Serbian/Yugoslav-Romanian Relations and Interactions in the 20th Century

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Belgrade, 2025

INSTITUTE FOR RECENT HISTORY OF SERBIA
Series „Zbornici radova" Vol. 30
FACULTY OF HISTORY, „ALEXANDRU IOAN CUZA" UNIVERSITY OF IAŞI

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ISBN 978-86-7005-205-5

TABLE OF CONTENTS

PART II: YUGOSLAV-ROMANIAN RELATIONS IN A DIVIDED EUROPE

PART III: HOW WE SAW AND UNDERSTOOD EACH OTHER

UDK: 327(497.1:498)"19"

DOI: https://doi.org/10.31212/2025.serb-roman.mil.219-234

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Accession of Yugoslavia and Romania to the Council of Europe in the Second Half of the 20th Century: Similarities and Differences

Abstract: This paper provides a brief overview of Yugoslavia and Romania's relations with the Council of Europe, analysing their paths to the oldest pan-European organisation during and after the Cold War.

Key words: Council of Europe, Romania, Serbia, Hague Congress, Iron Curtain, Yugoslavia

At the very beginning, the two countries shared a rather similar attitude towards the Council of Europe, and the Council's stance towards them was also fairly comparable. When the pan-European organization – the backbone of subsequent European integration processes - was founded on 5 May 1949, both Romania and Yugoslavia were structured as communist states with the dictatorship of the proletariat as their guiding principle. Neither cared too much for developing ties with Europe at the time.

Meanwhile, the Yugoslav and Romanian politicians who after Yalta and Potsdam remained in exile in London, wholeheartedly embraced the idea of a united Europe rallied around fundamental democratic values: individual freedoms, legal and property security, and respect for human rights. Together with delegates from other European states under totalitarian regimes, representatives of the Romanian and Yugoslav expatriate communities, too, attended the Hague Congress in May 1948 as observers. They voiced their opinion on the future of the continent, highlighting a stark ideological divide in Europe.

Shortly before the Hague Congress, on 16 April 1948, representatives of a number of movements founded by refugees from Central and Eastern Europe signed on behalf of the Bulgarian, Czech, Estonian, Latvian, Lithuanian, Polish, Romanian, Slovak, Ukrainian, Belarusian, Yugoslav/Serbian, Croatian, and Slovenian nations **the Resolution of Pro-European Activists**

of Central and Eastern Europe.[1] The text of the Resolution was sent to Winston Churchill, the honorary president of the upcoming congress. The Serbian and Romanian signatories were Milan Gavrilović[2] and Grigore Niculescu Buzeşti,[3] respectively. Once high-ranking diplomats, ministers and politicians with versatile and rich careers at home, both were of strong nationalist orientation, and members of agrarian parties.

The tone of the document was very strong, belligerent even, criticizing the new regimes in Central and Eastern Europe and warning about the „growing pressure the Soviet and communist imperialist expansionism creates." The Resolution protested sternly against „the political status imposed upon the peoples of the Eastern half of Europe by means of force, subterfuge, treachery and organised conspiracy… by the regimes which would be totally unable to maintain themselves in power if the peoples of this area were given the opportunity to express their free will."[4]

Neither the Hague Congress nor the Resolution resonated with the communist states though. On the other hand, addresses by the Yugoslav delegation at The Hague, Milan Gavrilović's and Živko Topalović's in particular, made quite an impression. A fairly sizeable Romanian delegation of five, led by the country's former foreign minister, Grigore Gafencu,[5] had travelled to

1 Archives historiques de l'Union européenne (AHUE), Florence, Villa Il Poggiolo, Dépôts, DEP, Mouvement européen. ME 1179. More about the London meeting: Ratomir Milikić, „Serb émigrés of democratic European orientation, marginalized and forgotten, unrecognized by allies, shunned by descendants (Participation of Milan Gavrilović and Živko Topalović at the Hague Congress)", *Nacionalni i evropski identitet u procesu evropskih integracija***,** thematic proceedings, (Beograd: IMPP, fondacija Hans Zajdel, 2012), 399–410, and Ratomir Milikić, *Zaboravljena evropska epizoda: Jugoslavija i Savet Evrope 1949–1958*, (Beograd: Institut za savremenu istoriju, 2014), 77–114.

2 Milan Gavrilović was born in Zaječar in 1882, and passed away in the United States in 1976. He was at the helm of the right-wing faction of the Agrarian Party in the Kingdom of Yugoslavia. A lawyer and a politician, Gavrilović earned his PhD degree in law in Paris. Joined the organisation „Unification or Death." Served as Nikola Pašić's secretary at the Ministry of Foreign Affairs and as a diplomatic clerk in London and Paris. Appointed the Kingdom of Yugoslavia's ambassador to Moscow in 1940, where he led negotiations on an alliance with the USSR. In 1941, he served as a minister without portfolio in Dušan Simović's cabinet, and later as a justice minister in the Slobodan Jovanović's two governments in exile and in Miloš Trifunović's government. The secretary and vice president of the Main Committee of the Agrarian Union since 1939. Gavrilović refused to return to the country and was sentenced in absentia during the 1946 trial of Dragoljub Mihailović. The sentence included 15 years of imprisonment with forced labor, the loss of political and certain civil rights for eight years, the confiscation of all his property, and the loss of citizenship.

3 Grigore Niculescu Buzești (1908–1949) was a Romanian diplomat and the Kingdom of Romania's foreign minister in 1944. He took over the post as a person close to the court, following the removal of General Antonescu as the head of government. After the communists came to power, he fled to Switzerland in 1946. In exile, he worked to unite all Romanian forces outside the country. He was one of the founders of the Romanian National Committee in exile.

4 Archives of the Parliamentary Assembly of the Council of Europe (PACE), Congress of Europe, Verbatim Report I, Plenary Session, May 1948.

5 Grigore Gafencu (1892–1957) was a Romanian politician, diplomat and writer. Served as the Kingdom of Romania's foreign minister during the delicate years before and at the

The Hague, too. Gafencu delivered an exceptionally inspirational speech (one of the longest at the conference), strongly advocating for a new Europe, united upon the principle of equality of nations and voluntary accession.

Gafencu underlined in his speech that „while the West (of Europe) ... is being born, the East (of Europe) is dying," accusing the Union of Soviet Socialist Republics (USSR) of imposing its own value system on the states behind the Iron Curtain, which he said created an unnatural state of affairs that divided Europe into two completely different parts.

In the early 1950s, as Yugoslavia was developing an authentic and ostensibly softer modality of communism, the Council of Europe – reservations notwithstanding - began to signal, however slightly, a will to open up towards Yugoslavia. Romania, on the other hand, was treated as a state whose ideology kept it firmly behind the Iron Curtain right up to the second half of the 1980s, even though it did pursue an independent foreign policy in some respects - Ceaușescu refused to participate in the 1968 intervention in Czechoslovakia, and to break off diplomatic ties with Israel after the Six-Day War in 1967. Romania also established diplomatic relations with West Germany that same year.

On 28 August 1950, during its Second Session, the Consultative Assembly (as the Parliamentary Assembly of the Council of Europe was then called) adopted Resolution 14, stating that „certain nations which are precluded from participating in the work of the Council of Europe nevertheless form an integral part of Europe." It therefore established a „special Committee whose duty it would be to ensure that the interests of these nations shall be considered in every proposal which may be formulated by the Assembly or its Committees." This committee was authorized to „request the advice of experts belonging to these nations" if necessary.

Under Resolution 105 of 25 October 1956, the Consultative Assembly decided to transform this special committee into the Committee on non-represented Nations.[6] Its task was to take into consideration the matters of particular interest to the states behind the Iron Curtain and to explore the opportunities for their involvement in some of the Council's activities. The Assembly insisted that the permanent nature of the newly formed committee in no way suggested that those countries were considered „a lost cause" of sorts, but that it was rather an attempt to protect them against the feeling that the Council of Europe might be ignoring them completely.

Acting within its purview, the Committee reported on the situation in the Central and Eastern European countries and their prospects, trying to

beginning of World War II (February 1939 – July 1940). His next appointment was the ambassadorial post in Moscow, where he remained until the attack on the USSR in June 1941. Having decided against returning to Romania, he lived in exile in Switzerland until the end of the war. After the war, he lived between Paris and New York. While in exile, he promoted a federal Europe, publishing books and papers on the topic. Gafencu was one of the founders of the Romanian National Committee in exile.

6 Resolution 105, 25 October 1956, assembly.coe.int/nw/xml/; accessed 6 March 2024.

enhance cultural contacts with them and proposing measures aimed primarily at the release of political prisoners. In 1979, the Committee was renamed the Committee on European Non-Member Countries, and according to Bruno Haller,[7] the name change *per se* reflected the feeling of détente initiated by the Conference on Security and Cooperation in Europe. At the helm of the Committee were the parliamentarians campaigning for closer ties between the East and the West, including Peter Sager of Switzerland, co-authoring the concept of a special guest status, British and French parliamentarians, David Atkinson, and Jean Seitlinger, respectively. The Committee played an important role in the expansion of the Council of Europe. Having been abolished in 1997, after most CEE countries had joined the Council, it was replaced with the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee).

During the Third Session of the Consultative Assembly, British Foreign Secretary Harold Macmillan prompted the idea on 6 July 1955 that in the Assembly, as well as in the CoE mechanism as a whole, Yugoslavia should be granted the same or similar observer status[8] it already enjoyed in the Organization for European Economic Cooperation (OEEC). The OEEC was founded in 1948 to coordinate efforts under the Marshall Plan. This British initiative had arisen from the desire to tie Yugoslavia more firmly to the West, but a lack of consensus with other states nipped it in the bud. Archival materials suggest that not only Belgrade was kept in the dark about it, but some British members of the Assembly, too, Labourites in particular. Despite its comprehensive diplomatic effort to support Yugoslavia in formalizing the relationship with the Council of Europe, Belgrade was clearly caught off guard, completely unprepared that any foreign minister, let alone one of Great Britain - a founding country with which Yugoslavia had never been as close as, say, with its neighbour, Greece - would campaign so vigorously for Yugoslavia's accession to the Council.[9]

The stumbling block was the potential role of Yugoslav representatives in the work of the Parliamentary Assembly, or rather, their participation in the Assembly's committees, to which members of the Committee on non-member States were strongly opposed. Their prime concern was that the Yugoslav parliamentarians might gain access to all the documents pertaining to the work of the Committee that were marked as confidential, and that they might be given a realistic opportunity to launch initiatives. More precisely, the Assembly was largely relying on committee work, meaning that documents presented to it would be written and aligned by the committees, which made

7 Bruno Haller, *An Assembly for Europe: The Council of Europe's Parliamentary Assembly 1949–1989*, (Strasbourg: Council of Europe Publishing, 2006), 220–221.

8 PACE Archives, AS-CR, 6 July 1955, 38.

9 Diplomatski arhiv Ministarstva spoljnih poslova Republike Srbije [Diplomatic Archive of the Ministry of Foreign Affairs of the Republic of Serbia] (DAMSPS), Politička arhiva (PA), F52, conf. No. 18777 of 23 December 1955.

them extremely difficult to change during a plenary session. Another concern was that representatives of the Yugoslav parliament would take part in processing the matters unrelated to Yugoslavia, either directly or indirectly, but rather concerning other segments of the Council's operation.

The British initiative to connect Yugoslavia with the Council of Europe came shortly after the Belgrade Declaration and a Soviet delegation's visit to Belgrade, suggesting that the United Kingdom wanted to strengthen Yugoslavia's ties with the West, as its relations with the USSR were thawing. In a word, the British initiative opened the Council's doors to Yugoslavia, perhaps not the main gate, but some side or back doors were certainly left ajar. On the other hand, Yugoslavia, respecting the fundamentals of diplomacy, was not expected to accept the proposed form of cooperation, as thereby it would implicitly admit to being run by an authoritarian regime that had failed to honour the fundamental human rights and freedoms, or rather, that it was not a democratic country.

Opening the doors to Yugoslavia, even indirectly and partially, had many positive aspects, as the Federal People's Republic of Yugoslavia (FPRY) was at the receiving end of a steady stream of invitations to a vast majority of the committees and expert bodies of the Committee of Ministers. Dismissing them for years, Yugoslavia began to accept some of them cautiously in the early 1960s, which contributed significantly to a warmer relationship with the Council later in the decade.

It is important to note that in its first ten years the Council of Europe was not clearly defined as an organization. Initially conceived as a gathering hub for all the European forces that shared the same democratic values, it gradually lost the role of a nucleus of European integration, but during the complex Cold War era, it became a beacon of human rights, fundamental freedoms and democracy to be honoured behind the Iron Curtain, too. Never promoting the views of member state governments only, as the CoE Assembly was primarily a political forum where parliamentarians openly advocated their own or party views, the Council of Europe gradually became an exclusive club where the Committee of Ministers was generally in favour of cooperation with Yugoslavia, but the Parliamentary Assembly strongly opposed it. The member states' governments did recognise the specific position of Yugoslavia, but the European parliamentarians refused to consider it as an entry ticket, at least most of them did. It did not help much that some of the states that founded the Council advocated closer ties with Yugoslavia.

In the early 1960s, a new view prevailed within the Council; stronger integration processes among the member states notwithstanding, the states behind the Iron Curtain did deserve attention, too. Recommendation 389 of April 1964 says, „It is the duty of the Council of Europe to contribute at the same time towards the unification of a free and democratic Europe and the easing of tension which has begun between East and West." The following year, 1965, the Parliamentary Assembly of the Council of Europe passed Re-

commendation 412, urging the Committee of Ministers to encourage member governments to expand commercial and cultural relations with Romania, as well as with the other countries of Central and Eastern Europe. Obviously the idea was to use the ties to strengthen relations and bring the ideas of the organization closer to them, without any formal accession of the countries that did not meet the membership requirements.[10]

In the same decade, voices emerged regarding representatives from the communist states and their credibility. An Austrian diplomatic representative said to the FPRY's general consul in Strasbourg in 1966 that, bearing in mind the CoE Statute, and provided that the fundamental freedoms were respected, it might be possible to accept a free election in which only one party participated, if several candidates were nominated for one seat, even if all the candidates were coming from one party.[11] In a comment on the relationship between Yugoslavia and the Council though, the Austrian diplomat noted that the issue of Hallstein Doctrine was an aggravating factor, together with the fact that relations between West Germany and Yugoslavia had been reduced to an absolute minimum.[12]

In the late 1960s, relations reawaken between the Council of Europe and the Eastern European states that displayed a degree of independence in their relationship with the USSR, Yugoslavia and Romania in the first place. In the period between 1967 and 1969, Secretary General of the Council of Europe Peter Smithers[13] visited Warsaw and Belgrade, and the outgoing PACE speaker, Geoffrey de Freitas visited Bucharest.

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10 Bruno Haller, *An Assembly for Europe*…. 159.

11 DAMSPS, PA, F156, a memo from the Consular Office in Strasbourg No. 4206171, dated 17 May 1966.

12 The Federal Republic of Germany unilaterally severed diplomatic relations with Yugoslavia in 1957 as a response to Yugoslavia's decision to establish diplomatic relations with the German Democratic Republic. That was the first time the Hallstein Doctrine, theoretically formulated in 1955, was applied. The Federal Republic of Germany and Yugoslavia did not close their consular offices, which greatly contributed not only to ensuring that ties and cooperation between the two countries were not completely severed, but the two consulates also worked to further develop cooperation in accordance with mutual interests. Diplomatic relations between Yugoslavia and the Federal Republic of Germany were restored in 1968 as the Hallstein Doctrine was abandoned, and the Federal Republic of Germany opened to the Eastern policy, which would eventually lead to the mutual recognition of the two German states. It's also noteworthy that the relationship between Yugoslavia and the Council of Europe improved that same year, and from that point on, it followed an upward trajectory.

13 Peter Smithers (1913–2006), the Council of Europe's Secretary General from 1964 to 1969, a member of the British Conservative Party, a Conservative MP and a diplomat with a degree in modern history. During World War II, he joined the British intelligence, where he closely collaborated with the well-known writer Ian Fleming, who encouraged him to enter the diplomatic service (the United States, Mexico). After he had been elected to Parliament in the early 1950s, he became active in the British delegation to the Assembly of the Council of Europe. At the proposal of the British government, he was appointed Secretary General of the Council of Europe. According to an obituary published by the Financial Times on 14 June 2006, he was Ian Fleming's inspiration for a fictional character, Agent 007. For more details, see: *Who's Who of British Members of Parliament: Volume IV 1945–1979*, edited by M. Stenton

The visit to Belgrade took place in December 1968. The Federal Parliament was the secretary-general's official host, and he also met with members of the Federal Government and representatives of the Alliance of Universities of Yugoslavia. Even though it was not a top-ranking visit, it was a refreshing novelty in Yugoslavia's policy towards Europe, and in the Council's Eastern policy. As Smithers put it, the visit to Belgrade was an exploratory mission to identify, together with Yugoslav officials, the opportunities, scope and modalities of cooperation, since the Council had a keen interest in it. The Council's fourth secretary-general revealed new directions in the organisation's policy and its opening to Eastern European states, underlining that the opening was not to be short-lived, but that the Council would seek to expand the scope of cooperation in the matters provided for under its work programme. He assured his hosts in Belgrade that Yugoslavia would benefit greatly from cooperation with the Council.[14]

It is safe to say that the Council of Europe played a pioneering role in the process of European integration. Fifteen years before the fall of the Berlin Wall, the Council of Europe was the first to initiate the process of European reconciliation, having readmitted Greece on 28 November 1974. This was five years after the country's military junta left the organisation, withdrawing to avoid expulsion. Just two years later, on 22 September 1976, the Council of Europe admitted post-Salazar Portugal, and on 24 November 1977, post-Franco Spain. Some authors[15] argue that the Council of Europe played its first pioneering role in the process of European integration back in the early 1950s, when it admitted the Federal Republic of Germany in a two-step procedure - first as an associate member (on 13 July 1950), and then as a full member (on 2 May 1951).[16] After all, at the first session of the CoE Assembly in August 1949, Winston Churchill referred to Germany's accession to the Council as „the most important of all the questions that are before us."[17]

The Council of Europe closely monitored developments in Eastern European countries, in a bid to reaffirm the role of a bridge between the two halves of the European continent. Much earlier, in the Committee of Ministers Resolution (55)35 of 13 December 1955 a point of view was articulated that there's an „unjust and unnatural ideological division of the continent." It was also emphasized that „security for all cannot be achieved on the basis

and S. Lees, The Harvester Press, 1981. http://www.ft.com/cms/s/0/d59c413e-fbd6–11da-b1a1–0000779e2340.html? nclick_check=1

14 Ratomir Milikić, *Između Evrope i nesvrstanosti – Jugoslavija i Savet Evrope 1960–1980*, (Beograd: Institut za savremenu istoriju, Akademska misao, 2017), 96–107.

15 Denis Huber, *A decade which made history. The Council of Europe 1989–1999,* (Strasbourg: Council of Europe Publishing, 1999), 35.

16 PACE, CM Resolution (50)4 on Admission of the Federal Republic of Germany and CM Resolution (50)5 on Admission of the Saar.

17 *The Council of Europe; Its Law and Policies,* edited by Stefanie Schmall and Martin Breuer, (Oxford University Press 2017), 51.

of the present division of Europe," with a note that „the reunification of Germany on the basis of free elections is necessary" and that „the creation of a united Europe remains indispensable." This resolution on a common European policy at future East-West conferences[18] was adopted at the 17th session of the Committee of Ministers in Paris. When the reunification of Germany took place nearly a quarter-century later, the PACE president, Anders Björck welcomed the 17 million East Germans whose country joined the European Community and the Council of Europe overnight, granting them all the rights that such membership entails, recalling that when German delegates first appeared in the Assembly on 7 August 1950, they stated clearly that they were coming „as representatives of **all of Germany**."

In the early 1970s, the Council of Europe and the Parliamentary Assembly's first concern was not to be sidelined by the processes occurring between East and West in Europe, especially in light of the creation of the Conference on Security and Cooperation in Europe (CSCE). The Assembly followed and supported West German Chancellor Willy Brandt's *Ostpolitik*, and the chancellor regularly informed them of the results of his meetings with Eastern European leaders and the progress made owing to those foreign policy actions.

Although Yugoslavia had developed a fairly firm relationship with the Council of Europe, the best illustration of being a visit by Yugoslav Federal Secretary for Foreign Affairs Miloš Minić to Strasbourg on 28 January 1975,[19] and the fact that shortly after the visit, Yugoslavia was the only socialist state that acceded to some of the Council's conventions, it was not until the end of 1984 that the Council started to pay closer attention to the East. During the German CoE presidency and under the active leadership of German Foreign Minister Hans-Dietrich Genscher and Council of Europe's Secretary General Marcelino Oreja, the Council opened up to certain Eastern European countries, initially in the area of cultural policies. The first few were Yugoslavia, Hungary, Czechoslovakia and Poland, and Romania joined the group much later.

This was also a time of natural transition in the Kremlin, following the death of Konstantin Chernenko, who had passed away just a few months after the previous general secretary of the Central Committee of the Communist Party of the Soviet Union (CPSU), Yuri Andropov. Mikhail Gorbachev became the man number one at the Kremlin.

The Council of Europe adopted the Resolution on European Cultural Identity in Strasbourg, on 25 April 1985, reaffirming in the document the importance of the 1954 European Cultural Convention. The Resolution also under-

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[18] European Yearbook, Vol. III, Published under the auspices of the Council of Europe, Martinus Nijhoff, The Hague, 1957, 301 and https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804d57ca (accessed 3 December 2023).

[19] Minić's visit to Strasbourg coincided with his meeting with the European Economic Community's officials at the end of 1974, and preparatory talks for a meeting of CSCE heads of state. The CSCE was held in Helsinki that summer, when the organisation was officially established. He participated in the debate **„Cooperation in the Field of Security in Europe."**

lined the significance of the CSCE Helsinki Final Act and the Concluding Document of the CSCE Madrid Meeting (1983), as well as the importance of the upcoming Cultural Forum in Budapest in 1985. The Council expressed the conviction in the Resolution that strengthening cultural co-operation will contribute to greater mutual rapprochement of the peoples and states of Europe, and thus promote lasting understanding. It underlined further that the Council's member states should be mindful of a common interest of all European states in maintaining and developing European cultural heritage, while expressing to Eastern European countries their continued readiness for cultural cooperation. The Committee of Ministers also instructed deputy ministers to identify and propose, with the assistance of the Council for Cultural Cooperation, the areas in which closer ties could be established with European countries that are not members of the Council of Europe or parties to the European Cultural Convention.[20]

The European Cultural Convention was a flexible and comprehensive instrument, as it was open to accession by countries that were not members of the Council of Europe while providing for cooperation in the fields of culture, education, youth and sports. The first socialist country to sign this Convention was the Socialist Federal Republic of Yugoslavia (SFRY), signing it on 7 October 1987.[21]

In 1985 the Council of Europe also adopted an umbrella document, the Committee of Ministers Resolution (85) 6, which set out the details of the new form of cooperation. Alongside the diplomatic action at the governmental level, parliamentary diplomacy followed, including visits and contacts between parliamentarians. As for Yugoslavia, those contacts were only intensified, while for most of the other communist countries they were just being established. Visits to Belgrade (1985), Bucharest (1987), Budapest (1987), and highly intense contacts with the USSR (which, as part of Perestroika, led to Gorbachev's visit to Strasbourg on 6 July 1989) paved the way for a new form of connectivity between Eastern countries and the oldest pan-European organisation.

It is noteworthy that the visit to Bucharest in 1987 was actually the first proper visit by the then president of the Parliamentary Assembly of the Council of Europe, Louis Jung, to a country behind the Iron Curtain, as Yugoslavia had long excluded itself from such bloc alignment. During the visit, discussions covered not only possible forms of cooperation, but also government plans for agrarian reform that would impact residents in thousands of Romanian villages. The Romanian authorities demonstrated a clear interest in cooperating with the Council, as evidenced by the fact that a reciprocal visit took place as early as 1988, when a Romanian parliamentary delegation led by the speaker travelled to the CoE headquarters in Strasbourg.

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20 https://rm.coe.int/CoErmpublicCommonSearchServices/DisplayDCTMContent?documentId, accessed 13 December 2023.

21 The Law on the Ratification on the European Cultural Convention, *Official Gazette of the Socialist Federal Republic of Yugoslavia – International Treaties*, No. 4–31/1987.

The visit of Pope John Paul II to the Council of Europe on 8 October 1988, when he called for the organisation to become accessible to Eastern countries, and next year's visit by French President François Mitterrand to the Parliamentary Assembly of the Council of Europe on the 5th of May, were instrumental in institutionalising a new form of cooperation, namely, the introduction of a special guest status in the Parliamentary Assembly. Mitterrand, not without pride, recalled that he had been one of the thousand delegates present at the Hague Congress in May 1948, adding that „…responding to the expectations of those who, wherever they may be, cherish freedom and, like us, see themselves as having inherited and as inhabiting the same Europe, is one of the Council of Europe's primary functions. (…) It is my belief, and France's too, that the time has come to establish closer links between these two Europes, new links – outside any predetermined framework – whenever this is made possible by development in the direction the founders of the Council of Europe had in mind, the direction of freedom."[22] The very next day, the PACE supported a motion to introduce the status of a special guest in the Assembly, which during the 1989 Spring Session, on the 21st of May, was granted to Yugoslavia, Poland, Hungary, and the Soviet Union, too.

The fall of the Berlin Wall in November 1989 only accelerated the integration processes, and Czechoslovakia and Bulgaria also received the status of a special guest in 1990. Romania did not get it until February 1991. Although Ceaușescu's regime was overthrown back in December 1989, tensions were still simmering in the country over the extent of democratic reforms the National Salvation Front had opted for. Strikes and demonstrations in the country would sometimes turn violent, provoking an equally violent reaction by the authorities. The Council of Europe carefully monitored the situation.

In stark contrast to the integration processes and the alignment of internal systems in most of the states of the former Eastern Bloc, Yugoslavia disintegrated quickly between 1990 and 1991. While Eastern countries were rebuilding pluralism after a long time, discussing the revival of old political parties and a peaceful transition of their respective social systems, thereby approaching the standards required for full membership of the Council, Yugoslavia, which had been a pioneer in relations with Strasbourg, came to a standstill. At least formally, Yugoslavia did not come across any insurmountable hurdles in the transition of power and the introduction of pluralism, but in some of the Yugoslav republics the process gave rise to highly destructive secessionist elements (fairly often supported by the West), which, combined with some of the political leaders stubbornly entrenched in their positions of power, led to a bloody civil war and the disintegration of the country.

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22 Jean Petaux, *Democracy and Human Rights for Europe: The Council of Europe's Contribution*, (Strasbourg: Council of Europe Publishing, 2009), 84.

Romania's first prime minister after the overthrow of Ceauşescu, Petre Roman, addressed the PACE on 29 January 1991, appealing to the European parliamentarians to grant his country the status of a special guest. The Romanian PM highlighted the economic difficulties his country was facing despite an exceptionally low foreign debt, arguing for free trade to be facilitated between Central and Eastern European states. Roman urged political trust for the reforms he had envisioned, so that he could address the burden the country inherited first, and then focus on the Council's European standards. In his speech, he solemnly stated: „It would be dishonest if on this occasion I dodged the problem of distrust and doubt that exist both within and beyond the frontiers of our country as to whether our fundamental option for democracy and the values of the free world might never be reversed. I declare, from this rostrum at the Council of Europe, that Romania's commitment to democracy and a life of freedom as a worthy nation, among the other nations of the European continent, is final, as is its break with its totalitarian past."[23]

In the debate that followed, views emerged among the parliamentarians that, undisputed support for Romania's request notwithstanding, the country was still facing the problems clashing with the fundamentals of the organisation, particularly with respect to the freedom of the press, national minorities, union rights and the protection of children and disabled persons. The objections did not prevent Romania from obtaining the status of a special guest in the PACE on 1 February 1991, but it did not accelerate its accession to the Council of Europe either.

Having changed the government system, Romania filed an official request for accession to the Council of Europe as early as March 1990. In 1991, the same year in which Yugoslavia's request was suspended, Romania was granted the status of a special guest in the Parliamentary Assembly. That same year the country joined the Council's Cultural Convention as well.

Romania became a full member of the organisation in 1993, having met a series of conditions, and with a new monitoring mechanism in place, which was a novelty in the Council's practice. Just days before the summit in Vienna, the first in the history of the Council of Europe, held on 8–9 October 1993, the Parliamentary Assembly decided on September 28 to consider the most delicate od applications submitted in the „second wave" of applications for the membership of the Council of Europe – Romania's. It was the first time that a newly developed approach was applied in full: on the one hand, the Parliamentary Assembly accepted the arguments of its Austrian, Finish and Greek rapporteurs, Friedrich König, Gunnar Jannson and Theodoros Pangalos, respectively, and decided to „take the risk and place trust in Romania," as was the prevailing feeling at the time. On the other hand, relying on the decision by which it established a mechanism[24] to monitor how effective the member sta-

[23] Denis Huber, *A decade which made history…* 43.

[24] PACE, *Order 488 (1993) on honouring of obligations and commitments entered into by new member states,* known as the Halonen Order, named after its author, Tarja Halonen, later

tes were in fulfilling their obligations and commitments, the Assembly did not hesitate to increase considerably the number of elements it intended to oversee in the actions of newly admitted members. Consequently, even though in their draft Opinion submitted to the Committee on Political Affairs Committee the rapporteurs quoted Romania's promise to sign and ratify the European Convention on Human Rights (including its Articles 25 and 46),[25] Bucharest was explicitly required to provide a written declaration committing itself to accepting the principles listed in Recommendation 1201[26] as the cornerstone of its minority protection policy. The Recommendation was designed as an additional protocol on minority protection to the European Convention on Human Rights. The key elements of the text are as follows:

- An explicit emphasis is placed on the need for monitoring, i.e., tracking the fulfillment of obligations undertaken regarding the protection of minorities, in accordance with the procedure detailed in the Halonen Order;
- There is insistence on the separation of powers, guarantees for the full freedom of the media and conditions necessary for the free functioning of local self-government, whereas Romania is urged to sign the European Charter on Local Government as soon as possible;
- Detailed changes to Article 19 of the Law on the Organisation of Judiciary have been specified (to ensure that in the future, ministers shall not give instructions to judges), and those to Article 200 of the Penal Code (amending it insofar as to no longer consider as a criminal offense homosexual acts between consenting adults).
- The Romanian government is urged to return property to churches and to allow the establishment and operation of church schools, with special emphasis on teaching children of minority groups their mother tongue;
- The Romanian authorities are called upon to urgently improve prison conditions, and to „reconsider in a positive manner" the issue of „releasing those persons imprisoned on political or ethnic grounds";
- The Assembly „proposes" that the Romanian authorities and the Romanian Parliament adopt and implement „as soon as possible" legislation on national minorities and education in keeping with Recommendation 1201, and to „use all means available to a constitutional state" to combat racism, anti-Semitism and all forms of nationalist and religious discrimination, and any incitement thereof;
- Another recommendation is for the Committee of Ministers to encourage the Romanian authorities to continue their efforts to implement the prin-

the president of Finland, who submitted it on 29 June 1993, during the 39th session of PACE, when the document was adopted. http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=13691&lang=en

25 Article 25 of the Convention refers to the European Court of Human Rights, and Article 46 prescribes the binding force and execution of the Court's judgments (R.M.).

26 Recommendation 1201 (1993) http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15235

ciples of the rule of law, respect for minorities and the independence of the judiciary, and to take measures advocated by the Parliamentary Assembly in accordance with the Council of Europe's requirements.
The PACE decision on Romania's qualified entry into the Council of Europe was confirmed by the Committee of Ministers on the 7th of October, having adopted recommendations regarding the monitoring procedure and providing clear guidelines to Bucharest.

* * *

After the Dayton-Paris Agreement established peace in the former Yugoslavia in 1995, the Parliamentary Assembly welcomed the end of the war conflicts in the territory, and literally removed the Federal Republic of Yugoslavia (FRY) from its agenda. In the years that followed, there was hardly a mention of the possibility to restore the country's status of a special guest at the Assembly. Belgrade appeared to have more pressing matters to deal with after the lifting of sanctions (albeit incomplete, as the outer wall of sanctions was still intact), beginning to rebuild diplomatic relations with other countries around the world and, in keeping with the commitment it had accepted, to normalize relations with the former republics of the Socialist Federal Republic of Yugoslavia (SFRY).

The country filed its second official application for membership immediately after the regime change on 5 October 2000,[27] but it did not produce the desired outcome right away. Only in the third calendar year after the change – having overcome a series of challenges, strict conditions, and even a new double monitoring mechanism that had never been used before - did Yugoslavia, by then the State Union of Serbia and Montenegro, become the 45th member of the Council of Europe. The doors to the Council opened for the country amidst a state of emergency, introduced after Zoran Đinđić, the first democratically elected prime minister of the Republic of Serbia, had been assassinated on 12 March 2003.

In all fairness, the Council of Europe did react to the change brought about by the elections on 24 September 2000 prior to Belgrade's renewed application. The Committee of Ministers issued a decision on 25 October 2000, instructing the Secretariat to continue planning cooperation with the Federal Republic of Yugoslavia and to explore opportunities to set up a Council of Europe office in Belgrade as soon as the new authorities were in place, in close cooperation with relevant international organisations (particularly the European Union, the Organisation for Security and Cooperation in Europe, and the United Nations), taking into account the projects developed within the Stability Pact for Southeastern Europe.

27 Arhiv Predsednika Savezne Republike Jugoslavije [Archives of the President of the Federal Republic of Yugoslavia], Information on the FRY President's visit to the Council of Europe in Strasbourg, on 11 November 2000.

After that, the Standing Committee, acting on behalf of the Parliamentary Assembly, adopted Recommendation 1481 (2000) on 9 November 2000, suggesting to the Committee of Ministers to invite member states to provide Yugoslavia with massive humanitarian assistance, as well as assistance in strengthening the democratic accountability of the police and judicial independence, and to open a CoE office in Belgrade as soon as possible, and redefine the Council's presence in Montenegro and Kosovo. That same day, the Standing Committee, again on behalf of the Parliamentary Assembly, adopted Resolution 1230 (2000),[28] congratulating Dr Vojislav Koštunica on his election as President of the Federal Republic of Yugoslavia, and offering its full support to him in his efforts to make sure that Yugoslavia made a peaceful transition to democracy. The Assembly also congratulated the Yugoslav people on their choice and on their struggle for democracy and freedom, paying tribute to the democratic forces that had helped secure President Koštunica's victory in the elections.

The 16-point document - apart from the introductory congratulations to the newly elected president and the people of the FRY, and praise for the EU's decision to lift all the sanctions against the FRY in force since 1998 – listed the conditions that the FRY had to meet, in one way or another. In point five, the Assembly welcomed the country's admission to full membership in the Stability Pact for Southeastern Europe on 26 October 2000, and membership of the United Nations on 1 November 2000, only to „encourage" it right after to fulfil, as soon as possible, the other conditions that would permit to find its place in other international organisations, in particular the Council of Europe and the OSCE. It was already fairly apparent then that things would not go smoothly either with admission to the Council of Europe, or with overall integration into European structures.

Nearly two years later, on 24 September 2002, the PACE considered Yugoslavia's application filed in November 2000, and adopted Opinion No. 239 (2002), recommending that the Committee of Ministers should decide to admit the Federal Republic of Yugoslavia to full membership in the Council of Europe, under certain conditions. The admission of Yugoslavia was supported by 122 parliamentarians, six voted against it, and four abstained from voting. In addition to the existing requirements, the parliaments of Serbia and Montenegro were requested to adopt the Constitutional Charter of the future state union first (a few months earlier, on 14 March 2002, the Starting Points for the Restructuring of Relations between Serbia and Montenegro had been signed in Belgrade). The document on the admission of Yugoslavia, presented to the parliamentarians in Strasbourg by the special rapporteur of the Political Affairs Committee, Claude Frey, Switzerland, and his German peer, Helmut Lippelt, the rapporteur of the Committee on Legal Af-

[28] www.assembly.coe.int The text was adopted during the Standing Committee's session on 9 November 2000.

fairs and Human Rights, was amended so as to include Yugoslavia's commitment to punishing the perpetrators of war crimes and to ensuring that respect for the rights of minorities was regulated at the federal level, whereas a separate amendment was to guarantee that the State Union of Serbia and Montenegro would honour all the obligations undertaken by the FRY.

The Federal Assembly proclaimed the Constitutional Charter of the State Union of Serbia and Montenegro on 4 February 2003. This was followed by an exchange of letters between the Chairperson of the Committee of Ministers and the authorities of Serbia and Montenegro on the 19th and 20th of March, and on the 26th of March the Committee of Ministers invited Serbia and Montenegro to full membership; the admission was finally realised on 3 April 2003, amidst the state of emergency following the assassination of the prime minister of the Republic of Serbia, Zoran Đinđić.

Summary

Having juxtaposed the experiences of Yugoslavia (Serbia and Montenegro, Serbia) and Romania in the process of accession to the Council of Europe (CoE), the author is trying to explore the internal and external elements that generated the similarities and disparities along the path. At the very beginning, the two counties' relations with the Council, and the Council's attitude towards them, had very much in common.

When the pan-European organisation was set up on 5 May 1949, creating most of the fundamentals of the subsequent European integration processes, Romania and Yugoslavia were communist states, with the dictatorship of proletariat as the main guiding force. Neither Yugoslavia nor Romania cared very much about ties with Europe at the time. The differences between the two, which largely emerged in the wake of the Cominform Resolution, lied only in the way their authorities interpreted the practical implementation of Marxist postulates, the accuracy and universal value of which neither had challenged.

In the meantime, the Yugoslav and Romanian who had stayed in exile in London since Yalta and Potsdam, embraced the idea of Europe rallying around the core democratic values – individual freedoms, legal and property security, and respect for human rights. Together with representatives of other European states under totalitarian regimes, delegates of the Romanian and Yugoslav émigrés attended the 1948 Hague Congress as observers. The Romanian delegation advocated the closest possible pan-European ties, campaigning for a united Europe founded upon federalism.

From the early 1950s onwards, as Yugoslavia developed an authentic and ostensibly softer modality of communism, the Council of Europe - reservations aside - started to give out signals of openness towards Yugoslavia, whereas Romania was treated until the second half of the 1980s as a state whose ideology kept it firmly behind the Iron Curtain. The situation changed

considerably in the late 1980s and in the early 1990s. Romania, maintaining one of the most oppressive regimes behind the Iron Curtain, launched an initiative for a new European approach to the Council of Europe (being the first COMECON country to host a meeting with the Council's senior officials on its soil), whereas the Yugoslav communists, absorbed in their feudal disputes, and with considerable help from foreign actors, steered the country into a bloody dissolution just years later.

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