Justice is the institution responsible for enforcing Community law. The Court of First Instance was set up in 1989 to exercise some of the powers conferred by the Court of Justice.

The reform introduced by the Nice Treaty is essential, regarding the follwing aspects:
-   setting up the judicial panels for the Court of First Instance;
-   allocation of powers between the two Courts;
-   composition and functioning of the two judicial institutions.

It is notorious the fact that the Court is already overloaded with cases and the number can only increase with accession of new member states. As a result, there are long delays in obtaining judgements, which is detrimental to the working of the Community and unsatisfactory for the parties concerned.

In order to relieve the workload of the Court, the Treaty of Nice seeks to share tasks between the Court of Justice and the Court of First Instance more effectively and allows for the creation of specialized Chambers for particular areas, such as disputes involving European officials.

The adoption of the rules regarding the composition and powers belongs to the Council, which states with unanimity, at the Commission's proposal and after the Parliament's and European Court of Justice's consultation or at the latter's request. The members of the Chambers are named by the Council with unanimous vote.

Also, the Treaty of Nice provides for that the exceptional re-examination of a case by the Court of Justice follows an emergency procedure, in the situation there is a serious risk to violate the unity and coherence of the Community Law (art. 225, para. 2).

As far as the powers are concerned, the Treaty brings a new disposition referring to the competence of the Court of First Instance to judge prejudicial issues in particular domains enshrined by the its Statute.

The Treaty also stipulates that the Court of Justice, which in an enlarged Union will consist of one judge for each member state, may sit in a Grand Chamber of 13 judges instead of always meeting in a plenary session attended by all judges.

The procedure regulations of the two institutions will have to be approved by the Council using the qualified majority.

V. THE COURT OF AUDITORS

This institution monitors the Community accounts, examining the legality and regularity of the revenue and the expenditure in the Community budget and ensuring sound financial management. The Court of Auditors currently has 15 members, appointed for a six-renewable term by the Council acting unanimously. The members direct the audit activities of the Court officials and draw up reports and opinions.

It is important to remind the fact that the Court of Auditors is not a judicial instance, like the Court of Justice or the Court of First Instance.

The Nice Treaty stipulates that The Court of Auditors will consist of a national of each member state; the members will be appointed for a six-year term by the Council acting by qualified majority, rather than unanimity.

The Court of Auditors will be able to set up chambers to adopt certain types of report or opinion.

At Nice, the Court of Auditors and the national audit institutions are urged to improve cooperation and one way to do this would be for the president of the Court of Auditors to set up a contact committee to liaise with the chairmen of the national audit institutions.

VI. THE ECONOMIC AND SOCIAL COMMITTEE

The Economic and Social Committee is an European body which consists of representatives of various economic and social interest groups. It issues advisory opinions to the institutions, for example as part of the legislative procedure. It currently has 222 members.

The Nice Treaty states that the Committee is to be composed of representatives of the various components of organised civil society. The number of the members is not to exceed 350 (see the table below), which allows the member states to retain their present number of seats.

The allocation of seats will be the following:

Member States		Candidate Countries	
Belgium	12	Bulgaria	12
Denmark	9	Cyprus	6
Germany	24	Czech Republic	12
Greece	12	Estonia	7
Spain	21	Hungary	12
France	24	Latvia	7
Ireland	9	Lithuania	9
Italy	24	Malta	5
Luxembourg	6	Poland	21
Netherlands	12	**Romania**	**15**
Austria	12	Slovakia	9
Portugal	12	Slovenia	7
Finland	9		
Sweden	12		
United Kingdom	24		
Total: 344 seats			

VII. THE COMMITTEE OF THE REGIONS

This is another consultative body, consisting of representatives of regional and local governments. It articulates the interests of the regions at European level. It has 222 members, too.

The Nice Treaty limited the number of the members to 350 (see the table below),

just like for the Economic and Social Committee. Also, the Treaty regulates the requirement that the members of the Committee have electoral mandate from the authorities it represents or the members to be politically accountable to those authorities.

The allocation of seats will be the following:

Member States		Candidate Countries	
Belgium	12	Bulgaria	12
Denmark	9	Cyprus	6
Germany	24	Czech Republic	12
Greece	12	Estonia	7
Spain	21	Hungary	12
France	24	Latvia	7
Ireland	9	Lithuania	9
Italy	24	Malta	5
Luxembourg	6	Poland	21
Netherlands	12	**Romania**	**15**
Austria	12	Slovakia	9
Portugal	12	Slovenia	7
Finland	9		
Sweden	12		
United Kingdom	24		
Total: 344 seats			

In conclusion, we could state that the Nice reforms have prepared the European Union institutional framework for the enlargement, by adhesion of new members. Thus, Nice becomes an important moment in the European construction's evolution, just like the "Maastricht moment" or the "Amsterdam moment".

As far as Romania is concerned, we must say that the Nice Treaty somewhat clarifies our country's place related to that of the other 11 candidate countries which negociate their adhesion to the European Union. Also, the Romania's taking into consideration for the European institutional structures may represent a great motivation for further progress on the way of integration in the Union.

The Nice European Council becomes an historic one, because it confirms the UE's enlargement, in detail discussed at Laeken at the end of the year 2001, in the perspective of a new Intergovernmental Conference on the subject in 2004.

The main conclusion is represented by the fact that the European Union knows that the enlargement serves not only for itself, but also for everybody's interest, being a normal and necessary stage in the complex and difficult process of the European integration.

On the Structure of
the Nuclear Law – New Trends and Options

Dumitru Mazilu

I. THE IAEA – A PLACE OF DEVELOPING SIGNIFICANT INTERNATIONAL LEGAL INSTRUMENTS

On recent years the International Atomic Energy Agency became a place of developing significant International Legal Instruments, which – in a comprehensive approach – solve the issue of utilisation of nuclear energy for the exclusive peaceful purposes[2]. Important documents, such as **1.** the Convention of Early Notification of a Nuclear Accident; **2.** the Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency; **3.** the Convention on Nuclear Safety; **4.** the Model Protocol to the Safeguards Agreements; **5.** the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage; **6.** the Convention on Supplementary Compensation for Nuclear Damage; **7.** the Joint Convention on the Safety Spent Fuel Management and on the Safety of Radioactive Waste Management – represent the major components of the *Nuclear Law*, as a new Chapter of National and International Law.

The main Trends and Options in this field are to promote **1.** the general development and the use of nuclear energy; **2.** to guarantee the control of its exclusively peaceful application for the benefit of mankind.

In last 40 years, in many countries the nuclear energy became an integral part of power production. Safe utilisation of nuclear energy is one of the fundamental conditions on environmental protection. To achieve such important objectives, the international community has decided **1.** to elaborate; **2.** to adopt and **3.** to promote the precise rules and regulations, which all together constitute today **A NEW FIELD OF LAW – THE NUCLEAR LAW**.

It is known that in 1946, the United States of America – then the only nuclear weapons state – advanced a far reaching proposal "the Baruch Plan", aimed at vesting in a single international organisation all phases of the development and exploitation of atomic energy.

Later on, in 1953, President Eisenhower proposed the establishment of an international atomic energy agency with a mandate to oversee measures for the allocation of fissionable materials to ensure their peaceful use in the service of mankind.

During the next three years, active negotiations took place for the preparing the Statute of the IAEA. And finally, in October 1956, the Statute of the International Atomic Energy Agency[3] was opened for signature. In 1957, on 29 July, this major legal international instrument entered into force.

From those early days, we have to recall how the IAEA focus rapidly expanding from its original *atoms-for-peace* derivation. The real merits of the Agency are that – within a month or two of its foundation – it started the negotiations on the creation of a nuclear safeguards system designed to deter and detect any diversion of Safeguarded nuclear material to military purposes[4].

There are no doubts that such a system was felt to be essential if – in the face of the inevitably growing application of nuclear energy – there was to be any chance of restraining the proliferation of nuclear weapons.

To fulfill this difficult, but, undoubtedly, major task, the IAEA had: 1. to promote the contribution of nuclear energy to *peace, health* and *prosperity*; 2. to verify – through the application of Safeguards – that nuclear facilities and nuclear materials were used exclusively for peaceful purposes[5].

On its 40th anniversary, the Agency had the possibility to sum up the results of the work that has been done in this period. All delegations noted with satisfaction that throughout its existence, the IAEA has deservedly enjoyed a high reputation as an international organisation competent in the nuclear area which has spared no efforts to assist its Member States in nuclear power development. It is recognized that during these forty years, nuclear science and technology have come an extremely long way: 1. their development has been characterized by steady growth, although periods of exceptional progress and even some disappointing failure have occurred[6].

Today, we can justly say that "nuclear power has become one of the crucial factors in human progress"[7].

It is for sure that one of the most important achievements of the Member States is the elaboration and adoption of those necessary rules of regulations, through which to guarantee the use of nuclear energy exclusively for peaceful purposes[8]. "As mankind faces new challenges such as global environmental issues and sustainable development, the importance of nuclear power as an energy resource will not diminish but increase, as it has such advantages as stable supply and low environmental impact"[9]. Recognizing the importance of nuclear power, however, "does not automatically guarantee a rosy future"[10]. Enhancing the safety – which is an essential prerequisite for the promotion of nuclear energy – is a duty of all Member States to do everything possible for maintaining and strengthening the nuclear non-proliferation regime[11].

MAJOR LEGAL INSTRUMENTS TO STRUCTURE
THE NUCLEAR LAW

Liability for nuclear damage was and continue to be one of the most important concerns of International Community. Over the past few years, the question of liability for nuclear damage has been under consideration as a matter of priority both in the Board of Governors of the IAEA and in the General Conference of the Agency itself. The Member States underlined the need for establishing a *comprehensive legal regime in this field.*

On 21 February 1990, the Board of Governors of the IAEA established the Standing Committee on Liability for Nuclear Damage to deal with all aspects of nuclear liability. This Committee on its seventeenth session[13] completed its task, making the necessary administrative arrangements for a diplomatic conference. The Standing Committee recommended that the diplomatic conference to be opened to all States, with the view to adopting the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage and the Convention on Supplementary Funding on the basis of the draft texts prepared by the Committee[14].

The Diplomatic Conference met in Vienna From 8 to 12 September 1997. The Governments of eighty-one States[15] participated in the Conference. Also, were represented by observers four Inter-governmental Organizations and three Non-Governmental organizations. On 12 September 1997, the Diplomatic Conference adopted the Protocol to amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage and the Convention on Supplementary Compensation for Nuclear Damage[16].

The States Parties to the Protocol - considering that it is desirable to amend the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, to provide for broader scope, increased amount of liability of the operator of a nuclear installation and enhanced means for securing adequate and equitable compensation – have agreed *to define nuclear damage* as: **1.** loss of life or personal injury; **2.** loss or damage of property[17], determined by the law of the competent court: economic loss arising from loss or damage referred to in sub-paragraph 1 or 2, insofar as not included in those sub-paragraphs, if incurred by a person entitled to claim in respect of such loss or damage[18]. Also, the law of the competent court determines the costs of measures of reinstatement of impaired environment, unless such impairment is insignificant, if such measures are actually taken or to be taken, and insofar as not included in sub-paragraph 2. At the same time, the competent court should determine the loss of income deriving from an economic interest in any use or enjoyment of the environment, incurred as a result of a significant impairment of that environment, and insofar as not included in sub-paragraph 2. The competent court should determine the costs of preventive measures, and further loss or damage caused by such measures. Also, should be determined any other economic loss, other than any caused by the impairment of the environment, if permitted by the general law on civil liability of the competent court[19].

The Protocol gave, also, a comprehensive definition of *nuclear incident*. Such an incident means "any occurrence or series of occurrences having the same origin which causes nuclear damage or, but only with respect to preventive measures, creates a grave and imminent threat of causing such damage"[20].

Through new legal instrument *"measures of reinstatement "* means any reasonable measures which have been approved by the competent authorities of the State where the measures were taken, and which aim to reinstate or restore demaged or destroyed components of the environment, or to introduce, where reasonable, the equivalent of these components into the environment. "The law of the State where the damage is suffered shall determine who is entitled to take such measures"[21].

A comprehensive definition has been given and for *"preventive measures"*. Such "measures" means "any reasonable measures taken by any person after a nuclear incident has occurred to prevent or minimize damage referred to in sub-paragraphs (k) (i) to (v) or (vii), subject to any approval of the competent authorities required by the law of the State where the measures were taken"[22].

"Reasonable measures" means "measures which are found under the law of the competent court to be appropriate and proportionate having regard to all the circumstances"[23].

Special Drawing Right[24] means "the unit of account defined by the International Monetary Fund and used by it for its own operations and transactions".

The Protocol established that an Installation State may – if the small extent of the risks involved so warrants – exclude any nuclear installation or small quantities of nuclear material from the application of the Convention[25].

The criteria for the exclusion of nuclear installations and maximum limits for the exclusion of small quantities of nuclear material shall be reviewed periodically by the Board of Governors of the IAEA.

Through the Protocol, after article I of the 1963 Vienna Convention two new articles – IA and IB – were added.

Article IA provides that the Convention "shall apply to nuclear damage wherever suffered". However, the legislation of the Installation State "may exclude from the application of this Convention damange suffered: a. in the territory of non-Contracting State or b. in any maritime zones established by non- Contracting State in accordance with the international law of the sea"[28].

Article IB of the Protocol provides that the Convention "shall not apply to nuclear installations used for non-peaceful purposes".

The Protocol amended article VI of the 1963 Vienna Convention. Paragraph 1 of the article was replaced by the following text:

"1. (a) Rights to compensation under this Convention shall be extinguished if an action is not brought within (i) with respect to loss of life and personal injury, thirty years from the date of the nuclear incident; (ii) with respect to other damage, ten years from the date of the nuclear incident". Also, the Protocol provides that "if, however, under the law of the Installation State, the liability of the operator is covered by insurance or other financial security including State funds for a longer period, the law of the competent court may provide that *rights of compensation* against the operator shall only be extinguished after such a longer period which shall not exceed the period for which his liability is so covered under the law of the Installation State"[30].

On the new regulations, *actions for compensation* with respect to loss of life and personal injury – or with respect to other damage – which are brought after a period of ten years from the date of the nuclear incident "shall in no case affect the rights of compensation" under the Convention of any person who has brought "an action against the operator before the expiry of that period"[32].

Rights to compensation under the Convention – on the basis of the amended text – "shall be subject to prescription or extinction"[33], as provided by the law of the competent court, if an action is not brought within three years from the date on which the person suffering damage had knowledge or ought reasonably to have had knowledge of the damage and of the operator liable for the damage, provided that the periods established pursuant to the above sub-paragraphs of article 8.

Article VII of the 1963 Vienna Convention – after a long and difficult negotiation – was amended as follows: "Where the liability of the operator is unlimited, the Installation State may establish a limit of the financial security of the operator liable, provided that such limit is not lower than 300 million SDRs". The Installation State shall ensure the payment of claims for compensation for nuclear damage which have been established against the operator "to the extent that the yield of the financial security is inadequate to satisfy such claims" but "not in excess of the amount of the financial security to be provided" under these new regulations[35].

Where the liability of the operator is unlimited, the Installation State – having regard to the nature of the nuclear installation or the nuclear substances involved and to the likely consequences of an incident originating therefrom – "may establish a lower amount of financial security of the operator, provided that in no event shall any amount so established be less than 5 million SDRs"[36] and provided that the Installation State ensures the payment of claims for compensation for nuclear damage which have been established against the operator by supplying necessary funds "to the extent that the yield of insurance of other financial security is inadequate to satisfy such claims"[37] and up to the limit provided pursuant to sub-paragraph (a) of this paragraph[38].

Through the Protocol, after article XX of the 1963 Vienna Convention, a new article XX A was added. This article provides that in the event of a dispute between Contracting Parties concerning the interpretation or application of the Convention "the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them"[39].

If a dispute cannot be settled within six months from the request for consultation, it shall – at the request of any party to such dispute – "be submitted to arbitration or referred to the International Court of Justice for decision"[40]. In that case in which a dispute is submitted to arbitration, if, within six months from the date of the request "the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators"[41]. In cases of conflicting requests by the parties "the request to the Secretary-General of the United Nations shall have priority"[42].

A State which is a Party to the Protocol, but not to the 1963 Vienna Convention, "shall

be bound by the provisions of that Convention" as amended by the Protocol in relation to other States Parties hereto, and failing an expression of a different intention by that State at the time of deposit of an instrument of ratification, acceptance, approval or accession[43] "shall be bound by the provisions of the 1963 Vienna Convention in relation to States which are only Parties thereto"[44].

CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE

The text of this Convention was negotiated in connection with the Protocol to amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage.

The Convention on Supplementary Compensation for Nuclear Damage was adopted on 12 September 1997 by the Diplomatic Conference held in Vienna, 8-12 September 1997, and was opened for signature on 29 September 1997[45] at the 41st General Conference of the International Atomic Energy Agency.

In order to establish a worldwide liability regime and to encourage regional and global co-operation to promote higher level of nuclear safety in accordance with *the principles of partnership and solidarity*, the States Parties agreed to supplement and enhance the measures to increasing the amount of compensation for nuclear damage.

The purpose of the Convention is "to supplement the system of compensation provided pursuant to national law"[46] which (a) implements one of the instruments referred to in the Convention[47]; (b) complies with the provisions of the Annex to the Convention[48].

The Convention stipulates that the system shall apply to nuclear damage for which an operator of a nuclear installation used for peaceful purposes situated in the territory of a Contracting Party is liable under the 1963 Vienna Convention on Civil Liability for Nuclear Damage and any amendment thereto which is in force for a Contracting Party to the Convention; under the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy and any amendment thereto which is in force for a Contracting Party to the Convention[49].

The Convention provides that – without prejudice to obligations which Contracting Parties may have under the international agreements – "the Contracting Party whose courts have jurisdiction shall inform the other Contracting Parties of a nuclear incident as soon as it appears that the damage caused by such incident exceeds, or is likely to exceed, the amount available" under the provisions of the Convention[50] and that contributions under the Convention "may be required"[51]. The States Parties shall "without delay make all the necessary arrangements to settle the procedure for their relations" in the Convention[52].

After this notification, the Contracting Party "whose courts have jurisdiction shall request the other Contracting Parties to make available the public funds" required under the Convention[53] to the extent and when they are actually required and "shall have exclusive competence to disburse such funds"[54].

Under the Convention, the funds shall be distributed as follows: **a.** 50% to compensate "claims for nuclear damage suffered in or outside the Installation State"[55]; **b.** 50% to compensate "claims for nuclear damage suffered outside the territory of the Installation State to the extent that such claims are uncompensated under sub-paragraph **a; c.** In the event the amount pursuant to the relevant provisions of the Convention[56] is less than 300 million SDRs; the amount in paragraph **a** shall be reduced by the same percentage as the percentage by which the amount provided pursuant to the provisions of the Convention[57] "is less than 300 million SDRs"; and the amount in paragraph **b.** shall be increased "by the amount of the reduction calculated pursuant to the above sub-paragraph"[58].

On the basis of the pertinent provisions of the Convention[59], either the 1963 Vienna Convention on Civil Liability for Nuclear Damage or the 1960 Paris Convention on Third Party Liability in the Field of Nuclear

Energy or the Annex to this Convention[60], as appropriate "shall apply to a nuclear incident to the exclusion of the others"[61]. Subject to the provisions of the Convention on Supplementary Compensation, the 1963 Vienna Convention or the 1960 Paris Convention, as appropriate, the applicable law "shall be the law of the competent court"[62].

The Convention provides that in the event of a dispute between Contracting Parties concerning the interpretation or application of the Convention "the parties to the dispute shall consult with the view to the settlement of dispute by negotiation or by any other peaceful means of settling disputes acceptable to them"[63]. In the case in which the dispute "cannot be settled within six months from the request for consultation", it shall, at the request of any party to such a dispute, be submitted "to arbitration or referred to the International Court of Justice for decision"[64].

Also, the Convention provides that when ratifying, accepting, approving or acceding to the Convention, a State "may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in the Convention"[65].

JOINT CONVENTION ON THE SAFETY OF SPENT FUEL MANAGEMENT AND ON THE SAFETY OF RADIOACTIVE WASTE MANAGEMENT

The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management was adopted on 5 September 1997 by a Diplomatic Conference held in Vienna from 1 to 5 September 1997.

This Convention was opened for signature at Vienna on 29 September 1997 during the forty-first session of the General Conference of the International Atomic Energy Agency[66].

Recognizing that the operation of nuclear reactors generates spent fuel and radioactive waste and that other applications of nuclear technologies also generate radioactive waste[67], the Member States had established as the objectives of the Convention: **a.** *to achieve and maintain a high level of safety* in spent fuel and radioactive waste management, through the enhancement of national measures and international co-operation including, where appropriate, safety-related technical co-operation; **b.** to ensure that during all stages of spent fuel and radioactive waste management there are effective defences against potential hazards so that individuals, society and the environment are protected from harmful effects of ionizing radiation, now and in the future, in such a way that the needs and aspirations of the present generation are met, without compromising the ability of future generations to meet their needs and aspirations; **c.** to prevent accidents with radiological consequences and to mitigate their consequences should they occur during any stage of spent fuel[68] or radioactive waste management[69].

The rules of the convention are applying: **a.** to the safety of spent fuel management when the spent fuel results from the operation of civilian nuclear reactors; **b.** to the safety of radioactive waste management when the radioactive waste results from civilian applications. The rules of the Convention shall not apply to waste that contains only naturally occurring radioactive materials and that does not originate from nuclear fuel cycle, unless it constitutes a disused sealed source or it is declared as radioactive waste by the Contracting Parties in accordance with the provisions of the Convention.

At the same time, the rules of the Convention are not applying to the safety of management of spent fuel or radioactive waste within military of defence programmes, unless declared as spent fuel or radioactive waste for the purposes of the Convention by the Contracting Parties. It should be noted that the rules of the Convention shall apply to the safety of management of spent fuel and radioactive waste from military or defense programmes if and when such materials are transferred permanently to and managed within exclusively civilian programmes[70].

The Convention established that the ultimate responsibility for ensuring the safety of spent fuel and radioactive waste management rests with the State.

The Convention established that each Contracting Party shall take the appropriate steps to ensure that at all stages of **spent fuel management**, individuals, society and the environment are adequately protected against radiological hazards. To fulfill this task, each Contracting Party has the obligation: **a.** to ensure that criticality and removal of residual heat generated during spent fuel management are adequately addressed; **b.** to ensure that the generation of radioactive waste associated with spent fuel management is kept to the minimum practicable, consistent with the type of fuel cycle policy adopted; **c.** to take into account interdependencies among the different steps in spent fuel management; **d.** to provide for effective protection of individuals, society and the environment, by applying at the national level suitable protective methods as approved by the regulatory body[71], **e.** to take into account the biological, chemical and other hazards that may be associated with spent fuel management; **f.** to strive to avoid actions that impose reasonably predictable impacts on future generations greater than those permitted for the current generation; **g.** to aim to avoid imposing undue burdens on future generations[72].

The Convention established that each Contracting Party shall take the appropriate steps to ensure that at all the stages of **radioactive waste management** individuals, society and the environment are adequately projected against radiological hazards. In doing so, each Contracting Party shall take the appropriate steps to ensure that criticality and removal of residual heat generated during radioactive waste management are adequately addressed[73].

Each Contracting Party – in accordance with the provisions of the Convention – has a duty to take the appropriate steps to review: **a.** the safety of any radioactive waste management facility existing and to ensure that, if necessary, all reasonably practicable improvements are made to upgrade the safety of such a facility; **b.** the results of past practices in order to determine whether any intervention is needed for reasons of radiation protection bearing in mind that the reduction in detriment resulting from the reduction in dose should be sufficient to justify the harm and the costs, including the social costs of the intervention[74].

The Convention on Nuclear Safety was adopted on 17 June 1994 by a Diplomatic Conference held in Vienna from 14 to 17 June 1994[75].

Aware of the importance to the international community of ensuring that the use of nuclear energy is safe[76], well regulated and environmentally sound[77], Member States have decided: **a.** to achieve and to maintain a high level of nuclear safety worldwide through the enhancement of national measures and international co-operation including, where appropriate, safety-related technical co-operation; **b.** to establish and maintain effective defences in nuclear installations against potential radiological hazards, in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations; **c.** to prevent accidents with radiological consequences and to mitigate such consequences should they occur[78].

The scope of the Convention is to be applied "to the safety of nuclear installations"[79].

In accordance with the rules of the Convention, each Contracting Party shall ensure that: **a.** comprehensive and systematic safety assessments are carried out before the construction and commissioning of a nuclear installation and throughout its life. Such assessments shall be well documented, subsequently updated in the light of operating experience and significant new safety information, and reviewed under the authority of the regulatory body; **b.** verification by analysis, surveillance, testing and inspection is carried out to ensure that the physical state and the operation of a nuclear installation continue to be in accordance with its design, applicable national safety requirements, and operational limits and conditions[80].

Each Contracting Party shall take the necessary measures to ensure that "in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and that no individual shall be exposed to radiation doses which exceed prescribed national dose limits"[81].

The Convention established that each Contracting Party shall ensure that appropriate procedures are implemented for evaluating all relevant site-related factors likely to affect the safety of a nuclear installation for its projected lifetime; for evaluating the likely safety impact of a proposed nuclear installation on individuals, society and the environment; for re-evaluating as necessary all relevant factors referred to above, so as to ensure the continued safety acceptability of the nuclear installation; for consulting Contracting Parties in the vicinity of a proposed nuclear installation, in so far as they are likely to be affected by that installation[82]. Upon request the necessary information shall provide to such Contracting Parties, in order "to enable them to evaluate and make their own assessment of the likely safety impact on their own territory of the nuclear installation"[83].

The Comprehensive Nuclear Test Ban Treaty was adopted by the General Assembly of the United Nations on 10 September 1996 and was opened for signature by all States on 24 September 1996[84].

a. In accordance with the provisions of the Treaty "each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control"[85]. Furthermore, each State Party undertakes "to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion"[86].

b. Adopting the Treaty, States Parties underlined the need for continued systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control.

c. The General Assembly of the United Nations made an insistent appeal for the adherence of all States to the Treaty and its objectives to contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security[87].

Undoubtedly, in its 40 years of existence, the International Atomic Energy Agency has been working to benefit of mankind by encouraging universal co-operation among States *in making full use* of atomic energy to solve a wide range of problems, first of all in the areas of energy, health care and agriculture[88].

At the same time, the Agency has distinguished itself as an effective and reliable instrument of multilateral co-operation of States to prevent the proliferation of nuclear weapons.

As was underlined during the debates of the General Conference of the IAEA "in the arms race, there could be no clear victory"[89]. But, in the race to achieve our ultimate objectives: the eventual elimination of nuclear weapons and the safe use of nuclear science for peaceful purposes, "we will all share in the victory, and our children will reap the rewards"[90].

a. In the coming years, it would be necessary: **1.** To continue the process of elaboration and adoption those *legal instruments,* which can guarantee the peaceful uses of atomic energy; **2.** to ensure their full implementation on the national and international levels[91].

b. The rules and regulations in this field should ensure: **1.** the development and implementation of nuclear technologies which are environmentally sound, growing energy demands of mankind; **2.** stronger barriers to proliferation of nuclear weapons; **3.** deep reduction of nuclear weapons; **4.** verification of fissile materials removed from military use; **5.** the guarantee that new fissile material is no longer produced; **6.** that all nuclear reactors are operating safety; **7.** the use of nuclear energy to advance world peace, prosperity and health; **8.** better protection of the environment; **9.** the development of

international co-operation in nuclear, radiation and waste safety; **10.** the promotion of technical assistance through adequate ways and means, in particular, for developing countries[92].

c. Rules and regulations should guarantee nuclear safety. "We cannot afford to neglect the tragic lessons of the Chernobyl disaster, and must ensure that every State conducting nuclear activities has a sound regulatory infrastructure and that every nuclear operator is implementing *"best practice safety culture"*[93].

It is for sure that the nuclear law can continue to play an important role in safety meeting the growing need for electricity generation in the relatively short-term; in assuring the strategic safety and reliability of electricity generation in the long-term; in mitigating the threat of global climatic change caused by the continuous growth in electricity generation.

So structured, the **nuclear law** will continue to have a direct and remarkable contribution on international **peace** and **prosperity**[94].

Notes:

[1] Professor Dumitru MAZILU, in his capacity as Ambassador, Permanent Representative of Romania to the International Atomic Energy Agency, was elected, in 1996, by consensus, the Chairman of the Working Group on the 40th anniversary of the IAEA.

[2] See the *Statement of the United Kingdom of Great Britain and Northern Ireland Delegation to the Forty-First Regular Session of the International Atomic Energy Agency,* 29 September to 3 October 1997; see the *Statement of the Delegation of Canada to the 41st Session of the IAEA;* see *the Statement of the Delegation of Romania to the 41st Session of the IAEA.*

[3] See the *Statute of the International Atomic Energy Agency.* The Statute was approved on 23 October 1956 by the Conference on the Statute of the International Atomic Energy Agency, which was held at the Headquarters of the United Nations. The Statute has been amended three times, by application of the procedure laid down in paragraph A and C of Article XVIII. All these amendments have been incorporated in the text of the Statute.

[4] See the *Statement of the United States Delegation to the Forty First Regular Session of the IAEA,* Vienna, 29 September 1997; See the *Statement of the Delegation of Australia to the Forty First Session of the IAEA.*

[5] See the *President William J. Clinton's Message on the 40th Anniversary of the IAEA;* see the *President Boris N. Yeltsin's Message to the participants in the 41st Session of the General Conference of the International Atomic Energy Agency,* Vienna, 29 September-3 October 1997.

[6] See *The Statement of the Russian Federation Delegation to the Forty-First Regular Session of the General Conference of the IAEA,* Vienna, 29 September 1997; see *the Statement of the Delegation of Japan to the Forty-First Session of the General Conference of the International Atomic Energy Agency,* Vienna, 29 September 1997.

[7] *The Statement of the Russian Federation Delegation to the Forty-First Session of the IAEA,* 29 September 1997.

[8] See the *Message of the Prime Minister of Japan on the 40th Anniversary of the International Atomic Energy Agency,* Vienna, 29 September 1997.

[9] *The Message of Prime Minister of Japan on the 40th Anniversary of the International Atomic Energy Agency,* Vienna, 29 September 1997.

[10] *Ibid.*

[11] See the *Statement of the Delegation of Romania on the 40th Anniversary of the International Atomic Energy Agency,* Vienna, 29 September 1997.

[12] See Document G0V12427.

[13] This was the Second Part of its seventeenth session on 10 and 11 April 1997 (See the *Report of the Standing Committee,* Document GOV/2924).

[14] See Document GOV/INF/822 – GC(4)/INF/13, 19 September 1997.

[15] Romania had a delegation to the Conference.

[16] On 29 September 1997, the Head of the Romanian Delegation signed both Legal Instruments. (This was the first day opened for signature of these documents).

[17] Article 2, *Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage,* adopted at Vienna on 12 September 1997.

[18] Paragraph 2, art. 12 of the Protocol.

[19] The case of subparagraphs (i) to (v) and (vii), to the extent that the loss or damage arises out or results from ionizing radiation emitted by any source of radiation inside a nuclear installation, or emitted from nuclear fuel or radioactive products or waste in, or nuclear material coming from, originating in, or sent to, a nuclear installation, whether so arising from radioactive properties of such matter, or from a combination of radioactive properties with toxic, explosive or other hazardous properties of such matters (see sub-paragraph (vii), art. 2 of the Protocol).

[20] Paragraph 3, art. 2 of the Protocol.

[21] Paragraph 4 (m), art. 2 of the Protocol.

[22] Paragraph 4 (n), art. 2 of the Protocol.

[23] For example: the nature and extent of the damage incurred or, in the case of preventive measures, the nature and extent of the risk of such damage; the extent to which, at the time they are taken, such measures are likely to be effective; and relevant scientific and technical expertise.

[24] Referred to as SDR.

[25] Provided that a. with respect to nuclear installations, criteria for such exclusion have been established by the Board of Governors of the International Atomic Energy Agency and any exclusion by an Installation State satisfies such criteria and b. with respect to small quantities of nuclear material, maximum limits for the exclusion of such quantities have been established by the Board of Governors of the IAEA and any exclusion by an Installation State is within such established limits.

[26] Paragraph 5, article 2 of the Protocol.

[27] Paragraph 1, article IA of the Protocol.

[28] An exclusion pursuant to this paragraph may apply only in respect of a non-Contracting State which at the time of the incident a. has a nuclear installation in its territory or in any maritime zones established by it in accordance with international law of the sea; and b. does not afford equivalent reciprocal benefits.

[29] Paragraph 1 (a) article 8 of the Protocol.

[30] Paragraph 1 (b), article 8 of the Protocol.

[31] As is referred to in sub-paragraph b of this paragraph of article 8 of the Protocol.

[32] Paragraph 1 (c), article 8 of the Protocol.

[33] Paragraph 3, article 8 of the Protocol.

[34] Sub-paragraph (a), paragraph 1, article 9 of the Protocol.

[35] Article 9 of the Protocol.

[36] Sub-paragraph (b), paragraph 1, article 9 of the Protocol.

[37] Sub-paragraph (b).

[38] See the text of sub-paragraph (a), paragraph 1, article 9 of the Protocol. It is important to note that – on the basis of these new regulations – where in respect of claims brought against the operator the damage to be compensated under the Convention exceeds, or is likely to exceed, the maximum amount made available pursuant to the text "priority in the distribution of the compensation shall be given to claims in respect of loss of life or personal injury".

[39] Paragraph 1, article 17 of the Protocol.

[40] Paragraph 2, article 17 of the Protocol.

[41] See above.

[42] See above. When ratifying, accepting, approving or acceding to the Convention, a State "may declare that it does not consider itself bound by either or both of the dispute settlement procedures" provided for in this article. A Contracting Party which has made such a declaration "may at any time withdraw it by notification to the depository" (Paragraph 3 and 4, article 17 of the Protocol).

[43] Paragraph 4, article 20 of the Protocol.

[44] Romania acceded to the 1963 Vienna Convention on 29 December 1992 and signed the Protocol to amend the Vienna Convention on 29 September 1997.

[45] Romania signed the Convention on Supplementary Compensation for Nuclear Damage on 29 September 1997.

[46] Paragraph 1, article II of the Convention.

[47] See article I of the Convention.

[48] See articles 1 to 11 of the Annex to the Convention.

[49] See article I of the Convention.

[50] Article VI, *Notification of Nuclear Damage.*

[51] See article III, 1 (a) of the Convention.

[52] See article III, 1 (b) of the Convention.

[53] See article III, 1 (b) of the Convention.

[54] *Call for Funds*, paragraph 1, article VII of the Convention. The Convention established that "independently of existing or future regulations concerning currency or transfers, Contracting Parties shall authorize the transfer and payment of any contribution" provided pursuant to the provisions of the Convention "without any restriction". (Paragraph 2, article VII of the Convention).

[55] Paragraph 1 (a), article XI of the Convention.

[56] Article III, 1 (a) of the Convention.

[57] See article III, 1 (a) of the Convention.

[58] See paragraph 1 (c) (i) of the Convention. The Convention established that – if the Contracting Party, in accordance with the rules regarding the means to ensure compensation (article III of the Convention) – "has ensured the availability without discrimination of an amount not less than 600 million SDRs, which has been specified to the Depositary prior to the nuclear incident, all funds referred to in Article III, 1 (a) and (b) shall, notwithstanding paragraph 1 (of Article XI), be made available to compensate nuclear damage suffered in and outside the Installation State". (Paragraph 2, Article XI, *Allocation of Funds*).

Each Contracting Party shall ensure that the persons suffering damage "may enforce their rights to compensation without having to bring separate proceedings according to the origin of the funds provided for such compensation and the Contracting Parties may intervene in the proceedings against the operator liable". (Paragraph 2, article X of the Convention).

[59] See article XIV of the Convention.

[60] See Annex to the Convention on Supplementary Compensation for Nuclear Damage.

[61] Paragraph 1, article XIV of the Convention.

[60] Paragraph 1, article XIV of the Convention.

[62] Paragraph 2, article XIV of the Convention.

[63] Paragraph 2, article XVI of the Convention.

[64] Paragraph 1, article XVI of the Convention.

[65] The other Contracting Parties shall not be bound by a dispute settlement procedure provided for in these provisions (Paragraph 2, article XVI of the Convention) "with respect to a Contracting Party for which such a declaration is in force" (Paragraph 3, article XVI of the Convention).

[66] Romania signed the Convention on 29 September 1997.

[67] During the Diplomatic Conference was underlined the importance to the international community of ensuring that sound practices are planned and implemented for the Safety of spent fuel and radioactive waste management.

[68] Spent fuel means nuclear fuel that has been irradiated in and permanently removed from a reactor core.

[69] Article 1 of the Convention. Radioactive waste management means all activities, including decommissioning activities, that relate to the handling, pre-treatment, treatment, conditioning, storage, or disposal of radioactive waste excluding off-site transportation.

[70] *Scope of Application*, Article 3 of the Convention. It should be underlined that spent fuel held at reprocessing facilities as part of a reprocessing activity is not covered in the scope of the Convention, unless the Contracting Party declares reprocessing to be part of spent fuel management. (See paragraph 1 Article 3 of the Convention).

[71] In the framework of its national legislation which has due regard to internationally endorsed criteria and standards.

[72] *General Safety Requirements*, Article 4 of the Convention.

[73] See *Safety of Radioactive Waste Management*, Chapter 3, Article 11 of the Convention. Each Contracting Party shall ensure that the generation of radioactive waste is kept to the minimum practicable. Also, it shall take into account interdependencies among the different steps in radioactive waste management. The Contracting Party shall strive to avoid actions that impose reasonably predictably impacts on future generations greater than those permitted for the current generation.

[74] *Existing Facilities and Past Practices*, Article 12 of the Convention. See, also, *Siting of Proposed Facilities*, Article 13 of the Convention and articles 14 and 15 (*Design and Construction of Facilities* and *Assessment of Safety of Facilities*). See, at the same time, the Report by the Director General, GOV/29 1 6, 28 April 1997.

[75] Romania signed the Convention, on 20 September 1994 and ratified it on 1 June 1997.

[76] The Convention established that responsibility for nuclear safety rests with the State having jurisdiction over a nuclear installation.

[77] Having in mind that accidents at nuclear installations have the potential for transboundary impacts.

[78] *Objectives, Definitions, and Scope of Application*, Chapter 1, Article 1 of the Convention.

[79] Article 3 of the Convention. Nuclear installation means for each Contracting Party any land-based civil nuclear power plant under its jurisdiction, including such storage, handling and treatment facilities for radioactive

materials as are on the same site and are directly related to the operation of the nuclear power plant. Such a plant ceases to be a nuclear installation when all nuclear fuel elements have been removed permanently from the reactor core and have been stored safely in accordance with approved procedures, and a decommissioning programme has been agreed to be the regulatory body (Article 2 of the Convention).

[80] Article 14 of the Convention.

[81] Article 15 of the Convention.

[82] Article 17 of the Convention.

[83] Paragraph (IV), article 17 of the Convention. Contracting Parties which do not have a nuclear installation on their territory, in so far as they are likely to be affected in the event of a radiological emergency at a nuclear installation in the vicinity "shall take the appropriate steps for the preparation and testing of emergency plants for their territory that cover the activities to be carried out in the event of such an emergency". (Paragraph 3, article 16 of the Convention). See also, *Design and Construction* (Article 18 of the Convention) and *Operation* (Article 19 of the Convention).

[84] Romania signed the Treaty in September 1996.

[85] Basic obligations, Paragraph 1, Article I of the Treaty.

[86] Paragraph 2, Article 1 of the Treaty.

[87] See *Statement of the United States Delegation to the Forty-First Regular Session of the General Conference of the IAEA*; see the *Statement by the Delegation of Austria on behalf of the European Union,* Vienna, 21 September 1998.

[88] See *President William J. Clinton's Message on the 40th Anniversary of the IAEA*; see *President Boris N. Yeltsin's Message on the 40th Anniversary of the IAEA*.

[89] *The Statement of the United States Delegation to the Forty-First Regular Session of the General Conference of the IAEA.*

[90] *Ibid.*

[91] See the *Message of the Secretary-General of the United Nations to the Forty-Second Regular Session of the General Conference of the IAEA,* Vienna, 21 September 1998.

[92] See the *Statement of the Delegation of Austria on behalf of the European Union,* Vienna 21 September 1998; see the *Statement of the Delegation of Romania to the Forty-Second Session of the General Conference of the IAEA,* Vienna, September 1998.

[93] *The Message of the Secretary-General of the United Nations to the Forty-Second Regular Session of the General Conference of the IAEA,* Vienna, 21 September 1998.

[94] See the *Statement by Director-General of the IAEA to the Forty-Second Regular Session of the General-Conference of the IAEA,* Vienna, 21 September 1998.

International Fact-Finding Mission to the Republic of Macedonia

Adrian Pop

From April 23 to 29, 2001, a delegation of prominent experts and opinion leaders from Southeastern Europe, the EU and the USA, was on a seven-day fact-finding mission to the Republic of Macedonia. The mission was initiated by the Institute for Regional and International Studies (IRIS), following the interethnic crisis in the Republic of Macedonia from March 2001.

The mission was supported by the Regional Networking Project, sponsored by Freedom House, with funding provided by the U.S. Agency for International Development.

The International Fact-finding Mission has been an extension of the Project on Security Challenges and Development of the Southern Balkans, implemented by IRIS in cooperation with the Euro-Balkan Institute, Skopje and the Institute for Contemporary Studies, Tirana, also supported by the Regional Networking Project, sponsored by Freedom House, with funding provided by the U.S. Agency for International Development. The mission was organizationally and technically assisted by FORUM-CSRD, Skopje. The European Integration and Regional Stability Program of the Open Society Foundation-Sofia, provided support to follow-up activities of the International Fact-finding Mission.

The international fact-finding mission aimed at evaluating the situation in Macedonia following the crisis in the country from March 2001. In pursuit of this goal contacts were established and interviews were conducted with representatives of various institutions, political leaders and civic activists in the Republic of Macedonia. A report was drafted, outlying the current problems and suggesting a set of recommendations for improving the interethnic relations and the security situation in the country.

The **mandate** of the mission consisted of the following:

1. Establish contacts and conduct interviews with:
- Representatives of the Presidency;
- Representatives of the Government of the Republic of Macedonia;
- Representatives of the Parliament of the Republic of Macedonia;
- Representatives of political parties;
- Municipal authorities in Skopje, Tetovo, Gostivar, Debar, Struga;
- Representatives of NGOs;
- Journalists;
- Experts and opinion leaders;
- Ordinary citizens.

1. Prepare a report, including:
- Findings of the mission about Macedonia, concerning interethnic relations and security situation;
- Legislation and government actions in regard to human rights;
- Conclusions and recommendations.

1. Communicate the findings to the media, public, governments and international organizations.

The mission was arranged as follows:

From April 23 to 27, 2001, the members of the mission met with representatives of Macedonia's political elite and civic activists. On a workshop on April 28 and 29, mission participants discussed the framework of the mission's report. The first draft of the mission's recommendations was presented at a regional conference on *European Multi-ethnic Macedonia versus Another Balkan Scenario*, organized in Ohrid by the Euro-Balkan Institute, Skopje.

On May 21 and 22, 2001, Dr. Ognyan Minchev, Dr. Nicholas Whyte and Marin Lessenski presented the mission's report to officials from: the North Atlantic Treaty Organization, the Swedish Presidency of the *Council of the EU, the General Secretariat of* the Council of the European Union, the European Commission Directorate General for External Relations, the International Crisis Group.

The report was also presented and discussed at a major public event at the Center for European Policy Studies in Brussels on May 22, 2001.

A presentation of the report, organized by the Hudson Institute, will take place in Washington DC in June 2001.

Members of the mission:

Dr. Ognyan Minchev, Director, Institute for Regional and International Studies (Bulgaria)

Dr. John Clark, Director, Center for Central European and Eurasian Studies, Hudson Institute (USA)

Dritan Shano, Executive Director, Institute for Contemporary Studies (Albania)

Dr. Nicholas Whyte, Center for European Policy Studies, Brussels

Paulina Lampsa, Greek Helsinki Citizens' Assembly, Advisor to the Minister of Macedonia and Thrace (Greece)

Milorad Timotic, Secretary General, Center for Civil-military Relations (Yugoslavia)

Mustafa Turkes, Professor, Department of International Relations, Middle East Technical University (Turkey).

Ylber Hysa, Director, Kosova Action for Civic Initiatives

Dr. Adrian Pop, Deputy Director, Institute for Political Studies of Defense and Military History (Romania)

IRIS staff members:

Marin Lessenski, Program Director

Antonina Arbova, Program Coordinator

Plamen Ralchev, Program Coordinator

Dr. Lyubov Mincheva, Research Associate

George Spanos, Greek Helsinki Citizens' Assembly

The mission has conducted meetings with:

- H.E. Boris Trajkovski, President of the Republic of Macedonia
- Nikola Dimitrov, President's National Security Advisor
- Stojan Andov, President of the Parliament of the Republic of Macedonia
- Mr. Stoimenovski, Foreign Policy Advisor to the Prime Minister
- Dzemail Saiti, Minister of Local Self-government
- Goran Mitevski, Director Counter-Intelligence Agency, Ministry of Interior
- Zvonko Kashirski, Director of Public Security Bureau, Ministry of Interior
- Georgi Spasov, Secretary General of the Social Democratic Union of Macedonia
- Arben Xhaferi, President of the Democratic Party of Albanians
- Abdyladi Vejseli, Vice-President of the Party for Democratic Prosperity
- Erdogan Sarac, President of Democratic Party of Turks in Macedonia
- Risto Penov, Mayor of Skopje and President of Liberal Democratic Party
- Nezdet Mustafa, Mayor of Shuto Orizari
- Imer Ologu, Mayor of Debar
- Romeo Dereban, Mayor of Struga
- H.E. Carlo Ungaro, Ambassador of OSCE Mission
- Petra Andersson, Economic and Environmental Advisor, OSCE Spillover Mission to Skopje
- H.E. Hansjorg Eiff, NATO Political Representative in Macedonia
- Maria Thissen-Schotgerrits, NATO Civilian Liaison Officer
- H.E. José Manuel Pinto Teixeira, Ambassador, European Commission Representative
- Laura J. Kirkconnel, Deputy Chief of Mission, Embassy of the United States of America and team of USAID
- Anton K. Smith, Economic/Political Officer, US Embassy in Skopje
- Kim Mehmeti, Director, Center for Inter-ethnic Cooperation
- Dr. Pande Lazarevski, Director of Institute for Sociological, Political and Judicial Reseacrh
- Dr. Georgi Ivanov, Professor, Law Faculty at Skopje University
- Dr. Ljubomir Frckovski, Professor, Law Faculty at Skopje University
- Dr. Jovan Donev, Director of the Euro-Balkan Institute
- Guner Ismail, Director of FORUM-CSRD
- Saso Ordanoski, Editor-in-Chief, FORUM
- Iso Rusi, LOBI, Editor-in-Chief
- Journalists from Skopje
- OHIS Glass Factory Gostivar
- Students from the Skopje University

INTERNATIONAL FACT-FINDING MISSION TO THE REPUBLIC OF MACEDONIA

April 23-29, 2001
REPORT
May 2001

INTRODUCTION*

Unlike the other parts of former Yugoslavia, where interethnic conflicts have been preconditioned by growing authoritarian tendencies, Macedonia evaded such crises until recently due to the democratic character of the state and legislation, providing more rights for the ethnic minorities than the international legal framework for community rights demands.

The problem with the set-up of the state and the status of the Albanian community has existed since the very independence of the Republic of Macedonia in 1991. The ethnic Albanians demand equal constitutional status, considering themselves being in relative deprivation, as compared to their previous position under the former Yugoslav Constitution. The guerilla activities, allegedly penetrating Macedonian territory, have radicalized the interethnic agenda. The peaceful dialogue, which had been carried out within the legitimate political institutions so far, has been obstructed.

The Kosovo crisis raised once more the "Albanian national question" in the Balkans, activating and radicalizing the public opinion of many ethnic communities of the former Yugoslavia, especially the ethnic Albanians of Macedonia, Montenegro, Kosovo and Southern Serbia. After the expulsion of Yugoslav authority from Kosovo, extremist Albanian groups took advantage of the newly accumulated resources of the Albanian communities in former Yugoslavia – political influence, military bases and arms, financial funds. Those groups – originating from the territory of Kosovo, as well as indigenous actors from Southern Serbia and Macedonia – using armed guerrilla warfare launched a spill-over process of the Albanian national question, initially in Southern Serbia from early 2000 to the spring of 2001 and then on the territory of Macedonia. As a result of the armed activities in Macedonia, the Macedonian state entered a period of crisis and its political model of the democratic coexistence of various ethnic communities was cast into doubt.

The aim of this international mission has been to uncover the facts related to the crisis in Macedonia and to recommend, within its capacity, measures for crisis settlement. The recipients of these recommendations are the major political parties and civic organizations in the Republic of Macedonia, as well as the institutions of the international community.

A NOTE ON VIOLENCE

This fact-finding mission took place during a lull in fighting in Macedonia, after the fighting in the hills above Tetovo had stopped and immediately before the ambush on eight Macedonian soldiers and policemen set off another round of conflict. The guerrilla warfare, initiated by the so-called National Liberation Army, pursues the sole purpose of escalating interethnic tension to the point of civil war such that further co-existence of the two major communities within one state would be made impossible.

Any attempt to present these armed activities as an impetus for reforming the Constitution and the political model of Macedonia are irrelevant. Experience from

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* *The Introduction reflects the views of the Institute for Regional and International Studies and does not concern the opinions of the members of the International Fact-Finding Mission.*

other ethnic conflicts in the Balkans and especially in former Yugoslavia, indicates that hostilities halt reforms and interethnic dialogue, rather than stimulating them. Stopping armed attacks and prevention of any future hostilities is of crucial importance to preserving the territorial integrity and sovereignty of the Republic of Macedonia, and the international community must continue to take this line.

The violence that erupted toward the end of this fact-finding mission highlights two facts about dialogue between ethnic Macedonians and Albanians: opening discussions and negotiations is more important than ever before, and the process of dialogue is extremely fragile. If anything will send Macedonia spiraling into the abyss, it will be violence. The consequences will be unfortunate for everyone in Macedonia, whether ethnic Albanian, ethnic Macedonian, or member of other groups.

❏ Armed conflict can make all sides unwilling to talk to one another, and without dialogue there will be no solution to the many serious problems facing Macedonia. This can mean that the leaders of the Albanian and Macedonian political parties will not work constructively with each other. It also can mean that the very large social distance between ordinary Albanian and Macedonian citizens grows even wider, further diminishing the willingness of both sides to trust one another.

❏ The campaign launched by the National Liberation Army contributes to prejudices against the Albanian community in Macedonia from ethnic Macedonians and from members of the international community.

❏ Overt fighting distracts everyone from addressing many of the serious problems that stand in the way of Macedonia's long term political and economic development. When everyone's attention is focused on ending the fighting, some of issues that are shunted aside include privatization, attracting foreign investment, and increasing the effectiveness of government at the national and local levels.

❏ If positive policy reform is eventually adopted, there is a risk that ethnic Albanians will draw the lesson that violence is an effective way of forcing social change.

❏ Violence can discredit the activities of the Albanian parties and political leaders. In fact, it can discredit anyone who is engaged in the process of dialogue since they can be accused of negotiating and possibly compromising with a dangerous and untrustworthy opponent.

❏ Violence can provoke retaliatory acts of violence from members of the other ethnic group. This was the case in Bitola, where the funerals of four of the slain soldiers and police sparked anti-Albanian rampages that damaged dozens of shops and homes.

❏ Violence and the threat of violence undermine any political settlement. Ethnic Macedonians are likely to feel that they were forced to make concessions at the point of a gun. When the threat is removed, they may say, any concessions that were grudgingly granted to the minority can be rescinded since they were extorted under threat of violence.

❏ The acts of violence in Macedonia pose threats to the stability and the security of the entire Balkan region;

❏ The responsibility of the international community to stop the violence in Macedonia is crucial. Unlike other cases of organized ethnic terrorist assaults (the Basques in Spain, Northern Ireland under British army control), Macedonia is a fragile state with drastically limited resources of armed control over its territoiry. Deterring further escalation of guerilla warfare in the South Balkans region is within the capabilities of the international institutions;

❏ The present violence in Macedonia is diminshing the chances to negotiate the final status of Kosovo;

For this reason, we strongly condemn violence as a means for solving political and interethnic conflicts. All recommendations for reforms and a new balance in interethnic relations in Macedonia can be fully implemented only if armed violence has been stopped.

As the current ambiguity, violence and instability continue, it is likely that the other minorities, such as the Turks and Roma, may soon feel squeezed between the political

pressure applied by Albanian and Macedonian communities, thereby adding a new problem. To refrain from such current exclusivist approach, the whole debate may not be narrowed down to the concerns of Albanians and Macedonians. The concerns of the other minorities should also be taken into consideration and the dialogue mechanisms should create rooms for the other minorities too.

This report offers a wide range of recommendations for the government and civic organizations of Macedonia and for the international community, which is a stake in the success of this country. We believe everyone in Macedonia will benefit from a richer culture and from a better understanding of the other people and cultures in their country. We believe that basing Macedonia's state and constitution on a civic rather than ethnic-group foundation will make

government more effective and more democratic. The reforms we put forward, we believe, will better integrate Macedonia into the European and world communities. It is important to emphasize that we do not expect the government of Macedonia to adopt these reforms because of·the threat of violence. We recommend them because they will make the country stronger and the lives of the citizenry better. Advocating changes becomes much more difficult in a state of armed conflict, rather than in a state of negotiated peace.

This is why we consider:

–   Interethnic dialogue at all institutional and civic levels is crucial and should continue in all circumstances.
–   In order to implement the reforms, which may come as a result of this dialogue and which we recommend, violence must be stopped.

FACTS AND ATTITUDES ON THE GROUND

ZONES OF AGREEMENT

Particularly among the members of the political elite – ethnic Albanian and Macedonian – with whom we talked, there was substantial and in many ways surprising consensus about a wide range of issues. This "zone of agreement" includes a recognition of the severity of the problems facing Macedonia and a consciousness of some of the boundaries within which solutions can be sought. Any settlement and reform in Macedonia will need to be based on this zone of agreement.

I. Fundamental issues

A. *Condemnation of the violence in March.* This has, for the most part, continued through the second round of fighting in April and May. Although several people (especially ethnic Albanians) said that the eruption of fighting should not have come as a surprise, no one endorsed the use of arms as a way of addressing the dissatisfactions of the Albanians in Macedonia.
B. *There really is a serious set of problems.* All political leaders in Macedonia admitted that ethnic Macedonians would have to compromise and make concessions in order to defuse these complaints.
C. *When the crisis erupted, leaders of all leading parties and both major ethnic groups almost reflexively agreed on talking.* All the major political parties engaged in discussions convened by the President, for instance, and

most leaders found appealing the idea of forming a Grand Coalition of all major political parties (both Macedonian and Albanian) in a government that could carry on a dialogue.
D. *Macedonia's territorial integrity should be preserved.* No Albanian with whom we talked called for a "Greater Albania" or "Greater Kosovo." In addition, no one of any ethnicity mentioned "federalism" as option. Given the experience of what once was Yugoslavia, ethnic Macedonians view federalization as a prelude to the splintering and dismemberment of the country. Albanian leaders appear to recognize this anxiety and avoid the use of the word. At the same time, Macedonians do seem to think that several of Albanians' demands for constitutional reform and bilingualism are in effect the beginnings of federalization, whether that word is used or not.

E. *The international community has a vital role to play.* Some ethnic Macedonian leaders were annoyed at the Parliamentary Assembly of the Council of Europe's call for reform in the Macedonian constitution, and many criticized particular actions by international organizations and Western governments (in particular, the failure to patrol and seal the border between Kosova and Macedonia). All agreed that the international community could play a constructive role or could help to diffuse the crisis.

F. *Approve the EU Stabilization and Association Agreement signed in March.* This was viewed favorably not only because it marked a major step toward eventual membership in the European Union and not only because it was seen as being necessary for increased economic assistance in the short run. The Agreement was seen as providing a framework for policymakers to reach compromise on such issues as language policy, local government reform, and so on.

II. Immediate policies: Agreement about these fundamental issues contributed to a consensus on many policies that had for months and years been stalled. Many of these policies were agreed upon in the discussion convened by the President on April 22, 2001. Some remarked to us that there has been more progress toward meeting the demands of Albanians in the last two years, since coming to power of the VMRO-DMPNE/DPA coalition, than there had been in the eight previous years of Macedonian independence.

A. *The census should be postponed,* because it is inappropriate to hold it in a warlike public environment.

B. *Accept the new Southeast European University* in Tetovo. Although they had different reasons for doing so, both Albanian and Macedonian political leaders had in the past opposed the new private university being established in Tetovo with money from the EU, the United States, and the Dutch government. Now everyone, except the Albanian PDP, agrees that it will be good to have a first-rate university offering instruction in Macedonian, Albanian, and English.

C. *State supported TV-3 in minority languages,* in addition to the existing state TV-2, broadcasting in the Albanian language. Macedonian political leaders dropped their objections to the establishment of another state-supported television station devoted to minority languages.

D. *Minority government employment should be increased.* No ethnic Macedonian with whom we spoke supported the idea that Albanians should be so badly underrepresented in various government ministries, including in particular the Ministries of the Interior and of Defense.

E. *Increasing the quality of Albanian language primary and secondary schools* and provide some other educational opportunities. This goes beyond establishing the new university, which will offer some instruction in Albanian.

F. *Local governments should have greater authority and responsibility.* No one seemed prepared to argue that local governments should essentially be charged only with picking up trash and changing the bulbs on streetlights.

III. Longer-term problems that must be addressed: Although most of the political leaders with whom we talked seemed preoccupied with short term concerns, most mentioned several issues that would eventually have to be addressed if Macedonia is to become a stable and prosperous country.

A. *The state is too weak.* Even the leaders of the main political parties seem to agree that the institutions of the state are ineffective and easily open to capture by particular interests (including those of the leaders of the main political parties).

G. *Crime and corruption.*

H. *Economic development and growth will be vital to solve problems.*

ZONES OF DISCORD

This is not to say that there was unanimity on all issues. We discovered that on several crucial matters, political leaders took almost entirely opposed positions. This fundamental discord was not limited to disagreement between Albanian and Macedonian politicians. We also discerned a disturbing set of differences between professional politicians and the populace that transcended ethnicity. Among the issues on which there was profound disagreement:

I. Was the March crisis a result of internal or external factors? Virtually every ethnic Macedonian politician with whom we talked agreed that the causes were external, that the crisis came from outsiders entering from Kosovo to disrupt Macedonia's stability. Ethnic Macedonians were more likely to ascribe criminal motives to the Albanians who took up arms, often arguing that they wanted to preserve their smuggling routes even at the price of chaos. Virtually every Albanian leader told us that the crisis was a result of internal factors, that the causes were the unfair treatment received every day by the ethnic Albanian population in Macedonia.

It is probably significant that the border between Macedonia and Kosovo – which had under the Yugoslav Federation not been of great significance and cut across well established lines of communication – was given international legal status as the result of an agreement between Macedonia and the Yugoslav authorities on February 25, 2001.

II. Bilingualism. Albanians tended to argue that Albanian should receive the same legal and constitutional privileges enjoyed by the Macedonian language. Most Macedonians said that the privileged status of Macedonian as a service language should be preserved.

III. How do the country's economic problems relate to the ethnic set up? All Macedonians believe the other group is doing better economically. Ethnic Macedonians are disproportionately employed by the government, which is resented by the Albanians, who demand a share of those jobs. Albanians were at large excluded from employment in the government and the large state enterprises. As a result they set up small enterprises and small farms. This private sector has weathered the crises of economic transition much better than the state sector. Macedonians claim that the relative economic success of ethnic Albanians results from criminal activities or, at the very least, massive tax evasion.

IV. Has the international community performed well or badly? Although there was disagreement about how NATO, the EU, the OSCE, the Americans, and others have contributed to causing and resolving the March crisis, this did not seem to be particularly correlated to ethnicity.

V. Should constitution be changed? We heard two opposing opinions referring to whether the state and citizenship should be based on: 1) the status quo with a dominant ethnic group and with extensive and carefully delineated rights for minority groups; or 2) two co-equal ethnic groups and protected minorities. However a third option was also expressed. There was an agreement between Macedonian officials we have met (including president Trajkovski) and one ethnic Albanian official (Mr. Arben Xhaferi), who supported the moderate version of constitutional change – civic constitution with extended linguistic rights.

VI. Politicians think they can resolve the country's problems; non-politicians think they cannot. Perhaps most striking was a universal belief among party and government leaders of both ethnic groups that they would be able to cut and deal and devise a solution to Macedonia's difficulties. By contrast virtually no non-politician that we interviewed expressed confidence in the political elite. The gap between elite and public – of all ethnic groups – seems enormous.

FROM ETHNIC IMPASSE TO CIVIC RESOLUTION

The political elite in Macedonia disagrees on such fundamental issues as the nature of the state and citizenship, constitutional reform, and language policy. Even on issues about which everyone agrees something should be done – education policy, for instance, or local government reform – politicians are far from reaching agreement about how to proceed. Combine this with the deep mistrust with which the publics of both ethnic groups, and the result is a series of impasses, policy problems that cannot be solved but that fester and contribute to overt conflicts.

What makes this situation volatile today is that these issues manifest themselves as ethnic disagreement, even if they are to an even greater degree political or economic problems. Ethnic relations on an every day level in Macedonia have been both fairly good and fairly bad. They are good because hardly any Macedonians or Albanians report frequent overt conflicts with members of the other group. But this is because the two groups live lives that barely touch the other.

This self-imposed segregation may not be healthy or productive for the country, but it can hardly be described as a state of war between the groups.

Nevertheless, the problems facing the country are defined largely as ethnic problems, or even worse as zero-sum ethnic conflicts in which any gain for the Albanians is perceived as a loss for the Macedonians, and any continuation of the status quo is seen by the Albanians as an intolerable expression of their second-class status. The challenge for the leaders and people of Macedonia is escaping from these "ethnicized" impasses.

One solution could be to redefine the nature of the problems facing the country. Rather than only being ethnic conflicts, the problems are also results of the failure of political institutions. Progress addressing these problems can be achieved if they are no longer seen as the struggle between two groups for special status, but rather as the need to reconceptualize the relation between the government and citizens of all ethnicities.

IMPASSE #1: CONSTITUTION, STATE, AND CITIZENSHIP

Virtually all Albanians find offensive the preamble of the Macedonian constitution, which states:

> Taking as the point of departure the historical, cultural, spiritual and statehood heritage of the Macedonian people and their struggle over centuries for national and social freedom as well as for the creation of their own state, and particularly the traditions of statehood and legality of the Krushevo Republic and the historic decisions of the Anti-Fascist Assembly of the People's Liberation of Macedonia, together with the constitutional and legal continuity of the Macedonian state as a sovereign republic within the Federal Yugoslavia and the freely manifested will of the citizens of the Republic of Macedonia in the referendum of September 8th, 1991, as well as the historical fact that Macedonia is established as a national state of the Macedonian people, in which the full equality

for citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies and other nationalities living within the Republic of Macedonia.

Albanians demand the preamble be changed to say that "Macedonia is established as a national state of the Macedonian and Albanian people, in which the full equality for citizens and permanent co-existence with the Macedonian people is provided for Turks, Vlachs, Romanies and other nationalities living within the Republic of Macedonia."

Many Macedonians told us that this is not acceptable. There is only one Macedonia, they say, only one special place that the Macedonians can call their own. Giving the Albanians equal status in the constitution would by definition reduce the special status

of the Macedonian people. Granting the Albanians the status of a constituting nation would, in Yugoslav thinking, start Macedonia down the road toward federalism, fracture, and the disintegration of the country.

What causes this impasse is that the argument is framed in terms of special status, which by its nature allows no group to win by increasing its status without diminishing the status of one or more other groups. Compromise is difficult in such a case.

An alternative to this struggle for ethnic group legal status is to guarantee the civic equality and liberty of all citizens, regardless

of the ethnic or religious group to which they belong. In this case, Macedonia would be "the state of the citizens of Macedonia."

This "civic option" could contribute to the resolution of other ethnic impasses facing the people of Macedonia.

The basis of citizenship itself will need to be agreed. Albanians claim that an ethnic Albanian must reside in Macedonia for 15 years before gaining citizenship; because of the massive movements of population since the Kosovo crisis first flared up, as early as 1989, this is a serious issue and agreement all parties must be sought.

IMPASSE #2: LANGUAGE

For ethnic Macedonians, the preservation of Macedonian as the state language is crucial for the continued existence of Macedonia as a special home for Macedonians. Their language is part of what they believe defines them as a people. For the Albanians, their language is equally a matter of group self-definition and identity.

On a more practical level, Macedonians protest that becoming a bilingual country would be enormously expensive as all documents and official signs would have to be translated and duplicated. Belgium can afford that, but not a poor country such as Macedonia. Albanians counter by pointing out that the existing situation is already expensive since the special status of Macedonian in government and higher education means a

restricted set of life opportunities for speakers of Albanian.

As so often is the case, it becomes a matter of fear and mistrust. Macedonians fear that granting equal status to Albanians in language policy sets the country on the path of federalism and fracture. Albanians say they cannot trust a people or a government that demeans their native tongue.

This impasse can be rethought as an issue not of groups fighting for the special status of their language, but as how best to ensure that people communicate with each other, how to help the Macedonian government (at all levels) perform more effectively, and how to help the people of Macedonia build a more prosperous future by joining Europe.

IMPASSE #3: POLITICAL REFORM

Both Macedonians and Albanians believe that local government in Macedonia is extremely weak. Macedonians do seem to think that granting extensive power to Albanian local governments might be another step on the path to federalization. Macedonians also claim that this will only encourage local corruption.

It is undeniable that the current structure of local government in Macedonia is ineffective and the proposed Law on Self-Government should be revised once again.

There is a missing link of government between the national and municipal levels. Most mayors have never met the chief of police, who has been appointed by the Ministry of the Interior in Skopje. There is no room for local government to innovate, no encouragement for local government to promote partnerships between NGOs and businesses, no incentive even to perform efficiently.

But local government officials are not prepared for increased power and authority, and the devolution of power without other

reforms will probably increase corruption and inefficiency. Local reform as it is being demanded would only provide additional sources of patronage for local political parties and officials. It would not lead to the better provision of services for the people of Macedonia. Decentralization then must be addressed not as a concession to Albanians who seek a bigger share of a pie for their clients. It must be seen as a way of making sure that citizens of all ethnicities are better served by the government. Reform must be accompanied with training in public administration for local officials, with greater transparency of government operations, with greater accountability of officials through fair and contested elections.

IMPASSE #4: ECONOMIC DEVELOPMENT

Some Albanians we interviewed thought that the Macedonian government had intentionally hobbled the national economy because of a fear of Albanians getting ahead. Privatization has been delayed, they said, because the only residents in the country possessing large quantities of capital for purchasing state-owned properties have been ethnic Albanians who have received remittances from the large Albanian Diaspora working across Europe. Moreover, the impotence of local governments, which they say is a deliberate policy adopted by Macedonians out of their fear of federalization, contributes greatly to the country's economic difficulties.

Macedonians also see their economic problems in ethnic terms. Ethnic Macedonians claim that Albanian businesses are dominated largely by shadowy interests.

The IMF is demanding as much as 40% of the workforce in overstaffed state industries and ministries to be reduced. This alone would be a grave threat to the livelihood of many Macedonians, but it is compounded when they hear ethnic Albanians demand an increase in government employment from the current level of around 2% to 20%.

The reality is that so long as economic issues are framed in ethnic terms and so long as government is ineffective at all levels, Macedonia will never be able to achieve self-sustaining economic growth. It will never be prepared to integrate into the European or international economies. It will be trapped, unable even to absorb and use productively the resources it receives from the international community.

RECOMMENDATIONS

Our recommendations fall into four rough time frames, each with a different set of priorities. The recommendations are addressed to:
- The major political parties in the Republic of Macedonia;
- Civic organizations in the Republic of Macedonia;
- The international community.

	Time	Priorities and goals
Immediate	Today	Stop the violence Prevent the poisoning of politics with ethnic grievances Establish frameworks for discussion
Short-term	Through next election (probably 2002)	Prevent political actors from trying to manipulate crisis for opportunistic gain Normalize discussion and dialogue about reforms at governmental and nongovernmental level Build confidence between ethic groups and between political leaders and the public Discuss options for governmental and constitutional reform
Medium/term	3 years	Political institutional reform Revise constitution Economic reforms
Long-term	10 years	Self-sustaining economic development Integration of Macedonia into Europe and into global economy Reduce social distance between ethnic communities

RECOMMENDATIONS TO BE ACTED UPON IMMEDIATELY

I. Stop guerilla attacks and isolate extremists. Support peaceful dialogue as the only means of positive social change.

❑ Parties should continue to condemn use of violence to effect political change.

❑ Social and nongovernmental organizations, local government officials, religious leaders, business people, and others in society should be encouraged to initiate inter-ethnic discussions of how to address the immediate and the longer-term problems facing Macedonia. These discussions may begin informally, but could be institutionalized over time.

II. Preservation and restoration of citizens' trust in the government of Macedonia, representing both the Macedonian and Albanian communities through their political parties.

❑ The government should strongly condemn and investigate acts of violence.

❑ Although the government of Macedonia should continue to use proportionate force to defend its sovereignty and territorial integrity, it should emphasize that it will not tolerate the abuse of civilians by the armed forces or by the police. Allegations of such abuse should be investigated and, if well-founded, should be publicly punished.

ROLE OF THE INTERNATIONAL COMMUNITY IN RESOLVING THE CRISIS

❑ The international community should employ measures to stop conflict spilling over from Kosovo and Southern Serbia to the territory of Macedonia. This includes establishing control along the borders, prevention of illegal trafficking and illegal arms trade.

❑ A key to defusing the fighting between the National Liberation Army and the government of Macedonia is the unresolved status of Kosovo. Until a long term prospect of Kosovo's constitutional status is generally accepted, adventurism from armed groups there will continue. KFOR must seal off the border between Kosovo and Macedonia. Without support from the structures of the former Kosovo Liberation Army, the National Liberation Army is unlikely to continue fighting in Macedonia.

❑ UNMIK, the Western governments and international organizations in Kosovo should strongly press ethnic Albanian political leaders in Kosovo not only to condemn the use of violence to effect political change in Macedonia, but also to cooperate actively to prevent violence.

❑ The government should continue to allow international and pan-European organizations such as OSCE to observe and monitor the situation. In addition, the international community should be prepared to become more actively involved in the mediation process between ethnic Macedonians and ethnic Albanians, and should offer help even before it is requested.

SHORT TERM RECOMMENDATIONS (BEFORE NEXT ELECTION)

I. **Two streams of dialogue.** It is clear that the final responsibility for legislation and for deciding the destiny of Macedonia lies with the formal political institutions (the party leaders, the President and the Sobranie). However our mission found a need for this political process to be supported by discussion with the wider community in Macedonia – in particular, civil society representatives and also the ethnic groups which are not well represented in the political process.

❑ Stream I: Formal discussions by political leaders should clearly define a few basic parameters for dialogue. These would include a commitment to the territorial integrity of the Republic of Macedonia and the rejection of the use of violence to force social and political change. All other issues should be open for

discussion: constitutional amendment, language policy, education policy, local government reform, and so on.

❑ Stream II: Non- and extra-governmental dialogue. A Macedonian "Forum for National Dialogue and Reconciliation" could be

established, by including the following members: 1) leading members of political parties, with each of the large parties represented roughly in proportion to its parliamentary strength; 2) representatives of the NGO community, business, unions, and religious bodies; and 3) representatives of the ethnic minorities not otherwise represented. A clear majority of participants should be from political parties. All participants must reject the use of violence for political means. The Forum should provide a new space for interpretation of the problems of Macedonian society. It should meet in public. It should also invite submissions from the public, both in Macedonia and across the world, on the question of improving interethnic relations in Macedonia. The Forum can then invite the authors of the most interesting ideas to present them at a public session. Its members should also be able to commission expert papers, and interview expert witnesses. The international community should be prepared to help fund this initiative.

❏ Both tracks must be completely transparent. Dialogue will succeed only if the public trusts those who are carrying out the talks, and they will be more likely to trust if they can see and listen and understand discussion. The public must feel they are part of decisions, that their interests are being represented. This means that the media must be fully engaged as part of the process of dialogue.

II. Education

❏ The new Southeastern European University.
   • It should not be treated as an "Albanian university", i.e. as a further concession to the "separate but equal" status of the ethnic Albanian population, bringing about segregation. A mixed university is an excellent way for young people to have a chance to live and cooperate with members of other ethnic groups. Students should be recruited from Macedonian, Turkish, Roma, and other communities.
   • The creation of the new university should not mean the University of Skopje stops seeking qualified Albanian students. The University should be encouraged to continue to offer classes in Albanian and other languages.
❏ Improving the quality of primary and secondary education in Albanian and Roma classes should be a priority. Better textbooks is particularly important in the short term.
❏ Design and provide training programs to prepare teachers for leading multicultural classes consisting of students form different ethnic groups.

III. Local government and police.

After the various forms of violence (both by Albanian guerrillas and consequent anti-Albanian incidents) and accusations made by Albanians that their rights are abused by the police, the police must be better integrated into the activities of local governments and into the lives of citizens.

❏ The mayors of municipalities should have regular meetings with the chiefs of police in their municipality.
❏ Police liaison committees should bring together the chief of police, mayors and local municipal councils, NGOs, and other interested persons. These should be open to the public.
❏ Train all police in the respect of human rights (including but not limited to protecting the rights of ethnic minorities).

IV. International community

❏ These changes will not be cheap. The international community should be prepared to help pay for many of them. The existing Stability Pact mechanisms are inadequate for this task.
❏ Organizations such as OSCE and the EU should moderate discussions such as those over constitutional reform.
❏ International organizations should make themselves available to assisting Stream II dialogue among NGOs and other non-state actors. This could be particularly important for local level discussions.
❏ In general, the perspective of conflict prevention and peace-building as expressed in the Stability Pact and other international declarations, should be at the core of all internationally funded projects in Macedonia.

MEDIUM TERM RECOMMENDATIONS (NEXT THREE YEARS)

I. **Constitutional reform.** We strongly recommend that the Macedonian constitution be based on a civic rather than ethnic basis. It should protect the rights of citizens and individuals, not corporate group rights.

II. **Institutionalizing dialogue processes.**

❏ A wider range of issues with ethnic implications should be brought into the process of social dialogue. These issues could include economic development, environmental protection, and religious concerns.

❏ Establish a "Social Dialogue Observatory" that will:
- Track progress toward achieving ethnic reconciliation.
- Collect and disseminate objective data about ethnic and social relations.
- "Translate" the languages of researchers, social activists, politicians, policymakers, businesspeople, and ordinary citizens.

❏ Broaden the Stream I dialogue of formal governmental discussions to include all governmental levels, including the various ministries and municipal levels.

❏ Broaden the Stream II dialogue of the "Forum for National Dialogue and Reconciliation" to include more NGOs without explicitly ethnic missions or orientations, including youth and women's organizations, churches and religious institutions, and so on. Ideally, this should engage all of civil society (i.e., everything between state and family).

III. **Education**

❏ Provide opportunities to students from all ethnic groups to learn Macedonian and Albanian.

❏ Give everyone more opportunities to learn English and other languages that will provide them with opportunities to succeed in the European and world economies.

❏ Encourage underprivileged children to finish secondary school. Provide them with scholarships to attend university if they are qualified but lack financial resources.

❏ Design and offer course in civic education to children of all ethnic backgrounds to help them become fully engaged citizens of the Republic of Macedonia, not only members of particular ethnic groups.

❏ Revise the curricula of all schools to reflect in a historically accurate manner the experiences of the various groups in Macedonia.

❏ Education should not be limited to children and young people. Schools and universities as well as other institutions should provide training to unemployed people as well as to adults who wish to better themselves.

IV. **Local government reform**

❏ A middle level of government should be created between municipalities and the central government. This will improve the performance of local and the national government as well as promoting regional development in accord with European standards.

❏ Local governments should have greater financial independence: they should be able to set tax rates and draw up their own budgets. They also must be subject to fiscal discipline. This means they should receive extensive training in public administration and public finances. The new Southeastern European University should be ideally suited to offer courses and training to soon-to-be-empowered local officials.

❏ A stronger Local Government Association allowing public officials to exchange information with one another and to speak in a unified voice should be encouraged.

V. **Crime and corruption**

❏ Actively recruit and train qualified local citizens for the police.

❏ Provide all members of the police with equal opportunities to advance, regardless of ethnicity or political party membership.

❏ To fight organized crime engaging the help of the Regional Center for Combating Organized Crime in Bucharest.

The EU Policy Concerning the Disintegration of Former Yugoslavia
Cases: Slovenia, Croatia, FYROM

Ionuţ Eugen Sibian

1.0 Introduction

"Yugoslavia was dead before its corpse was dismembered by the secession of Croatia and Slovenia although delay in issuing an internationally valid death certificate and the timing and way in which its heirs were and were not recognized would tragically prolong and aggravate violent and brutal post-mortem agony" [*]

$\mathcal{A}$t this time we are finally able to see the lights in the end of the tunnel for the former Yugoslavia. Only a year ago the world witnessed the fall of Slobodan Milosevic. We all had a little bit hard to breathe at the time when the TV-cameras caught the historic moment when the tractors invaded the city of Belgrade. The fall of a despotic regime had begun. And then came the results of the elections of the 23rd of December 2000. Milosovic and his socialist-party received a heavy blow in the democratic elections in the Republic of Serbia. Suddenly it was much easier to breathe, although there is too early to get a clear picture of where this democratic revolution will stop, and what the final outcome will be.

Why do I began this paper writing about this? As the heading clearly shows, this paper is not about Serbia, it is not even about the same moments in time. In my defence, I see the fall of the Milosovic-regime as one of the

final steps for the former Yugoslavia on its way to democracy and its new place on the arena of post-Cold War Europe. As I see it, the whole process of Yugoslav dissolution is interconnected. You have to go back in time and look at the first moves from republics like Slovenia and Croatia towards independence, to get a better understanding of the situation in former Yugoslavia today. The disintegration of Yugoslavia raises a huge amount of questions, and in this essay I will try to answer some of these. As the heading shows three cases will be at the focus of my attention. These cases are: Slovenia, Croatia and FYROM[1] . My analytical focus will be on one of the main external actors in the disintegration process, The European Union (EU)[2] .

I will begin this paper with some comments on why the EU did involve itself in the situation in the first stance. After this short section I will go deeper into the question of:

[*] Dennison Rusinow, "The Avoidable Catastrophe", in Sabrina Petra Ramet and Ljubisa S. Adamovich (eds.): *Beyond Yugoslavia: Politics, Economics, and Culture in a Shattered Community.* Westview Press: Boulder, 1995, p. 33.

*The EU policy concerning the disintegration of former Yugoslavia.*Under this section I will go through some different aspects of the approach from this external actor. First I will take a look at *how the policy was shaped, if it was changed during the process and if we can notify some differences between the cases.* Second I will take a closer look at *the role the EU played during the process of disintegration.* Third and last under this section, I will discuss some of *the actions and means taken in use* by the EU during the difficult months. My time focus will be mainly on *the early 90s.* After this section I will present *a short discussion on the future role of the EU towards the three mentioned states.* In the conclusions at the end of this paper I will present the results of my analysis, and some comments on the successfulness of the EU approach towards the disintegration.

2.0 Why would the EU involve itself?

During the Cold War Yugoslavia had been a special case among the communist countries in Europe. After Tito broke with Stalin in 1948, a whole new situation emerged, both for Yugoslavia and for the rest of Europe. Tito chose to keep his ties to the communist states, but he also established certain strong ties to the western world. The republics in the Yugoslav federation could build relationships with the West, during the area of the communist regime. This is important, and can, alongside with Yugoslavia's favourable geographical localisation in Europe, help us to explain the important question: Why did the EU involve itself?

James Gow[3] presents four reasons why the EU had to get involved. First of all, the EU felt a sense of responsibility. Second, Yugoslavia seemed like a good opportunity to demonstrate the capacities of its new Common Foreign and Security Policy (CFSP). It was at the beginning of this project, but some member states like Italy, Germany and France had longed for this moment for years. Third, Italy and Greece share borders with some of the republics and borders are important for many reasons, but the threat of refugees and instability are keywords. The powerful member state Germany and the soon-to-become member state Austria were also not far geographically from some republics. And there must be mentioned that both Slovenia and Croatia had strong ties to the powerful catholic societies in western Europe. Fourth there was a strong worry about the impact of self-determination and nationalism. In these times the member states of the EU was busy discussing the meaning of "the European Idea". It is the idea of a more integrated Europe, where borders become less important and where national interest is exchanged for higher common goals and interests. Although you can not compare the EU with the Yugoslav federation, the fall of the federation let loose ideas that could not easiy go along with the EU's understanding of the European Idea as described. The EU wanted to build an economic and political union, and the understanding of central politicians in former Yugoslavia of the European Idea could in this sense be seen as "old-fashioned".

Some of this has to do with the wellbeing of an organization as a collective body. The old saying goes like this: if one part is sick, the whole is sick. You can apply this to both the member states and the Europe as a whole. If some member state is not feeling well, because of a situation, the organisation is not feeling well either. Or, if some part of Europe is not feeling good, how can the rest of Europe feel good? There became a pressure from within the organization so that the EU should involve itself in the situation and act as a mediator.

3.0   The EU policy concerning the disintegration of former Yugoslavia.

*"...competing national interests and domestic disagreements among
Western states led to ambiguity and mixed messages."*[*]

3.1   Shaping a policy

When things started to happen in Yugoslavia in the late 80s, it seems that the EU did not care very much about it. The message from the EU and its member states was pretty clear to all. As long as things happened without violence, there was no reason to mess with the outcomes. And of course the EU had other "businesses" that made its hair grey at this time. The EU together with the rest of the West was busy worrying about the situation in the Soviet Union and also the events in Hungary and Poland was more important at the moment. They were also of course pre-occupied with the unification of Germany.[4] But after a while the EU could no longer relax about what happened in Yugoslavia. The pressure became tighter. The EU had to develop a policy towards the situation in Yugoslavia.

Some basic goals was lined up for the EU policy. The first goal that determined much of the policy, was the goal of *keeping the former Yugoslavia together*. The second goal was *to encourage democratization and free elections*. Sad, but true, these goals were in this situation contradictory, and could not fit together when we look at the case of Yugoslavia. Attempts to preserve unity were undemocratic, and the promotion of democracy encouraged disintegration[5]. But one of the main problems was that the first goal was not shared by all the members of the EU. After the unification of Germany, Germany wanted to reassure its role as one of the major political locomotives in European politics. It was in a kind of freedom trance and had problems to understand why other nations who had the same longing for freedom and independence shouldn't get it.

Some have compared Germany in its role in the beginning of the disintegration as the bull in the china-shop[6]. Germany as the bull could have good intentions, but good intentions is not enough when you are surrounded by easy breakable stuff on all sides.

On the 13th of March 1991 The European Parliament passed a resolution saying *"that the constituent republics and autonomous provinces of Yugoslavia must have the right freely to determine their own future"*. This statement was harshly criticised by some. The EU had until now defended the position on the Yugoslav Problem, that it wanted to preserve the federation. On the 4th of April 1991 The Troika, representing the presidency of the European Council (Luxembourg, Italy, Netherlands) visited Belgrade. The Troika tried to allay doubts about the EU´s position and to reaffirm the EU´s support for the preservation of the federations unity. The Troika made its point clear by meeting only with federal office holders and refraining from direct contact with leaders of the republics. Only a week after, the Slovene president, Milan Kucan, met with the German foreign minister, Hans Dietrich-Genscher in Bonn. As we already can see, the approach from the EU toward the situation was so far both ambiguous and fuzzy. In May the EU´s position was again modified. Another trip to Belgrade was arranged. The president of the European Council, Jacques Santer, and the president of the European Commission, Jacques Delores, visited Belgrade and this time they also had meetings with the presidents of the "troublesome" republics. But again the EU rocked the boat when the crisis made by Slovenia's and Croatia's attempt to independence made the EU do their final

*Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War.* The Brookings Institution: Washington DC, 1995, p.161.

attempt to solve this first crisis of the Yugoslav dissolution. On the 23rd of June 1991 The EU's foreign ministers agreed *not* to acknowledge unilateral declarations of independence and affirming that they would *refuse* any contact with the secessionists[7]. Only a few weeks earlier Italy had began to reverse Italian policy. They received official visits from both Slovenia and Croatia. Some member states acted more and more on their own. France was not very satisfied with the situation and criticized the moves from the pro-independence member states.

Slovenia was the most westernized of the republics inside former Yugoslavia. The Slovenia has a distinct culture and history, and less than two million inhabitants. The fact that there is no significant minority population has simplified domestic politics and permitted the emergence of a relatively democratic political ethos.[8] Slovenia's first democratic elections in more than 40 years were held in April 1990.[9] The democratic elections had brought to power forces that worked for independence for Slovenia, and the secession of Slovenia from Yugoslavia.

The Croat case is maybe the most difficult case. The centre became the battle between two types of nationalism. The Serbs were the largest minority with 12 percent of the population.[10] On the one side you had the Croat nationalism and on the other side there was the Serb nationalism. The Serbs of Croatia took up armed resistance, that were aided by the Yugoslav army units that were in the territory[11]. This made the situation difficult, and war was inevitable. In Slovenia and FYROM, nationalism was not the biggest troublemaker. There must be noted that the nationalist rhetoric of Franjo Tudjman in Croatia was not of the lightest sort. Croatia is possibly the only one of the cases, where a minority group was in fact threatened by the disintegration process.

FYROM is a special case. This small Yugoslav republic was the poorest of the republics in former Yugoslavia, and it was one of the most supportive of the federation. As

was the case for Slovenia, someone had to pay more than it receives in a federation. FYROM was among the republics that received more than it contributed. FYROM had the goal of keeping the federation together. But they were out of line with reality. After a while they also moved towards the goal of independence from the Yugoslav federation.

3.2. Action and means in use

> *"Neither the EC nor the CSCE had the military capacity to act or even to mount a credible threat to intervene with force that might deter those willing to use force in Yugoslavia"* *

Once involved in the conflict, what was the means available for the EU? There was no military force available to them. As we know the first moves from the disintegration happened at the same time as the EU became serious on discussing a common foreign and security policy. So the EU had two options: the use of political/moral means or the use of economic means. The EU chose both. The "carrot and stick"-method was used when they made use of their economic means. To make use of this in what seems to be an ethnic conflict is discussable and some will say, doomed to failure. The people in the conflicts had a pre'occupation with their psychological need to assert their national identity, and with their nations physical security, rather than economic prosperity.

After some time of verbal involvement, the EU decides to get physically involved in the situation. On the 15th of June 1991 the first observers from the EU come to Slovenia. Something was going on, but one have to ask if the EU knew *what*. On the 23rd of June 1991 the EU offered help to the Federal Government and the Republics to draw up a new constitution. This was two days before the declaration of independence from Slovenia and Croatia! On the 25th of June both Slovenia and Croatia declared themselves for independent states. Two days

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* Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War.* The Brookings Institution: Washington DC, 1995, p.165.

later Slovenia is attacked by the Yugoslav National Army (JNA). The fighting lasts for 10 days only, but the impact of this episode is far-reaching. The "outer-world" had just witnessed the first "war-like" situation, descending from the disintegration of Yugoslavia. From this event, the "headache" for the EU is starting to get real heavy. And it will be heavier. On the 5th of July 1991 the EU decides weapon embargo and the suspending of almost \$1 billion in economic aid against the federal government of Yugoslavia. On the 7th of July 1991 the EU troika, representatives from the Yugoslav federal government and the republics sign a cease-fire. This happening has been named the Brioni Declaration. It was the very first test for the EU as mediators, but it is also the EU's first ever effort at peacekeeping. The EU demands that Slovenia and Croatia shall wait 3 months with their declarations on independence and start negotiations instead. This move can be seen as a recognition of the legitimacy of their declarations[12]. On the 8th of November the EU decides economic sanctions on all the republics of Yugoslavia, but the door is left open for bilateral agreements with republics that are willing to cooperate. On the 2nd of December the foreign ministers of the EU decide that the economic sanctions are only for Serbia and Montenegro. The EU is no longer neutral in the conflict. But on the 17th of December, the Council of Ministers decide to recognize within 15th of January 1992 those Yugoslav republics who want it, and fulfil the obligations put forward to them. The EU had already the day before on the 16th of December decided not to recognize FYROM.[13] Six days later Germany recognizes Slovenia and Croatia as independent states. As promised, on 15th of January 1992, Slovenia and Croatia are recognized by the EU.

One of the most interesting aspects of the relationship between the EU and FYROM is how the EU could let one single member state decide the whole policy towards this state. FYROM was singled out for discriminatory treatment[14]. In December 1991 FYROM appealed for recognition by the EU as the other former Yugoslav republics had

done. The European Community Arbitration Commission (the Badinter Commission) determined that of the four ex-Yugoslav republics seeking recognition, only Slovenia and Macedonia met the criteria for recognition, including those related to human rights.[15] These criteria centred on CSCE principles concerning human rights, democratic rule, and inviolable borders.[16] But Greece used their power, their right to use veto to stop the recognition. As late as 12th of March 1993 the EU decides to give recognition to FYROM[17]. It was in fact possible because of the change of name from *the Republic of Macedonia* to *the Former Yugoslav Republic of Macedonia*. This name was easier for Greece to swallow. This name is the international name for the state, but it is not recognized for use internally in FYROM.

The lack of the right means is probably one of the reasons for explaining why the EU approach was so fuzzy and ambiguous. The EU was still largely a bureaucracy for economic coordination. So when it was placed in a new role, that demanded the use of different means, it was not an easy situation. As long as the EU did not have the means to follow up on threats, they did not have the credibility to present such threats.

As we have seen, there was a sort of split among the member states of the EU, according to how to handle the situation. If the EU in fact had the means available to follow up on their threats, there is not sure that they had presented such threats. There is a probability that there could have been a lack of will.

3.3. *The different roles*

As I now have looked at both the shaping of the EU approach, and the means taken in use by the EU, it is time to take a more close look at the different roles the EU had in the process. At the beginning of the process, after the EU had decided to engage in the situation, there was a great problem that had to be dealt with. The Yugoslav federation was recognized by the international community, and the republics was subdued to the authority of the federal government. The

question raised was how the EU or other external actors should play their role. The problem discussed was if external actors could intervene, in what seemed to be another states internal affairs. This must have been one of the premises that the EU based their first approach to the situation on.

Gow[20] identifies three different roles for the EU during the disintegration process. He argues that the EU shifts focus from *an mediating role* to *an bullying role* to *an operational role.* In the beginning we can clearly see the EU in their mediating role. The approach was soft in its style, but tightened after pressure from individual member states and from the Yugoslav actors themselves. In this role the EU tried to balance between the support for changes and democratization to the support for continued life for the federation. The mediation the EU was involved in at this time was to try to be the neutral external player, that only had the goal of peace and stability in their mind when operating.

After a while the EU became tougher in their approach and started to use threats and promises as means to receive control over the situation. They promised economic support to the actors who would follow the preferred policy choice of the EU, and economic sanctions on those actors who did not support this. After a while this combination of mediation and bullying seems to have been what ignited the end of the period for the EU as a neutral player. This has of course also something to do with the shift in policy from the EU towards what was the preferred outcome. Individual countries in the EU gave pressure to this change. After this mentioned combination of the roles things changed. The Brioni meeting was a milestone in this sense. Here the EU had its first ever test as a mediator between actors using force against each other. When the EU took this role, they did in a way recognize the causes of the republics seeking independence. But they had no other choice. After this meeting the EU also had their very first operational role. As mentioned, the EU was involved in a series of cease-fire negotiations first in Slovenia and a while after in Croatia. The EU was also responsible for organizing a CSCE monitoring force to oversee the implementation of the agreements.

The disintegration in former Yugoslavia became the first big test for the EU as an foreign policy actor to rely on, and who could manage to coordinate the wishes and interests of its member states. As we have seen, the EU was itself in the middle of a process of change. This was indeed the time where words like integration, cooperation, supra-nationalism and coordination were trying to get a more meaningful and deeper location in the visions for the future of the organization. But of course it was a difficult situation for the EU, as it wanted the role as the main foreign policy maker in Europe, when important members could not agree on how to handle the Yugoslav crisis, their first big test. They chose instead to rely on the old way method, spreading their message under their national flags. When the tactics of weapon embargo was brought into use, it was in the beginning seen as a collective punishment to the actors involved. But after some days the EU must have realised how bad this approach was. So they lifted the embargo for all the republics, but not for Serbia and Montenegro. They must have understood that the Serbs had little problems getting their hands on weapons through their control over the JNA. And that this policy therefore did only make problems worse for the other actors.

4.0 The future role of the EU

Now that the three states in question are independent, and it seems like its going better in the rest of former Yugoslavia, has the EU still got a role to play? The answer must be a definite yes! The EU has some very important tasks in the future to work with. Firstly, all the countries see membership in the European Union as one of their major goals for the future. Whether or not this will become a reality, it is important that the EU supports Slovenia, Croatia and FYROM in a broad range of aspects. The EU must support further democratization, institution building and provide needful help for keeping the

stability in both the economical and political sense. Now almost ten years after the disintegration of former Yugoslavia took start, there is still a high sense of uncertainty and instability for the states mentioned in this essay. It seems like Slovenia has moved fast forward compared to the others. Slovenia is accepted as a candidate for membership in the European Union, and is likely to become a member in the nearby future.

The situation for the cases as a whole is not yet decided. Much of this has of course to do with what will happen in the rest of former Yugoslavia. Another factor that is important, is what kind of politicians the people in the different states elect to rule their states. If for example the Croat people go for another Tudjman, the future might not look so bright after all. The single most important economic contribution the EU provides to the states is financial funding under the PHARE programme. The second is the OBNOVA programme. PHARE is currently the main channel for the European Union's financial and technical cooperation with the countries of central and eastern Europe. This funding helps among other things to build up institutions and provides help on investment. OBNOVA is an EU initiative for rehabilitation and reconstruction in the countries of the former Yugoslavia. Croatia was suspended from PHARE in 1995, but after the Dayton-Paris agreement ended the war in Bosnia-Herzegovina in 1995, Croatia was taken in from the cold by the EU. FYROM was the first country to start negotiations with the EU to conclude a Stabilization and Association Agreement, and has started to normalize also the relations with their old archenemy Greece.

The EU will continue to play a role in the area. It is in the interest of the EU that the Balkans in the future will be a stable and good place to live. There is a possibility that the EU will meet a brighter future if the future in the Balkans will be bright. It is important for a lot of issues, for both economy, markets, politics and security.

5.0 Conclusions

The main goal of the policy from the EU towards the future for Yugoslavia after the Cold War was to keep it together. This should happen without violence. These two goals did not get fulfilled. What happened to Yugoslavia was rather different from this. The disintegration of former Yugoslavia started with Slovenia. This was also the first arena for violence stemming from the disintegration process. Croatia broke out at the same time as Slovenia, and when the JNA troops leaved Slovenia, they headed straight for Croatia. Of the three cases I have chosen for this essay, only FYROM survived the break-up of Yugoslavia, without the spilling of blood. The JNA forces was of course also stationed on the territory of FYROM, but they left rather peacefully and voluntarily.

As became clear for the EU after a while, the goal of keeping the federation together was not shared by all its member states, and not shared by the newly democratic elected political forces in the republics in question. So the approach from the EU was not supported by all of its own member states, and that was a great problem. These were the times of integration and coordination in Europe and specially for the EU. So the policy became fuzzy, uncoordinated and ambiguous. The main problem was that the EU reacted to rather than anticipated events. There should be made a difference between the approach from the EU in the early stages of the disintegration process and the EU approach to the later stages of the process. The EU approach to the disintegration of former Yugoslavia, with the cases of the Slovenia, Croatia and FYROM, cannot be characterized as successful. In fact, I will rather use the strong term of "political failure" in characterizing this. The EU did not have the right means for use. It could have been an easier task and some outcomes could have been different. If the EU had military force to their dispose, they could have used this with credibility under the well-known tactics of coercive diplomacy. When the EU lacked this force, they could not make use of such tactics, because their credibility was worth nothing

in this sense. It could have been different for the EU, if they had been prepared for the situation from the start. They were completely unprepared.[19]

The length of this paper clearly states that I could not discuss all interesting aspects of the theme. But one question that needs to be explored further is if the intervention of external forces like the EU made the process of disintegration any different. The disintegration of Yugoslavia happened with conflict and violence. Was this inevitable, or had the external forces the role of catalysts? My opinion is that this question deserve its own paper. And maybe Richard Holbrooke, the famous diplomat and architect of the Dayton-agreement is right when he refers to the former Yugoslavia as the greatest collective security failure of the West since the 1930s.[20] And maybe he was right when he said: *"Europe believed it could solve Yugoslavia without the United States; Washington believed that, with the Cold War over, it could leave Yugoslavia to Europe".*[21]

Notes:

[1] I will use the term FYROM throughout the whole paper for convenience to refer both to the period before 1993 when the term the Republic of Macedonia was used, and the period after the international recognition, with the name Former Yugoslav Republic of Macedonia.

[2] I will use the term EU throughout the paper for convenience to refer both to the European Union and the European Community, although properly, the latter term EC, should be used when referring to the period before 1 November 1993. I rely on James Gow for this decision, but I take the full responsibility for adopt this solution to my essay.

[3] James Gow, "Security and Democracy: the EU and Central and Eastern Europe", in Karen Henderson (ed.): *Back to Europe: Central and Eastern Europe and the European Union.* UCL Press Limited, London, 1999.

[4] Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War.* The Brookings Institution: Washington DC, 1995, p.161.

[4] *Ibid.* pp.144 -155.

[5] Sabrina Petra Ramet, "Slovenia's Road to Democracy", in Sabrina Petra Ramet and Ljubisa S. Adamovich (eds.): *Beyond Yugoslavia: Politics, Economics, and Culture in a Shattered Community.* Westview Press, Boulder.1995a

[6] Saadia Touval, "Lessons of Preventive Diplomacy in Yugoslavia", in Chester A. Crocker, Fen Oster Hampson with Pamela Aall (eds.): *Managing Global Chaos: Sources and Responses to International Conflict.* United States Institute of Peace, Washington DC, 1996, p. 410.

[7] *Ibid.* p. 412.

[8] Jim Seroka, "Yugoslavia and its Successor States", in Stephen White, Judy Batt and Paul G. Lewis (eds.): *Developments in East European Politics.* Macmillan Press: London, 1993, p. 109.

[9] Sabrina Petra Ramet, "Slovenia's Road to Democracy", in Sabrina Petra Ramet and Ljubisa S. Adamovich (eds.): *Beyond Yugoslavia: Politics, Economics, and Culture in a Shattered Community.* Westview Press, Boulder,1995a, p. 192.

[10] Svein Mønnesland, *Før Jugoslavia og etter.* Sypress Forlag, Oslo, 1995, p. 355.

[11] Alex N. Dragnich, "The West's Mismanagement of the Yugoslav Crisis", in Alex N. Dragnich: *Yugoslavia's Disintegration and the Struggle for Truth.* Boulder: New York, 1995, p. 72.

[12] Sabrina Petra Ramet, "The Macedonian Enigma", in Sabrina Petra Ramet and Ljubisa S. Adamovich (eds.): *Beyond Yugoslavia: Politics, Economics, and Culture in a Shattered Community.* Westview Press, Boulder, 1995b, p. 215.

[13] Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War.* The Brookings Institution: Washington, D.C., 1995, p.165.

[13] *Ibid.,* p. 218.

[14] *Ibid.*

[15] *Ibid,* p. 216.

[16] Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War.* The Brookings Institution: Washington DC, 1995, p.121.

[17] Svein Mønnesland, *Før Jugoslavia og etter.* Sypress Forlag, Oslo, 1995, p. 373.

[18] James Gow, "Nervous Bunnies: The international community and the Yugoslav War of Dissolution, the Politics of Military Intervention in a Time of Change", in the *Political Quarterly Publishing*. Blackwell Publishers, Oxford. 1994, p. 16.

[19] Misha Glenny, *The Balkans 1804-1999: Nationalism, War and the Great Powers*. Granta Books, London, 1999p. 635.

[20] Richard Holbrooke, *To End a War*. Modern Library, New York, 1999. p. 21.

[21] *Ibid.* p. 29.

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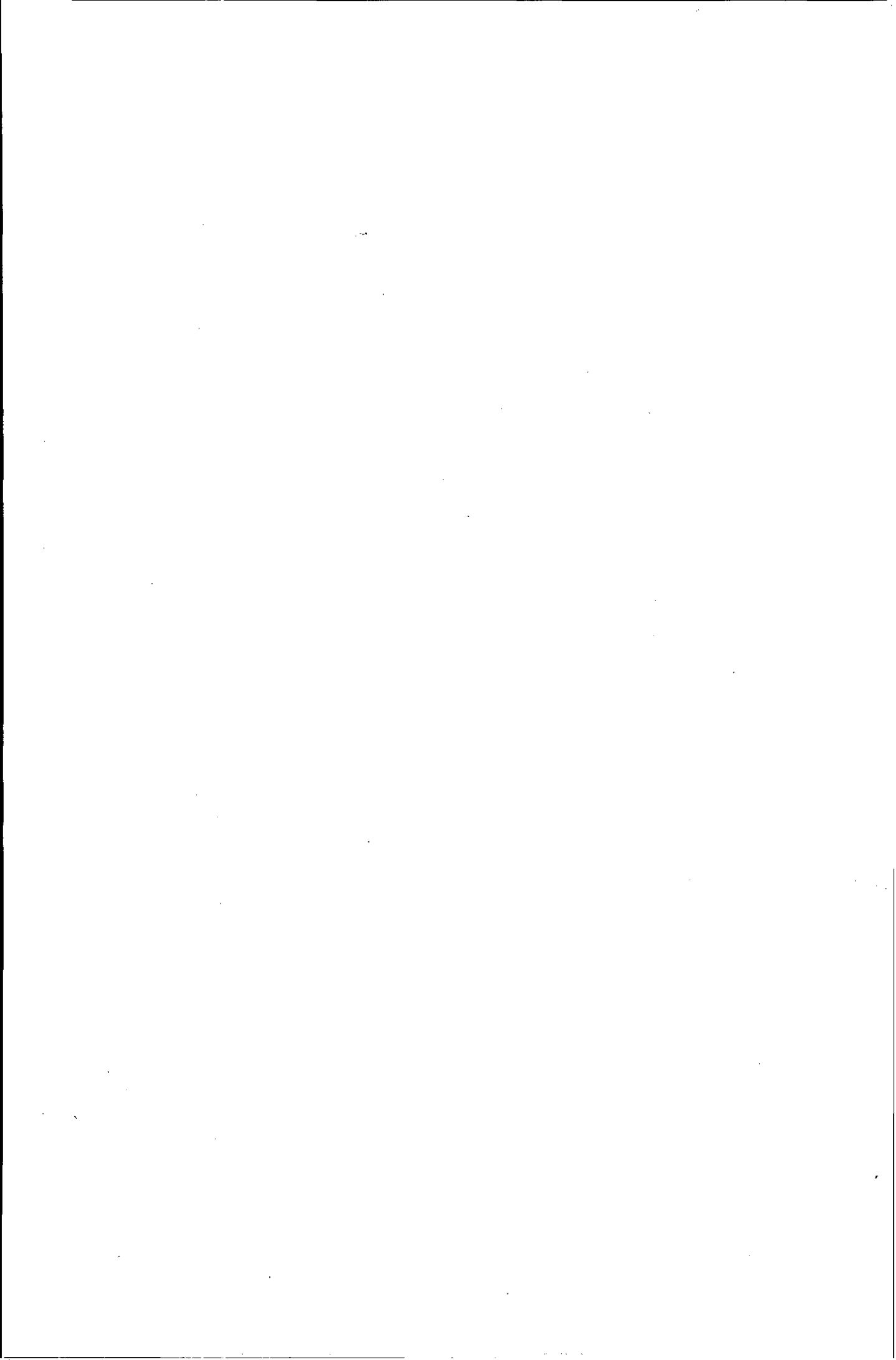
The Post-Cold War Era:
Romania and the Stability in the Balkans

Constantin Hlihor

After the end of Cold War, the most severe threats to the peace and security in Europe and, also, in the Balkans were instability and lack of security generated by the new risks and challenges. Religious intolerance and nationalism-extremism, interethnic conflicts, especially terrorist attacks as the September 11, 2001 ones, made international community to become extremely fluid with imprevisible evolutions. The former director of Central Intelligence Agency (CIA), James Wollsey, characterized this reality in a suggestive way, saying that "we have killed a giant dragon (the communism), but now we live in a jungle full of poisonous snakes"[1].

Therefore, in the last ten years Europe witnessed lots of crises and conflicts that have brust in the area, such as those from Transnistria and Slovenia in 1991; Croatia between 1991 and 1995; Bosnia-Herzegovina between 1992 and 1995; Kosovo between 1998 and 1999 and Macedonian conflict in 2001[2].

It is easy to see that in the center of instability of South-Eastern European space was Yugoslavia. The (in)stability ratio in the 20th century in the Balkans alternated in time, security being in a precarious state. Trying to hide this state of facts, the communism deepened and acuted the causes that generated insecurity in the area[3]. The efforts made by both the countries from the region and the international community, in the last ten years, have not solved the Balkan problem.

By this study I want to make a few suggestions that could generate some further arguments and possible directions in order to support the region to become a stability area for the European continent. This study follows two objectives: on the one hand, it tries to demonstrate that for applying effective programs and strategies in the Balkans a sustained effort in security level projection is necessary. This projection should take into consideration the necessity to have knowledge of the peculiarity of this area which is characterized by an ethnic, cultural and religious mosaic; numerous conflicts made this region the "powder barrel of Europe"; a lot of demarcation lines which cross over the Balkans (Catholicism/Orthodoxism/Islam; Western/Eastern civilisations; instable borders, etc.[4]). Referring to this, Macedonia's President, Boris Trajkovski, at the opening of the "Crises Management in South-East Europe from PfP Consortium" working group, declared that "history of our region, which today is called South-East Europe, was marked by many particularities that cannot be found to any other region of the world"[5].

The discussion about the adequate security model for the Balkans states is situated not only in the searching process for better solutions for the efficient construction of a stabile security environment, but it, also, subscribes at the scholars' efforts to find a new paradigm to overpass the actual models of security. Because the specialists, analysts and decision factors did not have a rigorous research and projection basis effort on interdisciplinar studies – from the international relations theory to mentalities study and ethno-religious sociology/psychology phenomenon – they could not always offer viable solutions for the area's problems.

Unfortunately, many times inadequate strategies were adopted. These strategies did not consider the area's particularities. This could be a possible explanation for the pessimistical or disastrous visions launched by some analysts, in theoretical disputes. For some analysts, Kosovo meant "the relope of Cold War in Europe"[6]; for others Kosovo could become the hitch for a stronger conflict that could involve regional countries like: Greece, Albania, Bulgaria, Turkey and Russia[7]. The American analyst, Sean Kay, from Wesleyan University, Ohio, highlighted that "yet in site of both the increased theoretical and policy attention to Europe's security institutions, the track record to date does not support the basic assumption that institutions necessarily increase security"[8].

To build up a durable stability in the Balkans implies, first of all, models and strategies to be applied in order to conduct to the elimination of the security dilemma[9] and to a new paradigm for regional security. Security dilemma is not a characteristic for the Balkan; it, also, characterized the international relations during the Cold War period[10]; when national security was based on military defence, the use of force and threats being enrooted in the international relations system. As Robers Osgood observed, a fundamental contradiction, in the sense that the main instrument for getting security – military force – became, automatically, the first threat to another state or region's security[11].

After the end of the Cold War and after the disintegration of Yugoslav Federation, the Balkans' states fell into a similar dilemma, when they used force, and not diplomacy, as a solution in solving problems. The result was a bloody war and not the peace in the Balkans[12]. There are some opinions that affirm that the Balkans' states will not get ride of this security dilemma as long as in this area there are forces capable of offensive or defensive operations[13]. I consider that if we build the trust among the neighboring countries through a control of the military expenditures, through the civilian control on the army and the struggle against terrorism, that generates insecurity, we will be able to increase security and stability in the region.

The stability in the Balkans can also be established, through modification, or even replacement of military doctrines or security strategies based on exclusive force using a modern paradigm such as the cooperative security one[13]. In 1994, writing in Foreign Policy, the former Australian Foreign Minister, Gareth Evans, described Cooperative Security as tending "(...) to consultation rather than confrontation, reassurance rather than deterrence, transparency rather than secrecy, prevention rather than correction, and interdependence rather than unilateralism"[14]. Michael Mihalka believes that through adopting cooperative security model, states will not be any longer the prisoners of the security dilemma. "States in a pluralistic security community expect other states in the community not to use or threaten to use military force as means of resolving disputes. Such a community develops through extensive transactions and communication that aid and abet the consolidation of shared norms and values. This continued interaction is reinforced by cooperation, which further develops shared norms, which then create more interaction, in a positive feedback loop"[15].

The application of this security model in the Balkans supposes first of all to create the proper conditions for the new elements that compose its substance. In the first instance it should guarantee the individual security through ensuring the respect for the human right by the state[16]. "The essential basic value upon which a Cooperative Security system rests in unquestioned conviction by its members to uphold and maintain the Individual Security of its own citizens and those of their fellow members. This is the inner ring of the Cooperative Security system, which will ultimately hold it together over time under inevitable pressures and stresses, internal and external. Only the ideal and values of liberal democracy can keep this vital nucleus together"[17].

Barry Buzan discerns a major contradiction between individual and collective security assurance. Although states are assuring a certain security fot their citizens, they do this using high level of threats. This direct or indirect threats, having

deliberate or involuntary co-lateral effects, are often severe enough to dominate the fragil universe of the individual security[18].

The American analyst is right, when we deal with states in which the fundamental liberties of the citizens are limited, and when the individual perceives the state and its institutions as constraint element or stranger to his aspirations. The Balkans' events, from the last 10 years, are full of many such examples in which individuals or national and religious communities did not trust the state, and which are actually fighting against the State. That is the reason for which I believe that NATO's intervention was necessary and that NATO's humanitarian presence in Kosovo represents an enforcement action of cooperative security. "NATO acted without a UN mandate. This occurred in part because the norm for action did not exist at the UN Security Council, while it did exist among NATO members"[19].

A second objective of the present study is to present the political and the diplomatic actions taken by Romania in the framework of the diverse and, sometimes, contradictory actions taken by the political actors of the South-East Europe. The Romanian diplomacy understood even since the collapse of communism that there is no East-European country to stay aside while in the region conflicts, crisis and other acts of terrorism take place.

After the collapse of communism in Romania, the Romanian government decided to join the efforts of the international community in the fields of security and peace. In this sense, Romania joined lots of the UN and OSCE peace operations, the last years, 2001 representing a decade of full Romanian participation in these kinds of operations. Romania, also, contributed to missions of civilian police and it is determined to diversify its contribution in this field.

The creation of the Romanian military structures for peace keeping missions and their participation in the neighboring countries are both a direct consequence of the reforms that took place in the army and a proof for Romania's determination to continue to bring its contribution to peace keeping operations.

The active participation of Romania in such operations underlines Romania's will to be integrated in Euro-Atlantic structures. The idea of joining the international community in such missions was strongly supported by the Romanian political class. Starting with 1991 more than 6000 Romanian military have been participated at diverse UN and NATO operations, or at the operations of the international community such as "Storm in the Desert", UNIKOM, UNAMIR II, UNSOM II, UNAVEM, MONUC, UNMEE, UNTAET, UNMIK, IFOR, SFOR, KFOR, "Alba" operation. In the recent years, the Romanian participation in the international peace keeping and conflict preventing initiative concentrated on the region of South-East Europe. Units of the Romanian army took part in IFOR in Bosnia-Herzegovina (March-Dec. 1996) with a battalion of engineers formed of 200 peoples[20].

The Romanian military participated in the 1996 *Engineer* "Josef Kruzel". It was constituted and took action based on the decisions No. 23 and 45 from 1995 of the Romanian Parliament, on the decision No.63 from February 7, 1996 of the Romanian Government and based on the decision of the Romanian Major State from December 27, 1995. The battalion was placed in Zenica and took action within the Allied Rapid Reaction Corps (ARRC) under the direct command of the British General Sir Michael Walker. It participated in actions of mine clearing, bridges and roads building. For example, the first bride built with the participation of the battalion was opened on April 21,1996.

The Romanian engineers placed in Zenica, Bosnia-Herzegovina, were involved in several humanitarian projects. All the projects materialized in the Federation of Croats and in Srpska Republic in all the three area of responsibility of the multinational divisions: the North division (American), the South-West division (British) and the South-East one (French). Roads to isolated villages from mountain region such as Gladovic and Plahovic were built; the stadium from Sarajevo was repaired for the Athletic Games of Solidarity and books and other humanitarian aids were distributed in Zenica

and in the neighboring area. The Romanian engineers, also, contributed to the repairing of 150 km of railway that connects Zenica to the Doboj and Lukavac (in the center of Bosnia-Herzegovina). On October 28, 1996 the Petrovo Selo railway bridge was opened.

By the Decision No. 25 from 1996 of the Romanian Parliament and by the Decision no. 73 of the Romanian Government from 14 March 1996 Romania was part of the new military structure SFOR for a period of 18 months (from Jan.1997-Jun. 1998). The structure of the unity was changed, the number of soldiers decreasing to 180. For the first time, a connection structure between the battalion and LANDCENT (NATO's land force that replaced the ARRC) was created.

From the beginning of the Romanian military presence in Bosnia-Herzegovina at the 1996 *"Joseph Kruzel" Engineers Battalion* participated 691 military (84 officers, 250 military foremen, and 357 sub-officers) and more the 200 missions took place. The battalion's activities took place on more than 600 square km., in a risky mountain area with forests, some of these missions were not accepted by the other participants at the mission. In average, in the two years of activity, the Romanian battalion executed a number of 30,000 working days, within 1,800 million km with more than 30,000 hours of functioning of engineers' machines. The participation of the Romanian Missions to IFOR and SFOR missions costed Romania as much as an expenditure for an Army Corps.

As a consequence of the appreciation of the Romanian soldiers for their participation in diverse missions, Romania obtained all the credit in the participation of other important peace keeping missions and stabilization in the Balkans. Since November 14, 1999 the Romanian army is present in NATO's mission in Kosovo. Starting with August 20, 2000, Romanian observers are part of the "UNMIK Mission" in Kosovo. Since July, as a consequence of the Decision No. 22 from June 27, 2000 of the Romanian Parliament, in the mission of the SFOR II takes action the detachment formed of 68 military, "Bosnia".

In the framework of these operations for the support of peace the Romanian military collaborated with military belonging to other armies. Presently, Romania collaborates with Netherlands within SFOR (*The Netherlands Detachment*) and with Greece within KFOR mission. *The Netherlands Detachment* (formed of 49 military) actions under a NATO mandate and as a consequence of the Decision No. 22 from June 27, 2000 of the Romanian parliament and the Decision No. 188 from October 19, 2000 of the Romanian Government. The Romanian collaboration with Greece is under the MOVCON mission (one platoon of road traffic control).

On September 26,1998 in Skopje the Third Meeting of the Ministers of Defense of the Southeast European Countries an agreement – a "memorandum for the Creation of Multinational peace Forces in Southeast Europe" (MPFSEE) – was signed. This agreement provided the ground for the establishment of a multinational brigade, which should be used for humanitarian assistance, conflict-prevention, peacekeeping and peace-enforcement under a UN or OSCE mandate and under the leadership of NATO or WEU. The headquarters of the MPFSEE is the Bulgarian town of Plovdiv and a Turkish General is chief of the brigade. Each participant's share in the common budget is proportional to the participating military units, i.e: Albania 11.76%, Bulgaria 23. 53%, Greece 17.5%, Italy 2.94%,Macedonia 8.82%, Romania 11.76% and Turkey 23.53%.[21]

The peace keeping and the humanitarian missions at which participated the Romanian Army highlighted the unanimous appreciation of all the NATO member states regarding Romania's constant effort to contribute to solving the major crisis from different parts of the world. It also demonstrated that Romania has a lot of potential to participate at these missions. Those directly involved in such missions proved that they are able to apply the standard UN and NATO procedures.

In the last year of the last century, a wave of potential risks and dangers from the Balkans got to be identified and controlled. During the Kosovo crisis, through the joined efforts of the

international community, a conflict that could endanger peace in the South-East Europe was limited and stopped. Although it was considered a great success, the international community went further elaborating a policy based on realistic measures of integration of the region in the Euro-Atlantic structures. At the European Union (EU) initiative, on June 10, 1999, in Koln, the Stability Pact for Southeast Europe was adopted.

In the founding document, more than 40 partner states and organizations decided to sustain the South-East European states in their efforts to maintain "peace, democracy, the respect for human rights and the economic prosperity aiming to gain stability in the region"[22]. In this sense, Jack Seymour and Rick Rust consider that "the Stability Pact is a tremendous victory for advocates of peace keeping and conflict prevention. It represents a movement away from the traditional military-centric approach of reacting to crisis situations. The United States and the European Union have finally realized that allowing crisis to explode in the Balkans is much more costly – both in terms of life and money – than taking initiatives for the construction of long-term peace"[23]. In its turn, Bodo Hombach, the co-ordinator for the Stability Pact, underlined that "in so far the approaches on Balkans were directed to the resolution of crisis. The Stability Pact is the first attempt to eliminate the structural, political and economical insufficiency of the countries from the region by a preventive diplomacy"[24].

In the first days after the Stability Pact was launched, at the initiative of the Romanian Foreign Affairs minister Mr. Andrei Plesu, the Romanian Government decided the creation of a Inter-parliamentary Group for Collaboration at the national level of the Romanian Projects and Priorities for the participation at the reconstruction and the economic development in the Balkans. This group established a National Plan for reconstruction and regional economic reconstruction in South-East Europe that was approved by the Romanian Government. In this way Romania participated actively in all three Working Tables.

In the realization of the document Romania started with the premises that "the Stability Pact is a prior exam of European integration that has as basis not only the accomplishment of political, economical and social criteria but also a prior for elementary behaviour before being accepted into European Union or NATO"[25]. A country can be a member of an Euro-Atlantic structure unless it proves that it has strong co-operation ties with its neighbors and that it is able to harmonize its national interests with the international ones. As a proof of gratitude for Romania's role in this "Marshall Plan" may be considered the fact that a Romanian, Mihai Razvan Ungureanu, is the Special Emissary of the Coordinator for the Stability Pact. In this way Romania has an important role in the mechanism which connects Brussels (the Secretariat of the Stability Pact) to national co-ordinators of the Pact.

Holding, in this period, the co-presidency of the Working Table 1 for democratization and human rights, Romania is determined to bring its full contribution using its profound knowledge of the region, its experience in the area, and by its entire conception with regard to the cooperation in this region. This concept has already been experienced within the activity of the regional cooperation mechanisms in which our country is part, such as: the Black Sea Economic Cooperation, the South-East European Cooperation Process and the South-East European Cooperation Initiative.

Romania also considers that the specific aims the three Working Tables – through which the Stability Pact functions – want to achieve are equally important and intermingled. At the same time, I have to admit the fact that the fulfilling of tasks of the other two working tables depends, in a crucial way, on the putting into practice of the objectives of the Economic Working Table and, hence, on the establishement of stability, cooperation and security in South-East Europe. The economic component of the pact has registered an important progress during this year. This progress meets Romania's efforts and goals which my country, and the other Balkan states, invested in this new structure

meant to settle the regional cooperation. For example, a meeting in Skopje (10-11 February 2000), the European Investment Bank considered feasible and worth to finance 23 out of 40 infrastructure projects included in the Romanian National Action Plan. At the same time, the First Regional Conference of the Donors, held in Brussels, by the end of March, approved 9 infrastructure Romanian projects, worth of 1,042 million Euro. Participating at the Economic Working Table, Romania – also an active member of the Memorandum of Understanding on Trade Liberalisation and Facilitation[26] – stressed again the necessity of immediate and concrete measures for the de-blocking of the Danube. In order to underline the necessity of political, diplomatic and economic measures aiming free navigation on this important European waterway, I will make use of the words of Bodo Homach, who said that "we have institutions which can decide within two days which bridges over the Danube we should bomb, but we need two years to start repairing the damage and make the river navigable again, even though every day the blockage is costing Bulgaria and Romania more than the international help can provide. The politicians must grasp these terrible contradictions, not just for the sake of Southeast Europe but for the common European good"[27].

Coming back to the Working Groups, at the Third Working Table, that approached lots of current issues, Romania presented three projects: the Financing of the Center for Fighting Organized Crime (SECI) and supplementing its prerogatives concerning the problems of the small weapons, the Establishing of a Regional Center for Conflict Prevention and Crisis Management, the drawing up of a joined document concerning the security risks for South Eastern Europe. Support of the Defense Reform and mitigating the human consequences of defense rightsizing is an example of the synergy created by the Stability Pact between specialized institutions such as NATO, the World Bank and the regional countries, in this case, Romania and Bulgaria. Romania and Bulgaria, with NATO's expertize, set up retraining programs for officers whose jobs were cut to help reintegrate them into the civilian activities. So far, around 2000 military personnel underwent through such training and the program is now expanded to the other countries from South-East Europe.

In conclusion, I wanted to underline, in the first part, the necessity to have scholarly research of the environment for security in order to have the possibility of drawing some security scenarios. I also wanted to highlight the role of Romania within the framework of common efforts to establish an environment of stability and security in this part of Europe. For these reasons we consider the Stability Pact as a solution for the speeding up of the peace reconstruction process. In the same time it is a way for building up partnerships which are mutually profitable among the country members of the European Union and among the states in this region.

Notes:

[1] See, STANLEY HOFFMAN, *Le monde nouveau et ses problèmes*, in "Commentaire" No.53/1991.

[2] LYUBICA JELUSIC, VLADIMIR PREBILIC, *Between Old Ties and New Challenges: Slovenian Policy towards Crises Situation in South-Eastern Europe*, in volume

Ten Years After: Democratization and Security Challenges in South-East Europe, PfP Consortium, National Defence Academy, Vienna, Mai, 2001, page 69; UN Peacekeeping in Trouble: Lessons Learned from the Former Yugoslavia, Edited by Wolfgan Biermann and Martin Vadset, Ashgate Publishing, Brookfield, Vermont, USA, 1999.

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[5] BORIS TRAJKOVSKI, *Adress to Ohrid Conference,* in volume "Ten years after...." page 6

[6] LAURENCE FREEDMAN, *The Future of International Politics in the Wake of Kosovo,* in "Janies Defence Weekly Feature", wyswyg/home.45/http/defence.james.com.

[7] NARCIS ZARNESCU, *Quo vadis, Kosovo?* in "National Defence College Journal, year V, no. 2, Bucharest 1999, page 63-64.

[8] SEAN KAY, *Security Regionalisation in the New Europe. International Institution and Balkan Crises,* in volume "Globalisation, Regionalisation and the History of International Relations", 4th General Assembly, Olso, 11-12 August, 2000, page 209.

[9] BARRY BUZAN, *People, States, and Fear,* translated by Vivia Sandulescu, Bucharest - Chisinau, 2000, page 274-297; Panayottis Tskonas, *Creating Conditions of Stability in Balkans* in "Romanian Journal of International Affaires", vol. II, 1996, page 113.

[10] BARRY BUZAN, *People, States, and Fear,* translated by Vivia Sandulescu, Bucharest - Chisinau, 2000, page 286-287.

[11] ROBERT OSGOOD, ROBERT W. TUCKER, *Force, Order, and Justice,* Baltimore, John Hopkins University Press, 1967.

[12] *Ibidem.*

[13] *Ibidem.*

[14] GARETH EVANS, *Cooperative Security and Intra-States Conflict,* in "Sovereign Policy", no.96, Fall 1994; from Richard Cohen, "Cooperative Security: New Horizons for International Order, page 4, 2001.

[15] MICHAEL MIHALKA, "Cooperative Security: New Horizons for International Order", *Cooperative Security: from Theory to Practice,* page 37; 2001.

[16] RICHARD COHEN and MICHAEL MIHALKA, "Cooperative Security: New Horizons for International Order", page 13-14; 2001.

[17] *Ibidem.*

[18] BARRY BUZAN, *People, States and Fear,* translated by Vivia Sandulescu, Bucharest - Chisinau, 2000, page 61.

[19] RICHARD COHEN and MICHAEL MIHALKA, "Cooperative Security: New Horizons for International Order", page 55; 2001.

[20] See *Romanian Armed Forces in Peacekeeping Missions* (Military Publishing House, Bucharest, 1998).

[21] Dr. JORDAN BAEV, *"Bulgaria's Experience in Peace Support Operations", Ten Years After: Democratization and Security Challenges in South-East Europe* (Vienna: National Defence Academy) Vienna, 2001. page 88.

[22] *Koin Document,* June 10, 1999.

[23] JACK SEMOUR & RICK RUST "Stabilizing South-East Europe: When Action Must follow Words", Basic Publications, July 2000 (http://wwwbasicint.org/Notesjuly1 2.htm).

[24] *Mondorama,* issue 102, May 2nd 2000.

[25] MIHAL RAZVAN UNGUREANU, *O cheie pentru enigma balcanică,* "Bacalnii", Bucharest No. 1 5-1 5/2001, p. 7-10.

[26] The Memorandum of Understanding on Trade Liberalisation and Facilitation (MoU) was signed on 27 June 2001 in Brussels. The major goal of the MoU is to complete the network of free trade agreements in the region by the end of 2002, creating a market of up to 55 million consumers. The agreements will be fully in line with the WTO rules and with relevant obligations of each signatory country vis-à-vis the EU.

[27] *Mondorama,* issue 102, May 2nd 2000.
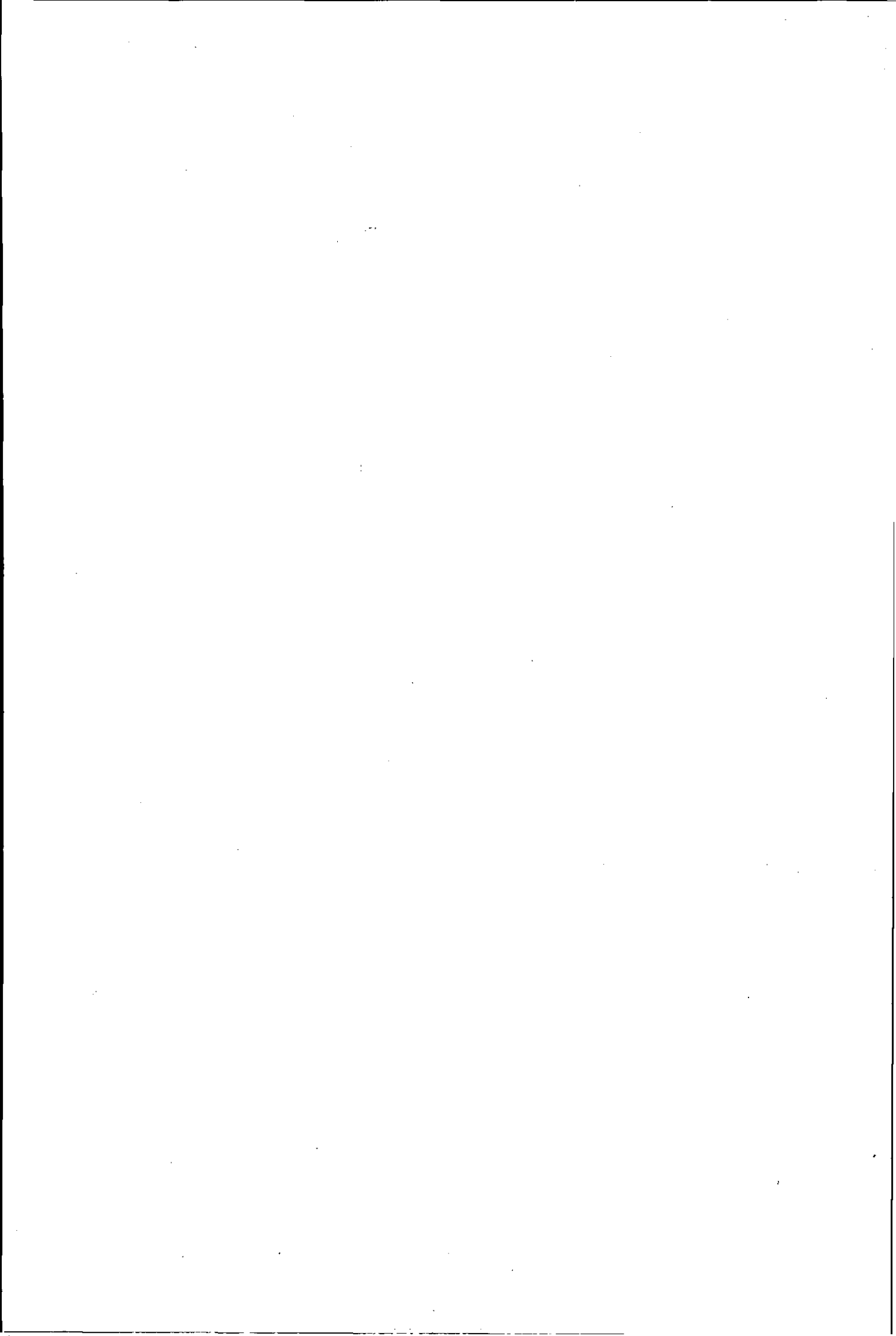
Un bilan de l'histoire des relations diplomatiques roumano-bulgares*

Constantin Iordan

𝒫our un historien des temps modernes, plus de 12 décennies représentent une période suffisante pour des réflexions. L'histoire des rapports diplomatiques roumano-bulgares permet aussi des évaluations, même le déchiffrage de certaines leçons. Il s'agit de deux États voisins avec une destinée extrêmement agitée après le traité de Berlin (1878), avec des conséquences et des implications relativement différentes pour l'avenir de ces deux sociétés engagées dans l'effort de l'achèvement des aspirations d'indépendance et d'unité nationale. D'une manière ou d'une autre, tous les États-pivot, les élites politiques, militaires et intellectuelles des peuples du Sud-Est européen poursuivaient le même objectif: l'union des conationaux se trouvant sous des dominations étrangères. Les lignes générales des programmes nationaux avaient été élaborées pendant le XIXe siècle. Nous ne commentons pas ici leur justesse puisque les auteurs – connus ou anonymes – ont toujours invoqué nombre d'arguments – aussi d'ordre historique et pas en dernier lieu – considérés incontestables. Au nom de «l'idéal/intérêt national», certains d'entre ceux-ci sont véhiculés même aujourd'hui.

On peut cependant constater qu'aucun programme national maximal de ce microcosme sous-continental n'a jamais été intégralement réalisé ou, lorsqu'il fut achevé

dans ses buts majeurs, il n'a pas résisté aux défis du temps. Les causes ont été et restent sans nombre, toujours une synthèse, dans des proportions variables, des facteurs intérieurs et extérieurs.

Il est certain que la lutte pour l'accomplissement des programmes nationaux et la sauvegarde de l'identité ethnique et culturelle a engendré des solidarités, mais aussi des adversités. Celles-ci ont été occasionnelles ou de longue durée. Les voisinages directs ont été un terrain favorable d'affirmation tant des affinités que de la méfiance. Et pourtant, il y a eu toujours des exhortations, des stimulants, de l'assistance, dans un sens ou l'autre, du dehors de la zone. Celles-ci ont joué un rôle pas du tout négligeable dans la réorientation temporaire ou durable de la politique étrangère des États du Sud-Est européen après 1878, soit qu'il s'agissait des Empires environnants ou des Grandes Puissances occidentales jusqu'en 1918, soit des dernières et des États limitrophes pendant l'entre-deux-guerres, soit de l'Axe et des Alliés durant la deuxième guerre mondiale, soit des anciens Alliés après 1945, soit, enfin, de l'OTAN et du Traité de Varsovie dès les années '50. L'armistice enregistré dans la confrontation d'entre les deux blocs par la signature des accords de Helsinki (1975) a eu une vie relativement brève. La crise du système communiste du Centre, Est et Sud-Est européen, accélérée

d'une manière indirecte par la nouvelle politique soviétique *promue par Gorbatchev*, qui voulait seulement sa réformation, a eu une issue moins prévisible pour le leader soviétique. Les changements politiques radicaux des années 1989-1991 ont donné à ce monde une apparence qui n'entrait pas dans les projets de Moscou. La chute du Mur de Berlin, l'unification de l'Allemagne, le démembrement de l'URSS et la dissolution du Traité de Varsovie, la transition vers la démocratie, le pluralisme et l'économie du marché dans les pays de l'ancien bloc *communiste ont mis* en évidence la victoire de l'Occident dans la «guerre froide», annoncée par Churchill à Fulton, en 1946. Ébranlée par de forts séismes intérieurs, la Russie n'a plus eu le prestige et l'autorité de l'ex-Union Soviétique, même si elle est restée un important partenaire de dialogue de l'Occident dans les affaires européennes. L'OTAN, l'Union Européenne, le Conseil de l'Europe et l'Organisation pour la Sécurité et la Coopération Européenne, d'une part, Le Fonds Monétaire International, La Banque Mondiale, la Banque Européenne pour la Réconstruction et le Développement, d'autre part, sont devenus d'importants centres de pouvoir et d'influence sur le continent, même si l'idée d'assumer ces responsabilités n'a pas eu partout un accueil enthousiaste: nous envisageons, entre autres, les réactions de certaines forces politiques et même des États envers l'idée de l'élargissement de l'OTAN.

La réunification allemande, l'autodétermination des anciennes Républiques soviétiques, la séparation pacifique des Tchèques et des Slovaques, mais aussi les violences qui ont accompagné le démembrement de la première fédération yougoslave ont ramené dans l'attention des milieux politiques et diplomatiques, de la société civile et de l'opinion publique internationale les problèmes nationaux et les droits des minorités. Les évolutions de l'espace yougoslave et de l'Albanie après 1991, plus récemment aussi dans la Macédoine, sont devenues, malheureusement, pas seulement un objet d'étude pour les analystes de divers domaines et des sujets pour les journalistes, mais aussi un terrain des interventions directes ou indirectes des autres

États, des organismes internationaux et des alliances politiques et militaires comme l'Union Européenne, l'Union de l'Europe Occidentale et surtout l'OTAN. Les dimensions et les implications de la crise de Kossovo, de la guerre aérienne de l'OTAN contre la dernière Yougoslavie (Serbie et Monténégro), des conflits ethniques de la République de Macédoine mettent en lumière la gravité et la complexité des problèmes nationaux de la région. Pour leur compréhension et pour trouver des solutions durables, un recours à l'histoire plus proche ou plus ancienne et, évidemment, à ses leçons est inévitable, même si certains facteurs de décision ne paraissent pas partager cette opinion.

Se trouvant dans le voisinage de la zone du conflit, la Roumanie et la Bulgarie ont l'obligation de ne pas ignorer le passé de cet espace, l'une des composantes étant l'histoire de ces 12 décennies des relations diplomatiques bilatérales. Leur évolution a été déterminée, influencée ou jalonnée par une série de facteurs. Voilà quelques-uns d'entre eux sans la prétention de faire une hiérarchie, parce que leur importance doit être évaluée en fonction d'interdépendances et de connexions, toujours présentes.

Les directions, les accomplissements et les échecs des programmes nationaux-territoriaux promus par les élites dirigeantes, mais partagés aussi par une grande partie de l'opinion publique. Le seul point de confrontation directe et publique, avec des intermittences et des intensités variables, a été jusqu'en 1940 la Dobroudja. Ce «dossier» présente deux aspects, l'un concernant toute la Dobroudja, l'autre la Dobroudja méridionale.

Le premier aspect vise la décision du Congrès de Berlin, considérée par des hommes politiques et l'historiographie bulgare contraire aux intérêts nationaux de la Bulgarie, mais vue en Roumanie, d'une part, comme un acte de réintégration historique et, d'autre part, comme une possibilité de consolider l'indépendance de l'État par l'obtention de l'accès à la Mer Noire. Les protestations de certaines personnalités de Bucarest de la première partie de l'année 1878 contre l'idée de l'annexion de la Dobroudja, évoquées

constamment par les historiens bulgares, devraient être interprétées surtout comme manifestations de l'opposition à l'égard du principe de «la compensation ou de l'échange» – la Bessarabie méridionale contre la Dobroudja – avancé par la Russie pour cacher la violation de l'engagement de respecter l'intégrité territoriale de la Roumanie assumé par la Convention de transit d'avril 1877. Aucun homme politique responsable de Bucarest d'après 1878 n'a pensé que la Dobroudja ne serait pas *de iure* un territoire roumain; il n'aurait pas accédé ou il ne serait pas resté au pouvoir. Ionel Brătianu, le fils du premier de l'année 1878, a donné sa démission en janvier 1918 envisageant aussi la perspective de la perte de la Dobroudja. À Sofia on pensait autrement; ce fut bien clair pendant l'occupation militaire des années 1916-1918; les clauses du traité de Bucarest (mai 1918), qui instituaient un **condominium** en Dobroudja, ont profondément mécontenté les cercles politiques et militaires bulgares. Même si les autorités officielles de Sofia n'ont plus soulevé le problème de toute la Dobroudja dans la période de l'entre-deux-guerres, sa «libération» a fait partie des objectifs de la lutte et de la propagande de certaines organisations nationalistes ou extrêmistes de gauche.

Le deuxième aspect – la Dobroudja méridionale – a ses origines dans les prévisions du Traité de Bucarest (août 1913), le seul document de l'histoire moderne du Sud-Est européen, engageant pratiquement tous les États de la zone, qui ne porte pas la signature d'une Grande Puissance. L'annexion du Cadrilatère a été déterminée par la conception dominante alors à Bucarest; mais aussi dans d'autres chancelleries de la région et au niveau européen, concernant «l'équilibre balkanique», qui s'est toutefois avéré fragile. Nous n'oublions pas cependant qu'en 1913 la Bulgarie vaincue a obtenu l'accès à la Mer Égée par la Thrace occidentale. La réconfirmation à Neuilly (1919) de la frontière de l'année 1914 fut dans la logique du rapport des forces existant alors sur le continent; la solution de ce litige par le Traité de Craïova (1940) fut la conséquence de la même logique, de la modification radicale du rapport de forces existant à la fin de la première guerre mondiale.

La thèse du «révisionnisme pacifique», une vraie théorie du Pr. Iltcho Dimitrov datant de l'année 1983, reprise aussi par d'autres historiens bulgares, est valable partiellement, c'est-à-dire dans des problèmes non-territoriaux (voir l'accord de Salonique – 1938). Même si nous évoquons les possibilités théorriques offertes par l'article 19 du Pacte de la Société des Nations concernant la révision des traités de paix, il ne faut pas perdre de vue que la rétrocession de la Dobroudja méridionale a eu lieu avec le concours immédiat de l'Allemagne et de l'URSS, qui n'étaient plus membres du forum de Genève.

Après l'année 1947 il n'y a plus eu officiellement un différend territorial bilatéral. La solidarité des systèmes communistes de ces deux pays a représenté une caution pour le respect de la décision de Craïova. Il n'est pas moins vrai que dans les années '70, lorsque certaines attitudes du régime de Bucarest dérangeaient Moscou, le leader de Sofia a lancé l'idée d'une «intégration organique» de la Bulgarie et de l'URSS; certains analystes l'ont interprété comme une tentative de rouvrir le «dossier» de la Dobroudja. Tels «projets» n'ont pas surgi après l'année 1989.

En ce qui concerne les accomplissements et les échecs des programmes nationaux dans d'autres directions, rappelons-nous que la Roumanie officielle a été favorable à l'Union de la Roumélie Orientale avec le Principauté de Bulgarie de l'année 1885; parce que l'historiographie bulgare ne paraissait pas partager cette opinion, nous avons essayé de démontrer ce fait à la Session du Centenaire, organisée par l'Académie Bulgare des Sciences; notre analyse a reçu un bon accueil de la part des hôtes. Le fait que la guerre déclenchée par la Serbie après l'Union de la Roumélie Orientale, qui a consacré la première grande victoire de l'armée nationale bulgare, s'est conclu par la paix de Bucarest (1886) a mis en relief l'atmosphère de confiance existant entre la Bulgarie et la Roumanie.

N'oublions pas, en égale mesure, qu'un autre succès, toutefois éphémère, du programme national bulgare, celui de l'année 1913 – l'annexion de la Thrace occidentale,

donc l'accès au littoral égéen – a été possible grâce aussi au concours de la Roumanie.

D'autre part, la réalisation de la Grande Roumanie en 1918 a provoqué des craintes à Sofia après la guerre. La création du Royaume des Serbes, Croates et Slovènes et pas moins la conclusion de l'alliance politique et militaire roumano-yougoslave (1921) et une certaine solidarité roumano-grecque ont représenté, naturellement, des obstacles sur la voie de la réalisation du programme national de la Bulgarie dans les directions Ouest et Sud par la révision du Traité de Neuilly.

Pendant les années 1940-1944 l'intégrité territoriale de la Roumanie a été gravement amputée – rétablie partiellement par la participation à la campagne militaire sur le front oriental; de sa part, dès le printemps de l'année 1941, la Bulgarie a atteint – toujours d'une manière partielle – certains objectifs nationaux; pour cette période le débat entre sur le terrain de l'«Ordre Nouveau», conçu par le Troisième Reich.

Le temps et le lieu ne permettent pas d'insister sur d'autres facteurs, mais une analyse sérieuse ne devrait pas omettre les implications eues par d'autres repères sur le destin des relations diplomatiques roumano-bulgares.

Le voisinage de la Russie, puis de l'Union Soviétique et de nouveau de la Russie, même s'il est indirect. En exceptant une partie de la première guerre mondiale et la période communiste, bien qu'il soit difficile de généraliser, les élites politiques et intellectuelles roumaines ont été au moins méfiantes à l'égard des projets de la politique balkanique promue à Petersbourg ou à Moscou. En grandes lignes, l'orientation pro-occidentale de la Roumanie a été évidente entre 1878 et la deuxième guerre mondiale et paraît être dominante après 1989. En échange, à l'exception du régime Ştefan

Stambolov, du gouvernement Vasil Radoslavov, pendant la deuxième conflagration mondiale et les décennies communistes – toujours pas de généralisations – la société bulgare a été divisée entre «philorusses» et «russophobes». Les débats aux différents niveaux sont d'actualité sur le thème «La Bulgarie entre la Russie et l'Europe». À ce moment, tant la Roumanie que la Bulgarie sont engagées officiellement sur le chemin de l'intégration euro-atlantique, sans négliger le facteur russe pour des raisons qui ne sont pas pleinement identiques.

Toujours utile serait l'analyse de l'impact de la politique régionale des autres Grandes Puissances – anciennes et actuelles –, des blocs politiques et militaires du passé et du présent, des organisations internationales. De même, le problème des minorités a fréquemment marqué la dynamique des relations diplomatiques. Notre démarche a été fatalement partielle.

En guise de conclusions, quelques exhortations:

1. Les historiens authentiques des deux pays doivent étudier ces 120 ans de relations bilatérales d'une manière méthodique et dans toute leur complexité, pas d'une façon sélective et en campgne; les efforts de coopération ne doivent pas être négligés et on peut imaginer des formules plus concrètes.

2. Les résultats de ces recherches doivent être présents dans les **mass media** pour que l'opinion publique soit à l'abri des «intoxications» des amateurs, soit animés par de bonnes intentions, soit délibérément tendancieux.

3. Les enseignements ne manquent pas et les facteurs de décision de Bucarest et de Sofia ne devraient pas les ignorer; un dialogue systématique entre les hommes politiques et les spécialistes serait bénéfique pour l'avenir des rapports roumano-bulgares.

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Britain in 1950. Between Europe and the Wider World

Alin Matei

he British twentieth century was often presented as a time of implacable decline and retrenchment. The debate on British competitiveness[1] – political as well as economical – started well before the First World War mainly because of the German bid for world power, but reached its climax only after the two world wars. By then the United Kingdom had become "the world's greatest debtor", incapable or lacking the will to deal with the remnants of the *Pax Britannica*. In fact, this entire debate concerning relative decline, eroding competitiveness, lack of will to rule, overstretched resources was concentrated in a single question: could we have done better?[2]

By then, in the middle 1960s, most of the options in external policy were already closed. Financial problems resulting mainly from the highly unstable balance of payments as a consequence of a booming internal market and of the losses in export markets (one could add the high level of investment abroad), the willingness to maintain the pound as a reserve currency for the international financial system, the never-ending stop-and-go economic cycle materialised in periodical inflation and overheating of the economy, all these made Britain an unique case among the highly industrialised nations of the West and underlined the continuous "retreat from power" of the Western World's "sick man".[3]

Today it is easy to overlook Britain as an extremely important factor in international relations, but this was not the case during the first post-war decade when it was the second military and economic power of the West, with huge responsibilities in the Far East, Middle East, Africa and Europe.[4] For instance, at the end of 1945 British forces in Germany stood at 488,000 men, while the number of American military was 390,000 and was decreasing fast.[5] Even in the sixties it was the remnants of the British presence in the Middle East and South Asia that made it much easier for the United States to concentrate their resources to solve the problems of Indochina.

This most difficult task of fundamental readjustment in the field of external relations fell on the shoulders of the Attlee Governments and foreign policy was not the only thing that Labour was supposed to reform. There was a powerful feeling in Britain that this government "marked the end of an old phase, as much as it heralded a new beginning".[6] But at the same time the Labour government was essentially a cabinet of veterans, their instincts being largely influenced by their earlier experiences as members of Parliament, union representatives and, finally, as members of the Coalition that won the last war. This was a powerful conservative element which added to their instinctive anti-communism and to the rapid

breakdown of the Great Alliance[7] assured in fact a remarkable degree of continuity with Churchill's principles in foreign policy, much more visible than initially intended and certainly much criticised by Bevan's "Keep Left" group. In fact, foreign policy is certainly the field in which Labour innovated least.

British elite perception of the post-war world was deeply influenced by the experience and history of the twentieth century.[8] Bevin or the officials around him used to go even further and they made often reference to the experience of the two great British peace-makers: Castlereagh in Vienna and Lord Curzon in Paris, each of them architect of a new Europe.

A vital part of this historical legacy was undoubtedly the experience of the recent world war with its two "sub-experiences": that of social cohesion and that of a bankrupt victor. As Hall-Patch put it: "we are the world's greatest debtor nation and we are committed to a policy of full employment. These are both factors with wide implications."[9] Economic weakness and socialist transformation of the society were indeed vital domestic factors with wide external implications as they put a heavy strain on UK's resources and demanded a high level of state control.

The attempt to study the British perceptions and policy at the end of the 1940s on the European role that the United Kingdom ought to play is without doubt a distortion upon history. We should always keep in mind that the same years witnessed the existence of British interests and responsibilities in every continent and consequently the impossibility for Britain to give Europe the primacy that might appear normal today.[10] One should not forget the Middle East and especially the consequences of the Palestine mandate, the Iranian problem and the giant investments in Abadan[11], the restless efforts to keep India inside the Commonwealth and the Colombo Conference which apparently gave substance to the concept of Commonwealth, the attempts to keep Malaya or Burma out of Communist hands, the numerous tentative to reach an agreement with Egypt about what was still the biggest military base in the world: the Suez[12], the

problem of the sterling balances, and above all the consensus which dominated the British elite regarding the world role which Britain must play[13] and regarding the implications of retreat, although in this there were nuances.

To ask from the British policy-maker of 1950 to foresee all the implications of the European integration process and to take into account the consequences of economic decline at a time when Britain enjoyed the status of a second best only to the Unites States means to abuse the advantage of perspective which the historians enjoys. Nevertheless, "the sense of a lost opportunity remains".[14]

The very same first postwar decade saw the establishing of the priorities of the British external policy whose traits are still recognisable today: "reluctant Europeans", a "special relationship" with the other great Atlantic power, together forming a highly exclusive "Anglo-Saxon" club, a certain consciousness that events worldwide affect British interests and security, although less obvious since the time when Shanghai, for instance, was the greatest concentration of British capital outside the United Kingdom.

During the first postwar years UK's external policy was based on what would be theorised in the fifties by Churchill as the theory of the three concentric circles: United States, the Commonwealth and Europe (the importance in this order), a direct legacy of the last war. The Second World War proved in fact the importance of the American alliance, the importance of the ability to shape the decisions in Washington, even to a small degree, the opportunities that the Commonwealth offered for promoting Britain's status in the world, but also the centrality of Europe in the global balance of power.

The three concentric circles (or "pillars" if we follow Bevin's terminology) theory was also a very convenient one because it allowed Britain to delay an option which became inevitable with the shrinking resources available for the implementation of its great power foreign policy. This order in priorities was certainly not generally acknowledged by all British officials and even less so the methods to implement them. Churchill's

wartime administration had not done much to encourage the creation of an organism of rational policy planning (although the American administration is a much more appropriate example) and at the end of the war the Foreign Office, the Treasury and the military found themselves at odds in many fields and especially in Europe and the Middle East with no authority able or willing to co-ordinate their efforts beyond the day-to-day business and emergencies. The Prime Minister's personality[15] and reluctance – not unlike Roosevelt's – regarding premature planning, combined with the tensed relations with De Gaulle, the obvious primacy of the military matters, and an intense scepticism regarding the future of the defeated continental Western Europe combined to turn Churchill into an inveterate enemy (at least until the final months of the conflict) of the idea of a British-lead Western Bloc.[16]

The three pillars were at the same time a re-affirmation of the global status of the British power and a way to attain it. At the end of the war "most British policy-makers tended to view this relative decline as transient... their central preoccupation was to restore Britain's credentials as a world power".[17] This global dimension was underlined by the prodigious participation to the deliberations of the Council of Foreign Ministers, by the subscription to the world financial system established at Bretton Woods[18] (this adherence to the principles of an essentially multilateral economy would prove a great impediment to the British participation to any Western European economic arrangement which could turn protectionist – as the French certainly wished).

Anyway, to simply present this theory would be an oversimplification because these three circles were strictly bound together by immensely numerous connections of various natures that required from the British diplomacy a constant balancing and a constant reviewing of modalities for using its influence. The three circles theory had other disadvantages as well, because it made impossible a high degree of rationalisation at the practical level and the long-term planning. It was an important factor in making

Britain an object of international relations rather than a subject. The other was the obvious economic impossibility of sustaining all the existing commitments even on a medium-term, a situation that meant that the allocation of new resources to some of them could dislocate the fragile equilibrium on which rested the British "superpower".

Even Britain's debts were global in character. Of the 4.7 billion pounds accumulated as an external debt at the end of the war, 3.5 billion were owed inside the sterling area (mainly to India, Pakistan, Egypt, Argentina, and the Dominions). The American-Canadian loan of December 1945, the convertibility crisis of July-August 1947 (in which the Belgians played a most unfortunate role by selling a huge amount of sterlings, a situation that brings to mind their role together with the Swiss and the Dutch in August 1931) and the devaluation of September 1949 underlined once more UK's global commitments (even more so when we think that the devaluation of the pound which caught the Europeans by surprise was discussed in advance with the United States and Canada[19]) but also the dangers they carried when you try to sustain them from a position of weakness and the inability to build a Western European economic bloc in which Britain would necessarily take the lead. This evolution was magistraly described by Alan Milward who concluded: "In 1947, a Western European customs union without Britain seemed economically pointless, dangerous, even impossible. In spring 1948, as the payments situation and the reserves improved it still seemed in London that in spite of the 1947 setback the United Kingdom would achieve its objective in setting the timing for a return to multilateralism and convertibility in Western Europe. By autumn 1949 none of these hopes were realisable. British dollar earnings and the dollar position of the sterling area reserves were severely damaged by the American recession of that year...".[20]

Alternative courses were considered, but never seriously enough and in any case the stakes and the risks were too high, for Britain and even for the world: "it was pointed out that the policy of insulating ourselves

completely from the dollar world had some popular appeal and might in some ways be tempting... It might be better to avoid discussions on any long-term solution and merely attempt to find temporary remedies for the immediate difficulties of the non-dollar world. After full discussion, however, it was agreed that we should enter into negotiations with a view of finding some compromise on the long-term problem that would be acceptable to American and Canadian opinion as well as to ourselves. Political and economic chaos would result if we tried to cut ourselves entirely off from the dollar world, and a satisfactory agreement would avoid a great deal of hardship."[21] In 1950, as in 1945 the options were essentially the same and in the last instance the Cabinet had to choose between two equally dangerous courses: they could refuse to dismantle the defensive mechanisms of the sterling area and they thus they would get the independence they wanted, even if it was a very austere one, or they could accept the principle of multilateralism with the implicit danger of American competition on British traditional markets, but sweetened by substantial US financial backing for Labour's ambitious policies at home and abroad.[22] Despite the American loan, both courses seemed open in 1950, but equally important was the believe that co-operation with Western Europe could not replace the US financial assistance.

New alternatives found themselves disadvantaged by a certain immobilism promoted by the victory in the second world war and by a "fifty-year inflation of the national ego" that followed which brought Britain in a half-world of illusion[23], certainly not one to encourage changes despite a painful awareness of the precarity of the UK's position.

The same new alternatives (and we mean by that closer co-operation with Western Europe, possibly through economic integration) pointed straightly to a fundamental contradiction in Labour's economic policy, internal and international. The expressed intention to establish some form of international economic planning was clearly at odds with the internal policy of the

Labour Governments of extending the state control over the British economy. International planning certainly meant surrender of sovereignty, while nationalization brought national sovereign control over the economy to new heights. It is contradictory to seek to strengthen control of all aspects of one's own national economy whilst at the same time working to eliminate <<economic nationalism>> worldwide.[24]

A certain weight in an attempt at an overall explanation of the British foreign policy must be attributed to the institutional infighting, to the reform or lack of reform in the British foreign policy-making machinery. It was correctly noted that in 1949 the Foreign Office received thrice as much telegrams than it did at the time of Munich, eleven years earlier[25] and the Office had to deal with all these incoming information while maintaining largely the same structure. "The urgent drove out the important" and equally significant there was no professional body able to give a sense of direction at this time of challenge (until the creation in 1949 of the Permanent Under-Secretary Committee) and the only person who could do it was the much-praised Bevin who was nevertheless ill-fitted for this type of long-term planning activities. Although accused by his party colleagues that he was a prisoner of the officials, Bevin made most of the running in the Foreign Office.[26] His pragmatism, although very often a considerable advantage for Britain, was, however, helpful only when it came to deal with the "urgent".

The new complexities of the international situation whose main characteristics seemed to be the fever of reconstruction and an ever-increasing worldwide menace to the very existence of the Western world were bound to develop a competition for the formulation of foreign policy between the diplomatic, economic and military institutions inside the British government. The lack of policy-planning institutions inside the FO signified in fact its inability to impose a certain vision of foreign policy to the government as a whole while benefitting from the fluid situation caused by the end of the war. [27]

As we mentioned earlier, some historians tend to see the British refusal to participate in the Schuman Plan as a huge lost opportunity,[28] and not necessarily as a decision which the circumstances forced more or less upon the British officials. Others, more reserved, view the same moment as the logical consequence of the evolution of the British foreign policy during the first postwar years while acknowledging its importance for the decline of the British influence in Europe. More recently others have attempted to reveal the motives for the English reluctance to refuse altogether any connections with the Plan Monnet.[29] In fact, the same causes that lead to the refusal of the French proposal, forced the British to find some methods of influencing from outside the emerging Community.

In this paper we intend to draw the attention towards the moment immediately preceding the Schuman Plan debate, the London Conference of the North Atlantic treaty powers. We are going to focus here not on the London Conference itself but essentially on the Whitehall's preparations for it which appear essential if we try to understand the British reaction to the Schuman Plan. In this we shall follow the British documentation which rather contradicts some of the conclusions other historians drew from the conversations.[30] In some cases we shall compare them with the documents produced as a reaction to the Schuman Plan itself.

London was supposed to host in the spring of 1950 a series of Anglo-American discussions, that would later be joined by the French and then by all the representatives of the NAT countries. Of course, the trilateral talks would be preceded by the tête-à-tête secret discussions between the Anglo-Saxons, their main purpose being a clear definition of roles to play in the cold war strategy.[31] The Secretary of State Acheson's intentions were obvious to Oliver Franks, the British ambassador in Washington: "It was clear to me that Acheson did not think that major policies of this kind [necessary to counteract the increasing Soviet advantage on the international scene] could be

formulated or made effective except in partnership with Britain. As regards Europe, he feels that unless we are able and willing to lead nothing whatever can happen... He said explicitly that he did not think that the correct approach to what was called the integration of Europe could be by documents or constitutions or definite political acts. It had to be by a much gradual process, more on the lines of the British Commonwealth."[32]

The discussion has, I think, three important aspects which were to determine in good part the British foreign policy for years to come: first, the weakness of the American strategy of forcing Britain into Europe while simultaneously acknowledging the increasingly important role of the Commonwealth connection, the importance of the existence of the sterling area for the stability of the non-communist world and encouraging London's strong belief that Europe does not mean much without the British lead[33]; secondly, the very weakness and strength at the same time in London's position which convinced Washington that something must be done to support the British commitments world-wide. The third aspect is represented by the Franks-Acheson relationship itself which by its largely informal base (with all the elements that this involves) came to symbolize the very nature of the Anglo-American relations at the beginning of the fifties.[34]

Given the American initiative, the British were decided to make the most of it. Their main objective seemed to be, if we follow Franks' words: "We need a full recognition of this position [America's closest partner] and its application in practice by the Americans, given they want our active partnership in the world, they must be prepared to make changes which will give us in the long term economic strength".[35] The American objectives, as London saw them, were far more extensive: defining the best form to organise the Western world, the association of Germany and Japan to the destinies of the free world, finding the best way to resist the communist offensive.[36] In accomplishing each one of them Britain's role could be extremely important.

The approaching talks generated a high degree of activity at the Whitehall. Britain had to have a different role from that of Europe. A new concept to define the United Kingdom's relations with Europe which would replace the "Western Union"[37] was required. A series of fascinating documents were produced before and during the Conference regarding all these subjects. We shall focus on the London's vision of its own role in the world.

The "Western Union" concept was initially connected to Bevin's projects to organise the "middle of the planet". Its abandonment was determined mainly by the difficulties London encountered in sustaining its worldwide obligations solely or with Western European support. There could be no Third World Power and that is why continental Europe could not be the British foreign policy's priority. Any combination involving only the Commonwealth and Western Europe as a way forward in consolidating the non-Communist world would only confront the Commonwealth members "with a direct choice between London and Washington, and though the sentiment might point one way, the interest would certainly lead the other." This was the true measure of the British decline. More, the Commonwealth could not be united. There were no internal forces likely to impose such a trend and, equally important, "it has no central authority and is unlikely to create one...".[38]

As for the co-operation with continental Europe which could lead even to a limited loss of sovereignty for His Majesty's Government, this was an unacceptable option for the moment. "Whatever the tendencies might be [on the continent] the fact remains that the military and economic situation of the Western European nations is now such that there can be no immediate prospect of wedding them into a prosperous and secure entity without American help; and even with American help it is uncertain whether this can be achieved for some time to come...the situation is that even with American help there is nothing at present to stop the Russians occupying the entire Atlantic coast of Europe."[39] In other words: if there is a risk, we cannot take it,

especially when a military viable Western Europe involves either Germany's militarization[40] or a considerable lowering of life standards thanks the inevitable extra-spendings necessary to give substance to such a commitment. European integration, political or economic, is analysed through the costs and there are practically no direct advantages for Britain which could not be obtained otherwise.[41] It is therefore not a very cost-effective strategy which would have as a main consequence an excessive spending of British resources much needed to sustain other obligations more important economically, if not strategically.[42] Western European unity, as opposed to the "union" launched by Bevin in January 1948, would only solve the balance of power problems within the strict boundaries of Western Europe, respectively would adress the question of Franco-German relations while leaving unopposed the Russian threat.[43]

It is very ironic that this option was expressed as clearly as possible in the Cabinet discussions one day before the announcement of the Schuman Plan and in terms which would practically anticipate a decision on that subject: "In all matters of foreign policy and defence policy there could be no doubt that our interests would best be served by the closest co-operation with the United States and Canada. It was clear that, even with the support of the Commonwealth, Western Europe was not strong enough to contend with the military dangers confronting it from the East... *for the original conce tion of the Western Union we must now begin to substitute the wider conce tion of the Atlantic Community*."[44] The conclusion of the Cabinet in the aftermath of the Schuman's press conference was only the logical outcome: "It was agreed that it [Schuman's proposal] showed a regrettable tendency to move away from the conception of the Atlantic Community in the direction of European federation". In the days to come, supporting the Atlantic Community would become the only practicable method of opposing the Schuman Plan.[45]

There was only one option left open, a special partnership with the United States, though it was far from being an uncontested

one.[46] From the start, the American informal suggestion at the beginning of March 1950 that the two countries should define the basis of their relationship sounded like music for many British ears: "It is the first time since the war that they approach us as partners on the most general issues of policy."[47] In spite of what historians later wrote, for the Whitehall officials the prospects of strucking a deal with the Americans appeared extremely encouraging. In the economic field there were fundamental differences (e.g. commercial and monetary policy, East-West trade, economic policy towards Germany) – they admitted, but "we have nothing really to complain about" and "the general picture is that our present relationship [with the United States]... in the economic field is good...".[48] There were no grounds for fearing American preponderence which was inevitable given the economic situation. And there was more than this: integrating Britain in Western Europe would in fact diminish London's opportunities "to apply a brake on American policies if necessary". Necessity for such an action was recognized to be quite small for such an unequal relationship was unlikely to turn dangerous. The same thing could not be said about an eventual "special relationship" with Europe[49] which was likely to involve London in Europe "beyond the point of no return". The latter formula represents a constant theme of the British thinking on Europe.[50] There was no "sufficient kinship of ideas" with Europe. Despite all these traditional links with the United States, there was a fundamental condition to fulfil in order to achieve the necessary convergence of objectives between the two Anglo-Saxon powers: the United Kingdom *must* maintain "a position, closely related to the United States, and yet sufficiently independent of her, to be able to influence American policy in the directions desired." Thus, Britain had to remain a world power, otherwise the US would not be willing to respect and support British interests worldwide.[51] It is interesting to note that in practice the boundaries between dependence and independence would be a lot more difficult to establish, although it would not be wrong to use in certain moments the word

"interdependence". At the same time all these analysis betray an overinflated hope of being able to a certain point to dictate the agenda of the unexperienced American foreign policy. In January 1951 Bevin could still write to the Prime Minister: "Now is the time to build up the strength of the free world, morally, economically and militarilly with the US, and at the same time exert sufficient control over the policy of the well-intentioned but inexperienced colossus on whose co-operation our safety depends".[52]

If the Anglo-American connection acted sometimes as a brake on US actions can be argued, but it is certain that it acted as a brake on London's involvement in Europe. It was felt that such a course would almost certainly draw the Americans towards an isolationist stance in international affairs or would reorient America's European policy making France and possibly Germany the main partners or, in the last instance, would force the United States to find a common ground with the Russians.[53] The best alternative to this unwanted European supranational adventure was the Atlantic Community, a Community which seemed to be best embodied by the North Atlantic Treaty[54] which had the huge advantage of including, at least partially, all the three "pillars" which supported Britain's international status: the Commonwealth (through Canada), the United States, Western Europe. It offered, thanks to the American participation, the optimate framework for controlling Germany[55] and, essentially, it prevented Britain from making a choice in time of difficulty. Therefore, Britain's European policy was indivisibly linked to its American-Atlantic policy.[56]

But the North Atlantic Treaty had its shortcomings and these would become visible, the Whitehall officials believed, with the end of the Marshall Plan and of the OEEC. Western unity could not rest solely on a military and political basis (as the British officials acknowledged even at the time of the Brussels Treaty); it had to rest also on economic and cultural-ideological co-operation. The pressures for Western European economic and political integration were already immense and with the relapse

into insignificance of the OEEC caused by the end of the American funds flow they would grow even bigger. To counteract such a trend London proposed a considerable extension of NAT's attributions in the political and economic fields according to the article 2 of the Treaty. In fact, this became one of the main objectives for the London Conference: "Our object is to build up the political and economic side of the Atlantic Pact before OEEC runs down completely, so that the residual functions of the OEEC be drawn towards the Atlantic Pact Organization rather than towards the Council of Europe".[57] Economic co-operation would thus be conducted through a classical inter-governmental body in which Britain would act as a pivotal element, able to lead the Europeans because she was United States' main interlocutor and to be US' main partner exactly because she was able to exert her leadership on Western Europe.

One of the American basic interests was to see Europe organized as a coherent force against the Communist pressure and aggression. Britain was prepared to give the lead but only if at the same time it was recognized by the US as a special partner, their "special relationship" thus becoming the basis of the European co-operation. This was the Atlantic Community. This was the only system which fulfilled – from London's point of view – four primary conditions: 1) it was economically, politically and socially strong enough and more attractive than the Soviet system; 2) it was the only one which permitted full British participation without substantial sacrifices; 3) it allowed a certain freedom "to manipulate" and if necessary to block the projects for European integration without appearing as the main obstacle in the way of closer European co-operation; 4) it made less painful and safer the entry of Western Germany into the structures of the West.[58]

The climax of NAT's institutional evolution was supposed to lead to a security framework capable to cover simultaneously the United States and the dollar area, the United Kingdom and the sterling area and the Council of Europe. Bevin's words were as clear as possible when he confessed that he "would

like to get away from talk about Europe. We must think in terms of the West, of the Free Nations or the Free World. We must aim at bringing in all the non-Communist countries [not in NAT, but in an ill-defined, informal security structure of the West], including those of South and South-East Asia. The Americans were wrong to think in terms of Europe as a separate and self-contained unit."[59]

To sustain this pivotal role Britain needed to be part of an Anglo-American-Canadian ("the real core of the anti-Communist coalition") informal group that would be kept "entirely from the Latins – to say nothing about the press". There would be also a façade "inner circle" which would include the French who could be in this way kept quiet. It is highly significant that this type of informal Standing Group, with or without French participation was the opposite of the plan France had put forward for the creation of a Secretary-General with wide powers and of a Great Atlantic Council which were interpreted as attempts to increase French influence inside the Alliance by bringing all the discussions into the open and to ban any association of Western Germany with the Treaty.[60]

Above all, to support this position it was of central importance that Britain retain a global presence against all odds, although at the same time it was trying to fulfil an ambitious domestic economic program. An American observer described acurately the whole picture in January 1950: "British leaders feel that they are now fighting a last-stand battle for survival as a world power. They see themselves confronted by a host of life and death problems. They are trying simultaneously to maintain their Commonwealth and Empire commitments, balance their trade, modernise their industry, balance their budget, fight off inflation, and prevent a fall in their standard of living."[61] There was a painful awareness of this situation among the British officials at the Foreign Office and of course at the Treasury. Both departments agreed that Britain did not have at the moment a "sound" foreign policy, a policy where commitments are matched by resources. But both of them were at one at

saying that "the attempt to maintain all its existing obligations would no doubt be less dangerous for the United Kingdom than a general withdrawal".[62] Not being a world power anymore, London would not be able to hold together the sterling area any longer and the direct consequence would be a drastic fall in life standards, a lot more heavier than in the case of continuation of the existing commitments. For the Permanent Under-Secretary Committee which prepared during the Conference an extensive document on the British overseas obligations even a limited withdrawal would have catastrophic consequences thanks to the high level of interdependence between London's various obligations: "the abandonment of any one obligation may start a crumbling process which may destroy the whole fabric... Reduction of direct British responsabilities should be as gradual and undramatic as possible". But how this could be done, how could a part of the immense burden be transfered to other shoulders without giving in the world position of the United Kingdom and the inherent advantages? How could that be done when it was obvious that the "Russians would be too ready to fill any vacuum created by a British withdrawal"? The answer was always on the other side of the Atlantic.[63] The Americans should be told "frankly that we are already overstrained and that it is only with the assistance of Marshall aid that we can carry out our present burdens" – thought Plowden, one of the Treasury's main experts. Simultaneously – the FO officials pointed – Britain should take advantage of the degrading international environment to force out upon the Americans the recognition of all British interests, including colonial interests.[64] For Whitehall officials – as the Cabinet discussions shows – the supreme manifestation of the American recognition of Britain's special status in the world would have been an undertaking to support the stability of the pound. On this point the divergence between Wahington's and London's aims becomes clearly visible: for the Americans strengthening the pound was an important part of their Cold War strategy (economic stability for essential regions of the world and

the price to pay to obtain a British lead in the organization of an anti-Communist and economically open Western Europe), while the British hoped to manipulate it to a certain point, to obtain the best of two worlds.

From this point of view the London Conference would be a disappointment as it had become obvious for many that "the value of this country to the United States, apart from the Commonwealth connection and our influence in the Far East and other parts of the world, lay in the leadership which we could give in Europe; and they [the Americans] were not prepared to encourage us to think that we can establish, through any special relationship with them, an alibi for our duties in respect to European integration...".[65] The Agreed Anglo-American Report of May 6 was very clear about this: "It is recognized that the close relationship between the United States and the United Kingdom should assist closer United Kingdom relations with Western Europe and foster the development of closer relations between all the members of the Atlantic Community".[66]

The lesson drawn from here confirmed instead the conclusions already arrived at: Britain needed to remain a world power. British skepticism regarding the prospects of European integration without UK participation took a heavy toll on London's European policy. The arrangement proposed by Schuman on May 9 would probably fail and the time would come for Britain to come to the rescue. If it did not fail, Britain could find ways to associate itself with it[67] and thus regain its role as a link between a European bloc, the United States and the extra-European world. That Britain would find itself instead increasingly marginalised – except for the moments of high Cold War crisis and for the short period of glory of Eden's bathtub-born ideas in 1954-1955 – never crossed the senior British officials and planners minds. Lack of planning for a long-term vision and above all Bevin's pragmatism combined to a certain perception of the British interests made in fact this dilatory tactic the only one possible.[68]

The reactions to the Schuman Plan are certainly harder to understand from another

point of view. It was obviously a challenge to the British leadership in Europe from the part of the French. "In order to establish their own leadership and to keep the British out, the French said <<Europe will not wait>>; what they meant was that the French could not secure their objectives by any other means".[69] Almost none of the British documents prepared during these critical days seemed to grasp this point.[70] Monnet knew practically form the beginning that the British would not be able to agree to the proposal, and while Schuman seemed surprised, the only significant personality ready to give up the pre-conditions to allow Britain to be at the negotiating table was Rene Massigli.[71] The tactics used by Schuman during the last days before the 2nd of June point the same way. On the other hand controlling the Ruhr was a lot more important than having the British in for they could disrupt the whole scheme.

Facing this obvious, but never stated fact, the British had to decide whether to acquiesce the French leadership of this small western group, to attempt to lead it to failure, or to wait for an eventual self-inflicted breakdown of the Plan (which seemed more than possible at the time). If someone can accuse them of something – and it is certainly not a job for the historians to do – it is this always present skepticism regarding the future of the "defeated" Europe combined in some cases with biases. An entry from 14 May in Younger's (the senior FO official during

Bevin's long absences caused by illness) diary: "if we can get the scheme executed in a way which safeguards the public interest and limits the power of the vested interests in the international authority it may be a step forward. On the other hand it may be a step in the consolidation of the catholic <<black international>> which I have always thought to be a driving force behind the Council of Europe."[72]

In the medium and long term London's position as a balancing factor and as a link within the Western world became unnecessary. To Britain itself could be applied a formula which the British officials reserved for an impotent European Third World Force: talking about the Schuman Plan and its possible development into an independent continental bloc it was said: "the proposal is inherently dangerous and objectionable since the conception of a European third force is not realistic and history teaches that groups of power or powers which seek to maintain their neutrality or play a balancing role fall miserably between two stools unless they have the strength and coherence required for such a policy".[73]

Britain may have had occasionally the coherence, but it certainly did not have the strength. In the last instance, it was the economic weakness which determined more than everything else the outcome of the British struggle for a world status. In one sense it was a continuous retrenchment. In another, it was just a necessary readjustment.

Notes:

[1] See for example the series of works of Corelli Barnett: *The Audit of War. The Illusion and Reality of Britains as a Great Nation*, London, MacMillan, 1986; idem: *The Collapse of the British Power*, Gloucestershire, Allan Sutton, 1993; and especially idem: *The Lost Victory. British Dreams, British realities 1945-1950*, London, Pan Books, 1995

[2] Isabelle Lescent-Giles: *Une réévaluation de la compétitivité britannique au XX-e siècle* in Frédérique Lachand (ed.): *Histoire de l'outre-Manche. Tendances récentes de l'historiographie britannique*, Paris, Presse de l'Université Paris-Sorbonne, 2001, p.301

[3] Perhaps the best brief description of the post-war British foreign policy was given by Peter Calvocoressi in *British Experience 1945-1975*, Harmonsworth, Penguin, 1979, p.199: "England has been a very great power and a world power. In 1945 it was no longer, but what people chose to believe was less apocalyptic. They concluded that Britain, having been a world power grade one, had become a world power grade two. But there is no such thing as a world power grade two. This error, venial but costly, delayed for a generation the British withdrawals from distant theatres, the abnegation of the role of international financier and adjustment to the realities of what was, within limits, still a powerful position."

[4] Henry Kissinger: *Diplomacy*, Oxford University Press, 1997

[5] Martin J. Dedman: *The Origins and the Development of the European Union 1945-1995. A History of European Integration*, London, Routledge, 1996, p.35

[6] Kenneth O. Morgan: *Labour in Power 1945-1951*, Oxford, Oxford University Press, 1984, p.7

[7] Pascal Delwit : *Les partis socialistes et l'intégration européenne: France, Grande-Bretagne, Belgique*, Bruxelles, Edit. de l'Université de Bruxelles, 1995, p.134-136

[8] Anne Deighton: *"Britain and the Cold War 1945-1955. An Overview"* in Brian Brivati, Harriet Jones: *From Reconstruction to Integration. Britain and Europe since 1945*, Leicester, Leicester University Press, 1993, p.10

[9] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Volume III. Britain and America: Negotiations of the US Loan 3August–7December1945*, London, HMSO, 1986, p.3

[10] David Dilks: *Britain and Europe. The Prime Minister, the Foreign Secretary and the Cabinet* in Raymond Poidevin (ed.): *Origins of the European Integration (March 1948-May 1950)*, Bruxelles, Bruylant, 1986, p.392

[11] See Wm. Roger Louis: *The British Empire in the Middle East 1945-1951. Arab Nationalism, the United States, and Postwar Imperialism*, Oxford, Clarendon Press, 1988, p. 9 for the importance of the Abadan investments and of the Suez base.

[12] Martin Walker: *The Cold War*, London, Vintage, 1993, p. 86-87

[13] Stefano Dejak: *Labour and Europe during the Attlee Governments: the Image in the Mirror of RWC Mackay's "Europe Group", 1945-1950*, in Brian Brivati, Harriet Jones: *From Reconstruction to Integration. Britain and Europe since 1945*, Leicester, Leicester University Press, 1993, p.56

[14] Jan Melissen, Bert Zeeman: *Britain and Western Europe, 1945-1951: Opportunities Lost?* , "International Affairs", vol. 63/1986-1987, no.1, p.94

[15] Two entries from Cadogan's diaries during the Yalta Conference are most relevant: "The P.M. got rather off the rails. Silly old man – without a word of warning to Anthony or me, he plunged into a long harangue about World Organisation, knowing nothing whatever of what he was talking about and making complete nonsense of it all. The worst of it was that what he said was completely contrary to the line already agreed with the Americans!" or during the Berlin meeting: " The P.M., since he left London, has refused to do any work or read anything. That is probably quite right, but then he can't have it both ways: if he knows nothing about the subject under discussion, he should keep quiet, or ask that his Foreign Secretary be heard. Instead, he butts in on every occasion and talks the most irrelevant rubbish, and risks giving away our case at every point." David Dilks (ed.): *The Diaries of Sir Alexander Cadogan 1938-1945*, London, Cassel, 1971, p.706, 765

[16] Sean Greenwood: *The Third Force Policy of Ernest Bevin* in Michel Dumoulin (ed.): *Wartime Plans for Postwar Europe 1940-1947. Contributions to the Symposium in Brussels*, Bruxelles, Bruylant, 1995, p.421. See also idem: *The Third Force in the Late 1940s* in Brian Brivati, Harriet Jones (eds.): *From Reconstruction to Integration. Britain and Europe since 1945*, Leicester, LeicesterUniversity Press, 1993, p.60

[17] David Gowland/ Arthur Turner: *Reluctant Europeans. Britain and European Integration 1945-1998*, London, Longman, 2000, p. 11-12

[18] For the British roel at Bretton Woods see D. E. Moggridge: *Maynard Keynes. An Economist's Biography*, London, Routledge, 1992, pp. 721-756

[19] The devaluation is also important because it practically put an end to the American pressures for the integration of the British economy with those of the Western European nations

[20] Alan Milward: *The Reconstruction of Western Europe 1945-1951*, London, Methuen&Co., 1984, p.337. The entire book is highly useful for comprehending the evolution of the West European economies during the aforementioned period and especially for explaining some of the mechanisms that lead to the striking divergence in the British and continental economic behaviour in the decades to come. His findings reveal explain in part the reluctance regarding the involvement on the continent beyond the intergovernmental co-operation: "After 1949 the United Kingdom had lost all capacity to reshape Western Europe in its own interest, a just reward for the low level of priority it had given to the problem." (Ibidem, p. 339)

[21] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, p. 228, note 3

[22] Roger Bullen, M.E. Pelly (eds.): *Documents on British PolicyOverseas. Volume III. Britain and America: Negotiations of the US Loan 3August–7December1945*, London, HMSO, 1986, p. XXV

[23] Kenneth O. Morgan: *The Second World War and British Culture* in Brian Brivati, Harriet Jones (eds.), pp. 44-45

[24] Richard Toye: *The Labour's External Economic Policy in the 1940s* in "Historical Journal", vol.43, No.1/ 2000, pp. 189-192

[25] Anthony Adamthwaite: *Britain and the World, 1945-1949: the View from the Foreign Office* in "International Affairs", vol 61/1985, No.2, p. 233 Adamthwaite writes also about an "ingrained resistance to the idea of planning" and even more significant about "the effects of prolonged fatigue" (idem, p.232). The great majority of the FO

officials were the same men that served during the war and this sense of exhaustion dominated many branches in the Whitehall. In 1949, a vital year, the Cabinet was warned that the "increasing volume of international work was already in danger of imposing intolerable strains on the machinery of national government".

[26] David Dilks: *Britain and Europe. The Prime Minister, the Foreign Secretary and the Cabinet* in Raymond Poidevin (ed.): *Origins of the European Integration (March 1948-May 1950)*, Bruxelles, Bruylant, 1986, p.391 David Dilks go as far as saying that "Bevin enjoyed an initiative in the making of the foreign policy which no Foreign Secretary since the days of Sir Edward Grey had exercised."

[27] *Ibidem.*

[28] E. Dell: *The Schuman Plan and the Abdication of the British Leadership in Europe*, Oxford, Oxford University Press, 1995. Others place this abdication in 1948 or 1949. For a discussion on this see Zeeman, passim

[29] Cristopher Lord: *"With but not of": Britain and the Schuman Plan. A Reinterpretation*, "European Integration History Review", No.1/1998, p. 23

[30] Michael J. Hogan: *The Marshall Plan. America, Britain, and the Reconstruction of Western Europe, 1947-1952*, Cambridge, Cambridge University Press, 1987 See for example the chapter called: "Between union and unity: European integration and the sterling-dollar dualism" (pp. 293-336). The chapter neglects certain aspects of the Conference while stressing the economic difficulties and arguments caused by the British opposition to a greater degree of economic integration in Western Europe and to any initiative which seemed to threaten UK's role in the sterling area or the financial cohesion of the latter. It is obvious that by giving the impression that the US would recognize – which was largely not the case, at least not formally – the special partnership the United States had with Great Britain and the need to sustain the sterling system, Acheson and the American representatives, in their search for a better form for organising the anti-Communist Free World, lost the last chance of forcing the United Kingdom into a closer relationship with Western Europe.

[31] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, p. 4

[32] *Ibidem*, pp. 13-14.

[33] *Ibidem.* See also Michael J. Hogan, pp. 311-314

[34] See for the Oliver Franks ambassadorship in Washington Alex Danchev: *Oliver Franks. Founding Father*, Oxford, Clarendon Press, 1993, pp. 109-135

[35] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, p.33

[36] *Ibidem*, p. 44 The common agenda focused on the clear definition of global roles and objectives for each of the parties and on Britain's relations with the United States, Europe and the Commonwealth. Inevitably, the European situation was also among the main topics (the role and the development of NAT, the economic and political integration on the continent, but also Germany's future connected to these developments) ibidem, pp. 48-49

[37] For the "Western Union" concept see Stuart Croft: *British Policy towards Western Europe, 1947-1949: the Best of Possible Worlds* in "International Affairs", vol. 64/1988, No.4, p.617-631. The author's observations on the reasons that forced the Labour Government to choose this concept and no that of "unity": "the unity approach did not adress the core problem for Britain-enhancing security during the Cold War. And since the unity approach did not involve the United States integrally, in the long term, it would actually damage British attempts to deal with the Cold War problems."

[38] *Ibidem*, pp.56-57

[39] *Ibidem*, pp. 57, 59

[40] *Ibidem*, p. 139, see also Roger Bullen, M.E. Pelly: *Documents on British Policy Overseas. Series II, Volume III, German Rearmament September-December 1950*, London, HMSO, 1989, p.18-19, 21, 33, 38. Athough it was recognized that in the end Britain would not have the force to resist an adamant America on this subject, there were considerable apprehensions, as we can clearly see from one of Strang's minutes wrote on September 14, 1950: " We are irresistibly carried down the stream of events. Many and great voices are raised in favour of this course. Against it, I can raise nothing but an unreasonable prejudice, some wishful thinking and what will be called an unwillingness to face unpleasant realities... By this decisive and fateful act, I think that we confess to ourselves that we believe the war to be inevitable. Indeed, I fear that we make it inevitable, for a Russian reaction must sooner or later be expected, which will force us to make war." (ibidem, pp. 52-53)

[41] The only such advantage was that the economic integration offered the the only alternative acceptable to the French which could lead to the reintegration of Germany in the community of free nations.

[42] It is the case especially of Malaya, an important source of dollars for the British Commonwealth, but threatened by a Communist take-over. Extremely relevant are the signals received in London from the areas of traditional British influence like the Middle East: for example, a telegram sent by K. Helm, the minister in Tel

Aviv, to the Permanent Under-Secretary on April 11 1950: "The feeling is that the Arab countries, led by us for so long, have lost all sesnse of direction since our positive direction was withdrawn and that unless it is restored in some *modified form*, the whole area will further disintegrate and become a ready prey for whichever power chooses to step in and take control...The Middle East does need leadership... we can give it and... we should have more confidence in ourselves." (*ibidem*, p. 41)

[43] Stuart Croft, p. 620

[44] *Ibidem*, p257-258 The same thing can be said about the conclusions of a Cabinet meeting on 25 October 1949, which apart from lisitng the strategic, economic and political arguments which were considered to be essential in considering any model of European organisation, concluded: "we naturally expect that these proposals [for European economic unification] should be clearly formulated and discussed with us so that we can judge how they will affect our interests and can define our attitude towards them." (http://www.let.leidenuniv.nl/hisotry/rtg/res1/cab1049.htm, p. 5) For the British it was the way to obtain a high degree of influence on the formulation of any such proposal and the conditions were certainly not fulfilled by Schuman's Plan

[45] Roger Bullen, ME Pelly: *Documents on British Policy Overseas. Series II. Volume 1. The Schuman Plan, the Council of Europe and Western European Integration, May 1950-December 1952*, London, HMSO, 1986, p.7, 35

[46] *Ibidem*, p.211: Sir Stafford Cripps, the Chancelor of the Exchequer, was among those who believed that this partnership would evolve swiftly into a relation of dependency ("It was essential to our future as a nation that we should achieve independence of United States financial aid as quickly as possible."). Their opposition was also expressed in ideological terms: "The views of the Labour Government of the United Kingdom on economic methods and objectives were widely different from the bi-partisan approach of the United States Government. The former believed in a planned economy, for which discrimination and non-convertibility were essential instruments; the latter, believing in a free economy, were constantly pressing the former to pursue economic policies which they would not and could not accept." Anyway, there was a fundamental flaw in his argument, because he demanded simultaneously a high degree of economic co-operation with the United States seen as the unique source of substantial economic assistance *and* the creation of an independent Third Force.

[47] *Ibidem*, p.70

[48] *Ibidem*, p.76

[49] *Ibidem*, pp.61-62, 248

[50] *Ibidem*, p.96. See also Roger Bullen, ME Pelly: *Documents on British Policy Overseas. Series II. Volume 1. The Schuman Plan, the Council of Europe and Western European Integration, May 1950-December 1952*, London, HMSO, 1986, p.7, 35, 134, 138. On the day of the rejection of the French ultimatum, the May 2, Strang minuted the *de facto* head of the Foreign Office, Younger, and while acknowledging the fundamental chracter and the extraordinary far-reaching consequences of the decision to be made, he concluded: "We should not become involved in Europe beyond the point of no return. To contemplate, even in principle, an agreement to pool the British coal and steel industry with those of other Western European countries, and make their operation subject to the decisions of an independent European authority which are binding on His Majesty's Government, would imply a readiness to accept a surrender of sovereignty in a matter of vital national interest which would carry us well beyond that point."

[51] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, pp.81-84

[52] Martin Walker, p. 90

[53] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, pp. 54-55, 81-82

[54] For a differnet view on the implications of the North Atlantic Treaty on the British foreign policy see John Kent: *NATO, Cold War and the End of Empire* in Gustav Schmidt (ed.): *A History of NATO. The First Fifty Years*, vol I, Houndmills, Palgrave, 2001, pp.141-153

[55] *Ibidem*, pp.100-102: "This task [controlling Germany] is more than the United Kingdom alone can undertake...The North Atlantic Treaty is... the most attractive organisation on which to build for the future..." See also the minute of the meeting Bevin-Acheson of May 10 during which the Foreign Secretary expressed the deep apprehension that the French projects aim at excluding for good Western Germany from the Atlantic Community as embodied by the North Atlantic Treaty in Roger Bullen, ME Pelly: *Documents on British Policy Overseas. Series II. Volume 1. The Schuman Plan, the Council of Europe and Western European Integration, May 1950-December 1952*, London, HMSO, 1986, pp. 8-10

[56] Stuart Croft, p. 618

[57] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, p.46. Equally significant is the British opposition towards the French projects supported by the Americans to create a powerful and quasiindependent Secretary General. (Hogan, p.316)

[58] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, p. 11, 91, 96, 124, 258, 261.

[59] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, p. 199

[60] *Ibidem*, p.47, 153-154

[61] *FRUS 1950 III*, p.1599-1604, quoted in Wm. Roger Louis: *The British Empire in the Middle East 1945-1951. Arab Nationalism, the United States, and Postwar Imperialism*, Oxford, Clarendon Press, 1988, p. 609

[62] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, pp. 129-130, 162, 171: "The ability of the United Kingdom to sustain her overseas obligations must therefore be considered not in the light of the impact on the budget but in their effects on the whole economical and political strength of this country". This latter attitude belonged to the Foreign Office, while the Exchequer was naturally more preoccupied by "the impact on the budget".

[63] *Ibidem*, p.161. The argument regarding the impossibility of abandoning some of the commitments because the zones involved would almost automatically fall under Russian influence was used even immediately after the war by the Chiefs of Staff and by the Foreign Office to justify the lack of substantial evolution in the British strategic planning. See, Wm. R. Louis, p.29, Julian Lewis: *Changing Direction. British Military Planning for Post-War Strategic Defence, 1942-1947*, London, The Sherwood Press, 1988, p.367

[64] Roger Bullen, M.E. Pelly (eds.): *Documents on British Policy Overseas. Series II. Volume II. The London Conferences. Anglo-American Relations and Cold War Strategy January-June 1950*, London, HMSO, 1987, p. 78-79, 83-84, 204, 245, 251

[65] *Ibidem*, p.389

[66] *Ibidem*, p.243

[67] Roger Bullen, ME Pelly: *Documents on British Policy Overseas. Series II. Volume I. The Schuman Plan, the Council of Europe and Western European Integration, May 1950-December 1952*, London, HMSO, 1986, p. 18, 21, 34, 65, 76, 80, 89, 104, 117, 138, 163, 168, 188

[68] Roger Bullen: *The British Government and the Schuman Plan, May 1950-March 1951* in Klaus Schwabe (ed.): *Die Anfänge des Schuman-Plans 1950-1951. The Beginnings of the Schuman Plan. Beiträge des Kolloquiums in Aachen, 28-30 Mai 1986. Contributions to the Symposium in Aachen, May 28-30, 1986*, Bruxelles Bruylant, 1988, p.201

[69] Roger Bullen: *The British Government and the Schuman Plan*, p.200

[70] An exception could be a telegram from Younger to Oliver Harvey dated 12 June 1950 which found the origins of the French rigidity at the end of May in their desire to reestablish themselves as the leaders of a continental bloc and implicitely as a Great Power. Nevertheless, this French-lead bloc was not seen as a fundamental threat to one of the three "pillars" of the British foreign policy. Roger Bullen, ME Pelly: *Documents on British Policy Overseas. Series II. Volume I. The Schuman Plan, the Council of Europe and Western European Integration, May 1950-December 1952*, London, HMSO, 1986, p. 173-174

[71] William I. Hitchcock: *France Restored. Cold War, Diplomacy, and the Quest for Leadership in Europe 1944-1954*, Chapel Hill & London, The University of North Carolina Press, 1998, p.131

[72] Roger Bullen, ME Pelly: *Documents on British Policy Overseas. Series II. Volume I. The Schuman Plan, the Council of Europe and Western European Integration, May 1950-December 1952*, London, HMSO, 1986, p. 35

[73] *Ibidem*, p. 34

General Reflections on the American Foreign Policy and the Western European Economic Recovery 1945-1947

Bogdan Antoniu

Europe after the Second World War

$\mathcal{A}$ short survey of the economic situation in Europe at the end of the Second World War presents a disastrous situation. The worldwide conflict affected also other continents, Asia in particular, but Europe paid the highest tribute. From almost 50 millions dead and missing persons, at least 35 millions were Europeans – military and civilians. This tremendous carnage was completed by the indirect losses: the diminution of birth rate and the increasing of mortality, consequences of food restriction and health infrastructure deterioration. Birth rate deficit, life hope decrease, disproportion between sex and age – all this had repercussions upon European's economic and social life.

Mean time, the decrease of the working force meant the diminution of the production, exactly in the reconstruction moment, and active population was forced to endure hard expenses for children, old and cripple people support. The economic ruin was obvious: the European industrial production decreased with 50% comparative with 1939 (the coal production with 40%); agricultural production decreased in Western Europe with 1/3, transportation and communications revert to the 19th century level (for example, Europe lost more than a half of the merchant fleet), and public debt of the combatants gets to the proportions of a financial disaster, increasing enormous comparative with the year 1939.

Even before the war, the European economy depended on the rest of the world, importing almost all of the necessary fuels, fabrics and no less than 20% of the food essentials. In that period these imports were paid through exports (70%), the profits of European investments (20%) and other benefits (10%). One of the dramatic consequences of war was the breaking up of this equilibrium, through the production decrease and import increase.[1] Under this circumstances, in order to finance the war, the belligerent states appealed to the domestic and foreign loans, taxes increase (the European rate increased from 20% to 40%), and inflation. The results were dramatic after the war, as the prices increased to 132% in Great Britain, 165% in France and almost 250% in Italy.[2]

Great Britain, who fought during the entire conflict, lost almost ¼ from the pre-war wealth – 7.3 billion £, started to become the biggest debtor of the world. Between 1939 and 1945, the British Cabinet was constrained to sell foreign economic assets of more than 1.3 billion £ worth (from a total of 8 billion £), decreasing the profits from these sources with almost a half. The British losses in merchant ships tonnage rose at 11.5 million tones, which represented no less than 30% fleet reductions. [3]

For France, the material losses were tremendous, too. The agriculture couldn't

assure enough provisions (in 1945 the agriculture production represented 50 % from the pre-war one), and the rationalization was kept till 1948. The industrial production decreased over 40% comparative with 1939, 2/3 from rail material accomplish a primary losses evaluation, the French commission for war damages, estimated the war cost to 45% from world wealth.[4]

In Italy, the extension of the damages reflected the steps of the advancement of the allied forces to the north and the German resistance intensity degree. Practically, Italy lost 29% from its industrial production and almost 63% from the agricultural one. Although, the northern industrial regions were destroyed in a small proportion (only 8 %), almost 1/3 from the Italian national wealth was lost in the conflict.[5]

Germany represented another special case. The allied air strikes campaign and the battles fought on its territory produced hard losses: over 15% of the houses (95% of Berlin laid in ruins), a huge number of bridges, roads, and railways. Despite the damages, the rural territory was untouched, so the 1945' crops were good, and in industrial terms Germany lost only 20% from its infrastructure and 10 % from the coal and steel industries.[6] Ruhr region lost almost 30% of its factories and installations.[7] Even so, the coal production of the 1945-1946 winter was about 25,000 tones comparative with 400,000 [8] and at the total level was estimate that more than 2/3 of the industrial production (comparative with 1936) was lost because of the war.

United States and Europe between 1939-1944.
American perceptions and interests.

Since September 1939, the Council on Foreign Relations, at the initiative of its executive director, Mr. Walter H. Mallory and of Mr. Hamilton Fish Armstrong, the editor of the prestigious journal Foreign Affairs, proposed to investigate, for the Department of State, the impact of war on the United States policies.[9] The Secretary of State – Mr. Cordell Hull and his assistant – Mr. Summer Welles, who later will become the president of the governmental organization "Advisory Committee on post-war Foreign Policy", had accepted this help. From the beginning of the 1940 till the end of war, the Council sends no less than 682 reports to the State Department, mostly financed by the Rockefeller Foundation – 300,000 USD worth.[10]

The members of this elite group, all with substantial experiences in the 1919–1939 period, thought that United States, because of its position as the first industrial and military power, didn't had any choice except to play a major role on the international scene and underlined the vital importance of the Europe' future for the American interests.[11]

The conclusions of the majority of the studies made by this influent group of specialists was that United Kingdom and its

Empire and continental Europe was essential for the United States' economic welfare. The arguments in this direction were plenty. Great Britain represented "the most important market for agriculture surplus of the Western Hemisphere and the Far East"[12], and its welfare was mostly depended by the trade with Continental Europe. In the same way, Europe was important for the United States economy: in 1937, 41% from the exports and 27% from the Americans imports were made with Europe.[13] For this reason the CFR's post-war recommendation's stressed on preserving the national security through the United States participation to an international organization and by eliminating custom barrier from the international trade.[14]

These conclusions were based, without any doubt, on a very clear analysis of between-war international policy reality, and the last decade events demonstrated once more the complex connection between foreign and economic policy.

The most representative business individuals, and also a series of political leaders thought that the Great World Depression was generated, also by the United States protectionist policy, and that the rise of the dictatorial regimes and

international tensions which paved the way to war, were generated by the profound European economic sufferings. In March 1940, Secretary of Agriculture – Mr. Henry A. Wallace described the war implications on economic issues, as follows: " When ... [the American] loans stopped and the Smoot - Hawley Tariff was enacted, the countries of Europe had to stop buying our products because they had no way to pay for them. They raised their own tariffs, slapped on quotas, adopted new-fangled methods of stopping trade through import licensing and exchange control. International trade broke down. Depression became worldwide. Business collapse led to dictatorship in some countries, and dictatorship has finally plunged Europe once more into a costly war." [15]

So, just before the war started, the President Roosevelt put the State and Treasury Department in charge of formulating new plans for the post-war economic situation, plans mainly based on two principles: to eliminate the barriers to the world trade and to reform the international monetary system by creating new mechanisms to preserve the international currencies and to speed up the flow of capital needed for reconstruction and development. [16]

It was obvious that United States own economic interests[17] dictated such an attitude, but as John Lewis Gaddis demonstrates, the American leaders considered that the opening of international trade will improve the life conditions of Europe and world, and will drive away the danger of a possible war – which was the every one nations' interest. [18]

The Pearl Harbor moment represented a dramatic confirmation of the opinions that considered that the American isolationist position toward the European problems between the wars leaded to a disaster. Even if the American policy decision-makers gave the highest priority to the military victory against its enemies[19], they did not stop being concerned about Europe' economic situation. The policy makers were looking for methods and strategies to help the European economic recovery and to

impose, in the same time, the American principles into post-war economic reality. But the fear of a revival of European' economic nationalism once the conflict was over still worried the policy makers in Washington. Dean Acheson, State secretary 'assistant stressed the fact that United States should be firm, conditioning the American post-war recovery help in Europe by the avoidance of the "excessive economic nationalism", meaning the elimination of custom barriers and the unilateral encouragement of some domestic agricultural and industrial productions.[20]

At Washington, in this moments started to take shape a tendency, based mainly on economic reasons, which looked for the development of a European economic integration framework, especially in the trade area. The point was to create a custom union that should nullify the inter-European financial barriers, in order to assure a high complementary degree between European economies. From this point to the idea of one regional authority controlling Europe (instead of competing national governments) was only a step.

The planners, specially the persons from the Economic Studies Division of the Department of State as Harley A. Notter, built ambitious and quite utopian projects about the economic unification of the Europe, the creation of a regional transportation authority and also profound reforms in European' agriculture. They hoped that, on long term, these measures will produce a higher economic efficiency, generated an increase in the standard of living that will produced a high need of "imports like raw materials, food, industrial products and the main beneficiary of this trend will be United States". Also, constantly in those reports appeared the idea that a Germany integrated in a political and economic unified Europe was the key for the continent stability.[21]

Almost in the same time two other materials influenced the political circles in Washington. First, the Council of Foreign Relations presented a memorandum called "American interests in economic unification of Europe, in the custom barriers' problem", in which the ex-ambassador Mr. William C.

Bullitt recommended that one of the goals of the Allies should be the definition of a sort of the unification framework of post-war Europe. Second, as a response to the high interest of American congressman to this matter, the Library of Congress made a very serious study in which the unification of the Europe was seen as the best method to control the post-war Germany. [22]

Obviously, they were going too far, but these initiatives, grounded on the same principles, represented interesting efforts to plan the post-war Europe. Moreover, these undertakings were sufficiently abundant to produce, in Congress and executive alike, a strong and substantial support for the idea of Europe' economic and political integration. So, as many analysts of the American foreign policy observed, the United States leaders considered the American model (understood as a federal system based on political democracy and free market economy) as universal.[23]

And so, in the American business, academic and governmental world the principle that the economic prosperity will produce political stability on the continent and will improve the international security became more and more spread.

Since 1943, the American executive started to prepare different institutional blueprints for the first phase of the European recovery, by opening the Office of Foreign Economic Administration, which should handled the foreign civilian problems from the liberated areas. But the main initiative of the moment was the creation in November, 9, 1943, of the United Nations Relief and Recovery Administration, organization that was supported by the 44 states and financed principally by the United States.

The UNRRA responsibility was the distribution of the immediate relief for millions of refugees: food, clothes, shelter and medicines, economic and agricultural aid for the rehabilitation of the damaged areas, and the complex task of settling and running the camps for the repatriation of the refugees. Between 1943 and 1947, the contribution of the American government was over 4 billions USD (3/4 from the total founds), and the United States controlled only the central

organization not the local distribution.[24] UNRRA might be seen as a significant example for the American decision makers' approach, especially for the President Roosevelt perspective, that the post-war reconstruction must be grounded on international cooperation.

In the same spirit, the Bretton Woods Conference was opened in July 1944, and here the 44 allied states founded two fundamental institutions designated to settle the financial aspects of the post-war world: International Bank for Reconstruction and Development (assigned to provide on long term the necessary capital for the states with urgent foreign needs) and International Monetary Found (projected to resolve on short time the destabilizations occurring in the international payments). Even if the Conference admitted the fact that a certain degree of control of the exchanges and discriminating tariffs will be necessary for a while after the end of the war, the delegates concluded that these measures must stop as soon as possible. After the governmental ratification, the International Bank for Reconstruction and Development was built at the end of 1945 followed next year by the International Monetary Fund, both of them becoming operational after two more years.[25]

The allied arrangements for reconstruction, primarily the Americans one's, were still inadequate, and even the American officers admitted this as early as April, 1944: " little provision has been made so far for the transition period between relief and the early stages of rehabilitation on the one hand and the application of long-term economic measures on the other".[26] The former measures were to be taken by the new institutions - International Monetary Fund, World Bank and by the planned World Trade Organization, but all these organizations were not ready yet and were not designed to have responsibilities for the reconstruction phase between the economic relief and the complete restoration of the liberal economic order.

In fact, at the ending of the war, the majority of the American officials assumed that European economic recovery can be

made by limited bilateral loans, the monetary stabilization through IMF and through the large scale aid and reconstruction programs financed by the United States through the World Bank and UNRRA. As a result, in 1945, the Truman administration continued to guarantee funds for UNRRA, won the Congress approval for the American participation at the Bretton Woods institutions, increased the loan capacity of Export-Import Bank[27] from 700 million to 3.5 billion USD and started negotiations for loans with Great Britain and France.[28]

The German question

The American plans for the European reconstruction had to deal with a much more complicated problem - Germany. On the first look, the United States policy toward Germany followed a pragmatic approach, mainly in the economic field, trying to avoid the mistakes made after the First World War.

In this perspective, the European reconstruction, and the Germany' economic and military disarmament should combine in order to encourage the Europe' self-sustained and to keep the American aid at the lowest amount.[29]

Nevertheless, even the idea to combine the reparations (hence an acceptable level of industrialization) with economic disarmament of Germany wasn't a dispute in American administration, a powerful debate in American bureaucratic system was provoked by the problem of methods to accomplish the security needs of Germany neighboring states, and also, the maintenance of a high value of the German economic and industrial domain in order to pay the debts and reparations, and to contribute to the European reconstruction. Another problem discussed in Washington was related to the role of United States in the European recovery, especially in the German "dilemma".

Therefore, Henry Morghentau, the Secretary of the Treasury, recommended an absolute European solution, without a permanent or direct United States' commitment. In his opinion, Europe didn't need

Ruhr, and the destruction of Ruhr infrastructure will force the neighboring states to develop their own resources in order to replace the German steel and coal. He believed that the German reintegration after the First World War into the world community facilitated its military build-up, and the Morghentau Plan recommended the demolition of all military potential' industries, the displacement of the coal and steel industry and the transfer of the Ruhr valley to France, and the conversion of the Germany into a rural society.[30]

Another opinion, partially moderate was represented by the recommendations of the European Advisory Commission, a planning group created after the Teheran Conference in October 1943, materialized in the memorandum "The general objectives of the United States policy toward Germany" and presented to the president in August 1944.

Basically, in this memorandum Germany was forced to payments and reparations, its industry to be broken-down and the German economic domination should be ended by means unmentioned in the text. Therefore, the text did not recommended the exhaustion of the population because this situation would create economic and political problems for the rest of the Europe, but it was envisage an "integration" of the Germany in Europe.[31]

The Morghentau plan and the EAC report inspired the President Roosevelt reaction in September 1944 to approve a Joint Chief of Staff directive – JCS 1067, and its final version was put on track in April 1945. The goal of this directive was the dismemberment of the chemical and metallurgic industries, the decentralization of the industrial and financial cartels, the army abolition and a firm program of denazification by forbidden the employment in governmental and business domain of all Nazis.[32]

In the same way, the Bernard Baruch plan from June 1945 recommended the destruction of the German heavy industry, but in a new manner. The idea was that those factories useful for the European reconstruction should be moved to the West and East – for the benefit of "friendly nations". Also, the plan foreseen the creation of a Supreme Council for European

Reconstruction to coordinate the aspects of the European recovery and the problem of the Germany reparations.[33]

The opposition beside these plans came mostly from the War Department and its Secretary – Henry Stimson; he was convinced that Europe won't be so efficient without Germany and without the maintenance of the commercial patterns and economic traditional relations, and that the reparations should be oriented to the credits and of other means of getting additional imports for those European states that can not afford to pay for it.[34] So, at Potsdam Conference, Stimson will propose the constitution of a European Economic Council containing representatives from all states which will contribute to the European recovery, with an American director – under the authority American President – to assist the European governments to help themselves for restoring of some stable conditions.[35]

After the death of President Roosevelt in April 1945, the American decision-makers opinions started to change. The conditions were different. The new president was inexperienced in foreign affairs and the political consensus between the Congress, Cabinet and administration started to corrode.[36]

The European reconstruction problems after 1945. Germany and its role in the continent' recovery from the American perspective.

At the end of the war appeared many signals according to which the balance of power in the Old World was threatened by the social and economic chaos. So, in August 1945, President Truman affirmed: "Europe today is hungry. I am not talking about Germans. I am talking about ... the people of Western Europe. Many of them lack clothes and fuel and shelter and raw materials. They Lack the means to restore their cities and their factories. As the winter comes on their distress will increase. Unless we do what we can do to help, we may lose next winter what we won at such terrible cost last spring. Desperate men are liable to destroy the structure of their society to find in the wreckage some substitute for hope. If we let Europe go cold and hungry, we may lose some of the foundations of order on which the hope for worldwide peace must rest."[37]

Almost all western European states were confronted with the huge problems of reconstruction, and the European industry suffered from a severe lack of raw materials (especially coals) and fuels, and Europe started to build a massive deficit toward the American dollar. In 1946, the Western Europe had a commercial deficit about 2,356 million USD with US; the Great Britain had the biggest part (764 million USD) and France (649 million USD) too. In 1947, the European total deficit increased to 4,742 million USD and if the solutions didn't come quickly, the world economy, inclusively the American one was threaten by a crisis.[38]

From this point of view, the British case was relevant for the Western European economy. On August 21, after the United States ended the support given by the Lend-Lease Act, Lord Keynes stated in front of his Cabinet that without a loan from United States and a huge effort for import increasing, the Great Britain was confronting with "an industrial Dunkirk".[39]

Consequently, in December 1945, Keynes gets from the United States Treasury a loan about 3.75 billion USD, conditioned by the return to the convertibility of the sterling.[40] When the Great Britain tried to accomplish this condition, the effects were dramatically, and the British market recorded a massive outflow of its gold and USD reserves, so, the British government renounced at its attempt. The problem wasn't the conversion, but the structural weakness of the British economy; and the United Kingdom' 1947 summer crises illustrated the incapacity of the Western Europe to move to a free and multilateral trade system, which United States saw as the post-war fundament.[41]

In April 1945, returned from his European journey, John McCloy, official of the American Control Commission and assistant of the War Secretary, wrote: "There is a complete economic, social and political collapse going on in Central Europe, the extent of which is unparalleled in history ... since the fall of the Roman Empire", and France and Belgium "without some reestablishment of their economic life they too can very well be torn apart by the collapse now in effect over Middle Europe".[42]

A month later – after the numerous reports received, Henry Stimson, War Secretary presented in a memorandum addressed to the president a dark picture of the situation: "[There will be] pestilence and famine in Central Europe next winter. This is likely to be followed by political revolution and Communistic infiltration".[43]

This gloomy vision was shared by other influent individuals from the State Department– as Joseph Grew, under secretary of state, who was convinced that the communist parties would get voters from this serious economic situation of Western Europe. Between May and June 1945 he presented daily information to the president, and on June 27, in a long memorandum about the international communist rising said that because of the economic situation "Europe today, constitutes a breeding ground for spontaneous class hatred to be channeled by a skillful agitator".[44]

These opinions were supported by an expertise of the coal situation in North-Western Europe, required by the President Truman, in which was stated that "unless immediate and drastic steps are taken, there will occur in North-west Europe and Mediterranean next winter a coal famine of such severity as to destroy all semblance of law and order, and thus delay any chance of reasonable stability."[45]

Accordingly, Truman wrote to Churchill on June 24, 1945: "From all the reports which reach me I believe that without immediate concentration on the production of German coal we will have turmoil and unrest in the very areas of Western Europe on which the whole stability of the continent depends."[46] Basically, in those moments, the solution that American administration started to discover was a major change in United States foreign policy: the reconsideration of the policy toward Germany, considered more and more as the key instrument for the relief of the 2grim economic situation in the Western Europe.

In the same context, even if the Department of State was more careful, at the War Department solutions were sought and the Secretary H. Stimson (at the J. McCloy recommendations) selected General Lucius Clay to be the Military Governor of the Germany especially because he had a long experience in the industrial management too. General Clay exceeds rapidly the JCS 1067 provisions that allowed initiatives about the German economy just for the prevention of epidemics and social unrest. In exchange, Clay focused on the coal production, which meant also to find answers for the transportation crisis, alimentary penury and monetary instability.

The American general wrote to his superiors saying that "the successful large-scale mining of coal means some restoration of the German economy, and some industrial activity to support coal mining."[47]

At this point it can be observed the influence of the War Department over the political decision in this period. The explications are numerous: the United States war wasn't finished yet and the military matters were more important that the political ones; one should not forget that Truman was elected president recently and his trust in the State Department was limited so, he preferred to collaborate with individuals from the White House Staff (his personal advisors) in the foreign policy issues; the military and not the civilians were in charge, at that time, with the management of the problems in occupied Germany or other liberated areas, so, from all governmental agencies and departments, the War Department was mostly in direct contact with the dramatic realities of the post-war Europe.

The immediate effect of the pressure exerted by the military decision makers was the order given by President Truman on July 26, 1945 to the general Eisenhower, the commander of the American troops in

Europe, to produce and export until April 1946, 25 million tones of coal from Western Germany. Practically, the coal extraction was the first priority of the occupation policy, and general Eisenhower was ordered involve personally in the assurance of the needed equipment, the feeding of the workforce and the production maximization. In the same executive order, Truman underlined the fact that without this coal, the liberated Europe would confront with the political and economic chaos. Another issue appears in this text: the American president insisted on exporting the German coal in spite of using it in Germany, aware of the suffering and even violence that could cause.[48] In other words, the massive exports of coal to other areas of the Western European represented an immediate aid, particularly for France, and the German recovery was still on a second plan for American policy makers.

Once realized, the significance of the Ruhr valley for the stabilization and the recovery of the Western Europe made the American officials to reconsider the previous plans of separation of this zone from Germany, ruralization or placing it under international control. As a consequence, just before the Potsdam Conference, the State Department and the Joint Chief of Staff presented memorandums that opposed to the separation and internationalization of the Ruhr zone.[49]

The Potsdam agreements represented a confirmation of the new tendency in the American policy toward Germany. The Soviet Union obtained for reparations 25% from the available equipment from the Ruhr area, but the total amount of reparations wasn't settled yet and the accent set on the democratization, disarmament and economic unification of Germany let unsolved fundamental questions and invited to prolonged negotiations on the production levels, the inter-zone transfers and reparations payments. But the issues essential for the United States became clearer for the decision makers. The United States and United Kingdom controlled the industrial core of Germany, and its productive resources were designed to maintain a minimum standard living in Germany, to

resolve the Western Europe desperate need for coal and to answer to the financial demands of western occupation powers.[50]

In the next period, the economy in the American occupation zone in Germany didn't showed any sign of recovery: the metallurgic and chemical production was about 5% of the normal capacity, the workforce was missing, and 60% of the population was living on the limit of starvation. The British zone presented the same image, and the proposed goal – to export 25 million tones of coal till April 1946 – was impossible. The General Lucius Clay announced Washington his fears for mass starvation, galloping inflation and total economic paralyze.[51]

Because of these signals, the officials from the War Department started to reconsider the efficiency of the principle that the German coal should be directed primarily to the Western European neighbors of Germany. So, in December 1945, the War Secretary Patterson wrote to Byrnes and asked for the reevaluation of the policy toward Germany.[52]

For the moment, the State Department policy was still conducted after the principles states during the war: the recovery of the German economic potential was considered only to produce sufficient resources for the economic reconstruction in other areas and was connected to an agreement of the Four Great Powers in order to guarantee the disarmament and demilitarization of Germany. It was considered that by this methods can be resolved, in the same time, the security guarantees for France, and the mobilization of the victorious states (once the main economic problems were surpassed) for new efforts for German recovery and unification.[53]

In fact, the different opinions of the officials from the State Department and the War Department didn't refer to the purposes but the tactical priorities. Most of the decision makers agreed on the fact that the necessity of destroying the German military potential didn't remove the importance of the revitalization of its peacetime industry, especially the coal extraction - this product could be used in the benefit of entire Europe.

Almost all the officials considered that in the Western Europe (especially in France, Germany and Italy) the economic conditions should be rapidly improved in order to reduce the growing influence of the communists. Another common point of view in Washington was about the fact that the Soviets shouldn't be allowed to use the German economic potential – from Ruhr and Rhine zone – to increase the power of the Soviet Union. Between these limits, the bureaucratic debate was fierce, especially concerning the coal allocation and the reparations distribution[54].

The German problem and even the economic recovery of Western Europe upon American principles were in poise also because of the diplomatic tensions between United States and France. In august 1945, general de Gaulle and the French foreign affairs minister, Georges Bidault, presented during their visit to Washington the French point of view concerning the German problem. By not participating to the Potsdam Conference, de Gaulle didn't felt himself constrained to the principle of unified administration in Germany. On the contrary, they stated that the security of France depends on the dismemberment of Germany, the Ruhr control and on the containment of the Soviet influence. The French plan pursued the separation of Saar, Ruhr and Rhine regions from Germany and massive requisitions of coal and rolling stock from their occupied area. De Gaulle also expressed his fear that a centralised administration of German economy could be the formula, which will allow the Soviets to infiltrate in Western Europe[55]. The French foreign policy dilemma seemed unsolvable; the need to assure national security against the traditional enemy was in conflict with the need for the American financial support for the Monnet Plan[56].

The American officials understood the French security dilemma, knew the French need for about one million tones of coal a month, as well as the enormous commercial deficit caused by the purchase of food and fuels from the United States. In addition, the State Department supported the French

request for a loan of 550 millions of dollars to finance the continuation of products purchases on Lend Lease terms. The most important disagreement points were French plan for the Germany dismantlement, and the international control of Ruhr, which would have involved the Soviet participation[57]. Actually, the American officials weren't offering long terms solutions to France for its strategic and financial problems[58].

The State Department position begins to change after the communists' victory in the French elections of October 1945. Although de Gaulle didn't offer important ministry chairs to the communists, Byrnes and other officials were afraid that firmly maintaining the American conditions could allow the French Communist Party to gain more influence. The result of all this will be the consolidation of the opinion, within the State Department, that the essentials of the French political life and the needs of the liberated states from Western Europe must be considered top priorities in the detriment of the German development[59]. One of the immediate modifications was the Blum-Byrnes agreements closure, in July 1946, through which France received a new loan, for about 2 billions of dollars[60].

Another consequence was represented by the approval of the plan for reparations and the settlement of certain production levels for the German industry, plan proposed in March 1946 by the Control Allied Council. This way, it was considered that it could be obtained a compromise between the German self-support, the allied control, the European reconstruction and the French security problems. On European level, an Inter-Allied Reparations Agency was supposed to distribute German dues to western creditor nations, and the United Nations' Economic Commission for Europe must allocate raw materials, coal and transport for the entire Europe. In theory, this plan should have offered to the liberated states the necessary resources for their own recovery and still leave to Germany an industrial infrastructure sufficient to maintain a standard of living similar with its neighbours[61].

The 1946 plan actually represented an attempt to obtain a formula for a balanced German and continental recovery, but the economic conditions were harder and harder. Additionally, a new policy was building within the State Department, partially generated by the February telegram of the American diplomat George Kennan[62]. The collaboration with the Soviets seemed more and more improbable[63] and the political leaders in Washington were looking for efficient answers for the new international challenges.

Consequently, the German problem came back in force, its strategic dimension challenging the re-evaluation of American decision-makers perspective accordingly to United States national security requirements. The officials from the War Department had more and more arguments to insist that the current situation means a political and military danger of proportions and to bring more pressure on the State Department in order to obtain a common, more aggressive resolution.

On June 10th 1946, War Secretary Patterson wrote to his colleague from the State Department, James Byrnes that the national security of the United States needs the industrial revival of the Ruhr and the Rhineland and the use of German resources for the stabilization of Western Europe. Patterson also expressed its fears for the possibility that industrial infrastructure of Ruhr could end up at the disposal of a "formidable enemy" and he opposed the separation of this zone from the rest of Germany. He suggested Byrnes the unification of occupied area belonging to the United States and Great Britain[64].

The White House advisors were strong supporters of this opinion. In September 1946, Clark Clifford, special advisor of the president, produced a long report concerning the relations between United States and Soviet Union which proved the repeated violations of the agreements concluded between the two ex-allies. The report concluded that the national security of the United States was strongly connected to the swift recovery of the economic difficulties from this area, according to American principles. The United States policy must considered the

option of a unilateral action of Western allies (especially Great Britain) to immediate revitalise the industrial production from Ruhr area, absolutely necessary to unstaring economic and political situation in Western Europe. The grim conclusion was that the absence of firm measures will allow Soviet Union political acquisitions with devastated effects in this critical area for the American interests[65].

The failure of the stabilisation initiatives of the European situation taken by Truman administration occurred at the same time with the shattering winter of 1946/1947, which critically affected the European economies. In that moment American officials begin to admit the gravity of the situation and even exaggerate the European problems.

On May 27th 1947, under-secretary of State William Clayton wrote, "It is now obvious that we grossly underestimated the destruction to the European economy by the war. We understood the physical destruction, but we failed to take fully into account the effects of economic dislocation on production. ... Europe is steadily deteriorating... Millions of people in the cities are slowly starving."[66]

As a result, in Washington begin a powerful bureaucratic "war" in order to offer a new perspective on the European economic recovery. The War Department was ready to launch a major offensive against the State Department' strategy of balancing the German recovery with the European one and its main "weapon" was the the request of President Truman and War Secretary Robert Patterson, the ex-president Hoover accepted to investigate the factors that slowed down the economic recovery in Germany. His report, presented in March 1947, recommended the lift of the conditions imposed upon the planned level of industry, to stop the relocation of non-military factories, and especially to keep Ruhr area within Germany composition. The report conclusion was that Germany would dispose of the proper infrastructure and resources to increase productivity.

This meant (and this idea was strongly emphasized in the report) that American people was speared for enormous spending

(through taxes) to support German people, and allowed Germany to efficiently contribute to European stabilisation[67].

Although Hoover mentioned in the report that the European productivity will increase at the same time with German recovery, he also stressed that a higher priority should be given to Germany, which distanced him from the State Department approach and brought him closer to the War Department officials, as Patterson and Clay. In the middle of March, Hoover won the support of commerce secretary, Averell Harriman, Navy secretary, James Forrestal, and Budget Director, James Webb[68].

At their turn, the State Department officials challenged the report conclusions stressing one more time the necessity of German recovery in connexion with the economic and security interests of its neighbours[69]. Edwin W. Pauley, former representative of United States to Allied Commission for Reparations, denounced Hoover report as a "major change" of the American policy, which could rebuild Germany on the expense of its victims. He affirmed even that "the German domination spectrum" would rise again "over the continent"[70]. Despite the fierce debate within the administration, the Hoover report generated through officials the conclusion that "almost any action would represent an improvement of the present situation[71]". There is no precise indication if the President Truman interfered in the dispute between its subordinates, but the bureaucrats' stir, as well as the fast deterioration of European economy imposed a new perspective on the economic recovery of Germany and Europe.

The failure of the Conference of the Foreign Affairs Ministries from Moscow (March - April 1947) accelerated this process. The State secretary George Marshall confronted himself with the German problem on another level (the relations with the Soviets) and begun to correctly appreciate the complex relations between German and European recovery and especially the need of a new initiative on both diplomatic fronts. Initially, Marshall suggested the combination of a higher level of industrial production for Germany with a security pact

of the Four Great Powers and with limited German compensations from the present production level. Up against Soviet and French opposition, the State secretary joined the proposition of the British foreign minister Ernest Bevin for increasing the industry level in Bizonia. But in the same time, he accepted the French formula to develop exports of German coal towards France which would have raised other barriers against the growth of the German production and the economic recovery, as well.[72] Despite those compromises, in Moscow, the positions of American delegates originating from different governmental structures begun to sound consistent, and the conclusion presented by John Foster Dulles at his return from the Conference was shared also by George Marshall and the War Secretary. He said: "As we studied the problem of Germany we became more and more convinced that there is no economic solution along purely national lines. Increased economic unity is an absolute essential to the well-being of Europe". [73]

In that moment, similar signals were received from republican congressmen, journalists, and opinion leaders. In Congress, senators J.William Fulbright and Elbert D.Thomas introduced a resolution asking for the creation of a European economic and political federation. The resolution was rejected, but it still stands for an important signal[74]. Similar statements for a United Europe and a common European recovery were printed in influent newspapers like New York Times, Wall Street Journal, Washington Post and Washington Star.[75] Walter Lipmann even demanded a massive American aid program in order to help reorganise the European economy. He was also asking that United States should abandon the piecemeal aid policies of the past, for a new comprehensive recovery plan agreed by the Europeans themselves and used to support the "unification of Europe".[76]

Facing these problems the State secretary Marshall will decide to establish within State Department a Policy Planning Staff in order to find a permanent solution to the German problem and for the continental economic recovery.[77] The stage for the Marshall Plan was set.

The goal of this paper was no more then to identify and evaluate a series of events in the American foreign policy towards Europe, especially concerning the American policies for European economic recovery as

A summary

The World War II left most of the world in ruin. Only in Europe, over 35 millions died and other several millions were displaced and left without shelter. Most of the industrial infrastructure was destroyed, the farms were abandoned, and most of the people lived at the limit of survival. The war also affected Europe financial system, leaving banks without cash and stimulating inflation. Because agricultural and manufactured goods should have been achieved from the United States (the only industrial power that could offer them on a large scale, the war stimulating and not paralyzing the American production), most of the European countries suffered of a major lack of hard currency (the "dollar gap"), as the imports highly exceeded exports.

At all-important levels of decision the American officials were deeply preoccupied by Europe's severe problems. The interest for a quick resolve of this situation was not because of a naïve generosity, but because of the dramatic experiences lived in the 30', when the global economic depression caused insecurity, dictatorship and war. The decision-makers of American foreign policy recalled the isolation policy and the protective economic measures that United States used with terrible consequences and they were trying to avoid them. Since 1944 the United States organized Bretton Woods Conference where participant nations committed to reduce custom duties, joining together in order to create International Bank for Reconstruction and Development (World Bank) and International Monetary Found. In the same spirit United States participated with the largest contribution to the funds of the United Nations Relief and Rehabilitation Administration.

Despite the huge American aid, at the beginning of 1947 Europe's consumption and

were planned and carried out by the decision makers. A short review of the most important moments presented until now seems to be necessary.

production level was almost the same. Alarming was the fact that in countries like France or Italy, where communist parties promised brave actions to fight poverty, these parties got an increasing electoral support. In these conditions, when USSR's actions were more and more threatening, the American officials were afraid of a major infiltration with Moscow's agents of the communist parties from these states within Western Europe with dramatic results for the American interests and for the post- war power balance.

In the first months of 1947, Truman administration began to build an answer to this crisis. The first move came in February when Great Britain announced that she couldn't support any more the Greece anticommunist government. On March 12 the American President asked the Congress for an emergency economic support for Greece and Turkey submitting the famous Truman doctrine which affirmed moral and political reasons for foreign assistance. At the same time, State undersecretary Dean Acheson, supported by War Secretary Robert Patterson and Navy Secretary James Forrestal demanded to the Co-ordination Committee of State, War, and Navy Departments to study the world "situations" which might ask for a military, technical, financial aid from United States[78]. White House advisor Clark Clifford and the State Secretary Assistant William Clayton were among the numerous counselors and officials involved in this transformation of the American policy.

Although the reconstruction plan of Western Europe will bear his name, the State Secretary George C. Marshall, joined later an already existing course within Washington's administration. Trained at Virginia Military Institute, Marshall had an exceptional military carrier up to the position of a chief of general

staff in the Second World War. Trustful, worthy and dedicated to his country George Marshall was a real model in American administration. When James Byrnes retired from its State Secretary service in 1946, Truman's natural choice was general Marshall.

In 1947's spring several disparate events joined configuring the American policy. In April, Marshall returned from Moscow's meeting of Foreign Affairs Ministries Council very disappointed by the failure of this meeting and also worried by the evolution of the American – Soviet relations. For weeks he tried to negotiate with the Soviets the peace treaties concerning Germany and Austria, but the main obstacle proved to be the Soviet perspective completely different from the American one on reparations due to Germany and its reunification problem.

In Washington the bureaucratic dispute concerning economic recovery of Germany was, for a while, solved in favor of those decision makers who agreed that European reconstruction depended on the solution of German political status and on the recovery of steel and coal industry in Ruhr valley. Marshall became the partisan of these opinions, on 28 April saying on radio: "Europe recovery progress slower then we expected and the patient is dying while the doctors still deliberate"[79]. At the same time, in public and political opinion from United States shaped more seriously the idea of a more ample and substantial solutions to solve the European economic crisis and to immunize Western society against the communist ideology and subversion. Once the Policy Planning Staff lead by George Kennan was created, and a profound study on European matters was launch, the American administration begin to develop another view on the United States interests, European problems and the strategic stake of Germany, substantially different from the precedent period.

Conclusions

Some brief conclusions might be recalled by analyzing the United States foreign policy towards Western Europe in the 1945-1947 periods.

First, concerning American foreign policy sources; during the Second World War and immediately afterwards, the international environment seemed to American policy makers fit to an approach of the European problems in co-operation with its allies, including the Soviet Union. Most of the American initiatives of the moment were shaped on this principle, wide shared within Roosevelt administration, that the war time alliance will be transformed in international co-operation once the war ended. Concerning the characters that took decisions in American policy in this period, they are profoundly marked by the recalls of the American and world economic crises, in the period between the wars. This makes them want to take the right decisions in order to prevent the same mistakes in difficult questions as the recovery of post-war Europe, and in the German issue. Even more, the decision factors of Roosevelt administration were supporters of the "New Deal" conception and they looked for a solutions similar with the American recovery program after the 1929 crisis.

After the end of the conflict and the beginning of the management of European economic problems, the changes within the international relations will also underline the approaches of the decision makers on the planned solutions. The difference more obvious of Soviet Union vision concerning post-war peace configuration, the dramatic German reality, the French security dilemma, and the structural problems of British economy will complicate the post-war economic equation transferring Americans leaders opinions and perceptions from the economic domain towards the political one. An important role in this evolution belongs to the presence of new individuals within the State Department, peoples of the new president. The change is visible not at the top positions as at the career bureaucrats' level, whom opinions, sometimes very well defined, influenced the American decision.

Concerning the American policy objectives we can observe some other conclusions. There are certain elements of continuity in defining United States purposes like establishing, not only in Europe, a new economic order, built on the co-ordinates of financial stability and liberty of trade (precisely those co-ordinates that missed in the period between the wars with tragic consequences) in order to sustain European and world political stability and to cancel the possibility of a new conflict. Also, the isolationist position of United States in economic and political issues of Europe is totally and definitely abandoned.

We can also observe discontinuity elements in defining the objectives of American foreign policy towards European matters. In a first phase, European economic recovery is seen more like a necessity to avoid another economic crisis, especially in United States, but after the conflict is finished and the huge economic traumas discovered, the American pure commercial interests was balanced by the emergency of a survival aid for the Europeans as well as by the fears induced by a possible political and social instability with tragic effects. In Germany's case the slide was obvious. If during and to the end of the war the American planners considered necessary to extend to very wide limits the economic disarmament of Germany, in the following period, the American foreign policy makers discovered the idea that partial recovery of the German's economy might contribute efficiently to entire European recovery has been generated the transition towards. This way, in case of the international situation aggravation, of the increasing risk of west European economies collapse, and the deterioration of Germany's situation, the American policies will suffer a profound alteration, by abandoning the idea of German reparations and trying an overall treatment of economic problems in Western Europe.

Concerning the instruments used to accomplish those objectives the United States decision makers built a wide range of solutions from institutional formulas to assure immediate aid (UNRRA) to creating organizations with short or long term responsibilities to stabilize and reconstruct Europe (IBRD and IMF). Another important instrument used was economic aid, matter that suffered substantial changes. Thus, if in the first post-war years were offered short term loans to France, Great Britain and Italy, as well as other forms of financial support over 9 billions of dollars, after the failure of such palliative measures it begun the planning of a huge financial common aid addressed to all European states. It's important to mention the terrible fight between American officials, representatives of different departments or governmental agencies, concerning the political instruments used in one period or another.

Most certainly, this brief look over some features of American foreign policy facing European economic tragedy after the Second World War can not fully observe all the decision-making mechanisms of the American foreign policy, but at least it tries to underline its complexity.

Notes:

[1] Serge Bernstein, Pierre Milza, *Le XX-e siècle (1919 à nos jours)*, Paris, Hatier, 1992, pg.177-182; for the dimensions of the European economic disaster see Derek W. Urbin, *A Political History of Western Europe since 1945*, London and New York, Longman, 1998, pg 21-28.

[2] Serge Bernstein, Pierre Milza, *Histoire de 1939 à nos jours*, Paris, Hatier, 1983, pg. 58

[3] Hugh Thomas, *The Beginnings of the Cold War 1945-1946*, New York, Atheneum, 1987, pg.214

[4] Derek W. Urbin, *op.cit.*, pg.22; Jacques Bouillon, Françoise Brunel, Anne-Marie Sohn, *1914-1945 Le monde contemporain*, Paris, Bordas, 1980, pg.364

[5] Derek W. Urbin, *op.cit.*, pg.22; Hugh Thomas, *op.cit*, pg. 375

[6] Hugh Thomas, *op.cit.*, pg. 323

[7] Donald Bottling, *From the Ruins of the Reich*, New York, Columbia University Press, 1985, pg.125

[8] Robert A. Pollard, *Economic Security and the Origins of the Cold War*, New York, Columbia University, 1985, pg.90

[9] The American planning represented a unique image of the collaboration between the public and private institutions. A future state secretary and an important supporter of European integration, John Foster Dulles, chaired one of these institutions, the Federal Council of Churches of Christ in America. But the most important and influent institution for American foreign policy planning was, without any doubt, the Council on Foreign Relations. Founded in 1921, this organization was recruited members from business, media, academic and governmental elite. In Second World War time, the council had a very important contribution for the post-war planning, working with the State Department. At the end of the conflict, on the Truman administration approximately 42% of the high level positions in the Department of State or in other governmental agencies were held by the members of the council. For the real size of this think-tank influence, see Robert D.Schulzinger, *The Wise Men of Foreign Affairs:The History of the Council on Foreign Relations*, New York, Columbia University, 1984, Laurence H.Shoup and William Minter, *Imperial Brain Trust:The Council on Foreign Relations and United States Foreign Policy*, New York, Praeger, 1977.

[10] Vezi Philips H. Burch Jr., *Elites in American History*, vol.3 *The New Deal to the Carter Administration*, New York, Holmes and Meier, 1980, and also in Harley A. Notter, *Postwar Policy Preparation*, Washington, DC, Department of State, 1949

[11] In this period, most of the foreign United States policy analysts agreed that the perception of the decision makers was deeply Euro-centric, the old continent being seen as the main source for international tensions. Antonio Varsori in his study "Gli Stati Uniti e l'Europa (1941-1947)", in *Wartime Plans for Postwar Europe 1940-1947*, Bruxelles, Bruylant, 1995, pg.373 states that the choice of Germany as number one enemy of United States at the Anglo-American Conference in December 1941 is owing to this vision overspread in the American administration.

[12] "Economic Trading Blocs and Their Importance for the United States", in COFR, *War and Peace Studies*, 1941, pg.3

[13] William Diebold, Jr., "United States Interests in Continental Europe", in COFR, *op.cit.*, 1941, pg 11

[14] Laurence H.Shoup and William Minter, *op.cit.*, pg .213

[15] *Apud.* John Lewis Gaddis, *The United States and the Origins of the Cold War 1941-1947*, New York, Columbia University Press, 1972, pg. 20.

[16] *ibidem*

[17] The American policy-makers were afraid of a colossal economic crisis in the post- war period, provoked by the lack of foreign markets for the United States production, and with severe consequences in terms of inflation, unemployment, and the decreases of the living standard. The memories of 1929 crisis was painful alive in the American decision-makers mentality.

[18] John Lewis Gaddis, *op.cit.*, pg.21

[19] Again we can observe the lessons of the First World War. On many occasions, President Roosevelt stated that the political problems would be discussed after the ending of the war, and allied action must be out of self -political interests in order to become efficient. In 1943, during the famous "fireside chats", the American president said: "We must not relax the pressure on the enemy by taking time out to define every boundary and settle every political controversy in every part of the world. The all-important thing now is to get on with the war – and to win it." *Apud* John Lewis Gaddis, *op.cit.*, pg.13. This presidential credo was one of the main sources for the enormous influence of War Department in Washington' decision-making processes between 1941 and 1945.

[20] *Foreign Relations of the United States. Diplomatic Papers* (FRUS), 1942, vol.3, Washington DC, Government Printing Office, 1958, pg 897-898

[21] "Post-War Economic Unification of Europe", 19 November 1942, FRUS, 1942, v.1, pg 112-119 and "How Would a European Full Customs Union Affect the Long –Run Economic Interests of the United States?", 17 September 1943, FRUS, 1943, v1.pg. 473-491. Also, Harley Notter, *Postwar Foreign Policy Preparation, 1939-1945*, Washington DC, Department of State, 1949.

[22] Richard Vaughan, *Twentieth-Century Europe: Paths to Unity*, London, Croom Helm, 1979, pg.46, 65-6, Max Beloff, *The United States and the Unity of Europe*, Washington DC, The Brookings Institution, 1963, pg.1-6.

[23] For details on this topic see Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century*, Princeton, Princeton University Press, 1994, pg.146-176

[24] Hugh Thomas, *op.cit*, pg. 180

[25] These initiatives coming from the American executive were criticized by some conservative congressmen which labeled them, not without reason, as an "international New Deal", FRUS, 1944, v.4, pg.1032-1035;

[26] E. Penrose, *Economic Planning for Peace*, Princeton, Princeton University Press, 1953, p.187

[27] Federal institution built in 1934 in order to support United States exports.

[28] Thomas G. Paterson, *Soviet-American Confrontation: Postwar Reconstruction and the Origins of the Cold War*, Baltimore, Johns Hopkins University Press, 1973, pg.75-98, 147-173, 207, Alfred E. Eckes Jr., *A Search for Solvency: Bretton Woods and the International Monetary System 1941-1947*, Austin, University of Texas, 1975, pg.165-209, 214.

[29] *FRUS, 1944*, 1, pg.416-417

[30] John Morton Blum, ed., *From the Morghentau Diaries*, vol.3, *Years of War, 1941-1945*, Boston, 1967, pg.343-369

[31] *idem*, pg. 278-279

[32] *idem, 1945*, v.3, pg.1320-1323

[33] *idem,* pg.1343

[34] *idem*, 1944, v.1, pg.288 and *idem, 1945*, v.3, 1320

[35] *idem, The Conference of Berlin (Potsdam) 1945*, v.2, pg.808-809

[36] A full analyze on this topics appears in John Lewis Gaddis, *op.cit.*, pg.290-292 and in Melvyn P. Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War*, Stanford, Stanford University Press, 1992.

[37] PPP:HST, 1945, pg.211

[38] A.S.Milward, *The Reconstruction of Western Europe*, London 1984, pg.27-29

[39] *apud.* M.M.Gowing, *British War Economy*, London, Frederick Mueller, 1952, pg.546

[40] In return, Great Britain take not only that loan, but United States nullify the debt of 20 million USD from Lend-Lease account and sell goods in 6 billion worth, from the post-war surplus, generated by the same law, for only 650 million USD, Hugh Thomas, *op.cit.*, pg.214

[41] For the British crisis see Alex Cairncross, *Years of Recovery: British Economic Policy 1945-1951*, London, Methuen, 1985, pg.121-164

[42] Harry S.Truman, *Years of Decision*, New York, Doubleday, 1955, pg.105

[43] *Public Papers of the President of the United States: Harry S.Truman 1945* (PPP:HST) Washington DC, Government Printing Office, 1963, pg.61

[44] *FRUS, Potsdam*, I, pg. 267-280 for similar opinion affirmed by J.Byrnes, J.Grew and W.Clayton, see *ibidem*.pg.524-525, 613, 623

[45] "Report by Potter-Hyndley Mission, 7 June 1945", *FRUS, Potsdam*, v.1, pg.620

[46] *ibidem*, pg.612

[47] Lucius D.Clay, *The Papers of General Lucius D.Clay: Germany, 1945-1949*, Bloomington, Indiana University Press, 1974, pg.38-48. Quoting from pg. 44. For the importance of the Germna coal see also Ethan B. Kapstein, *The Insecure Alliance: Energy Crisis and Western Policies Since 1944*, New York, Oxford University Press, 1990, pg.19-46

[48] *FRUS, Potsdam*, v.2, pg.1028-1030

[49] *idem*, v.1, pg.587-588, 596

[50] For Potsdam negotiations over Germany, *idem*, v.2. pg.141-142, 183-184, 275, 280-281, 297-298, 428-491, 514-522, 921, 1000-1001. Also, see, James F. Byrnes, *Speaking Frankly*, New York, Harper and Brothers, 1947, pg.81-86, John Gimbel, *The Origins of the Marshall Plan*, Stanford, Stanford University Press, 1976, pg.60-61.

[51] Lucius D.Clay, *op.cit.*, pg. 62-89

[52] FRUS, 1945, v.3, pg.917

[53] Michel J. Hogan, *America Britain, and the Reconstruction of Western Europe, 1947-1952*, New York, Cambridge University Press, 1995, pg.29-30.

[54] Melvyn P. Leffler, *op.cit.*, p. 69-71

[55] FRUS, 1945, v. 4, p. 707-725

[56] In November 1944, Jean Monnet prepared a recovery plan for French economy in which no less than 50 % of agricultural and alimentary import products, 25 % of import raw materials and 90 % of import industrial products were supposed to come from the United States. For a profound analyse of French foreign policy see John W. Young, *France, The Cold War, and the Western Alliance: French Foreign Policy and Post-war Europe, 1944-1949*, New York, St. Martin's Press, 1990

[57] The French problems are easily observed in the foreign ministries discussions, FRUS, 1945, vol. 3, p. 861-925.

[58] Also see Robert A.Pollard, *op.cit.*, pages 74-77 and Kapstein, *op.cit.*, p. 38-39

[59] William Rostow, *Division of Europe After World War II: 1946*, Austin, University of Texas Press, 1981, p. 38-45, 58-69

[60] In fact, only 650 millions of dollars were available immediately, the rest representing the value of the American pipes deliveries after the cessation of the Lend-lease Act (420 millions), the products left by the United States in France (330 millions) and the promise of to support a new loan, next year, from the World Bank (550 millions), Irwin M. Wall, *The United States and the Making of Postwar France 1945-1954*, Cambridge, Cambridge University Press, 191, pg.; for the Blum-Byrnes agreements negotiations, *Ibidem*, p. 37-54.

[61] Gunther Mai, "American Policy toward Germany and Integration of Europe, 1945-1955, in Jeffry M.Diefendorf, Alex Frohn, Herman-Josef Rupier, eds., *American Policy and the Reconstruction of West Germany, 1945-1955*, Cambridge, Cambridge University Press, 1996, p. 89, Michael J.Hogan, *op.cit.*, p. 29-30

[62] For an analyse of "the long telegram" sent by Kennan, in fact a report of 8000 words concerning United States relations with the Soviets, their perceptions about United States and the expected diplomatic if not military confrontation see Melvyn P.Leffler, *op.cit.*, p.108-109. For the telegram text see, *Documentary History of the Truman Presidency*, v.7, University Publications of America, 1996, p.200-214

[63] Winston Churchill's discourse at Fulton, Missouri about the "Iron Curtain" fits in the trend.

[64] FRUS, 1946, v.2, p. 486-488

[65] DHTP, v.7, p. 215-295

[66] FRUS, 1947, v. 3, p.230. In Western Europe the alimentary situation was still very hard, but west-European agriculture begun to register since 1946 high levels of production, ensuring a survival minimum, a situation far better then in the east of the continent where Soviets requisitions and war disaster and the political transformations imposed by the

Soviet Union delayed the agricultural recovery and produced a lasting alimentary crisis. See David Ellwood, *Rebuilding Europe*, London, Macmillan, 1992, p. 32-35

[67] The title of the report is "The Necessary Steps for Promotion of German Exports, so as to Relieve American Taxpayers of the Burdens of Relief and for the Recovery of Europe", DHTP, v.3, p.129-151, Also see Louis P.Lochner, *Herbert Hoover and Germany*, New York, Macmillan, 1960, p. 177-193

[68] FRUS, 1947, v.2, p. 394-395; Walter Millis, ed., *The Forrestal Diarries: The Inner History of the Cold War*, New York, Viking, 1951, p. 255-256

[69] Scott Jackson, "Prologue to the Marshall Plan: The origins of the American Commitment for a European Recovery Program", in *Journal of American History* nr. 65, March 1979, p. 1043-1068

[70] FRUS, 1947, v. 2, p. 463-469

[71] *Ibidem*, p. 483

[72] for Moscow Conference, see FRUS,1947, v. 2, p. 234-491; also see Scott Jackson, *op.cit.*, p. 1065-1066, Charles E. Bohlen, *Witness to History 1929-1969*, New York, Norton, 1973, p. 262-263

[54] *Department of State Bulletin,*16, May 1947, pg. 925

[74] Robert H.Ferrell "The Truman Era and European Integration", in Francis H.Heller and John R.Gillingham, eds., *The United States and the Integration of Europe: Legacies of the Postwar Era*, New York, St. Martin's Press, 1996, p. 33-37

[75] Ernst H. Van Der Beugel, *From Marshall Aid to Atlantic Partnership: European Integration as a Concern of American Foreign Policy*, New York , Elsevier, 1966, p. 101-103

[76] Walter Lipmann, "Cassandra Speaking", *Washington Post*, April 5th 1947, p. 9

[77] About the organization of the PPS and its role in creating European Recovery Program; see G. Kennan, *Memoires 1925-1950*, New York , Bantam, 1969, p. 342-344

[78] FRUS, 1947, v.3, p. 197-198

[79] (http:/www.lexis-nexis.com/academic/2upa/Aph/marshall_docs/april28.htm)
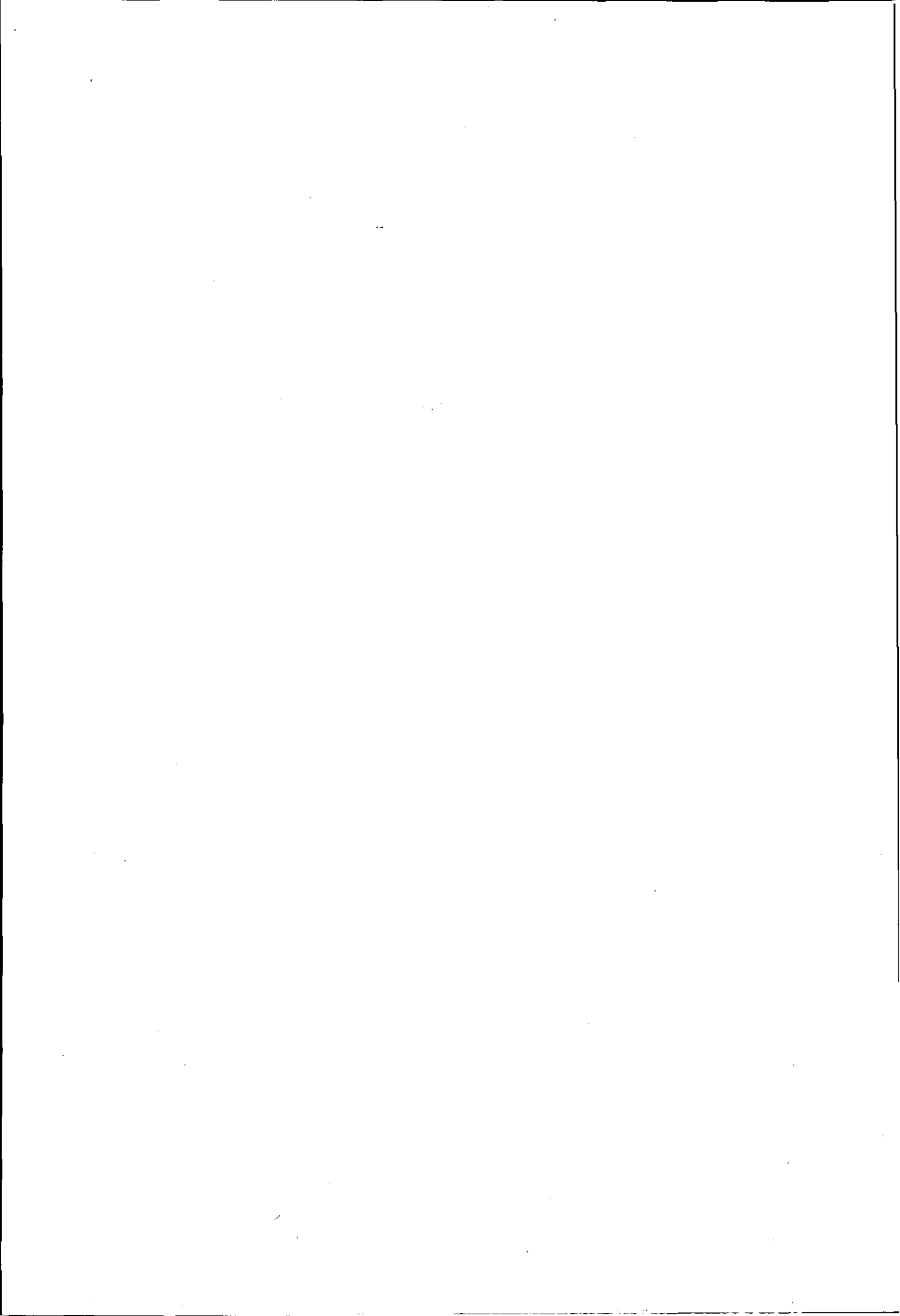
Constantin Buşe, Nicolae Dascălu – *Diplomacy in Times of War. From the Atlantic Charter to the U.N.O. Charter* – Editura Universităţii din Bucureşti (Bucharest University Press), Bucharest, 2000, 279 pages.

The problems of diplomacy, war and peace, of ensuring the security of states, constitute a constant, as well as major consume for the researchers, analysts and academics of the XX-th century.

This perspective resulted in an ample, diversified and valuable literature concerned with war and peace over the last century, implicitly meaning the mechanisms of ensuring security, in Romania, as well as throughout the world in general.

In the book "Diplomacy in Times of War", written by two of the most prestigious academics in Romania, professors Constantin Buşe and Nicolae Dascălu, brilliantly continues an idea put forward more than half a century ago, at the same University of Bucharest, by Gheorghe I. Brătianu in his volume called "Formulas for Peace Organisation".

Just as their esteemed forefather, the authors of the present volume try to answer fundamental questions about the organisation of peace and security after the Second World War, in Europe and all over the world.

The link between Gheorghe I. Brătianu's work and the present one is not only of chronological nature, but also of scientific affiliation, both having the same views on the approach to history as an instrument that offers the conceptual and methodological background for the study and understanding of the contemporary international relations.

By reading this book, one can discover sensible similitudes to the braudelian approach to the problems of peace and security in the context of international relations, as they are described in "Time of the World".

Although the vision on history, looked upon as a means of studying international relations, is similar to that of the famous French historian, the conceptual apparatus and the methodology of analysis of the two authors individualises them thus making the present volume a reference reading in the domain of international relations.

In the analysis of the constitution of the United Nations Organisation, the authors succeed in accurately depicting the multitude of factors that had a determining role in its genesis in the end eventually appreciating it as the result of the confrontation, but also harmonisation of the fundamental problems of peace and security, as well as of the interests of the great powers that won the Second World War.

Proceeding with a substantiated evaluation of the diplomatic steps of the actors involved in the process of putting the international relations on a new basis, and accurately presenting the political, economic and military causes that determined the adoption of a certain behavior on the international arena, the volume perfectly integrates the research efforts that the specialists make in order to develop and improve the instruments and methods of analysis in the field of international relations.

The book presents pertinently and exhaustively the stages that preceded the elaboration and adoption of the United Nations Charter and analyses them in the dynamics of the development of diplomatic negotiations, this also constituting a model of their objective reflection.

Referring to the new organization set up in 1945, the authors argumentatively think that it definitely succeeded in the solving of the deficiencies manifested by the functioning of the Society of Nations, successfully integrated into the system of the specialized agencies organisms that have previously worked in this field (e.g. The Universal Postal Union, The International Work Organization, The International Drugs Control Organization), the institutional continuity being evident.

In the first chapter, the two distinguished professors present the result of the negotiation mechanism that led to the elaboration of two fundamental documents: the Atlantic Charter and the Declaration of the United Nations. If in the Atlantic Charter the idea is that it constituted the first step preparing the ulterior evolution of events, the Declaration of the United Nations meant the articulation of the background in which the post-war problems were to be discussed, this being the basis for the structures developed after the war and aiming at the international security, economic and financial cooperation, as well as at the colonial problem.

The profound analysis and thorough research effected by the authors, as well as the ardent diplomatic activity aiming at numerous projects of post-war organization of the international relations are made evident in the second chapter.

By exemplifying with only a few documents out of the multitude that the work brings to our attention (The United Nation Plan, The United Nations Protocol for War and Transition Period), they make up an ample picture of the problems on the negotiation agenda of the great powers in their preparations and proceedings of the Conferences in Moscow and Tehran. The two conferences established the bases of the post-war international organization.

The third chapter is constituted of an ample and extremely well documented result of the analysis of international relations that were aimed ad the elaboration of the quadripartite proposals for creating an international organization.

The two prestigious academics think that the year 1944 marked the adoption of the first common project of a statute of the future international organization, the reunion in August-October leading to the elaboration of the Proposals of Dumbarton Oaks.

The authors succeeded, through a sustained argumentation, in exactly presenting the negotiations mechanisms used by the representatives of the great powers in order to harmonize their positions and points of view. The image offered by the authors depicted in the most precise way the diplomatic gearing in action, a result being the voting system adopted by the Security Council, later on imposed by the great powers to all the participants in the debates of San Francisco.

The last chapter of the book makes evident the multiple, complex and thorough negotiations of April-June 1945 in San Francisco, at the General Conference for the constitution of the United Nations Organization.

The research and analysis achieved by the authors emphasized highlight the huge amount of work necessary to create a new world order and a new system of international relations brought about by the United Nations. The authors consider that even the small states have realistically and constructively contributed to the elaboration of the Charter and in San Francisco there was also the influence of the international public opinion and of their will and aspirations for peace in this respect, the beginning phrase of the Charter ("We, the peoples of the United Nations") reflecting the real state of mind.

Through the methods and analysis instruments the authors adopted in writing this book an aspect worthy of remark is clearly protruding.

All along the derulation of negotiations concerning the creation of the United Nations, the Soviet Union did not elaborate any plans of its own for the organization of post-war international relations.

In 1941-1942, the attention of the Soviet diplomacy was caught by solutions for the military problems, acute in those times. Until 1944, the Soviet government limited its actions to expressing its standing concerning the U.S. proposals.

Taking into account President Roosevelt's conception on the role of the great powers, the Soviet Union was permanently consulted, being present in all stages of the organization genesis, but without presenting any great initiatives in this respect.

Getting Moscow's approval to assume responsibility in the potbelly international cooperation was considered a winning point by the United States.

The efficiency of the instruments and methods of analysis of the international relations that were adopted by the distinguished professors in the elaboration of the volume, as well as the methodology of analysis, used along with methods specific for other socio-human domains as: Geopolitics, Geostrategy, Politology, International Law, will lead to an ampler knowledge and understanding of the phenomena of contemporary international relations.

By evoking the United Nations Charter, the authors rightfully appreciate that, although not lacking in imperfections, this constitutes a complex document, having an utmost importance in international relations applying rules, principles, mechanisms and means capable of influencing these relations in a positive manner, as well as the functioning of the mechanisms of ensuring collective security, this being the essence of the stipulations of the Charter.

The assertion of the two esteemed scholars, according to which the United Nations Charter does not create the premises for the affirmations of an ideal collective security is perfectly verifiable in practice by the rule of the unanimity of the permanent members of the Security Council in case an important resolution is enacted, annuls "de facto" the applications possibility of the ensuring the collective security mechanisms to the great powers, too.

Basing its analysis on the profound and solid scientific investigation and on the validity on the arguments in question, the authors' opinion referring to the United Nation Charter, on page 268 is that "the best product of negotiations took two months in the conditions of an ending war in Europe and the seemingly longer one in the Pacific. This situation, as well as the experience of the Society of Nations, leaved its mark on what the Charter contains and that, without any doubt made up a special position for the great powers in the sphere of the security system".

In fact, the international situation in which the Charter was negotiated, elaborated and enacted had an impact on the specifics of the United Nations Organization. Counting both the good things and the bad things, understandable in a document of great length, complexity and importance, the United Nations Charter was faced with the realities of the bipolar world during the Cold War and with those of the multipolar world of our times, thus succeeding in supplying the juridical fundamentals necessary for the derulation of the contemporary international relations.

After critical analysis and thorough research, the authors concluded by saying that, although the reform process of the organisation should begin, one can surely ascertain the fact that the United Nations Organization proved its viable nature through time.

The readers having a passion for knowledge, but mostly the specialists in the field of the international relations have this valuable volume at hand, an instrument able to help them understand and explain the evolution of the political phenomena that govern the international relations in the contemporary world.

Laurenţiu-Cristian Dumitru

Dumitru Preda, Mihai Retegan, 1989. *The Collapse of the European Communist Regimes,* The Romanian Cultural Foundation Publishing House, Bucharest, 2000, 510 pages.

The collapse of the communist regimes in Europe and Soviet Union was beyond any debate, one of the decisive events of the twenty century's end. The final crisis of the communist regimes is representing today, at one decay from the fall of them, a major interest for the historians, analysts and public opinion. The novel "1989. The domino principle. The collapse of the European communist regimes " written by Dumitru Preda and Mihai Retegan, two of the most appreciated historians from Romania, includes these preoccupations.

The apparition of this work had represented an important event in post-December Romanian historiography. This novel comprise 299 documents from the Romanian Ministry of Foreign Affaires "Telegrams", containing the period 1989, April 19-December 26. This precious package of documents, carefully selected in accordance with the most advanced archivist ways and methods, is about reports, information and notes of the Romanian Embassies in the capitals of the Warsaw Treaty states: Moscow, Budapest, Berlin, Prague, Warsaw and Sofia.

It is very interesting that the authors of the "1989. Domino principle." considered that is necessary to put together also the documents from the Romanian Embassies of the socialist capitals in which the falling of the communism process was stopped – Pecking, or wasn't started – Belgrade. The authors wanted to emphasize the particularities of the evolution of the communism system crisis and also the identification of other elements and sources for crisis.

In order to stress more clearly the way of the perception of the events from Western states, also at the political leadership and public opinion level, were selected the documents from the Romanian Embassies in France, Germany, Austria, England and U.S.

The central issue of the novel – in which the historians Dumitru Preda and Mihai Retegan wanted to emphasize more in detail, sort out the documents, making the information architecture – is that the Ceausescu regime had a fully image of the new course of actions oriented to the collapse of the communist regimes.

Also, it is important to see the professionalism of the authors who wanted to get the readers' attention in order to know how the Ceausescu regime was annihilated and the Communist Party's nomenclature from Foreign Affaires Ministry exaggerated the information – when all these got to the No.1 Cabinet (Nicolae Ceausescu) or to the No. 2 Cabinet (Elena Ceausescu). These fragments from the telegrams were underlined in this writing by typing them italic. Till the historians will give off opinions about these facts – misinformation, manipulation or the protection of the Ceausescu clan by its nomenclature – the readers can build up its own opinion.

From this perspective, the reaction of the communist regime from Bucharest, of his leader – Nicolae Ceausescu – wasn't encounter or incognizant. The acceptation of the Kremlin regime of the new course of actions – against the deterioration of the internal economical situation and of the first signs of the soviet disintegration – was very promptly observed by the Romanian's diplomatic representatives. So, just before the XIV Congress of the RCP started, the Romanian ambassador in Moscow – Ion Bucur – informed the Bucharest leadership that "in Soviet Union are made different appreciation about the internal situation one of them calming and others alarmingly". There are also extremely radical conceptions, going to the destruction of the actual system (the document No. 137).

Also from Moscow, Nicolae Ceausescu got on the November 4, 1989 information that through the visit of the Soviet Foreign Minister – Eduard Sevardnadze – in Poland, the soviet leadership accepted the realities from Poland, and will collaborate with the non-

communist government of the Mazowiecki in the spirit of "all that was good between as after the war" (the document No. 140).

In the time of the celebration of the Bolshevik Soviet Revolution in October, came to Bucharest information for the Romanian communist leaders that the USSR renounced to express the solidarity with the communist parties from the "fraternal states" (the document No. 134). It is obvious that this signal wasn't receipted gladly by the leadership of RCP. The attitude of the Soviet Union Communist Party – SUCP – had direct and immediate implications in the relations sphere between USSR and the satellite states. The Moscow gave signs that renounced to the "Brejnev Doctrine" but Ceausescu still believed in the building of the "grown multilateral communism" under the protection of the "red military power".

The documents that were transmitted by the Romanian Embassies from the capitals of the Warsaw Treaty member states and in which the course of the communism collapse in the 1989 summer was decisively settled were provided clear information about the reaction of the communist leaders and also the dispute between the conservators and reformers from that communist parties.

So, at the beginning of June, the ambassador Traian Pop transmitted to Bucharest information about the events from Hungarian communist party which had the tendency to trans-form into "a party having as a model the socialist parties from France, Italy, Austria" and this party is not any longer a unitary political formation and inside of it were functioning some currents of opinion and groups (the document No. 24).

After a few days also from the Hungarian capital were transmitted that appeared "the Movement for a democratic Hungary " in order to introduce in the Hungarian political life a new political organization in opposition with the actual communist party (the document No. 35).

Alarmingly news that produced headaches to the dictatorial couple from Romania started to come from the Polish capital at the beginning of June 1989.

At June 9, the ambassador Ion Tesu informed the Foreign Affair Ministry that in the Polish election the victory was on the solidarity part and "none of the members of the Politi-cal Office and the Government didn't get the minimum number of votes (50%)". It is about the following: W. Baka – the Committee Secretary of the Communist Party, K. Barcikowski – vice president of the State Council, S. Ciosek – the Committee Secretary, J. Czyrek – the minister of the national defense (the document No. 36). This is the moment that in Bucharest started to grow the idea of a possible intervention of the member states of the Warsaw Treaty in Poland to protect the socialism.

At this position of the Romanian communist leader – Nicolae Ceausescu, the Communist Party's leadership wanted to go in the opposition and to accept the failure and responded very tough. It is the authors' merit to integrate in the document also the Report of the Romanian Embassy in Warsaw that clarified some aspects and stopped the hopes on the Ceausescu' proposition to defense "the revolutionary conquests in Poland".

In the Communist Party's response to "the point of view of the Executive Political Council of RCP and of the Nicolae Ceausescu about the situation in Poland and the formation of the Poland's government" was categorically rejected the affirmation of the Romanian leaders that "through the participation of the Solidarity's representatives supports the imperialists groups" and this is not a Poland problem is also a problem of all socialist states (the document No. 72). It was signalized that "the transformation in Poland didn't affect the other socialist states, especially the interests of Romania, but served to the socialism reconsolidation in world". As a paradox, the real understanding of this situation was from the neo-Stalinist Romanian leader not the leadership of the Poland Communist Party. In only a few month in all ex-satellite of Moscow states the communist governments were supersede.

The documents selected by the historians Dumitru Preda and Mihai Retegan illustrated the position of the Western states beside the evolution in Central and Eastern Europe and from Romania. These documents related the atmosphere in that period, full of tensions on the background of the international political confrontations and of the acceleration of the communist system's collapse – which represented one of the geostrategical bi-polar component on the European continent.

The readers of this novel may find unhackneyed and interesting information about the development of the Romanian revolution. And also the documents that unriddle the enigma about the terrorists (the document No. 267) and about the request of the revolutionary power from Bucharest for an armed intervention from Moscow (the documents No. 291, 296, 298).

It is important to mention that the authors respected the "technical" rules for preparing and edit a document novel. They kept the "spirit and letter" of the telegrams sent by the Romanian diplomatic representatives, interfering only in grammatical way. From this point of view, the novel "1989. THE DOMINO PRINCIPLE AT THE END OF TWENTY CENTURY" is also a useful instrument for the Romanian historians researchers who wants to study a historical dramatic segment of the Romanians evolution at the end of the XXth century.

Adriana Ispas

Cālin Hentea, *Propaganda without Borders,* NEMIRA Publishing House, Bucharest 2002, 320 pages

The word of *propaganda* has long been in the common language. It is used with the same carelessness by the media, in talks or official speeches, either by the ordinary people or by political leaders. Unlike the people in the West, the Romanians, because of their painful experience in the 50-year right or left totalitarianism, have a deep dislike for this word, to which they attribute the worse connotations. In this context, an approach of the propaganda, either in its historical or contemporary perspective, involves inevitable risks due to conceptual fluidity or perception and political sensibilities. The book *Propaganda without Borders,* * written by Calin Hentea, who successfully merges the officer's discipline and rigour with the journalist's freedom of mind and alert writing, assumes this challenge.

In fact, *Propaganda without Borders* is a follow up of Calin Hentea's previous book *150 Years of Media Wars. The Military and the Media in Times of War* * where he wrote about the evolution of the military-media-politics relationship, mainly in the limited conflicts that occurred in the post-war decades (Korea 1950-1953; Vietnam 1965-1973; Falkland 1982; Grenada 1983; Panama 1989; the Gulf 1990-1991; Bosnia 1992-1995 and Kosovo 1999). He avoided dealing with this issue in times of peace when, in his opinion, the three actors (military, media and politics) are playing under   completely different rules. The same limitations of the analysis are to be found in the present book, although the presentation of the propaganda phenomenon in times of war begins with Antiquity and ends with September 11, 2001, with a consistent stress on the post-war conflicts.

Mention should be made on the architecture of the theoretic apparatus proposed by the author at the very beginning of his book as a reading-key for the next chapters. Calin Hentea's main idea is that, irrespective of definitions and particularities of the propaganda, media war, PSYOPS, public relations, imagery war, electronic, command and control warfare, web-war are all persuasion weapons that belong to the same informational war (INFO-WAR). Moreover, all these weapons, aiming at the minds and souls, have a large number of common elements, but the

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* *150 Years of Media Wars. The Military and the Media in Times of War,* NEMIRA Publishing House, Bucharest 2000, 288 pages

basic conceptual border between them is more fluid and invisible in times of war, than at peace. Clear examples of this are offered by the huge operations carried out with a view to demonise national enemy leaders, such as the Panamian General Manuel Oriega in 1989, Saddam Hussein in 1990-1991, Somali General Muhamand Aidid 1993-1994, Serbian President Slobodan Milosevic 1999. Such operations can be defined as actions of media war (because they were conducted through the media), propaganda (use of various communication skills to inflict changes of attitude or behaviour at the members of a group), public relations (all the campaigns are initiated and supported by official statements), psychological warfare (all demonisation topics were used in, or related to the drawing up of leaflets, radio and TV psychological products), disinformation – as defined by Wladimir Volkoff (because of the obvious exaggerations and inaccurate information disseminated on the established target and used for a well defined purpose).

According to Calin Hentea, the history of propaganda is as long as the history of the mankind: it started 5000 years ago with the Jewish Pentateuch, the Hindu Rig-Veda, Gilgamesh's story or Homer's epic poems, continued with the Assyrian wall paintings intended to intimidate by power and fear, and the impressive gallery of Antique Roman statues, monuments and buildings created only as a public relations action, in the benefit of the Roman Emperor. Propaganda was also used intensively during the Middle Ages great wars, such as: the crusades (Pope Urban's to announce the beginning of the crusade at Clermont, with the slogan *"Deus vult"*), the 100 years war (the brilliant projection of Joan d'Arc – an ideal raw material propaganda), the denigration of Spain by Queen Elisabeth's I minister Walsingham in the 1588 Spanish-Briton war – everything in support of the own soldiers morale, and the demonisation of the enemy. In his turn, Napoleon, the French Emperor Napoleon was a master of propaganda and public relations in all his actions (fine-arts works, event management, famous statements, media control) which all had only one purpose: the glorification of his personal image; the support for his political objectives; the building of an invincile myth for his military skills and forces.

The aparition of the first state institutions devoted exclusivly to propaganda issues were established during the WW I. The British Empire, with Lord Northcliffe's multicultural intelligentia team, located in London's Crewe House, took initiative and wrote an important chapter in the history of propaganda with their first black propaganda and psychological warfare operations targeted at the German lines and military leaders. Maybe, just because the basis of what it will be known as weapons of the contemporary informational war was established and applied in 1914-1918, this part of the history of propaganda deserved a more detailed analyses, similar to the way in which WW II is described. Musollini "new fascist Rome", the power and weakness of the Nazi propaganda industry, the United Kingdom and Oncle Sam's overhelming propaganda counter-offensives based on truth and facts, the efficiency of the Soviet propaganda machine or the specific cultural limits of the Japanese Sphere of Coprosperity propaganda support, are dealt within a separate chapter, that underlines the specific and the main actions taken by each actor.

Besides the traditional historical frame, there are two main topics in this book that might be of interest of both the public and the specialists: the details of the informational war weapons evolutions in the post-WW II limited conflicts and the Romanian war propaganda in the XX century. The dirty ideological war at the beginning of the Cold War, as it became manifest during the Korean war, the mistakes of the first psychological operations in the Vietnam war, the effects of the media limited cliches in the 1978 Zair crise, the development of American PSYOPS as a self-defined weapon in the *Just Cause* operation in Panama, the birth of informational war during the *Desert Shield* and *Desert Storm* operations, or the total informational war fought both by NATO and the Serbian structures in the Kosovo war are analysed, all of them, under two dimensions: political and informational (with the description of the each specific weapon used such as PR, propaganda, PSYOPS, media-war, etc.). Details are focused mainly on the Gulf and

the Kosovo Wars based on the quotes of well-known specialists such as Philip M. Taylor, Peter Young & Peter Jesser, Peter Goff or media reports, published at the time when the events occurred. Perhaps, just because Calin Hentea could not forget that he basicaly remains a journalist, he also introduced a genuine chapter dedicated to the september 11, 2001 event. The novelty of these first evaluations is the comparation of the way in which the television live-reported the December '89 Romanian Revolution and the terrorist attacks on WTC: controling the rumors, avoiding the panic and the violent footages showing bloody images casualities, support of the citizens morale.

For the first time, the Romanian propaganda in times of war is described in this book without any ideological constraints. In Calin Hentea's oppinion the Romanian propaganda's main features are: its defensive character (seldom carried out outside the national borders) and his eternal link to foreign power (the Entente, the Axis Powers, the Warsaw Treaty, NATO). It was perhaps, only during 1913 2nd Balkan's war and the 1919 campaign against the Hungarian Bolsheviks (when Romanian Kingdom was a true regional power) that the Romanian conducted some propaganda operations on their own. However, the Romanian propaganda defensive against the powerfull German war machine in 1917 was notably effective (as shown by the archives documents published in the book) and the results were be seen in the Romanian peasant-soldiers high morale and strong will to fight. Based on military archive documents, the author describes the Romanian propaganda during the WW II not only in its national specificity, but also in comparation with the German remarkable performances of the Germans and with some strange weakness similitudes of the contemporary Romanian peace-keeping image operations. As the regards of the communist decades, when propaganda was an official powerful institution, only the contribution of the political structure belonging to the armed forces is analysed although many others aspects, deserve to be mentioned and explained. Wishing to remains only within the military, Calin Hentea suggests a complete history (from the mid of 19th century till now) of all the components of the Romanian Armed Forces: newspapers, specialized magazines, radio, film, television. From the author's perspective, the military media played from the very beginning an important part on the national propaganda stage, as an educative instructor, a psychological support, a public relation's tool, its sole goal being to contribute to the achievement of the national objectives and interests.

Because Calin Hentea is also a serious and well-known post-cards collecter, his book (like the previous one) benefits of fifty nine atractive and expresive illustrations supporting the topics analysed in the text. Like his illustrations *Propaganda without Borders* is an original, courageous and attractive book, written in an journalistic style. Of course the subject is not finished. A lot of other points and facts are waiting to be revealed and understood and hundred of archives documents (available or not) to be read. Let's hope that it won't take long until we see Calin Hentea's third volume on the weapons that are not meant to kill.

Dana Mineo

On Both sides of the Iron Curtain, **Military Publising House,** Bucharest, 2001, 451 pages.

Defense and Military History, together with *the Romanian Commission for Military History,* has appeared in the volume *On Both Sides of the Iron Curtain,* a work that gathers the papers, on the same topic, presented during the International Conference organized from 9 to 10 May in Bucharest.The volume includes the opinions of wellknown Romanian and foreign historians regarding one of the most controversial topics in the recent period of European continent and world history, – the "Cold War" – and, implicitly, the evolution of various states during the "Iron Curtain" period. This topic covers a multitude of aspects of the "Cold War", from political and ideological aspects to diplomatic, economic and military ones. The problem-range of contradictions "on both sides" of the Iron Curtain, and during the Cold War, is seen in its whole complexity, both from the East-crisis on Romanian and world economy, together with the devastating consequences resulted from them, are presented in Ion Vorovenci's article, entitled *The Impact of the 1970's Oil Crisis on Romanian Economy.* Regarding *the military aspect,* Romanian and foreign experts analyze, on both sides of the Iron Curtain, the ideological confrontation regarding the doctrinal aspects and concepts, the existent balance of forces during the Cold War period and its impact on the sizing and restructuring process of the military body, at that time, in articles, such as: *The War that Was Never Waged. French Operation Plans in Western Europe in the Event of a Soviet Invasion (1945-1969)* by Thierry Sarmant; *Why Turkey Entered NATO?* by Associate Professor Cemaletin Taskiran, Ph.D.; *The Arabian-Israeli Conflict – A Conflict of the Cold War?* by Dragos Ilinca; *The Caribbean Missile Crisis, 1962 – The World on the Brink of a Nuclear Catastrophy* by Captain First Rank (Ret.) Professor Igor A. Amosov, Ph.D.; the enforcement of the Soviet model, with devastating consequences on the theory and practice in the military domain of activity: *Behind the Scenes of the Warsaw Treaty* by Commander (Ret.) Professor Jipa Rotaru, Ph.D. and Colonel Mircea Serediuc; *Changes in the Structure of the People's Armed Forces from Eastern Europe between 1948 and 1955* by Captain Florin Sperlea. Tackling the aspects regarding the withdrawal of Soviet troops from Romania, Professor Valeriu Dobrinescu Ph.D. and Professor Ion Patroiu Ph.D., in the article *The Retreat of the Soviet Troops from Romania as Seen by the French Diplomatic Documents,* state that "… whatever the reasons, the withdrawal of the Soviet troops from Romania at the end of July 1958, allowed the moral author of this achievement, Gheorghe-Gheorghiu Dej, the chance to apply his plan for obtaining economic autonomy, the premise for the political independence of the state…". Regarding *the informational aspect,* the specialists present the evolution of relations between the Romanian and Soviet secret services and security agencies, stressing the existing disproportion and inequality in the confrontation between those services in an essay by Cristian Troncota, Ph.D., entitled *The Evolution of the Relations between Romanian and Soviet Intelligence and Security Agencies (1969-1989).* Regarding the communication domain, Colonel Professor Constantin Hlihor, Ph.D., in the article The Communication Crisis between East and West at the Beginning of the Cold War, demonstrates, with strong arguments, that after the set up of the Iron Curtain, the East-West dialogue became infected, on both sides, by ideological expressions, by wrong perceptions and misinterpretation of messages, facts that led to crisis, to some dilemmas regarding security. The concrete expression of those dilemmas consisted in an escalating arms race and tensions in international relations. Using, mostly, the historical method of analysis, Colonel (Ret.) Aurel Pentelescu Ph.D., in his article *The Relations between East and West and the Romanian Postwar Historiography. Some Considerations,* states that "…the nations that were ruled by totalitarian regimes also called *people's democracies,* experienced a deep process of destruction in the field of classical historiography…". Robert Ehrenberger, in the article "Research Possibilities and Restrictions" in

the *Archival Records of the Cold War Period in the War History Archives of Hungary in the Decade of Openness*, states that "...historical research cannot be done without free access to archives and it imposes an open and free exchange of information and points of view among specialists; that the civil and military historians give different interpretations to the same event a comparison between civil and military points of view being necessary; debating the controversial events, the historians from both sides, during the Cold War period, improve their knowledge and interpretation of the same historical period; that Europe was the main point of interest and dispute in the period of the Cold War". In conclusion, the readers who will lecture this volume will be able to find out the answer to some basic questions, such as: When did the Cold War begin? Are the events that make up the Cold War best viewed as aspects of global politics, or a collection of local and particular events? To what extent could Balkan leaders retain their freedom of action and influence the outcome? Who can be blamed for starting the Cold War? Who has won/lost the Cold War? Firstly, evidence from the Balkans shows that the Cold War "began" over an extended period, as an extension of the WWII, as local and global governments came to terms with the evolving conditions. Secondly, Balkan events support analyses of the Cold War that start with specific, unique, local events that took place throughout the Balkan region, but in different moments. Many studies analyse these events from Moscow's and Washington's perspective, which leads to an ignorance of the existent discrepancies in this area and of the involvement of other great powers in this phenomenon.

Thirdly, were the Balkan states doomed to fall under the Russian control? Once we know something about the present-day events, the question itself has to be substantially revised, because only some of the Balkan states became Russian "satellites", in the traditional sense of the word. On the other hand, the same forces that put the Balkan states under the influence of greater powers in the 19th century were at work in the middle of the 20th, so that the Russian control was hardly surprising.

To sum up, I strongly assert that the volume *On Both Sides of the Iron Curtain* is both a serious academic forum for a deeper understanding of the recent past and an important tool for researchers and analysts who study the phenomenon, called "the Cold War".

Dan-Nicolae Stroescu

THE SECURITY OF SMALL STATES, Ed. Armand Clesse and Mario Hirsch Luxembourg Institute for European and International Studies, 1999, 282p

Although the book *The Security of Small States* does not know a Romanian version, it is a remarkable book for the international affairs realm. The book, that is a result of a conference that took place in Luxembourg and that reunited 70 experts and government representatives, encompasses, in its first part essays of notorious authors and in the second part, conference proceedings.

The first part of the book – *Essays* – is, in its turn, divided into two chapters in a relevant manner. Chapter One – *Small States and Comprehensive Security* – approaches the issue of the security between theory and practice, with particular reference to the small Eastern European states. It, also, discusses how a variable like the lack of protection of the minority rights can endanger the security of the small states from this region, since security requires certain homogeneity of the population. Within the new post-Cold War framework some new security

plans must be established so that between the regional countries to exist a better understanding in joint actions in responding to the regional security problems. The first chapter approaches also the idea of transforming these states into *European Neutral Zones of Co-operation*.

Chapter Two encompasses case studies on countries from both Western and Eastern Europe. In this sense there are analyzed the defense priorities of the Netherlands in the new international context underlining the committement of the Kingdom to participate at peacekeeping and peace-enforcing operations. From the group of the Western analyzed countries, Finland is also, included. Contrary to the Netherlands, Finland is not seeking security solutions, because it does not feel threatened and because its main goal is the full membership in the European Union, within which it want to take an active role, including in the security matters. The European Security System is analyzed from the Belarus perspective underlining the difficult situation that this country faces, being situated between an integrated Europe and Russia "a strategic ally and partner for Belarus in any case". Although Chapter Two gathers case studies on Bulgaria, Hungary and Latvia, the research that analyses the case of Slovenia is highly interesting. Starting from the premises that "the national security system should be the foundation of universal collective security", Slovenia wants to adopt a concept of national security that is in accordance with the actual concepts of security, that can be included in the new order and that "ensures a proper balance between the military and the non-military elements".

Part Two of the book presents conference proceedings. It approaches relevant topics such as present analysis and future recommendations on security issues with reference to NATO and to the Central and Eastern Europe. The conference reunited notorious names in the field of international relations and the reproduction in the text of their views makes the book more valuable. This second part of the book is more attractive and completely lacked of monotony just because this second part of the book made room for arguments and counter-arguments, the reader having the impression that is part in the discussions.

To sum up, the book *The Security of Small States* has a heterogeneous content. At a global level it is a succeeded mixture of the issue of security viewed in theory and in practice. The case studies on the small countries, EU and non-EU member states, add more value to the book. The second part of the book, *Conference Proceedings*, subscribe in a relevant way to the context of the book; the manner in which the book is organized is, undoubtly, the merit of the two prestigious editors, whom I had the pleasure to meet: Armand Clesse and Mario Hirsch.

Florina Laura Neculai