

Journal
of **Global Politics**
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geopolitics imposed by the Ribbentrop-Molotov Pact

MARCELA SALAGEAN

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Romania's status in the new European geopolitics imposed by the Ribbentrop-Molotov Pact

Marcela SĂLĂGEAN, Phd*

Abstract

The Ribbentrop-Molotov Pact has represented, until today, a reference topic in the analyses of those who study history and international relations. From the Romanian point of view, the Molotov-Ribbentrop Pact achieved the master stroke to the system of alliances built by Romania in the interwar period. In fact, the German-Soviet agreement eliminated the Franco-British presence in South-eastern Europe, the European equilibrium was destroyed and its reconstruction in favour of Romania was almost impossible in the new geopolitical and geostrategic situation.

Keywords: Ribbentrop-Molotov Pact, Romania, Transylvania, geopolitics, South-Eastern Europe

AT THE BEGINNING of the summer of 1939, Europe was trying to hastily organize its defense. And it was not a precipitated succession of sensational events; on the contrary, the fight between chancellors had already gone in the undertone, hidden from the world. And history has already demonstrated that at the end of the fourth decade of the 20th century, Stalin did everything that was possible to prevent the achievement of the worst Soviet nightmare, which was the coalition of the main Western Powers against the Soviet Union. Considering that War was inevitable, he acted so that the War would start between the Western Powers, and the Soviet Union would remain, even if just at the beginning, out of the conflict and possibly, finally, have a heavy word to say on the terms of peace. History has also demonstrated that both sides played a risky and dangerous game, whose victims were security, peace and the whole European and global system.

In all that context, the signing, on 23 August 1939, of the non-aggression treaty between the Soviet Union and Germany by Molotov and Ribbentrop, in the presence of Stalin, who was “only a smile” (Vlad 2006:133), produced a state of surprise and confusion in the European political and diplomatic environment, as few were those who expected a German-Soviet agreement. Thus, international relations and European secu-

* Marcela Salagean is a Professor at the Department for International Studies and Contemporary History, Faculty of History and Philosophy, Babes-Bolyai University, Cluj-Napoca. E-mail: marcela_salagean@yahoo.com

rity entered officially in a new stage! Or, as Raoul Bossy confessed in his memoirs, “the balance of forces was inverted now in favor of the Axis” (Bossy 1993: 146).

However, despite the signing of the non-aggression agreement in August 1939, nobody doubted that the Nazi-Soviet Pact would lead to war in Europe. And this broke out a few days later, on 1 September.

It is beyond any doubt that the famous Ribbentrop-Molotov Pact provoked a substantial transformation, with major implications, not only in the evolution of relations between Germany and the Soviet Union, but it reshaped the international political and military relations, in the years following the signing of the document. At the same time, the Ribbentrop-Molotov Pact has represented, until today, a reference topic in the analyses of those who study history and international relations. And the promoters of that agreement were aware of the size and importance of the moment; immediate statements are relevant to the expectations of public opinion in their own countries. In his speech at the Special Session of the Supreme Soviet of the USSR, during the ratification of the non-aggression Pact of 23 August 1939, V. Molotov pointed out that the document “is a turning point in European history. This Treaty gives us not only the chance to address the danger of war with Germany, but to reduce the field of possible military clashes in Europe and serves, in this way, the general cause of peace; it must ensure the opportunities to increase our forces, to strengthen our positions and to expand the Soviet influence on the international developments”. Regarding Hitler’s view, it is clear from his own statement (September 1, 1939, Reichstag), meaning that the Pact “excludes the use of force between Germany and the Soviet Union, the two countries being compelled to consult each other and cooperate in the economic field, a decision of colossal importance, its significance for the future being difficult to foresee” (Ciorbea and Plopeanu 2011: 33-34).

In this entire European context from late ‘30s of the 20th century, Romania was particularly exposed, being surrounded by neighbours with territorial claims, although traditional allies, France and Great Britain, still continued their commitment to assist Romania if it had been subject to an act of aggression. And although of little practical value, because they concerned the independence of Romania, not its territorial integrity, the British and French guarantees were received with satisfaction in Bucharest (Vlad 2006: 138).

From the Romanian point of view, the Molotov-Ribbentrop Pact achieved the master stroke to the system of alliances built by Romania in the interwar period and led to an almost complete political and military isolation of the country, the Munich Agreement and the Soviet-Nazi Pact cancelling the Treaty of Versailles and the arrangements which the newly formed states in Central and Eastern Europe had concluded after the First World War. 4 independent states, members of the League of Nations had already disappeared:

Austria, Czechoslovakia, Albania, and Poland, follow by three others: Lithuania, Latvia and Estonia. Dismemberment of Czechoslovakia abolished the Little Entente, the division of Poland cancelled the Romanian-Polish defensive alliance and the regional and bilateral pacts signed during the interwar period proved to be worthless (Giurescu 1988: 253).

In fact, the rapid turn of events meant that England and France looked at Romania as the only possible way to support Poland, the Western solution being to use Romania as a safe haven for the Polish government and what was left of its army. But, Romania was again a buffer state, between two power centers which were sharing areas of influence from the Baltic to the Black Sea, the two Great Powers being partners in the game of interests in Eastern Europe.

Intending, in his turn, to have a “freehand” on Poland, Hitler made important concessions to the Soviets, which caused the authorities in Bucharest serious reasons to fear. Worried about the consequences of recent events, on September 21, 1939, the Romanian Government sent a declaration of neutrality to Moscow, a possible Russian attack in the fall of 1939 being the main concern of Romania. That situation determined the Armand Călinescu, the Prime Minister of Romania at that time, to declare, as just two days after the Soviet Union invaded Poland, that “the German danger was removed, now the Russian danger is principal” (Quinlan 1995: 48-49). At the same time, the remarks made by King Carol II made clear his intention to keep Romania away from the European War for as long as possible, and also, issued the warning that, in case of defeat, the offenders could benefit from the country’s resources (Prisăcaru 2012: 47-48).

In fact, by the end of September 1939, the international position of Romania was increasingly insecure, and the fear of Russia had increased, determining new decisions by the country’s foreign and internal policy makers in the period that followed. But, even if the European situation was aggravated, and even though the influence of Germany in Romania was felt more strongly, Bucharest continued to respect its old European alliances, although, after 1939, the Franco-British support and also the German-Soviet rivalry did not present any advantages for Romania’s security. In fact, the German-Soviet agreement eliminated the Franco-British presence in South-eastern Europe, the European equilibrium was destroyed and its reconstruction in favour of Romania was almost impossible in the new geopolitical and geostrategic situation. Although they didn’t know the details of the Ribbentrop-Molotov Pact, the Romanian leaders were aware of the new geopolitical situation of the country, and the political and military decision-makers in Bucharest were still hoping that the French and the British would maintain the balance of power in the West, and also in the South-eastern part of the continent. But, the Belgian surrender and France’s military collapse dissipated their illusions (Prisăcaru 2012: 49).

In this case, since the fall of 1939 until the spring of 1940, the main goals of the Romanian authorities were: a) keeping the country out of the European conflict; b) maintaining military forces until the end of the war; c) maintaining the territorial status quo until the general conference of peace. The premise of these decisions was the memory of the First World War (war of positions, mutual weakening of the opponents, lengthy hostilities). Internally, these events led the Romanian authorities to take a number of measures, such as: a) the arming of troops and convening the concentration reservists in the units; b) an attempt to political reconciliation internally, particularly with the representatives of the far right – in reality, it was an attempt to change the face of the regime to be as much to the liking of Germany. But all this was practically useless.

In fact, since May 29, 1940, in a limited Crown Council – attended by the Romanian King, the Prime Minister, the Foreign Affairs Minister and the Minister of the Palace – it was found, by unanimity, that the major threat to Romania came from the Soviet Union, because of the explicit declaration of Vyaceslav Molotov to the Supreme Soviet on 29 March 1940, in which he stated that there was a contentious issue left unsolved, namely Bessarabia, whose union with Romania was never recognized by the Soviet Union. And in front of that threat, Romania's alternative was: a) the armed resistance; b) the division of Romania between the Soviet Union, Hungary and Bulgaria, and maybe Germany; or c) adapting to the new balance of forces, more exactly, moving closer to Germany.

On June 2, came the reply from Berlin. The Romanian Government was asked to respond to what extent it was ready to treat a request for revision made by its neighbors, for example the Soviet Union, in the Bessarabia question! The essential had been said, and the due date was the night of June 26, 1940 (Giurescu 1988: 254-256).

The Soviet Union took advantage of the treaty it had concluded with Germany a year before, in order to impose an ultimatum to Romania, demanding the immediate evacuation of Bessarabia and Northern Bukovina. Germany advised Romania to accept the Soviet Union's demands, in order to preserve the peace in the Balkans. The same advice was given by Italy, Greece and Serbia. Romania decided to accept Soviet demands, the reason being the preservation of the Romanian state, with its institutions and armed forces, which were necessary to defend Transylvania. The attempts of Romania to negotiate with the Soviet Union were met with an uncompromising refusal. The evacuation had to be completed in four days, but the deadline was not respected by Moscow: the Russian troops entered the Romanian province two days earlier, on 28 June, causing numerous incidents.

The decision to accept the Soviet ultimatum was motivated by one more factor – the capitulation of France – which was a tremendous shock for Romanians, who had built their entire political strategy on the scenario of the First World War. And on top of that

shock came the Soviet ultimatum (Giurescu 1988: 257).

In fact, Moscow's intentions to enter into Bessarabia, the support for Hungary's demands and the encouragement of the Bulgarian pretensions over Dobrogea, became explicit almost immediately after signing the Molotov-Ribbentrop Pact. Moscow intended, in fact, to achieve a direct connection with Bulgaria through the Romanian territory. At the beginning of December 1939, a former chief of the Romanian Communist Party (and militant for the secession of Dobrogea), Boris Stefanov, sustained both the concession of the Romanian provinces and the necessity to establish the Soviet military bases in the respective territories. On the occasion of receiving congratulations from the Bulgarian officers for the annexation of Bessarabia, the Soviet responded that "it is possible to meet again on the Danube" (Watts 2011: 122-125).

Grigore Gafencu, a contemporary of those events, grasped the true reality of the time. In his *Diary*, he would write the following: "from the very first day of the Great War, the Russians were determined to take advantage of their arrangement with the Germans (who gave them free hand from the East), in order to take back the lost territories and to win new defense and resistance positions. Their incursion into Poland all the way to the Carpathians, the pacts imposed to the Baltic States, and the war against Finland were facts proving their determination to take advantage of the reprieve created by the European war. Their attitude towards us, their brutal rejection of all our settlement propositions, Molotov's speech in late March last year would not allow us entertain any illusion regarding their true intentions. As long as our resistance could count on the balance among European forces, taking advantage either of Turkey's friendship and the Anglo-French pledge or on Italy's promises, we could avoid the Russian pressure. Neither Russia nor Germany had any interest to make it possible for an Eastern front to emerge in the Balkans and at the Black Sea. However, when France collapsed, the possibility of such a front also vanished. The Russians and the Germans were left by themselves, facing each other; allies with Western interests ruined the Russian plans: Germany stood strong and able to turn Eastward for its big reckoning with Moscow; the Soviets had no more time to waste; all defense positions had to be urgently reclaimed and consolidated. It is the moment when destiny turned towards us." (Gafencu 1991: 22-23).

On 1 July 1940, Romania renounced the Anglo-French guarantees and on 4 July formed the Gigurtu government. It was a pro-German government, which promoted a distinctly pro-Berlin policy. The Soviets were interested in what happened in Romania in the days immediately following the ultimatum of June 26, 1940; analyses made by them can be found in documents from the Russian archives funds. For example, an excerpt of the *Letter of political information, addressed to V.M. Molotov by A.I. Lavrentiev, the political representative of the USSR in Romania – about the foreign policy orientation*

of the Romanian government, the complication of relationships between Romania and Hungary, the Romanian reaction to the annexation of Bessarabia and Northern Bukovina to the Soviet Union, established on July 30, 1940, stated the following: “From the declaration of the current Romanian Government, which stresses that the Government will promote a policy of honest framing into the system created by the Berlin-Rome Axis, results that this is not only the expression of political realism, but also the logical consequence of the ideology of the government members, who transmit exactly the feeling of the nation. Such a sudden turn in the Romanian Government’s foreign policy to the Italo-German direction is dictated by: 1) the defeat of France; 2) Germany’s military successes; 3) fear that Hungary and Bulgaria would require large territorial concessions from Romania; 4) fear that the Soviet Union would present additional claims; and 5) growing pressure on Romania from Germany. The German diplomacy used these circumstances to influence the [Romanian] King and orient his actions in the required direction. There is no doubt that after the annexation of Bessarabia and Northern Bukovina, Germany took all measures necessary so that a new pro-German government is formed in Romania. The choice fell upon Gigurtu, due to whom, since the times of the government headed by Tătărescu, Germany has consistently increased the influence (it is known that before being appointed minister of foreign affairs, Gigurtu was, between February and May inclusive, minister of communication ways, which had a huge significance for Germany at that time). I think the Germans have recommended Gigurtu for the position of prime minister because Gigurtu is known for his hostile attitude manifested towards the Soviet Union” (Islamov 2000; Sălăgean 2013).

In reality, after the Soviet ultimatum, it was seen conclusively that Romania was unable to resist any Great Power and that self-determination of small nations was just a meaningless expression (Goldschmidt Waldeck 2000: 104). In those conditions, immediately after the surrender of Bessarabia, Northern Bukovina and the Hertza region, the Romanian officials sought to normalize relations with the Soviet Union. Thus, on July 5, 1940, Premier Gigurtu expressed his intention to resolve all issues remained unsolved between Romania and the Soviet Union and to establish lasting and friendly relations between the two countries. In this spirit, the former Romanian foreign affairs minister, Grigore Gafencu, was sent to Moscow as envoy extraordinary and minister plenipotentiary. In turn, Molotov said that after the solving of the problem of Bessarabia, the Soviet Union intended to maintain normal relations with Romania. Of course, the declarations had their significance, but the facts proved to be more complex (Ionescu et al. 2003: XVII).

As expected, the concession of Bessarabia and Bukovina allowed Hungary and Bulgaria to formulate open claims over Transylvania (see Sălăgean 2013) and Dobrogea.

But, for Germany, the importance of avoiding a Hungarian-Romanian conflict was clearly visible in the instructions transmitted by Joachim von Ribbentrop to the minister of the Reich in Budapest, on 2 July 1940. When hearing about the massive mobilization of Hungarian troops, the German foreign affairs minister informed the Hungarian government that although Germany sympathized with their revisionist demands, Hungary should not expect Germany to use its troops in order to achieve its goals (Vesa 2001: 100).

As regard the Soviet interest in the Transylvanian problem, since July 1940, the Hungarian foreign minister, Count Istvan Csaky informed Radu Crutzescu, the Romanian minister in Budapest, that the USSR submitted alluring proposals to Hungary. On 2 July, the Hungarian foreign minister went further, revealing to the Romanian diplomat the insurance given by the Moscow to Hungary. He told Radu Crutzescu that the Soviet Union considered the Hungarian claims on Romania fully justified and, if necessary, these would be supported even at the Peace conference. This information was confirmed by the Romanian minister in Berlin, Alexandru Romalo, who, on August 2, reported that the Soviet minister in Budapest informed the Hungarian government that the Soviet Union looked with sympathy at the Hungarian claims on Transylvania. In the same context, the Romanian minister in Athens, Radu Djuvara, reported on August 7 and 10 that the Hungarian minister in Athens, in his turn, declared that Molotov supported Hungary's claims on Romania, the information provided by the Romanian legation being certified also by the Foreign Minister of Greece on the basis on data received from Moscow (Trașcă 2000: 194).

A few days later, on July 20, on the occasion of the formal introduction that the newly appointed Romanian minister in Berlin, Alexandru Romalo, had with Hitler, the latter urged again Romania to quickly reach an agreement with the Hungarian government, stressing that the Reich could not conceive friendly relations as long as there was a possibility of a new conflagration in South-East Europe (Simion 1996: 205). Thus, Romania was urged to start negotiations with Bulgaria and Hungary for solving territorial disputes. If the claims of Bulgaria could be answered by returning to the frontiers as they were previous to the Balkan Wars, the talks with Hungary were unsuccessful. In these circumstances, Hitler became worried about the possibility of a Romanian-Hungarian War, and, on August 30, 1940, in Vienna, divided Transylvania between the two countries that were claiming it (Manoilescu 1991; Pop 1992).

Regarding the underlayers of the 30 August 1940 arbitration, Raoul Bossy, in a report presented to the government in September 1940, claimed the following: "The Soviet ultimatum regarding Meridional Bessarabia and Bukovina and the acceptance of Moscow's requirements, were for the Hungarian Government an opportunity to unleash a stronger

response. Knowing Germany's interest to avoid a conflagration in South-Eastern Europe, the Budapest Government openly played "the Russian card", claiming that the Hungarian public opinion forced it to attack Romania in the same time with a further advance of the Red Army in our country and an attack from Bulgaria. Against this threat of enlargement of the conflict in the Balkans directions, the Axis governments changed the attitude they had before, and decided to give partial satisfaction to Hungary, even before the general Peace... It seemed that a new Russian threat was looming indeed in those moments against our territory (the first objective being Galati and Dobrogea in view of a direct contact with Bulgaria), which the Hungarians had stated categorically to support, thus starting an attack against Romania. Simultaneous incidents that occurred before the meeting in Vienna on our borders from East and West could be interpreted as a sign of a cohesion established between the Soviets and Hungary. In some circles it was believed that a secret agreement was signed between Moscow and Budapest during the presence of a pseudo-economic Hungarian delegation in the Soviet capital. Even if did not come so far, it seems likely that Hungarians, being informed of Moscow's aggressive intentions in Romania, used the conjuncture to exert blackmail on Berlin, threatening to start an offensive against us, which would have led to a more extended fatal conflagration and the destruction of our oil-rich areas. Germany had only two alternatives: either to impose silence on Hungary by force, eventually resorting to military occupation, or to give it substantial satisfaction to reassure it and even to win it on its side, in case of a conflict with the Soviet Union. Between these two alternatives, the first one was unachievable because of the close Italian-Hungarian relations. It only remained the second alternative, one of a partial satisfaction of Hungary's claims (Bossy 1993: 287-289; Sălăgean 2013).

The analytical report sent on 9 September 1940 by Grigore Gafencu to Mihail Manoilescu informed about the deal between the government of the Reich and the Soviet one to adopt a threatening position against Romania, in order to determine the Romanian government to concede. The Soviet Union was interested in avoiding a conflict with Germany, although the solution and the guarantees offered by Berlin to Romania upset Moscow. The Soviet discontent was also due to the lack of any prior agreement with Germany in a matter concerning two countries bordering the Soviet Union, the Germans thus breaching the provisions of Article 3 of the non-aggression treaty of 23 August 1939 regarding the consultations in matters of common concern (Constantiniu 1991: 49).

Returning to the European realities of that time, after 23 August 1939, until the summer of 1940, the relations between the Soviet Union and Germany, with few exceptions, can be considered "harmonious". However, as of June 1940, the signs of dissension between the two partners became more visible. What disturbed the Soviet-German relations was the quick defeat of France, the USSR preferring a lengthier confrontation be-

tween Germany, Great Britain and France. Such a confrontation would have allowed the Soviet Union to complete its military preparations, and after exhaustion of the Western powers in the conflict, Moscow would have had the chance to intervene and even dictate the terms of a “Soviet Pax”.

The victory of Germany in the West complicated the situation in the East, the Soviet Union's response to the new geostrategic reality being the annexation of the Baltic States and the ultimatum addressed to Romania in June 1940. Both Germany and the Soviet Union used the non-aggression Pact of August 23, 1939, to achieve their objectives. For the redrawing of the borders of Eastern Europe, Berlin and Moscow enforced “division in two”, supported by military aggression. This agreement served Germany, both in its invasion of Poland, as well as in Western Europe. Referring to the role of the Pact from a geostrategic perspective, Göring appreciated that it was worth fifty German divisions, a contingent that should have been kept in the East if the Pact had not been completed (Ciorbea and Ploeanu 2011: 34). On the other hand, according to the analysis made by Mihail Manoilescu (Manoilescu 1991), the USSR was found in front of a last minute “friend”, whose future intentions it sought to probe. Its vital interest was that, without provoking Germany, to create an effective strategic border in the East. Reaching the Carpathians was not an expansionist objective in the vision of the leaders from Moscow, but an act of self-defense against the danger that threatened permanently. As a result, the Soviet Union, for security reasons, could not but take advantage of any circumstance in order to achieve this dividing line in relation to the sphere of German interests.

Romania, situated at the intersection of the two forces, would know dramatic events, as history demonstrated that Germany and Soviet Union, invoking military and security emergencies, imposed their indisputable control on our country. The stipulations of the Molotov-Ribbentrop Pact constituted a prelude of what would happen in the coming years: new spheres of influence and games of interest, in which Romania was unwillingly involved and in relation to which it had to control its attitudes and choices.

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Frequency For the People And Frequency By the People

Radio Free Europe and Radio Kossuth during the Hungarian Revolution of 1956

Hajnal PALLUKACS, Phd*

Abstract

The present research looks at the way information was broadcast over radio frequencies of Radio Free Europe and Radio Kossuth, during the Hungarian Revolution of 1956. It is an attempt to show the influence of this information and the opinions that go along with it, on the revolutionaries and, implicitly, on the unfolding events of the revolution itself. In order to do so, it relies heavily on the transcripts of broadcast of the two aforementioned radio stations. The research also aims to highlight how this particular branch of the media could affect not only the events of the revolution, but the perception of it as well, especially in Transylvania.

Keywords: Radio Free Europe, Radio Kossuth, revolution, crisis of communism, western help/aid

“**R**ADIO FREE EUROPE: bloody Europe radio” (HU-OSA 1956: 300/40/10). This is the title of a newspaper article, published in Hungary one month after the defeat of the Hungarian Revolution of 1956. The author reported on the opinions conveyed in the German press of the time relating to the possibility of blaming those who created the content of Radio Free Europe (RFE) – a radio station funded by America – broadcasts, for inciting the Hungarian people to revolt. Even if this was the most popular radio station of that time, due to the fact that it was not controlled by the state nor by the Party, Radio Kossuth¹ also had a significant audience rate. During the Revolution, however, the latter will undergo a period in which it will be able to practice freedom of speech.

The information and opinions broadcast through the aforementioned radio stations have influenced the unfolding of the Revolution, the supporting movements and protests in Transylvania and the continuing of the resistance in November.

¹ Radio Kossuth was a radio station controlled by the Working Party of Hungary. However, during the Hungarian Revolution of 1956 it underwent a period of freedom. During this period, the station's name was changed to “Szabad Kossuth”, that is Free Kossuth. The liberation from under the strict control of the Party and the name change were announced on air, on 30 October 1956, at 20:03 PM (HU OSA, 300/40-8, Box 41: 1527).

* Pállukács Hajnal is a MA Student at Babeş-Bolyai University from Cluj-Napoca, Faculty of History and Philosophy, *Management of International Relations and European Union Politics*, e-mail: hajnal.pallukacs@centruldedic.ro

In order to review the transcripts of RFE and Radio Kossuth broadcasts, I consulted the Open Society Archives, in Budapest. The fundamental objective of my research was to achieve personal clarification on the subject matter at hand. The present paper wishes to be an analysis of the information and opinions relevant to the unfolding of events in the Hungarian Revolution of 1956, broadcast by these two stations and also, of the influence they had on the unfolding of the Revolution, the supporting movements and protests in Transylvania and the continuing of the resistance in November.

Dr. Csaba Békés is considered to be a top researcher on the matter of the 1956 revolution. Taking advantage of the declassification of archives, he has brought to light the principal reactions of Occidental states with regard to the revolution. He underlines the fact that, contrary to some researchers' opinion, the events in Hungary had nothing to do with the moment chosen for attacking Egypt at the secret discussions held at Sévres. (Békés 1992). At the same time, he writes that in respect of the American help, in which many Hungarians put their faith, it was never formulated as a concrete policy of the USA, the liberation propaganda of the Eisenhower administration being nothing more than simple rhetoric, which had entered Hungary especially through RFE. (Békés 2002: 341-342). All this can clearly be established, Csaba Békés claims, if we keep in mind the situation of a bipolar world, based on the stability of the status-quo, due to which there was never a real possibility of suppressing the communist regimes in the countries under the USSR's influence (Békés 1996: 40). For this reason, Gábor Szakács condemns the information broadcast by RFE in his paper, accusing the station and the USA – the financier of the radio station – of crass misinformation (Szakács 2008: 632). He has neglected, however, to take into account the work of Irén Simándi, in which the author – through the analysis of several newspaper articles, documents and reference works – reaches the conclusion that in the case of the 1956 revolution, the broadcast of RFE on this subject was not governed by the American leadership. This was due to the sudden manner in which the revolution erupted (Simándi 2005: 304). Another paper that tends to overturn Gábor Szakács's conviction is that of György Vámos. In his work, the author draws attention to the fact that some aspects were omitted from the speech held by the American foreign minister J. F. Dulles (broadcast by Emil Csonka, member of the Hungarian Section of RFE, on 28th of October 1956), that would have conveyed the essence of the speech, Dulles stating only that America did not tie its offered support to political conditioning and did not search to form allies of the states emerging from under the sphere of influence of the USSR (Vámos 2010: 62). That is why, according to György Vámos, even if help was not concretely promised to the revolutionaries in Hungary, the impression that they could rely on the said help remained (Vámos 2010: 62).

Stefano Bottoni, referring to the supporting movements taking place in Romania,

mentions the role of the radio. He claims that these solidarity protests were initiated thanks mainly to the Kossuth, RFE, and Voice of America radio stations, due to the fact that these were the main sources of information available to the citizens of Romania (Bottoni 2006: 24).

The aforementioned authors' works represent the main directions of research pertaining to the role of RFE in the unfolding of events during the Hungarian Revolution of 1956. The primary sources, in this case, are the transcripts of RFE broadcasts. Through research based on these sources, the present paper will have its own place among the aforementioned works, following the direction offered especially by the works of Dr. Csaba Békés and György Vámos.

Furthermore, I will also analyse the broadcast of Radio Kossuth (later Free Kossuth), comparing the information and opinions offered, in order to facilitate an overview of the role played by each radio station with regard to the subject at hand.

I. General considerations

1956 was a critical year on a global scale, taking into consideration the crises of Central-Eastern Europe and the crisis in the Orient. The Hungarian Revolution of 1956 is one of the crises of the Cold War era.

The speech of Nikita Sergeevich Khrushchev, the general secretary of the Communist Party of the Soviet Union, through which he condemned Stalin and his regime, brought about a recalibration of the perception on communism.²¹ Due to the speech, the negative perception of the aforementioned regime was accentuated, discrediting it further. This is known as the speech of “de-Stalinization”.

Due to this primary détente, the relationship between Moscow and its satellites changed, allowing acute differences to be observable between the Stalinist and the post-Stalinist period (Retegan 1996: 18-20). The Titoist threat to the USSR had proven to be more than a figment of Stalin's paranoia. Khrushchev's words and actions offered hope to the people of these countries that Moscow will come to accept the fact that each party will follow its own path to communism (Judt 2005: 311). Thus, in order to obtain public approval, they had to manifest themselves in a nationalistic manner. The said approval was not, however, given to those who were thought of as being marionettes controlled by Kremlin (Kissinger 2007: 482). Viewed from this perspective, the return to power of Mátyás Rákosi in Hungary, after the period in which Imre Nagy had been head of the Government, brought about the rise of tensions in this country. The news of Khrush-

2 February 1956.

chev's speech reached Hungary in March 1956 and tensions soon raised to a critical level (Brown 2007: 237). The event that would destabilize the country and lead to revolution would be the last drop in a glass that began to be filled long ago.

I.1. The Revolution

In the summer of 1956 a Soviet initiative led to a reshuffling of Government in Hungary. Rákosi, a Stalinist, was perceived as representing a constant reminder of the old regime. This was not to Khrushchev's liking. Thus, in July, he was replaced by Ernő Gerő, who was somewhat less despised by the Hungarian public opinion. Once this change occurred, the internal situation of the country worsened, discrepancies were beginning to appear. The Petőfi Circle was allowed to reinstate its activities as of 19th September 1956, having been banned beforehand by Rákosi at the beginning of the summer (Litván 1996: 37-41). This group, composed of students and intellectuals, continued where they had left off, criticizing the regime, targeting Ernő Gerő. They were asking for Ernő Gerő to be replaced by Imre Nagy.

On the 6th of October 1956, the Hungarian Government allowed the reburial of László Rajk, who had been executed in the Stalinist period, during the stage known as the purge, to which many communist leaders from the Eastern bloc fell victim. Rajk had been rehabilitated in February of the same year, as an effect of de-Stalinization. The reburial ceremony, as well as having made way for student protests, is considered by some historians to have represented the spark of the revolution (Judt 2005: 314).

That same evening, in Szeged, at the premiere of a play by George Bernard Shaw, the auditorium protested against the regime (Farkas 2006: 31). Weeks of protests followed throughout the country. On the 16th of October the Students of Hungarian Universities Association was re-established in Szeged, an association that had no political affiliation (Judt 2005: 314-315). As a response to the anti-Soviet protests held in Polish cities on the 19th of October, the next day, on the 20th of October, the students brought to the public's attention their own claims, formulated in 16 points. Thus, they demanded reforms, freedoms, the replacement of Gerő with Nagy as prime minister and the withdrawal of Soviet troops from within Hungary (Békés 2002b: XXXVI).

Two days later, on the 22nd of October, the students sent their representatives to the Technical University in Budapest to participate at a general meeting. There they reformulated their demands into 12 points, after which they requested the Government's approval to organize an assembly for the next day (Borhi 2004: 243). Initially, their request was denied, only to be approved some hours later, with the mentioning of the

fact that the assembly was to be unfolded under the control of the Party (Ripp 1997: 171). Gerő decided to revoke his decision after the events had gotten out of control, denouncing the protest in a speech broadcast by Radio Kossuth, claiming that it was “chauvinistic, nationalist and anti-Semitic” in nature (Judt 2005: 315).

The date of the start of the revolution is the 23rd of October 1956. The students’ protest, one of solidarity with events unfolding in Poland, started at 3 P.M. In Budapest, the protesters made their way from the statue of the Hungarian poet Sándor Petőfi, to that of General József Bem, of Polish origin (Békés 2002b: XXXVII). A part of the demonstrators gathered in Kossuth Square, others started gathering in ever-growing numbers in front of the Radio Building. The said building was heavily guarded by troops of the ÁVH. However, at that time there was no threat of gunfire, such as there will be a couple of hours later. The protest grew so much in proportion that in the evening the statue of Stalin was demolished by protesters.

The first armed confrontation between the demonstrators and the law enforcement authorities broke out in Debrecen. The following outbreaks of armed violence grew into one, unitary revolution. At that time, Gerő decided to phone Khrushchev for help, asking him to authorize the intervention of Soviet troops (Békés 2002b: XXXVII).

The demands of the crowds made references to the political spectrum and to the economic spectrum as well. The repositioning of Nagy – reformed communist, prime minister of Hungary between 1953 and 1955 – at the front of the Government was a primary claim, this being viewed as an eventual guarantee of obtaining all of their claims (Retegan 1996: 21). Nagy made an appearance in front of the crowds and held a speech in which he asked protesters to return to their homes and to have faith in the Party, promising them the initiation of reformist measures. His promises, however, did not manage to tame the revolution. Due to his reformist ways of thinking, Nagy became a symbol of beneficial change in the eyes of the Hungarian people (Kissinger 2007: 485).

The Radio Building fell under siege after Nagy’s speech, the protesters benefiting from the help of officers, who had decided to join the cause. They managed to occupy the building. The night between the 23rd and the 24th of October, the Central Committee of the Hungarian Working Party held an emergency meeting to discuss the revolutionary events that were unfolding throughout the country (Judt 2005: 315). In an attempt to calm the spirits, they decided to reinstate Nagy as prime minister, who was appointed by Mikoian and Suslov, members of the Politburo (Békés 1996: 43; Kissinger 2007: 485). The change in the country’s leadership was announced on air, on the morning of the 24th October, at 8:13 A.M. (Békés 2002b: XXXVII). The continuous broadcast of information coming from the Government and the opinions pertaining

to its point of view was made possible due to the fact that after the siege of the Radio Building in Budapest the broadcasting station was relocated to the Parliament Building (Békés 2002b: XXXVII).

Imre Nagy tried to convince the members of the Politburo who had appointed him as head of the Government that he will be able to consolidate the situation in Hungary, with adequate support from them. Nagy was aware of the fact that the success or the failure of the revolution rested exclusively on the opinion and path of action decided upon by the USSR (Békés 1996: 44). He declared curfew and taking measures in accordance with the state of siege. At the dawn of the same day, Soviet troops entered the capital of Hungary. During this time, the revolutionaries armed themselves, seizing multiple weapon and ammunition depositories, as was the one in Bem Square (Békés 2002b: XXXVII).

The next day, with Soviet help, the Radio Building was occupied again by the Government. Through a broadcast, the population was told that the protest had been crushed. As an effect of that statement, many protesters put down their weapons and gathered in Kossuth Square, in front of the Parliament Building. Once a significant crowd gathered, Soviet and Hungarian troops opened fire on the people in the square (Borhi 2004: 245). After the massacre in Kossuth Square, the decision was made to replace Ernő Gerő with János Kádár, as prime secretary of the Party (Judt 2005: 315). Imre Nagy did not remain silent and expressed his opinion with regard to the aftermath of the Soviet intervention. The prime minister considered that a grave error had been made. He claimed that the holding of talks between the Hungarian Government and the Soviet Government should be announced, for the withdrawal of troops from within the Hungarian borders (Békés 1996: 44). Despite Soviet opposition, Nagy announced the initiation of such talks in a radio broadcasted speech (Borhi 2004: 246).

The revolution was expanding and consolidating. The people began forming multiple organizations, such as student organizations, worker's councils or national revolutionary committees (Judt 2005: 315).

The unfolding of events was initially considered by the Government to be a "counter-revolution". However, this perception changed officially on the 28th of October, when Imre Nagy repudiated such a conception, admitting the legitimacy and revolutionary character of the protests, announcing that there will not be any punitive measure taken against the insurgents and promising to hold talks with regard to the reinstatement, on new bases, of the Hungarian-USSR bilateral relations (Decaux 1982: 228; Borhi 2004: 246; Judt 2005: 315). The Soviets seemed to accept the idea of a Titoist Hungary (Kissinger 2007: 484-486).

The talks for the withdrawal of the Soviet troops ensued. The declaration of the

Soviet Government, from the 30th of October, even contained the promise of the reinstatement on new bases of the relations between the USSR and the Socialist countries, taking into account the idea of equality and no interference in the internal matters of states; with regard to the withdrawal of Soviet troops from within the Hungarian borders, only an analysis of the matter at hand was stipulated (Békés 1996: 45). That same day, Prime Minister Imre Nagy announced the abolition of the power of a single Party and the establishment of the multi-party system (Judt 2005: 316; Kissinger 2007: 486). Two days later, on the 1st of November, Nagy proclaimed Hungary's neutrality, asking for the recognition and the guarantee of the United Nations (Retegan 1996: 22). He declared the withdrawal of Hungary from the Warsaw Pact as well. The prime minister made these decisions as a result of the reentering of Soviet troops into the country and the occupation of major strategic points (Békés 1996: 45).

In order to determine the world's communist leaders to support an intervention, Khrushchev travelled to the satellite countries to discuss the matter with party leaders. He met with Poland's representatives in Brest, in Bucharest he sat down with Gheorghe Gheorghiu-Dej and with the Prime Secretary of the Czechoslovak Communist Party, Novotny, and in Sofia he discussed the matter with the Bulgarians (Retegan 1996: 22). In addition to consulting with the aforementioned leaders, he also sought the opinion of the Chinese communists. On the 30th of October, the Chinese expressed their opinion, which was that Panch Sila³ should be extended onto relations between Socialist countries. Afterwards they retracted, maintaining that the Soviet troops should remain in Hungary (Borhi 2004: 249). Each of the consulted parties was of the opinion that the events in Hungary were consistent with a "counter-revolution" and as such, intervention was necessary in order to restore Socialist order (Retegan 1996: 22).

Once the decision was made to defeat what the Soviet defined as a "counter-revolution", there was no turning back. At the break of dawn on the 4th of November, Soviet troops entered Budapest. A short while later, the decision to reshuffle the Government was announced. Imre Nagy, together with some of his colleagues, found refuge in the Yugoslavian Embassy, receiving asylum (Judt 2005: 317). The bloody confrontations continued, but the fate of the revolution had already been decided. Imre Nagy and his group were arrested the moment they stepped out of the Embassy. The next day, they were transported aboard Soviet military planes to Snagov, in Romania, the itinerary and the destination being an enigma to them (Ioanid 2004: 56).

3 Accordig to Péter Vámos, Pancha Shila represents five fundamental principles of peaceful coexistence. These were drafted in 1954. Based on these, the Chinese and the Indian prime minister have revisited the issue of relations between the two states which have different social systems. (See Vámos 2006 : 14).

1.2. International relations during the revolution and the reaction manifested by different states

The revolution had been defeated; however, its echoes were just starting to be heard around the world. The non-existence of western help was brought into question in the specialized literature. Resolving the issue is the more important, seeing as, on more or less official channels, help was promised to the revolutionary people of Hungary. The people hoped that, in any second, western help would arrive; “The Americans are coming!” they used to say. Thus, the issue of international relations during the Hungarian Revolution of 1956 warrants a closer look.

In Czechoslovakia the communists feared an eventual rally of the ethnic Hungarian population from within its boundaries with the revolution taking place on the other side of the border. For the purpose of maintaining control on the situation, the government offered positions to different Hungarian-speaking politicians and sent them to the bordering regions with Hungary. Their purpose was to keep the peace and to ensure that no one will become an ally of the “counter-revolution”. At the same time and for the same reasons, the border patrol forces were consolidated, beginning with the 25th of October (McDemott and Sommet 2013: 29). Around the time of the Hungarian Revolution, a powerful anti-communist rhetoric can be observed in Czechoslovakia. The people wanted changes, but at the same time, condemned the violent way in which these changes would be ensured. Solidarity was announced, remaining at that level in the overwhelming majority of cases (mockery, threats made against communists etc.). (McDemott and Sommet 2013: 31-37).

It is also necessary to present the situation of Yugoslavia, citing the fact that Imre Nagy and his group received asylum at this state’s Embassy. In trying to obtain the approval of communist states for invading Hungary and crushing the “counter-revolution”, Khrushchev met with Yugoslavian leaders on the night of the 2nd of November, at Josip Broz Tito’s residence, in Brioni (Gibianskii 2011: 140). The Yugoslav leadership agreed on the necessity of the intervention (Retegan 1996: 23). However, they highlighted the fact that utilizing armed force would not suffice, political measures being needed for re-establishing peace in Hungary, such as condemning the Rákosi-Gerő regime and adopting reform programs, based on the newly created workers’ councils (Gibianskii 2011: 140). Upon Nagy receiving asylum, the Soviet government initiated an ample persuasion campaign of the Yugoslav leadership, to surrender him to them. These efforts did not yield results. After Nagy and his group were arrested, the Yugoslav Government manifested its disagreement with regards to what had happened, accusing the USSR of taking action without taking into consideration the prestige and interests of Yugoslavia (Gibianskii 2011: 143).

The Hungarian Revolution of 1956 presented a good opportunity for Gheorghiu-Dej and his acolytes to prove their fidelity to the USSR (Deletant and Ionescu 2004: 10). The revolutionary atmosphere in Hungary boiled over onto Romanian soil. The Government had to deal with students' protests in every University-centre in the country. The people of Romania heard about the events unfolding in Budapest through radio broadcasts, listening to Radio Kossuth, RFE, Voice of America (Bottoni 2006: 24). In Cluj, on the 24th of October, there was an unofficial meeting held by the students, at the Institute of Fine Arts. The meeting's initiators were arrested the next day (Boca 2011: 39). In this city, the county's leaders managed to prevent a common protest of the Hungarian and the Romanian students, planned to take place on the 27th of October, taking advantage of the latent ethnic tensions between the two groups (Bottoni 2006: 25). The Romanian Government proceeded similarly to the Czechoslovak Government, by sending ethnic Hungarian political personalities to the areas supposed to be vulnerable to the spreading of armed rebellion, especially in Transylvania (Bottoni 2006: 25-28).

The next crucial moment regarding the events in Transylvania was the approximately 3000 students' meeting in Timișoara, on the 30th of October 1956, followed the next day by a street protest, quickly repressed by the security forces (Sitariu 2004: 9-10). In the case of this city, the rally of Romanian, Hungarian and Swabian students was a reality (Bottoni 2006: 28).

Gheorghiu-Dej agreed with Khrushchev on the idea of massive military intervention in Hungary to stop the "counter-revolution". After it had been crushed, according to a Romanian-Hungarian agreement, signed with János Kádár, after Nagy's group left the Yugoslav Embassy's Building, the group were arrested and transported to Romania (Deletant and Ionescu 2004: 11-12).

In respect of the states from the Western Bloc, their reaction and lack of intervention on behalf of the cause of the revolution have been largely debated in the specialized literature. The governments of these states applied policies dictated by the principle of the balance of power (Göncz 2002: XIV). In this case, this meant preserving the status-quo from 1945, something that to the Hungarian people was a mere temporary state. To them, the revolution was an opportunity of the Great Powers to change the statute of Hungary (Békés 2002: 340). The idea of help arriving from the USA was upheld through the liberation propaganda and rhetoric of the Eisenhower administration, fed to the people through RFE broadcasts (Békés 1992). However, this propaganda was also believed and understood to be a direction in US foreign policy by the citizens of western states. Once the revolution had been crushed, it was noticeable that the foreign policy of democratic states does not necessarily follow the democratic principles upheld internally.⁴

4 Csaba Békés claims that interest in foreign affairs, set by Realpolitik, often does not conform with

Western support had been limited to RFE broadcasts and strong media coverage of the revolution. In the USA, 1956 was an electoral year, so no candidate would risk taking a stand that could prove to be against the electorate's will (Retegan 1996: 24). László Borhi, historian, compares the USA Government's attitude with Janus bifrons, a god in Roman mythology (Borhi 2004: 269), implying the duality between rhetoric and assumed direction in foreign policy. The sudden eruption of the revolution contributed to the confusion created at international level, including in the USA. This is evident in the speeches held by US President Dwight D. Eisenhower and those of John Foster Dulles, the Secretary of State. Because of this confusion, the messages (or parts of it) that they wanted to convey to the public often got lost in translation. The President had asked Dulles to notify the public and the USSR that the USA agreed to take into consideration the defensive aspects of the USSR, through a speech. Dulles, however, did not formulate so clearly, stating only that the USA did not consider the Eastern European states as potential allies (Borhi 2010: 127).

On the other hand, he added that the USA would like to see that Eastern European states regain their freedom and independence (Borhi 2010: 127).

It is also important to underline the possible role as mediator of the United Nations. The said perception had been fuelled by the possibility of perceiving this organization as neutral by each of the military blocs and, as such, a forum of international conflict resolution. At the same time, knowing that the USA had turned successfully to this forum before, during the war in Korea in order to prevent the expansion of the Soviet sphere of influence, had also contributed to the fuelling of (false) hope (Békés 1996: 41).

Great Britain and France were involved in the unfolding of another crisis, that of the Suez Canal, which started on the 30th of October. Taking this into account, the reason why these two states wanted the Hungarian problem to be discussed during the Extraordinary Session of the United Nations, called to start on the 31st of October, where officials were to discuss the matters of the Middle East, is revealed (Békés 2002: 343).

The Hungarian Revolution, even though it was crushed, would be known as the herald of the inadequacy of the communist system, which would eventually bring about its fall (Kissinger 2007: 494). After it had been crushed, the search for the guilty parties ensued. The bulk of the blame was attributed to RFE. It was considered that its broadcasts were instigative. At the same time, ex-revolutionaries and the families of the victims blamed this radio station because of the fact that it had transmitted clear messages about military help from the USA, which proved to be false.

the liberal principal of freedom (Békés 2002a: 340).

II. Radio Free Europe

Radio Free Europe is a radio station sustained by the democratic states – especially the USA – during the Cold War era. Although the purpose of the station was in accordance with the direction of the US foreign policy of that time (Simándi 2005: 22-23), i.e. isolation policy, among its secondary purposes are ideas such as the unification of Europe and freeing the states and people trapped behind the “Iron Curtain”.

RFE has always accentuated the difference between itself and another American radio station catering to the communist states, Voice of America. The difference, according to the RFE, was that it declared itself as the representative of the people and society, as opposed to Voice of America, which represented the American government (Simándi 2005: 10).

This radio station transmitted to the Soviet Bloc. The communist governments tried to block its access. Often its transmissions were scrambled, the editors having to change frequencies multiple times a day. No matter how hard the Soviet satellites’ governments tried, the station proved to have a large following.

The Hungarian Section of RFE had been created in New York, in 1950 (Vámos 2010: 59). In 1951, the station moved to Munich, broadcasting until the 31st of October 1993 (Simándi 2005: 10). At the time of its conception, a tri-dimensionality of the duty of the Hungarian Section of the RFE was taken into account: the fight against the communist regime, the propagation of principles essential for the free western societies and preparing the Hungarian people for the period after their freeing from underneath communism (Révész 1996: 38).

In the days of the revolution, a series of Extraordinary Reports were broadcast. Through these, information was transmitted with regard to the reactions of different states on the events unfolding in Hungary. On the 24th of October 1956, at 14:10, information pertaining to the perception of these events in Paris, France, aired. Parisian officials condemned the intervention of Soviet troops in Budapest. They held a press conference, during which a statement had been made. The reporter specified:

“Finally, the declaration underlines that the intervention of Soviet troops in the internal issues of Hungary represents scandalous and unacceptable turnaround. Among the western reporters present at this press conference, the idea has formulated that the issue of military intervention should be brought to the forefront of the United Nation’s Security Council, because it represents the grave and open violation of the principles established by the peace treaty.” (*Rendkívüli riport, 24 October 1956*).

Thus, the reaction of a western state is presented. The reactions of other Occidental states are similar; however, it is important to present France’s opinion because this is one

of the states that supported the necessity of discussing the issue within the Extraordinary Session of the United Nations, which would be held approximately a week later. Only what could be understood by the Hungarian revolutionaries who were listening to RFE will be extracted out of this communiqué. Analysing the fragment from this perspective, the categorical condemning of the Soviets' action can be observed and, implicitly, the Hungarian people understood the support of this state, at least regarding the idea of the revolution. The program broadcast on the 26th of October, at 10:40 AM, under the title „Az utolsó 24 óra története” [The story of the last 24 hours], surely left the same impression. In this program, the discussion revolved around the reaction of certain states and also the reaction of some personalities and political parties, such as Nehru, Adenauer, the Socialist Party of France, etc. (*Az utolsó 24 óra története, 26 October 1956*).

The implicit message understood by the people of Hungary was that the western states vehemently condemned the Soviet intervention. American officials have pledged to support and to help the liberalization of the Hungarian state. At the same time, the message conferred by the fact that this help must be expected only within “the limits of peaceful possibility” (*Az utolsó 24 óra története, 26 October 1956*) might have been easily overlooked. In the event that the latter was understood, even in the ranks of the intellectuals the issue of trust arises, trusting the USA and the liberation doctrine, a trust that permitted the emergence of hope that the Americans will intervene in case they will be needed, especially since they had done so before in Korea.

The program mentioned in the first few pages of this paper, broadcast on the 28th of October 1956, also offers a commentary on the perspective of receiving help from the USA (*Kommentár az amerikai segítségről, 29 October 1956*). The herald of the said program recounted some aspects of the meeting of the United Nations' Security Council, in which the Hungarian issue had been raised. He also presented Dulles' speech, of which he stated: “[The speech] in all fairness, in a general manner, presents the point of view of America in the long run, to which it is very important that we pay attention to” (*Kommentár az amerikai segítségről, 29 October 1956*). He continued with a detailed presentation, mentioning repeatedly the economic aid offered by the USA to European states. In this presentation of the speech of the American minister of foreign affairs the confusion is evident. The necessity that every free state should do all in its power to help the subjugated states is presented, after which the fragment of the speech in which there is reference to the “friendly help” of the USA, given only after the liberalization of the people, was highlighted. These statements are followed by condemning the Soviet intervention. The confusion caused by this program is amplified by the last sentence, which refers to another statement of Dulles. Thus, it was argued that America was sympathetic to the Hungarian issue and was preparing to carry out vigorous steps in terms of practical

help. The possibility of providing military aid was not mentioned, but in the eyes of people facing revolution, practical help implied it and since it had not been outright denied, the possibility of misinterpretation proved to be a real issue.

The most prominent program of the Hungarian Section of RFE was “Reflektor”. In this program, the herald followed and commented on the important events in world politics, tackling Hungarian foreign affairs and internal politics at the same time. During the events of 1956, the RFE broadcasts were drafted taking into account the members of the urban working class (HU-OSA 300/60-1, Box 464). The herald of this program, Imre Mikes, presented himself under the assumed name: Gallicus. He followed Imre Nagy’s activity, thoroughly commenting every decision Nagy made.

On the 25th of October, the chief-editor of the station, Andor Gellért, stated on air that Imre Nagy was much more responsible in triggering the revolution, compared to many other members of his party, because he would have had the opportunity to rely on the non-communist layer of the population, in order to mitigate the economic and political crisis in Hungary (*Kommentár Nagy Imre felelősségéről, 25 October 1956*).

Gallicus proceeded in the same manner on the 26th of October 1956 (Beszélő 1981). He claimed that Nagy was not a solution and that he could not bring about the resolution the Hungarian people wanted, because he had set himself against the people and not in front of them. Referring to Nagy’s speech (HU-OSA 300/40-8, Box 41: 10073), Gallicus analysed semantically some of the phrases. The main idea of the commentary was the condemning by Nagy – on multiple occasions – of the revolt. Thus, Nagy was criticized due to the fact that in his speech he promised changes in the Hungarian society and state-structure, as well as the initiation of discussions with Moscow relating to the withdrawal of the Soviet troops from within Hungary, all of this, however, “after suppressing the riot” (Beszélő 1981). In all fairness, Nagy’s speech was not out of line. Its purpose, as it is clear from the prime minister’s own words, was to stop the bloody confrontations. Because of the turbulent internal situation, which he wanted tamed, his rhetoric could not have been anything but defensive towards Socialism. Today it is a known fact that Imre Nagy at that time was growing further and further apart from the Stalinist and neo-Stalinist ideology. He expressed his opinion on the two during his detention at Snagov (Nagy 2004: 133-134).

Those days it was a widespread opinion that Nagy was the one who called in the Soviet troops. Even on the 30th of October, Gallicus stated as follows: “The Imre Nagy government is a pacifying government, which has slaughtered the nation’s flower through the bandits of the ÁVH.” (Révész 1996: 54). The next day, the moment in which doubt was cast on the previous opinion, Gallicus retracted, but remaining defensive:

“Is it possible that Imre Nagy wasn’t the one to call the Soviet troops? If I was wrong,

Imre Nagy himself misled me, together with those young people, those proletarians whose bodies are now covered by mother-earth.” (Révész 1996: 54).

Gallicus’ and the other RFE editors’ opinion on Nagy changed in a positive way only during the last days of the revolution, but especially after the revolution had been crushed (Vámos 2006: 61; Simándi 2005: 295). Imre Mikes apologized repeatedly, claiming that he was misled in his impression of Nagy. Yet, he underlined the fact that however wrong he might have been, keeping in mind the information and the facts he based his opinion on, it was impossible for him to reach a different conclusion.

From the messages conveyed by Imre Mikes (Vámos 2006: 52), the mobilizing nature of his words can be deduced. However, it is unlikely that the revolutionaries would have listened to him with such admiration, as to act because of him. What is much more likely is that his words gave the revolutionaries some degree of confidence in their own abilities.

Mobilizing messages and discourses dot the entire activity of the Hungarian Section of RFE. Throughout the days of the revolution, the heralds of this radio station transmitted messages received from emigrants, addressed to their families in Hungary and vice versa. For some people from Transylvania, this was the only way to keep in touch with their family members and close friends in Hungary, the only way to find out if they are still healthy, alive. During the days of 4th-9th of November, in the majority of cases, RFE broadcasts meant solely the transmission of such messages that seemed to flow through the newsroom non-stop. In this chaotic and confusing swap of information, there was simply no possibility to verify the information (due to the short time span available) and as such, the editorial staff ended up stating on air information that was void of all veracity (Révész 1996: 53).

After the defeat of the Hungarian Revolution, many accusations were brought to Radio Free Europe, regarding its role in the unfolding of events. The propaganda against RFE intensified throughout the communist countries, but some accusations originated from western states. A large number of articles appeared in the press discussing the influence of the information transmitted through the RFE station, during the revolution. In order to resolve the matter, not only the Soviet Union, but many organizations started their own investigation, such as the Central Intelligence Agency (CIA) or the United Nations.^{5*}

The mistake of the editors of the RFE was, firstly, the failure to clarify its role as an instrument of propaganda. Also, those working in the newsroom did not strain themselves to get to know the intentions of the President of the United States, Eisenhower,

5 * For an analysis of these investigations and the charges brought to Radio Free Europe see: Johnson 2011, *passim*; Simándi 2005; Révész 1996.

and that of the State Department, nor did they inquire into the true directions assumed by the American foreign policy. Thus, they had no way of knowing that the American government was quietly retreating from its duties and promises that were declared and assumed through the liberation doctrine. RFE did not realize at the time, but it had lost the basis which had offered veracity to the transmitted statements. This is where the difference between RFE and Voice of America comes in. This difference had been declared and sustained in the years of the foundation of RFE, but it wasn't even mentioned during the events in Hungary, in the months of October-November 1956. They did not give the people the chance to distinguish between propaganda and a plan assumed by the USA. Thus, the promise of help that was supposed to arrive in any moment was interpreted and perceived as insurance.

III. Radio Kossuth

This radio station was initially a part of Radio Moscow, broadcasting in Hungarian. From the year 1943, it was an illegitimate 'national station'. During this period, the editor of this section of Radio Moscow was Mátyás Rákosi, who will go on to become the General Secretary of the Hungarian Communist Party. Even Imre Nagy worked at this station, as chief-editor ([Simándi 2005: 8-10](#)). After the seizure of power by the communists, this station became the official station of the state, acting as 'spokesman' of the Party.

Beginning with the outbreak of the revolution, this radio station went through a gradual liberalization. Approximately a week later, on the 30th of October 1956, at 20:30, the changing of the station's name to 'Szabad Kossuth' [Free Kossuth] was announced. At that moment the freedom of speech was proclaimed, along with the changing of the editorial staff, as well as that of some heralds ([HU-OSA 300/40-8 Box 41: 1527](#)). This reform lasted for four days.

On the 23rd of October 1956, the said radio station still represented the voice of the Party and of the Government. The issue is: what kind of information was broadcast through the airwaves, on the frequency of Radio Kossuth?

On the first day of the revolution, the station seems to be broadcasting the unfolding events in an exact manner. Thus, at 10:00 AM the gathering of the youth of Budapest, with the purpose of manifesting their solidarity with the Polish events was announced ([HU-OSA 300/40-8 Box 41: 925](#)). At 12:53 PM the ban on the gathering was announced ([HU-OSA 300/40-8 Box 41: 928](#)), only for it to be permitted again an hour and a half later, at 14:23 ([HU-OSA 300/40-8 Box 41: 931](#)). Throughout the day

there were declarations regarding the decisions of state leaders and the unfolding of the events.

At 20:00 the on air intervention of Ernő Gerő was announced. He held a speech with the purpose of condemning that day's events as "nationalist, chauvinistic and antidemocratic manifestations". As such, these manifestations and provocations had to be stopped (HU-OSA 300/40-8 Box 41: 949-953). If up until that moment, the people (especially the ethnic Hungarians in Transylvania) had not realized what was actually going on, the rhetoric of the speech left no room for error.

On the morning of the 24th of October, at 04:30 AM, the general population from outside of Hungary was given a possibility to understand the gravity of the situation. The words that follow ended up being broadcast on the station:

"Fascist and reactionary elements have attacked our institutions and have attacked the law enforcement. In the interest of re-establishing order until further measures are taken all gatherings, groupings and processions are forbidden. Law enforcement has been ordered to intervene with the greatest strictness of the law against those who violate this decree." (HU-OSA 300/40-8 Box 41: 959).

The gravity of the situation could not be denied from that moment on. The fact that such a decree was issued meant that the situation implicated a large number of demonstrators, set on bringing about change. Rebelling against the system and not obeying law enforcement were considered extremely grave deeds, which were punishable by jail time, forced labor or – depending on the magnitude of the deeds and their consequences – even death. On the frequency of the said radio station the usual programs were not broadcast and there were many instances of 'dead-air' that morning. The events unfolding in Hungary were not considered simple demonstrations of solidarity anymore.

At 9:00 AM of the same day the Hungarian Government's call for the help of the Soviet troops stationed in the country is broadcast (HU-OSA 300/40-8 Box 41: 963). Three hours later, at 12:10 PM, Imre Nagy's speech, addressed to the residents of Budapest is aired, in order for them to stop the hostilities (HU-OSA 300/40-8 Box 41: 967). On that day, as follows, the events are presented in their succession.

An important moment of the next day, the 25th of October, was the replacing of Ernő Gerő with János Kádár. That moment left its mark on the station: János Kádár and Imre Nagy each held a speech in which they asked the citizens and the young revolutionaries to stop fighting and to surrender, bringing their firearms with them to the nearest police precinct. At the same time, they assured the audience that those who surrendered would be pardoned (HU-OSA 300/40-8 Box 41: 1069-1073). The speeches did not have the desired effect. The fighting did not cease, nor did the citizens stop resisting law enforcement. The speeches did however have an effect on the population

outside Budapest and that of Transylvania, because it had been confirmed to them that the revolution had not yet been defeated. More so, the revolution was actually growing in influence and there was a danger – recognized by Kádár and Nagy –, that it could grow even more, hence the proposal to surrender under the promise of pardon.

The next evening an extension of the deadline for the surrendering of weapons was announced, launching another plea to the revolutionaries. This time, the appeal was formulated in a sympathetic manner, as follows:

„Members of the armed forces, fighters, armed workers, comrades! The Party and the Government owes you respect for the fight that you have been fighting for four days now, for the popular democracy. We are proud of your heroic steadfastness. Now, a different heroic duty falls upon you, that of taking the necessary steps in order to stop the bloodshed, together with everyone to whom Hungarian blood is precious.” (HU-OSA 300/40-8 Box 41: 1125).

The revolutionaries could not be stopped or discouraged through such rhetoric. They proved to be immune to tough words, that imply a command and compulsoriness, and also to kind sentimentalisms and fake sympathies. The continuing of resistance is proven by other statements, broadcast the same day. Reports were brought to the public's attention, through which the surrender of resistance groups was announced. The message conveyed through these reports was that these demonstrators decided to take advantage of the amnesty declared by the Government. However, at 21:42, a new appeal was launched, underlining the fact that only 18 minutes had remained until the expiration of the amnesty offer (HU-OSA 300/40-8 Box 41: 1132). After these statements, a threat followed:

“Although we are not adepts of threat and we do not agree with intimidation policies, we must mention that those who cannot be persuaded with kind words, to whom amnesty is not enough, will be faced with the power that is concentrated in the hands of the Government.” (HU-OSA 300/40-8 Box 41: 1133).

After these threatening words, a new urge to renounce the weapons and to take advantage of the amnesty followed. The mentioning (again) of the temporal frame the protesters left to the benefit of the amnesty, had a precise purpose: to amplify the pressure. Among the attempts to influence public opinion, there is the case of some young men who, after surrendering their weapons, were placed in front of Radio Kossuth microphones, in order to consolidate the appeals launched before by the editors (HU-OSA 300/40-8 Box 41: 1139-1140).

The appeal to emotions was used in RFE broadcasts in order to maintain the revolutionary spirits. In the case of the Radio Kossuth station, the use of this was intended to have the reverse effect. Thus, on the 27th of October, the editors of the station stated

as follows: “We would like to know if those close to us, our children are alive, we would like to see our families reunited.” (HU-OSA 300/40-8 Box 41: 1147). These words were included in a speech meant to argue the necessity of halting the hostilities. The importance of family was implied. Paradoxically, though, communism had tried beforehand to rid this concept of its meaning, one of the fundamental characteristics of this ideology being the atomization of society. However, family did remain an important part of the lives of the people. Thus, through this speech they wished to appeal to the fundamental values of mankind, values which, despite the regime, remained important. After this statement, however, the most representative aspect of communist ideology was inserted into the speech: work. This attempt at balancing between moral human values and the so-called ‘values’ vulgarized by communism is characteristic of the speeches broadcast on this station, during the Hungarian Revolution.

The next evening, at 22:48, a commentary was broadcast, regarding the new program that the Nagy government had adopted in the course of that day. A change can be noticed in the commentary. An interesting opinion was enounced, one that is not like any of the other opinions broadcast until then: “In the fire of the youth’s and of the people’s revolutionary fight, national unity was born.” (HU-OSA 300/40-8 Box 41: 1319). This radio station represented the voice of the government. The fact that such an opinion was enounced on air was the proof of the change in direction within the government. What initially the intellectuals and afterwards the whole of the revolutionary people sought through the return of Nagy to the helm of the country, seemed to be taking shape. The reform of the system had begun. This was the message of the speech. Approximately an hour later another message was broadcast, which highlighted a new step forward with regard to the promised reform:

“We are calling the attention of former students, members of the Petőfi Circle, of the Association of Hungarian Writers, of the Association of Musicians, of the Association of Craftsmen, of the National Association of Hungarian Journalists, those who wish to be a part of the new popular police forces, are to gather tomorrow, starting with 9 AM, in the building of the Faculty of Law, Eötvös Lóránd University, in University Square.” (HU-OSA 300/40-8 Box 41: 1321).

Thus, another claim of the revolutionaries came to life, that of forming popular troops of law enforcement. The change in discourse of the editors was so radical and sudden that if someone were to turn off their radio on the 27th of October, and turned it back on only the next evening, they would have remained with the impression that they were listening to a different station.

Being in this liberalization period, the programs and the opinions of the editors and of the heralds had a strong influence on the public opinion. One such example

proves that not only the people from within Hungary's borders were influenced. This information is not surprising, keeping in mind that the ethnic Hungarian population of Transylvania got their information about what was going on in Hungary mainly by listening to Radio Kossuth (Bottoni 2006: 24).

On the 29th of October, at 16:41, poems written about the unfolding events at that time were broadcast (HU-OSA 300/40-8 Box 41: 1389-1390). One of these poems was that of Lajos Tamási, „Piros a vér a pesti utcán” [Blood runs red on the streets of Pest]. According to a sentence, given by the Military Court of Cluj, on the 11th of October 1961, this poem signified jail time for a woman. One of the acts committed for which she stood trial was as follows:

“The defendant (...) during the counter-revolutionary events in P.R. Hungary (...) copied the poem entitled “Blood runs red on the streets of Pest”, which had been broadcast on the Budapest radio stations temporarily occupied by counter-revolutionary rebels, a poem instigative in nature, counter-revolutionary, which (...) she gave to read to her family members and to some youth, who had come to visit Cluj from P.R. Hungary.” (C.N.S.A.S. 1961: 499).

The interpretation given by the Military Court of Cluj is interesting. The said poem does have mobilizing elements within its lines. That cannot be contested. Something else is truly interesting, however. Firstly, the Radio Building had already been reoccupied and was not under the revolutionaries' occupation at that time. Secondly, Radio Kossuth was the voice of the Hungarian Government, of which Kádár was still a member at that time, the same man who will take over the Government after the defeat of the revolution, with the accord of the Soviets.

The day that Imre Nagy announced the abolition of the single party system and the instauration of the multiple party system, as an almost immediate effect, at 20:30, the liberalization of the radio station was announced, along with its name change, to ‘Szabad Kossuth’ (Free Kossuth). Freedom of speech was proclaimed in the newsroom and the following announcements were made:

“Esteemed audience, you are listening to a new program of Radio Free Kossuth. Esteemed audience is it not that you were glad to hear the new name of the Hungarian radio, RADIO FREE KOSSUTH BUDAPEST? After announcing our beautiful new name, let us fulfil our dear duty. We salute with brotherly ardour and are proud of the radio stations that have stepped before us on the road of the revolution and have preceded us by a couple of days in respect of free broadcasting.” (HU-OSA 300/40-8 Box 41: 1527).

With regard to the instauration of the multi-party system, the public opinion received the news with joy. One day later, on the 31st of October, in the program entitled „Reggeltől estig” [From morning to evening] the following opinion was expressed, re-

ferring to the reestablishment of the Independent Small Owners' Party:

“In my opinion, no one should dream about the old world. The world of Counts, of bankers and of capitalists has come to an end permanently. Who thinks in terms of the years 1939 and 1945 is not a real small owner. The last ten years have been a sad lesson, but one that is useful for this party and, utilizing all we have learned, we must reformulate the program of the party and we must transform our way of thinking.” (HU-OSA 300/40-8 Box 41: 1634).

After announcing the change in party systems, the process of creating or recreating the parties was started. The aforementioned issue did not represent a problem only in the case of that party. The experience of the communist world produced irreversible changes in the way people think. The programs of the parties could not be resumed as they were in the interwar. Sadly, these parties did not have enough time to consolidate themselves. After the defeat of the revolution, the return to a singular party was inevitable.

During this period of liberalization, changes can be observed not only in the quality of the information, but also in the quantity of it. News segments – especially those referring to international events – became much more vast, the commentaries became longer. Also, due to this liberalization, the possibility emerged of discussing issues which in other circumstances could not have been discussed on air. One such example is the issue of jamming other Hungarian broadcasts (such as those of the Hungarian Section of RFE). The editors of Radio Free Kossuth revealed the fact that all of the jamming stations on the Hungarian territory had been stopped, and that the jamming of broadcasts was due to jamming stations outside of the country (HU-OSA 300/40-8 Box 41: 1656).

The revolutionary committees that formed all over the country, in every association, organization or institute, brought their claims to the attention of the public through Radio Free Kossuth. At least one claim was common to all of the lists: that Hungary proclaimed its neutrality. This claim of the people was realized on the 1st of November 1956.

The joy of the Hungarian people, the liberalization of the radio station and the democratization that started, beginning with the 30th of October, proved to be a fleeting moment. The changes were to last four days. On the 4th of November Soviet troops re-entered the capital of Hungary. At dawn, on that same day, at 5:20 AM, Imre Nagy's declaration, addressed to the Hungarian people and to global public opinion, was broadcast:

“This is Imre Nagy speaking, the president of the Popular Republic of Hungary. Today, at dawn, Soviet troops launched an attack on the capital, with the clear intent to

overthrow the legal, democratic Hungarian government. Our troops are fighting! The government is in its rightful place!” (HU-OSA 300/40-8 Box 41: 313).

Kádár betrayed his country. From that moment on the revolution had no hope of success. Suddenly, on the afternoon of the 4th of November, on the frequency of Radio Kossuth profoundly ideological speeches and commentaries reappeared. From that moment on, the Radio Kossuth station became the official voice of the Hungarian Government led by Kádár and the unique Party.

Conclusions

The Hungarian Revolution of 1956 was a grave crisis of the Soviet Bloc. Without armed external help, however, the revolution did not stand a chance to win. The issue of this external help has more valences. Hungary did not represent an important objective from a geopolitical standpoint, which reduced the chances of a military intervention of the western states on behalf of the revolutionaries. Also, remaining at the geographical perspective, the approach of possible troops sent from the west would have caused many political and diplomatic problems, the only viable point of entry at that time being Austria, thus violating its neutrality.

Sending in help was also prevented by the international situation, on the one hand, and the internal situation of the United States, on the other hand. From an international perspective, Great Britain and France were involved in the Suez Crisis, another systemic crisis of the Cold War era, which was unfolding in the Middle East. On the other side of the world, in the USA 1956 was an electoral year. No candidate would have allowed himself to do something that could possibly be against the will of the voters, or something which would have had consequences such as plunging the country into war. The liberation doctrine of the President of the United States, Dwight D. Eisenhower, remained at a rhetorical level, that of propaganda. This propaganda was mainly supported through RFE broadcasts.

Although the editors of the Hungarian Section of RFE broadcast information and opinions equivalent to the American propaganda during the revolution, they did not clarify the role that this station was set to play, that of an instrument of propaganda. Pertaining to this role, the station's broadcasts had the purpose of maintaining the revolutionary spirit in the Hungarian people. The opinions enounced in RFE broadcasts, mobilizing in nature, as well as the interpretation or lack thereof when it came to official information (such as Dulles' declarations) created the perfect environment for confusion to ensue. The revolutionary Hungarian people understood that the USA would send

military aid. They did not offer the possibility to the people of Hungary to distinguish between propaganda and action plan assumed by the USA. Thus, the promise of help that was supposed to arrive in any moment was understood and perceived as an assurance.

In the matter of the concrete presentation of the unfolding events in the news segment, both RFE and Radio Kossuth proved to have a factual approach. The difference between the two radio stations lays in the nature of the events broadcast. Information about the occurrences reached the RFE newsroom later, because of the fact that its headquarters was located in a foreign country, on the other side of the Iron Curtain. On the other hand, this station's access to information such as the international reactions with regard to the Hungarian revolution was much more facilitated by the same aspect. In the case of Radio Kossuth, the situation was reversed. It had facile access to internal events, far less so to the international aspects. In the period of liberalization though, much more information pertaining to international aspects was broadcast, as compared to the station's previous period.

Radio Kossuth represented the voice of the Hungarian Government in the first few days of the revolution. The opinions enounced and the commentaries offered backed this role of the station. In trying to influence revolutionaries to surrender and stop the hostilities, the editors of the station relied on two kinds of rhetoric. The first was a condemning and forcing voice, while the other one was more sympathetic, but undeterred. Both were utilized but neither led to the wished result. In the free period of the station, some changes were apparent that offered the editors the possibility to finally fulfil their journalistic roles and purposes. After the Soviet intervention on the 4th of November and the changes it caused in the Government, the station was forced to return to its initial role, that of being a channel of expression of the opinion and the information considered to be relevant by the unique Party.

Radio Kossuth also fulfilled another role, as important as the aforementioned one. Through this station the ethnic Hungarian communities of Transylvania found out information regarding the revolution and its unfolding. Thus, the information broadcast through this station had an influence on the actions of the Transylvanian people, who organized sympathy protests with regard to the revolution in Hungary.

Hungary did not get out of communist control through revolution; however, this country passed through the experience of anti-communist revolution long before the fall of the Soviet Union.

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EU Council – the arena of intergovernmental debates

Adina ŞERBAN, Phd*

Abstract

The uniqueness and the complexity of the Council of the European Union present an incredible force of attraction for researchers dedicated to deciphering the European Union's mysteries. This study aims to analyse the intergovernmental negotiations in the EU and to identify their main characteristics while answering questions about the manner in which negotiations are held and decisions are made in the Council of the European Union. Also, this paper deals with issues such as patterns of interaction between states and types of strategies adopted in negotiations, coalition formation and the reasoning behind them.

Keywords: decision-making, levels of negotiation, negotiation patterns, the Council of the European Union, the Treaty of Lisbon

1. The institutional framework of the Council post-Lisbon

THE EUROPEAN UNION is a unique entity of the international system through both its institutional membership, and the complexity of its decision-making process. From its very creation, and so far, the EU has been systematically subjected to a process of rethinking and reform as a result of the development and progressive extension of this organization. Thus, the increase in number of Member States and the amplification of diversity at the Union level, but also the increase in importance of Community policies, respectively, their multiplication, have imposed further changes at both the institutional and decision-making levels.

“In recent years the European Union has been confronted with increasing acid criticism about the slowness of decision-making, reduced contact between EU elites and European citizens and the influence of the large Member States, especially the older ones, in the decision-making process compared with EU institutions” (Gherghina 2010: 19).

The Lisbon Treaty, which entered into force on 1 December 2009, was aimed at regulating these matters. Whether it succeeded or not, this remains a controversial subject.

* Adina Şerban is a MA Student at Babeş-Bolyai University from Cluj-Napoca, Faculty of History and Philosophy, *Management of International Relations and European Union Politics*, e-mail: adinaelena.serban@yahoo.com

While some voices argue that major changes were undertaken, Piotr Tosiak affirmed, before the entry into force, that despite the reforms brought by the Treaty, the European Union will remain a political and legal hybrid system, characterized by the dominance of Member States and by a democratic deficit (Tosiak 2008: 15). A recent study aimed at identifying the impact of changes introduced by the Lisbon Treaty stresses that the key objectives behind the reforms were achieved only partially, sometimes being observed even a step backward (Christiansen and Dobbels 2013: 1159).

With regard to the Council of the European Union, the main changes were the derogation of some increased powers for the European Parliament, but above all, changes in the system of voting, the review of the presidency system and the attempt to increase transparency with regard to the deliberations of the Council.

One of the most visible instruments of the Lisbon Treaty is the extension of legislative powers conferred to the European Parliament (EP), thus limiting the influence of the European Union Council upon the European legislative process, the European Union having de-facto a bicameral legislative system. According to Article 289 of TFEU, the ordinary legislative procedure shall consist in the joint adoption by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission, but in exceptional cases established by the Treaties, these legal acts can be also adopted by means of a special legislative procedure. As a result of the Lisbon Treaty, the ordinary legislative procedure applies in 85 domains, 47 of these areas being included by this Treaty (Parlement Européen 2008). The EP has gained legislative powers in areas such as agriculture, energy, immigration, justice and home affairs, health, structural funds, etc. The European Parliament also gained powers in terms of budgetary architecture and political control through its role in the election of the President of the European Council (Czimbalmos 2011: 162).

Another salient change introduced by the Treaty of Lisbon is the change of the voting system within the Council. First, we are witnessing the “replacing of unanimity with a super qualified majority” (Alexandrescu 2010: 119), the latter winning an undeniable role in intergovernmental decision-making. However, in areas of importance for the internal politics of the member states – taxation, harmonization of security measures and social welfare, the revision of treaties, immigration, and most foreign and security policy – decisions are still taken by unanimity (Comisión Europea 2007: 19).

Moreover, the Treaty of Lisbon introduced a “passerelle clause” by means of which the European Council may authorize the EU Council to decide by qualified majority for cases in areas normally covered by unanimity, outside decisions having military or defense implications (Luzarraga and Llorente 2011: 183).

Secondly, the controversial system of the triple majority established by the Treaty of

Nice is replaced by the double majority system. According to the voting system provided by the Treaty of Nice, a qualified majority was achieved if the following conditions were met: majority of countries – 50% + one, majority of voting weights – 74%, majority of population – 62%. This system requires that each state's voting weight is directly proportional to its population.^{1*}

The double majority, instead, allows decision-making by 55% of the member states representing at least 65% of the EU population and a minimum of four member states, which shall represent at least 35% of the population, may be a minority blocking decision when the Council acts on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy. If the Council does not act on a proposal from the Commission or from the High Representative qualified majority is considered if at least 72% of the votes of the EU Council members are favorable and they represent at least 65% of the EU population (TEU art. 238).

The advantages of this model are effectiveness, transparency of decision-making – as European citizens may find out at any time under what conditions a decision has been taken and which were the States and populations that have supported that decision, and, last but not least, adaptability – a review of the rules is no longer required with the enlargement of the EU if it renounces to the sharing of votes. However, due to the Polish renegotiation at the Intergovernmental Conference in 2007, the double majority only entered into force on 1 November 2014, and, moreover, until 31 March 2017, any EU member state may request that the current decision-making system be maintained (Luzarraga and Llorente 2011: 165).

The opposition recorded on the double majority system has also brought to the foreground an ancient mechanism cancelled by the Treaty of Nice, namely the Ioannina compromise. According to the Declaration no. 7 of the Treaty of Lisbon, a group of Member States may express their opposition to the text, even if it is not large enough to constitute a blocking minority. Following the notification of the objection to the Council, the latter must do everything possible to find a satisfactory solution for as many Member States within a reasonable period of time without prejudice to the time-limits laid down by Union law.

Also, the presidential system of the Council has undergone notable changes. Since 1957, the Council Presidency used to rotate between the member states every six months, this institution playing an important role in setting the agenda, brokerage and represen-

1 The distribution of the number of votes each state has is as follows: Germany, France, Italy, United Kingdom- 29; Spain, Poland- 27; Romania -14; The Netherlands- 13; Belgium, Czech Republic, Greece, Hungary, Portugal- 12; Austria, Finland, Sweden- 10; Croatia, Denmark, Ireland, Lithuania, Slovakia, Finland-7; Cyprus, Estonia, Latvia, Luxembourg, Slovenia - 4 ; Malta -3 (<http://www.consilium.europa.eu/council/voting-system-at-the-council?tab=In-detail&subTab=Qualified-majority&lang=en>)

tation. The rotation system has been designed to ensure decentralization and preventing the emergence of a single center of power. However, numerous studies have shown that the state holding office as President, has the opportunity to push the results of intergovernmental negotiations closer to its national objectives.

Since the 1970s, especially in the Laeken Declaration of 2001, the presidency system began to be questioned in terms of efficiency and continuity. Discussions about reforming the Council Presidency have turned around several proposals. On the one hand, British and Spanish prime ministers have proposed to create a continuous function of Presidency of the European Council to be elected by qualified majority for a period of up to five years, but this proposal was opposed by small states. On the other hand, Germany and France wanted to establish several presidencies of the various formations of the Council and the General Secretary of the EU Council was to be appointed as Chairman of the General Affairs Council (Warntjen 2011: 12-13).

Finally, in order to enhance democracy and transparency, especially to ensure efficiency, the Lisbon Treaty established two presidencies. Thus, the European Council is chaired by a president elected by a qualified majority for two and half years but it has no legislative functions, while for the Ministerial Presidency the current system, of rotating presidency every six months, is maintained. There are however two exceptions: first, in the case of the Foreign Affairs Council a permanent presidency was created, assured by the High Representative for Foreign Affairs and Security Policy, and second, the Eurogroup, the formation of the Economic and Financial Affairs Council which meets only Eurozone members, will have a permanent president appointed from among its members. Also, similar to the previous troika system, the business continuity of the Council is supported by teams of three Presidencies which assume a common programme for 18 months (Luzarraga and Llorente 2011: 164).

These changes, although not very sharp, had a substantial impact on the leadership exercised by the EU Council Presidency in the European negotiations. The permanent President of the Council took over the functions of EU summits, of setting the agenda, of conducting meetings and representing the Council vis-à-vis the other institutions of the European Union, intergovernmental organisations and non-member countries. Practically, the Presidency of the European Council was limited to constitute a resource for the European Council to ensure the realization of legislative details at ministerial and working group level (Klein 2012).

Regarding continuity in the EU Council, a study conducted by Andreas Warntjen highlights that although the permanent presidency of the European Council can be up to five years and regarding the ministerial Presidency there were created joint programmes for each 18 months, the hybrid solution proposed by the Treaty of Lisbon presents defi-

ciencies in providing business continuity in the Council because its presidency changes every six months, involving discontinuity of priorities and leadership that automatically lead to delays and low efficiency (Warntjen 2013: 1239).

Another significant change brought by the Lisbon Treaty is the increase of transparency through the requirement to publish the work and deliberations of the institution where the Council acts as the legislative body. This issue was raised on countless occasions, critics arguing about the fact that the Council “is the sole legislative body, except those in North Korea and Cuba, where laws are enacted with the doors closed” (Warntjen 2011: 12-13).

Despite increased public access to deliberations, in fact most decisions are still made behind doors because deliberations away from the eyes of citizens allow representatives of different states to make concessions so as to obtain an agreement as beneficial to all.

2. Levels of negotiation in the Council

The Council of the European Union represents the dominant decision-making arm of the European Union, this institution being the exponent of the national interests of member states. Here the proposals are being negotiated and the legislative agreements are adopted. But what must be taken into account is that representatives of the Governments of the Member States may adopt arrangements “only as members of the Council” and “not as members of governments”, as the Institution of the Council of the European Union can-not be considered simply a forum of representatives of the Member States (Bărbulescu 2008: 231).

The main powers of the Council are coordination, decision-making, execution and budgetary powers, but this institution has other rights such as to request to the European Commission studies and legislative proposals, to fix the financial status of the institution’s members and to open foreign negotiations, giving to the European Commission the negotiating mandate, the Council being the one to eventually conclude the final external agreement (Council of the European Union (TEU art. 16)).

2.1 Vertical negotiations

Due to the complexity of the issues addressed in the Council of the European Union, the institution presents a highly complex organization incorporating different configurations and levels of negotiation and different voting systems.

This institution may take the form of a general council when it is composed of the Foreign Ministers of the Member States or special or sectoral councils, composed of ministers specialised in one area or another. As of 2009 there are 10 specialised councils: the General Affairs Council (GAC), the Foreign Affairs Council (FAC), the Economic and Financial Affairs Council (ECOFIN), the Justice and Home Affairs Council (JHA), the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO), the Competitiveness Council (COMPET), the Transport, Telecommunications and Energy Council (TTE), the Agriculture and Fisheries Council (AGRIFISH), the Environment Council (EN) and the Education, Youth, Culture and Sport Council (EYCS). ([Council Decision 2009](#)).

The General Affairs Council and the Foreign Affairs Council shall meet monthly to ensure business continuity necessary to enable the Union working in good conditions. The other councils meet when it is necessary to discuss specific aspects of the activity in question ([Dragoș 2007: 68](#)).

Considering the absence of continuous meetings of the Council and its diversity formations, Permanent Representations of the Member States were created in Brussels to ensure continuity and consistency in the work of the Council. These permanent representatives meet weekly under the COREPER formula, the main group that prepares the Council's works. The Permanent Representatives Committee of the Council of the EU is also divided on two levels: COREPER II (at the level of ambassadors or heads of representations) to discuss the political and institutional matters of principle and COREPER I (Assistant level) whose task is to examine the technical issues. COREPER II prepares the work of the four configurations of the Council: ECOFIN, CAE, CAG and JAI, while COREPER I prepares the work for EPSCO, TTE, ENV, COMPET, EYCS and AGRIFISH. In the case of the latter Council, COREPER I just treats financial issues or technical measures regarding veterinary, phytosanitary and food legislation, other matters falling within the competence of the Special Committee on Agriculture ([Council Decision 2009](#)).

Also, COREPER is supported by more than 150 working groups and expert committees. They are composed of delegates of each Member State and experts in a particular field, but the scope of topics can span over several working groups. The group performs a thorough analysis of the file in question, article by article, and does not submit the matter to other bodies of the Council until it has not been studied enough and the points on which agreement is looming have not been identified and political issues to be presented to COREPER have been raised. In terms of results, although the working group allows confronting positions of national delegations, they are not able to decide definitively, having no opportunity to vote ([Sauron 2010: 227](#)).

The institution that manages and coordinates all meetings of the various configura-

tions is the Presidency which rotates every six months by each state. This is assisted by the General Secretariat of the EU Council which assists the Council's bodies in legal matters and provides administrative infrastructure.

As mentioned before, the voting procedures also vary in the Council, the Treaties providing three voting systems: simple majority, qualified majority and unanimity. The vote by simple majority requires at least 15 members of the Council who vote in favour of making a decision. The voting system is used in a very limited area, in the adoption of the Council's internal rules for procedural matters or to request the Commission to conduct studies considered appropriate to achieve common goals (Voicu 2009: 182). With regard to the qualified majority I will only mention that, at this moment, this voting system is the main way in which decisions are taken at the European level, this system being already detailed in the previous section. Unanimity requires the consent of all parties in order to pass a decision and the possibility of exercising the right of veto in case of dissatisfaction. This is the voting system claimed in some sensitive areas and interests to the Member States.

The way of expressing votes depends on the type of power that the EU has. Thus, the Foreign Affairs Council, in matters concerning the Common Security and Defense Policy (CSDP) and the European Security and Defense Policy (ESDP), adopts common positions by consensus as a general rule. However, concerning trade qualified majority shall prevail, as for development cooperation decisions are taken by qualified majority and in co-decision with the European Parliament. In the ECOFIN, the voting system is qualified majority in co-decision with the EP, but the taxation claims unanimity. In the JHA the voting rules state unanimity and consulting the European Parliament, but on visas and judicial cooperation in civil matters decisions are taken by qualified majority and after consultation or in co-decision with the EP. In the case of EPSCO the decision-making requires a qualified majority and EP co-decision, excluding social security, which works by unanimity. With regard to the decisions of the COMPET, TTE, and ENV, they will be taken by qualified majority and in co-decision with the European Parliament. Also, in the EYCS the decisions are made on the basis of a qualified majority and co-decision, but culture requests the unanimity and the co-decision of the European Parliament (Bărbulescu 2008: 238).

The internal decision-making process of the Council of the European Union is based on a complex mechanism, hierarchically structured on three levels, as illustrated in the following image.

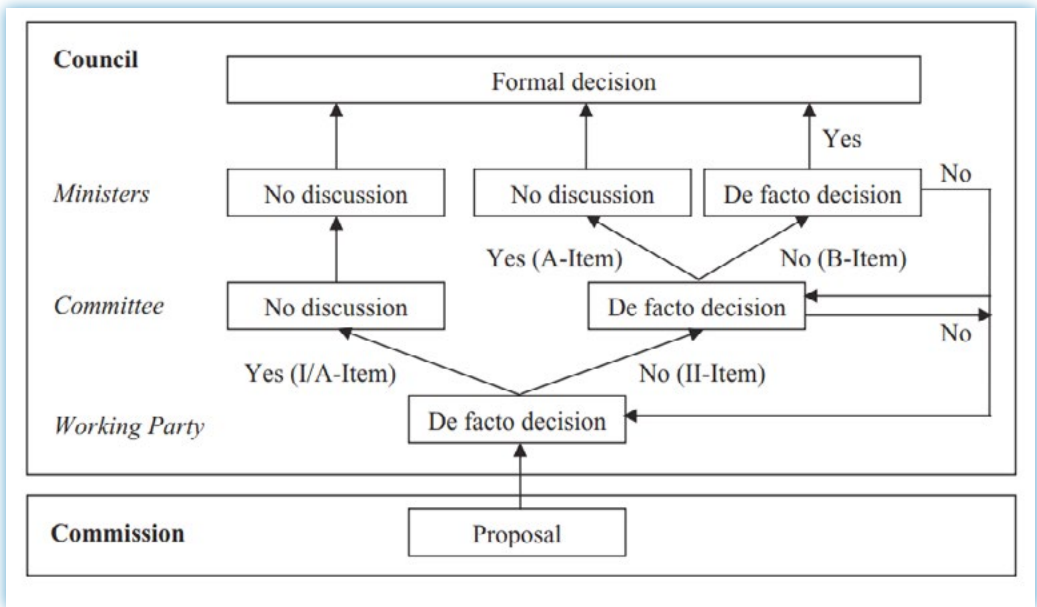


Figure 1: The Internal Decision-Making Process of the Council (Häge, 2008: 536)

After a proposal is submitted by the European Commission, the responsible working group will take over and discuss the file. If the working group reaches an agreement on the file, it will not be discussed at the next level, but it will enter on the first point of the Higher Committees' agenda, then on the point A of the Council's agenda, not being discussed by the ministers, but voted in block with other cases in the early ministers meeting. If the working group cannot reach a full agreement on the contents of the file, the working group chairman shall refer the issue on the agenda of one of the two COREPER as belonging to the Point II (Häge 2008: 535-537).

After the evaluation and negotiation of the files, COREPER share the issues discussed on the agenda of the Council in three points. Points A are the type that does not raise political and technical problems, meeting the required majority for adopting the text. They are adopted in block at the beginning of the session of the Council without debate and without a vote, and if a delegation disputes the classification of a point, it is returned to the COREPER to be discussed again. Points B type are those that raise technical or political problems that can only be resolved at ministerial level. If discussions are finalized it is proceeded to the voting stage, otherwise the case is referred to a group of experts for review. False Points B are texts in which the permanent representatives meet the majority needed for adoption, but a delegation or the Commission wishes to make a statement in front of the Council regarding the adopted text. The statement does not take effect as

engaging in debate or call for vote because the majority was reached while only the “reporting” delegation opposes (Sauron 2010: 228).

As shown in the above image, the files can be discussed several times in different Council formations before being adopted.

2.2 Horizontal Negotiations

For a comprehensive analysis of the decision-making process, the horizontal negotiations in the EU Council “should be viewed through multiple pairs of glasses” (Wallace, 2004: 8) because they present a particular complexity. On the one hand, the diversity of actors, respectively their preferences and formal and informal rules of the Council should not be neglected because they have a major impact on the negotiation process. On the other hand, the actual interaction of the actors in decision-making raises our attention. Numerous studies in the field of European negotiations offer a wide range of models of interaction of states in the Council, of strategies to streamline decision-making and maximize the interests of Member States and theories of influence in choosing the style of negotiation, which allow a comprehensive and practical analysis of the intergovernmental negotiation processes.

The EU Council negotiation dynamics is provided by actors such as Member States, the Presidency, the Council Secretariat, the European Commission and the European Parliament. The weight of the first three actors listed above in the decision-making process is unquestionable, being “suspected” that they would exercise leadership in the Council. Jonas Tallberg argues that the rotating Presidency has developed a platform for real power in the Council, enabling the Member State that holds the chair for six months to influence negotiations between members and the decision making process through the three functions that have been delegated to it: Management Agenda, brokerage and representation. Derek Beach, on the other hand, believes that Tallberg’s arguments are exaggerated and claims that the Council Secretariat, although small and with few formal powers, can be a provider of leadership necessary to prevent negotiation failures and blockages. Robert Thompson instead, considers that a key source of leadership is the dominance of the big states. Regarding the other two institutional actors, although they are not directly involved in the negotiations of the Council, they exert influence on intergovernmental negotiations due to the fact that they have a significant role in the European legislative process. The European Commission is seen as a facilitating negotiations and agreements factor (Hagemann and De Clerck-Sachsse 2007:2), with representatives in all levels of work in the Council, although they do not vote.

James P. Cross demonstrates that a factor which determines the Member States' behavior is the intersection of the negotiating positions of the Commission or the Parliament with the interests of Member States. Thus, the states that do not like the position of the European Commission as expressed in the legislative proposal, will make frequent interventions in the Council negotiations to modify the proposal. In the case of the EP, the situation is opposite. Members with positions close to the position of Parliament will intervene more often in negotiations to send signals of support for Parliament (Cross 2012: 49-51).

Another essential element to be considered in the analysis of negotiations in the Council of the European Union is the dual identity of the representatives of the Member States as this organism is both a creation of member governments and an institution with collective functions. This dual condition involves a number of influences or constraints on the actors involved in intergovernmental negotiations. If on the one hand, Member States shall act naturally in the interests of national citizens, on the other hand, the Board must also ensure the pursuing of the interests of the community of European citizens. According to Maarten Hillebrandt, the legitimacy of the Council is both national and European, implying that the legitimate aim of the Council is to realize interests that are shared by all citizens of the participating Member States (Hillebrandt 2013:7). However, the convergence of all interests in a common interest is quite difficult, there being often pressure on negotiators to support nationally endorsed decisions.

Also, regular contacts, institutional memory and future planning involve – especially in specialized formations – the cultivation of friendly relations. Thus, “some permanent representatives claim to have a double set of instructions – specific instructions to the problem at hand and a permanent worldwide training to maintain the progress of work of the Council” (Lewis 2008: 167). Another element likely to transform the behavior of negotiators in certain circumstances would be that officials in Brussels tend to go native. Due to repeated interaction, the way that actors perceive themselves is changing, and their behavior is adjusting under the new identity (Warntjen 2009: 6).

Regarding the influence of rules upon the negotiators in the Council, inevitably we see the predisposition of the members of this institution for compromise, or the so-called culture of consensus. A number of researchers in the EU Council decision-making have found that approximately 78-90 % of acts are adopted annually by consensus (Jensen 2010: 5).

Consensus-seeking skills were settled in the Luxembourg Compromise of 1966 which codified the idea that the practice of isolation and pushing individual governments into minority should be avoided in all circumstances, unilateral attempts to push for a vote being considered an inadequate behavior. Afterwards, the Council Guidelines prepared

by the General Secretariat of the institution stated that it is the duty of the Presidency to “postpone the vote, if it finds that conditions have not been met” (Aus 2008:102) and to resend the folder to COREPER in order to be discussed again. Also, as a former member of the COREPER I testifies, this rule of consensus is rooted in the Permanent Representatives Committee, the major aim of this organism being to “maximize the agreement at its levels and maximizing the chances of reaching agreement at meetings of the Council” (Aus 2008: 102).

According to Florence Deloche-Gaudez, the behavior of Member States seems to be influenced by this rule by the time decisions are made and when the votes are cast, the consensus culture encouraging the avoidance, of the vote in the first case, and of the public expression of Member States’ position, in the second case (Deloche-Gaudez and Beaudonnet, 2010: 4). Researchers Helen Wallace and William Wallace argue that “in the case of qualified majority voting, the fact that governments know that the vote may be requested often causes reluctant governments to focus on introducing amendments that correspond to their interests rather than blocking the full progress. When voting unanimously, reluctant governments are generally inclined to delay or prevent the agreements” (Wallace 2004:21). This explains the rarity of actual votes even when this is possible in terms of technical support. Since 1999, when the voting procedure was qualified majority, the number of legislative acts actually subjected to vote never exceeded the threshold of 30%.

2.2.1 Patterns of states’ interaction in the Council of EU

How Member States interact in the Council is a subject of wide debate, the literature in this area being surrounded by numerous analyses of decision-making and multiple views on the behavior of governments in intergovernmental negotiations. While some researchers have focused on analysing the reasoning underlying actors’ actions, others were dedicated to interpreting the trend of not seeking a formal vote by comparing either the constructivist theory, or the rational choice. On the other hand, some scientists were oriented towards negotiation techniques, making a clear distinction between distributive and integrative negotiation and, not in the least, other researchers combined the two major theories in the problem solving model.

The main approach distinguishes between rational choice theory and constructivism. If realism followers argue that Member States are trying to push the results in their favor through the bargaining power of trade unions and votes, constructivists insist that the dominant mode of interaction is based on normative behavior and deliberation, citing

consensus culture as an argument.

James March and Olsen Johan distinguish between the logic of consequentiality and the logic of appropriateness. The logic of consequentiality derived from rational choice theories assume that actors have specific interests and act systematically in physical and social constraints in order to maximize their benefits. To this theory opposes the logic of appropriateness derived from constructivist and sociological institutionalist theories which argue that institutions include not only formal rules but also informal ones and are shaping the identity and preferences of these actors. According to these theories “actors’ preferences are not exogenously given and fixed, as in rationalist models, but endogenous to institutions and individuals’ identities shaped and re-shaped by their social environment” (Pollack and Shaffer, 2008: 147). Institutions do not simply provide a set of constraints under which actors seek to maximize their individual benefits but also “teach’ norms to states and their representatives, who behave in a manner ‘appropriate’ to their socially learned rules and roles” (Pollack and Shaffer, 2008:147).

Thomas Risse argues that the logic of appropriateness does not cover the entire spectrum of decision-making models because it doesn’t relate to the argument of the applicability of rules (Warntjen 2009: 6). Based on the theory of communicative action of Habermas², Risse develops a third logic of social action, the logic of arguing. This launches the idea that political actors negotiate not just based on fixed preferences and relative power, but they can negotiate by questioning their own opinions and preferences. Where the logic of arguing prevails, actors do not seek to maximize profits or to achieve their interests, but seek to discover the truth and justify the validity of their claims, through processes of deliberation, argument and persuasion, being prepared to change their views or interests due to a better argument (Pollack and Shaffer, 2008: 147).

Terrence Hopmann maintains that negotiations involve bargaining focusing on expanding space, introducing the concept of solving problems to “describe the cooperative nature inherent to any negotiation process even among actors with strong individual interests” (Șter 2012: 47). This model of problem solving can be employed both in the constructivist theory and in the framework of realism as problem solving involves “looking for better solutions, mutually beneficial, which shall satisfy the needs, identities and

2 Jürgen Habermas’ concept of communicative action implies that “participants are not primarily oriented towards achieving their own individual success; they pursue their individual objectives insofar as they can coordinate or harmonize their plans of action on the basis of shared definitions of the situation. Thus, behavior is not coordinated via egocentric calculations of success, but rather through acts of reaching mutual understanding about valid behavior. In order to achieve this type of understanding, certain ‘validity claims’ need to be fulfilled. Habermas distinguishes three types of validity claim or criteria: first, that a statement is true, that is, it conforms to the facts; second, that a speech act is right with respect to the existing normative context; and third, that the manifest intention of the speaker is truthful, that is, that s/he means what s/he says”. (Niemann 2008: 122)

interests of all parties” (Hopmann 1995: 24).

As already mentioned, research in this area is very extensive. Thus, we can still identify a wide number of models concerning the interaction between member states of the EU Council such as the compromise model, the national constraints pattern, the exchanging positions model, the challenges model, etc.

Based on existing research, Andreas Warntjen attempts to create a systematization of decision-making patterns at the level of the EU Council. He proposes five models: Distributive Bargaining and Cooperative Exchange patterns (within the rational choice theory), the Norm-guided Behavior model and Deliberation model (belonging to constructivism) and Problem Solving model (based on both theories).

Distributive bargaining model involves actors who seek to maximize their own interests. A key feature of this model of interaction is obtaining as many concessions as possible, while offering them must be minimal. These actors behave in a cooperative manner just as long as negotiations correspond to their calculation and individual interests and they accept an agreement only if that increases their utility compared to the best alternative they have (Niemman 2008: 121). This type of bargaining has at its core the power at actors’ disposal, which often dictates the outcome of negotiations given that “claims are supported by credible promises, threats, or exit opportunities” (Kotzian 2007: 81).

The cooperative exchanges model (or compromise model) not only considers the preferences of the actors, but also the importance of certain aspects of the problem for the actors. So, the actors prefer to maximize the agreement itself and engage in a full advantage joint action.

According to the Dutch political scientist, the players can switch votes (direct reciprocity), may establish a mechanism for the exchange of control exercised in certain areas (institutionalized reciprocity) or conceive an informal rule of mutual concessions in order to achieve long-term mutual benefits. Regarding the reasoning behind these actions, the author argues that it is more beneficial to think of an exchange of influence than to think about the acceptance or rejection of a proposal (Warntjen 2009: 4-5).

The Norm-guided Behavior implies that the identity of the actors determines their behavior during negotiations. Identity is defined as a combination of rules, ideas and preferences, focusing on compliance of norms. Identity is usually evoked by symbols. Thus the identity of a member of the European Union, created during continuous negotiations for the integration project will include some rules (such as not to be exposed to a risk of loss of the EU because of selfishness), values (such as the Union is good) and occasional beliefs (such as European integration promotes welfare) (Kotzian 2007: 81). Basically, European identity involves trying to reconcile divergent positions and integration of all Member States’ interests in a common European interest, this may be an explanation for

the lack of formal negative votes in the Council.

The pattern implies that actors debate not only the discussed subject, but also on the applicability of rules and measures foreseen for a given situation and they are prepared to accept the arguments of others if they prove to be better, sacrificing individual interests for the collective ones. Basically, the deliberation represents the attempt to reach an agreement by the force of better argument, in other words, it refers to convincing others of the right thing to do (Naurin and Wallace 2008: 142). It is expected that this model can be identified during pre-negotiations, often characterized by the confronting of negotiators with uncertainty and the emergence of new problems, thereby, being born opportunities to lengthy discussions, facilitated by lower time pressures and by the lower level of politicization. Also, a higher degree of debate and deliberation is expected at the official (working group) than at the political level (the Council), due to the complex problems that require the expertise of negotiators and facilitate broader discussion (Niemann 2008: 142).

The problem solving requires looking for mutually beneficial solutions, and may refer either to the political problems of finding arrangements that are acceptable to all parties, or to the technical problems of discovering the optimal policy from the perspective of all. This model can be based on both the individual actors' desire to maximize benefits through cooperation and the deliberative norms. The problem solving is probably glimpsed when the interests or consequences are either uncertain or already established and the parties are engaged in a long-term relationship and have a similar perception of the problem (Warntjen 2009: 7-8).

The complexity of interactions in the Council of the European Union does not allow the proposal of a universal model for intergovernmental negotiations, negotiating at each stage can be characterized by different patterns of interaction. Thus, if at the working groups or COREPER levels negotiators can focus on problem solving or discussion, at ministerial level negotiations could be conducted on the distributive negotiations model or on cooperative exchanges. All depends on the context.

2.2.2 Influence in choosing the style of negotiation

Another imperative aspect to be taken into consideration when we analyse the negotiations in the Council of the European Union is the identification of the influence sources of Member States in choosing the style of negotiation, respectively of the way of behavior.

A first source of influence on the behavior of negotiators is the political culture of states. James Cross says that in explaining the behaviour of a Government in the

Council, two political dimensions must be taken into account: the States positioning on the left-right axis and the degree to which the Government supports or opposes further European integration.

Regarding the first ideological dimension, the author argues that leftist governments generally seem to prefer extensive legislative solutions, while the right are adept of minimalist legislative solutions. Thus, given that the interventions in the Council are made only for disagreeable proposals, it is expected that leftist governments have fewer interventions to advance the negotiations, while right-wing governments are likely to make frequent interventions in order to block the progress of negotiations. As for the second dimension, it is not uncommon to be assumed that Member States that oppose European integration will interfere more often in the Council to reject the Commission's proposals as generally these proposals aim to deepen EU integration (Cross 2012: 52-53).

The behavior of states into intergovernmental negotiations can be governed also by the voting system. In the case of the unanimity rule, each national representative has the power to prevent an agreement and thus has more freedom to seek competitive tactics and may be less willing to adopt integrative strategies. However, if the qualified majority rule applies, not all the decision makers should be favorable to adoption, therefore, the integrative strategies are dominant. The thinking behind this choice is the impact of reputation in the formation of a coalition on which depends the adoption or rejection of a decision, an uncooperative behavior meaning self-isolation (McKibben 2007: 23-24).

Another element affecting the behaviour of States is the bargaining power that could lead to competitive strategies which are known for targeting the maximization of interests. The power in the Council is transacted in many forms: votes, decision rules, the guarantee of defense interests, discursive resources, sympathy, etc. (Lewis 2008: 165). According to the rational choice approach, actors relate to relative power, political positions and size of the stake when choosing their negotiation strategies, power being directly proportional to the size of the winning chances. This statement leads to the assumption that the small states would be likely to choose competitive strategies to ensure maximization of interests.

Also, the level of politicization has an impact on Member States when they interact. Generally, problems with a high degree of politicization imply reluctance to compromise on some issues due to the submission to the public consultation and advertising enjoyed by this type of policy, there existing concerns about the reputation of actors as a result of offering concessions. Thus, in the case of subjects with a high level of politicization, competitive strategies are expected, while, in the subjects with low

levels of politicization integrative strategies and reaching an agreement are foreseen.

When choosing a negotiation strategy the field on which it is negotiated is highly important. Generally, the more sensitive areas, of political importance for Member States, require competitive techniques, while technical or economic issues involve cooperation. Since the latest enlargement waves, competitive strategies and negative votes were recorded mainly in the areas of Transport, Telecommunications and Energy, Competitiveness, Agriculture and Fisheries, General Business, Economics and Finance, and Justice and Home Affairs ([Mattila 2008: 28](#)).

2.2.3 Strategies for effective decision-making and maximizing the power of the Member States

Multilateral negotiations involve a higher degree of complexity than the bilateral ones, and when we relate to the negotiations within the European Union, we find that they are surrounded by many actors and preferences and various norms and rules, written or unwritten, which complicates the negotiation, leading sometimes to impasse or registration of some diminished gains.

In order to streamline decision-making and maximize the gains, Member States often use informal negotiations. Within COREPER such negotiations are essential in reaching agreements. Sharing information is the key to success in EU Council negotiations. However, disclosure of certain information about their interests or weakness before all parties involved in the negotiations would lead to a weakening of the bargaining position of the State. To bypass this barrier, representatives of states resort to informal bilateral negotiations, where there are no strict rules of procedure and specifications. During these negotiations, the parties can openly discuss issues of interest because they do not have such an increased significance, the revelation of the true position, problems and priorities being possible ([McKibben 2007: 35-36](#)).

Complementary to the informal bilateral negotiations are also the exchanges. States tend to prioritize their interests and the less striking aspects are offered in exchange for increased importance. According to Heather McKibben, “the Union is a place to receive and give, and you can’t take all the time” ([McKibben 2007: 35-36](#)). Thus, given the fact that European Union member states are engaged in a long-term relationship, in the EU Council they are guided by reciprocity. A state is more flexible in some aspects of great importance to another state, hoping the respective state will show in turn the same treatment when issues of importance to the former will be discussed and decided.

Another form of streamlining the decision-making process in the Council of the European Union, especially a strategy to increase the bargaining power of the Member States, is the formation of coalitions. States tend to coordinate their behavior and negotiating positions with other states with similar preferences, and to form large enough coalitions that can block the formal decision and ensure that the member state's views cannot be ignored in the decision-making process, and at the same time, the concessions that must be done being limited (Häge 2010: 3). The existing research shows that coalition formation increase the bargaining power of states by: “(1) pooling voting power; (2) exchanging information, which improves members’ ability to choose the best strategy of negotiations; (3) increasing members’ expertise, which allows them to offer solutions that also others may find attractive; (4) giving more strength to normative justifications that members may use to push their preferences that may lead to a situation in which other member states are normatively entrapped (Ruse 2010: 3).

So, coalitions are deliberately built networks of actors that could generally have different interests, values and political priorities, but at some point, for a shorter or longer time, come to share common goals (Blavoukos 2009: 3).

The secret nature of Council's deliberations prevents the discovering of evidence regarding coalition formation and their stability. Thus, while some researchers argue that the preferences of actors in decision-making are not structured, others say the opposite. Some of them are convinced that in the Council of the European Union there appear ad-hoc alliances in order to deal with the issues on the agenda, while the rest argue that on the basis of cultural and geographical proximity, but also because of personal relationships and interpersonal trust, they have formed permanent alliances or institutional coalitions involving continuous interactions despite the fact that political preferences of actors do not converge on all subjects. Good examples of this are Benelux, Visegrad, Nordic and Franco -German Alliances, where the cooperation between them can cover many policy areas, coordination of positions in the Council being only one element in the process of collaboration (Ruse 2010: 3).

Ad-hoc alliances involve like-minded actors that unite depending on the interests concerning the subjects at hand. According to Ilze Ruse, this alliance has the greatest potential power because it is based on rational action of actors, who will take all necessary measures to maximize the favorable outcome for all alliance members (selecting peers, exchanging information, and pooling power by joint action). Permanent alliances instead, can increase the joint bargaining power only when players’ preferences are close because, unless the preferences are suitable, membership of a permanent coalition does not necessarily lead to a common action. In addition, their

voting weights do not always reach the threshold needed to block a decision. However, these alliances have the ability to create strong normative justifications that sometimes come to coerce other states (Ruse 2010: 6).

With regard to the reasoning behind coalitions and their stability, Michael Kaeding and Torsten J. Selck identify four explanations for the actors' choices in forming coalitions: power, interests, ideology and culture.

The first explanation is grounded in rational choice theory. States are acting under the logic of composing a minimum winning coalition, or a large enough one, that can formally block a decision. As a natural consequence, coalitions between the strongest actors in terms of voting power are foreseen as states with more votes are more likely to be the winners. The second explanation, similarity of interests, means that states will seek to unite with countries with close targets and it involves the tendency of states to change their allies depending on the interests of each area under discussion. However, in such areas as environment, social policy, foreign aid, it is distinguished a Nordic bloc that shares the same values and ideals (Kaeding 2005: 273-274).

The third explanation for the formation of alliances, the one based on ideology to be more specific, is based on the idea that, unlike interest-based approach, the left-right dimension reconciles economic and socio-political issues such as regulation, redistribution, employment, individual freedom, religion and ecology. When ideology is behind the formation of a coalition, it is expected a repetition of coalition models in various fields, while there is still the possibility that they change due to changes in the political regimes of the Member States. The last explanation identified by Michael Kaeding and Torsten J. Selck is culture. Geographical proximity is often associated with similar cultural traits. Also, coalitions with historical importance such as the one between France and Germany are expected to continue in the future. Since culture is a ubiquitous phenomenon, coalition models based on it should be the same in different areas, being expected rather fixed coalitions models (Kaeding 2005: 274).

The issue of coalition and power models within the EU Council was approached by scientists in three main ways: first, a number of studies have calculated the theoretical strength of hypothetical coalitions based on the vote weight of each Member State. An example of these studies is the Shapley–Shubik index which measures the voting power, based on the number of times that a state is “essential” in the sense that the coalition has a sufficient number of votes to turn a losing coalition into a victorious one. Through this index, M.O. Hosli argues that the Benelux countries and the Nordic countries have the capacity to act as “blocks” in the EU Council. However, the great failure of this index is that it cannot identify the existing coalitions (Naurin and Lindahl 2008: 65).

Second, to determine the position of the Member States in the decision-making area of the Council, scientists have studied the voting patterns. Through an analysis of the preferential configuration based on a visual technique called multidimensional scaling it was found that there is a North-South dimension affecting voting patterns in the Council of the European Union.

Figure 2: Multidimensional scaling³⁷ map of Council voting during the EU-25 (Mattila 2008:33):

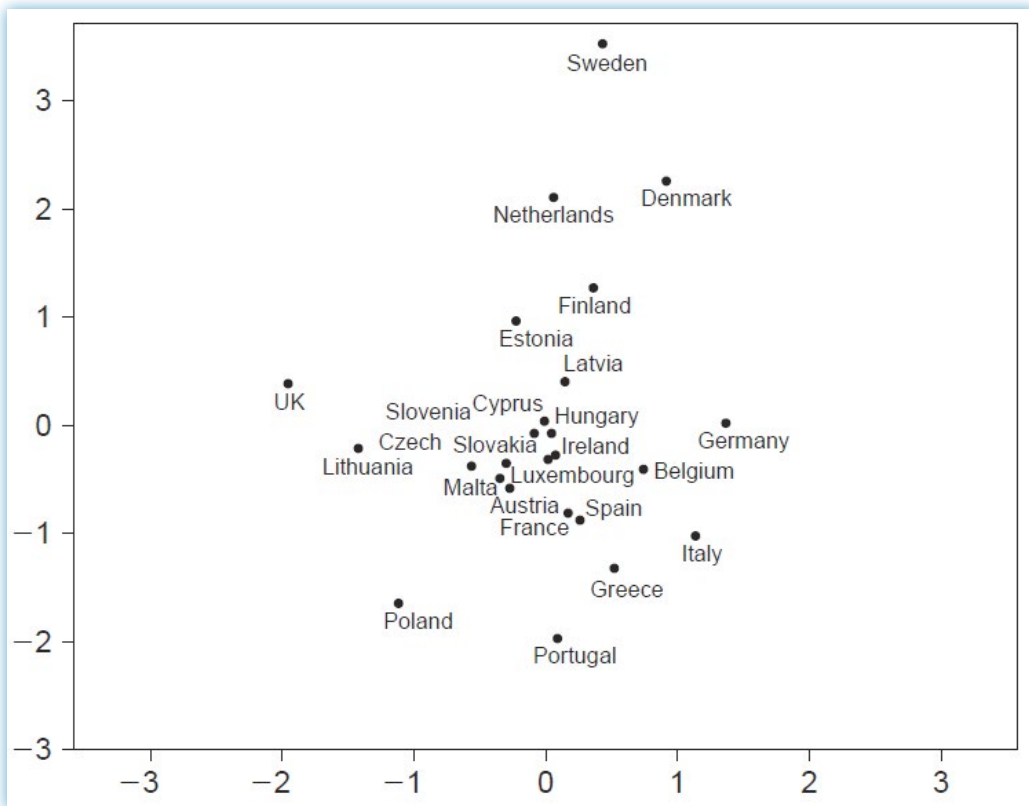


Figure 2 shows the configuration of states' preferences in the EU Council by negative votes cast. Apparently, the votes are geographically structured. Sweden, Denmark, Finland and Netherlands are at the top of the figure, while Greece, Italy and Portugal are in the lower part of the figure. This suggests that the general positions of the two groups are at opposite poles. There are some clear geographical deviations: France, Austria and, in particular, Poland are among the countries of the South. Ire-

³⁷ Multidimensional scaling is a way to represent distances or similarities between the two units of analysis in one or more dimensions. When two member states are located near each other, the chances that they behave similarly are higher.

land also, despite its geographical position toward north, is situated in the middle, the center containing a group of Member States which almost never vote against the majority of the Council. Remoteness of Germany and the UK indicates that these two countries rarely vote together against the majority (Mattila 2008: 34).

The study focused on the negative votes and abstentions expression⁴ reveals that negative voting alliance formation revolves around northern Member States, notably Sweden and Denmark. At the same time, this study highlights the tendency of states to grant negative votes together: in 74 % of cases, when Denmark decided to vote “no” or abstain from voting, Sweden challenged the same proposal, and in 56 % of cases, when a proposal was challenged by Sweden, Denmark joined Sweden. Obviously, other Member States have joined forces to vote against the majority. The most common coalitions among southern states were formed around Portugal, who formed a contesting coalition with Spain and Italy. Greece also has joined forces with Italy and Portugal to vote against the majority of the Council (Mattila 2008: 32).

Besides the geographical dimension, studies show that the negative vote and abstentions depend on the size of states. Dorothee Heisenberg notes that voting trends can be correlated with the number of votes held in the Council, being observed the inclination of large members for negative votes (Heisenberg 2006: 74-76). This observation is supported by Mikko Mattila, which draws attention to the existence of other two dimensions that influence the voting procedures: left-right dimension and pro-against integration dimension. In general, leftist governments tend to vote less against the Council majority than their right counterparts. If a state is a strong supporter of deepening integration, its positioning on the left-right axis is devoid of major importance because these countries seldom contest the majority. But in the case of a more Eurosceptic state, if the Government is right, it will tend to appeal the decision of the majority (Mattila 2004: 29).

A third way to identify patterns of coalition is to analyse the positions expressed by Member States in relation to each other, which makes it possible to detect potential conflict dimensions in the Council. Again, the North-South dimension is the most visible. The Nordic Group is composed, as in the studies of negative votes, by Denmark, Sweden, Netherlands, UK and additionally Germany. Finland is somewhere between North and Center, and France is included in the group of Mediterranean countries. As for the new members from Eastern Europe, they seem to align with southern Europe (Naurin and Lindahl 2008: 66).

According to Robert Thompson, this cleavage is due to the northern states preference for market-based solutions and a low level of subsidies, while the southern

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See Annex I.

states, advocates for regulatory approaches and substantial subsidies. The alignment of Eastern states with Southern Europe members is attributed to the similar preferences especially on high subsidies, but also on aspects of market regulation, consumer protection and environmental policy (Thomson 2009: 756). The latter statement is strengthened by Christina Zimmer, Gerald Schneider and Michael Dobbins which state that enlargement leads to a deepening of the divide between net contributors and net beneficiaries (Zimmer, Schneider and Dobbins 2005: 403).

Unfortunately, these research methods have certain limitations. The most obvious is that the analysis focuses on the views expressed at the time of voting and ministers vote explicitly only in about 20% of cases. Furthermore, the fact that two states vote the same does not mean that they have formed or will form a coalition. According to Tim Veen, when identifying coalitions in the Council of the European Union, it must be taken into account also the coalitions formed at the bargaining stage, not only coalitions observable in the stage of voting because, when it comes to coalition formation, there is no clear evidence that alliances formed at the bargaining stage will generally be continued at the voting stage, nor that coalition determinants have to be the same (Veen 2010: 3).

Studies focused on the coalition bargaining stage were undertaken from 1998 by Jan Beyers and Guido Dierickx who discovered that at working groups and COREPER levels, negotiations revolve around the United Kingdom, France and Germany (Beyers and Dierickx 1998: 299). Such research was also undertaken by Daniel Naurin with Rutger Lindahl. A series of interviews in the COREPER I and 11 working groups activating in fields such as economic policy, domestic issues, agriculture, foreign policy and security, environment and justice and home affairs have revealed that the UK, France and Germany are the states which cooperate most frequently with other Member States in order to reach a common position. This demonstrates the importance of size, large states are more often found as cooperation partners than small ones. However for the Netherlands and Sweden, size is not everything, as they are found immediately after the first three states (Naurin and Lindahl 2008: 71-75). Also, this research showed that the main collaborators among the southern states are France, Italy, Greece, UK, while in the case of Eastern countries, collaboration occurs most often with partners such as Poland, the Czech Republic, Estonia, Slovakia and Lithuania.^{5*}

The two researchers, based on interviews held before and after the 2004 enlargement had tried to identify the patterns of cooperation. The replies obtained were interpreted via multidimensional scaling, as exemplified in Figures 3 and 4.

5 See Annex 2.

Figure 3: The cooperation space of EU-15 in 2003

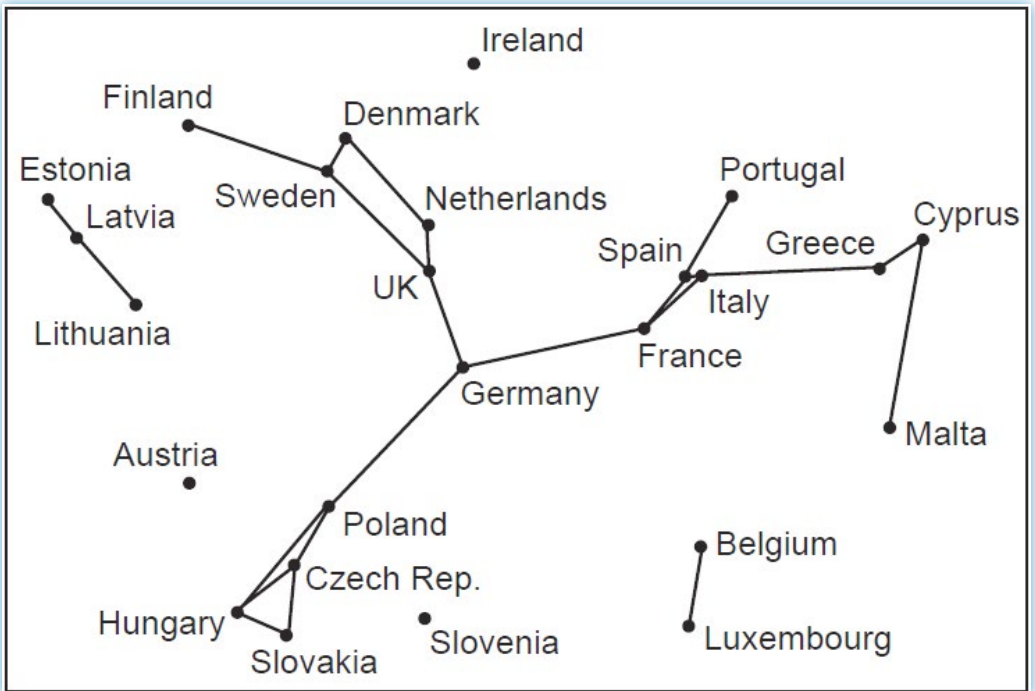
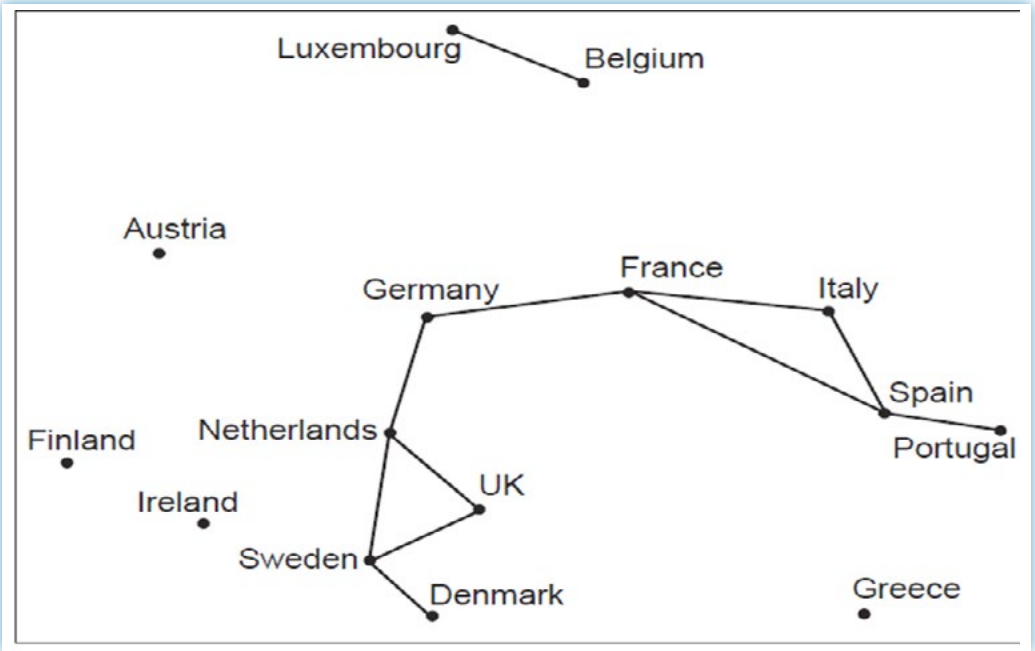


Figure 4: The cooperation space of EU-25 in 2006

As shown in the two figures, before enlargement, the responses for the question who with who cooperates indicated the dominance of the political arena by two triangles connected to each other by Germany. The Nordic triangle is made up of the United Kingdom, the Netherlands and Sweden, and the Southern one is composed by France, Spain and Italy. These groups are joined by Denmark, respectively Portugal, the other states being situated to some extent at the periphery of the political scene. The accession of new Member States since 2004 led to the creation of two new groups – the Baltics and the Visegrads – and to the addition of Cyprus and Malta to the Southern Europe group. This enlargement increased the notoriety of Germany, who also cooperates with the Eastern group due to its links with Poland. Basically, enlargement has not brought significant changes in the relations between states. However, if you draw a line from Hungary to Cyprus, we see that the North-South dimension became a North-South East one (Naurin and Lindahl 2008: 71-75).

Although there have been numerous and complex investigations, no final conclusion has been drawn on the processes of coalition's formation in the Council. However, there are some common trends that reveal the behavior of different groups of the Council of the European Union: largest Member States and most Nordic countries tend to refrain from voting or to vote negative. Also, at certain times we can identify two opposing groups: the supporter of the free market and normative members, and in recent years also the governments' national political positions of center-left and center-right were reflected in the decision-making (Hagemann 2008: 47-56).

Annexes

Annex 1: Dissenting Coalitions in the Council of the European Union during the EU-25

Table 1: Size distribution of contesting coalitions (Mattila 2008:31):

Number of member states in a contesting coalition	Share	Number of cases
More than 7	5.60%	8
6–7	7.70%	11
4–5	19.60%	28
2–3	32.90%	47
1	34.30%	49
Total	100%	143

Table 2: Most active country pairs dissenting with the majority (Mattila, 2008:32):

Country pair	Share of first state's all contestations	Share of second state's all
Sweden – Denmark (25)	56%	74%
Sweden – Netherlands (20)	44%	67%
Sweden – Finland (17)	38%	74%
Sweden – Estonia (16)	36%	76%
Finland – Denmark (15)	65%	44%
Netherlands – Denmark (15)	44%	44%
Finland – Estonia (13)	56%	62%
Finland – Netherlands (12)	52%	40%
Estonia – Denmark (12)	35%	35%
Sweden – UK (12)	27%	43%

Annex 2: Most frequently mentioned cooperation partners in the Council of the European Union during the EU-25

Diagram 1: Most popular cooperation partners of the Southern states (Naurin, Lindahl, 2008:76):

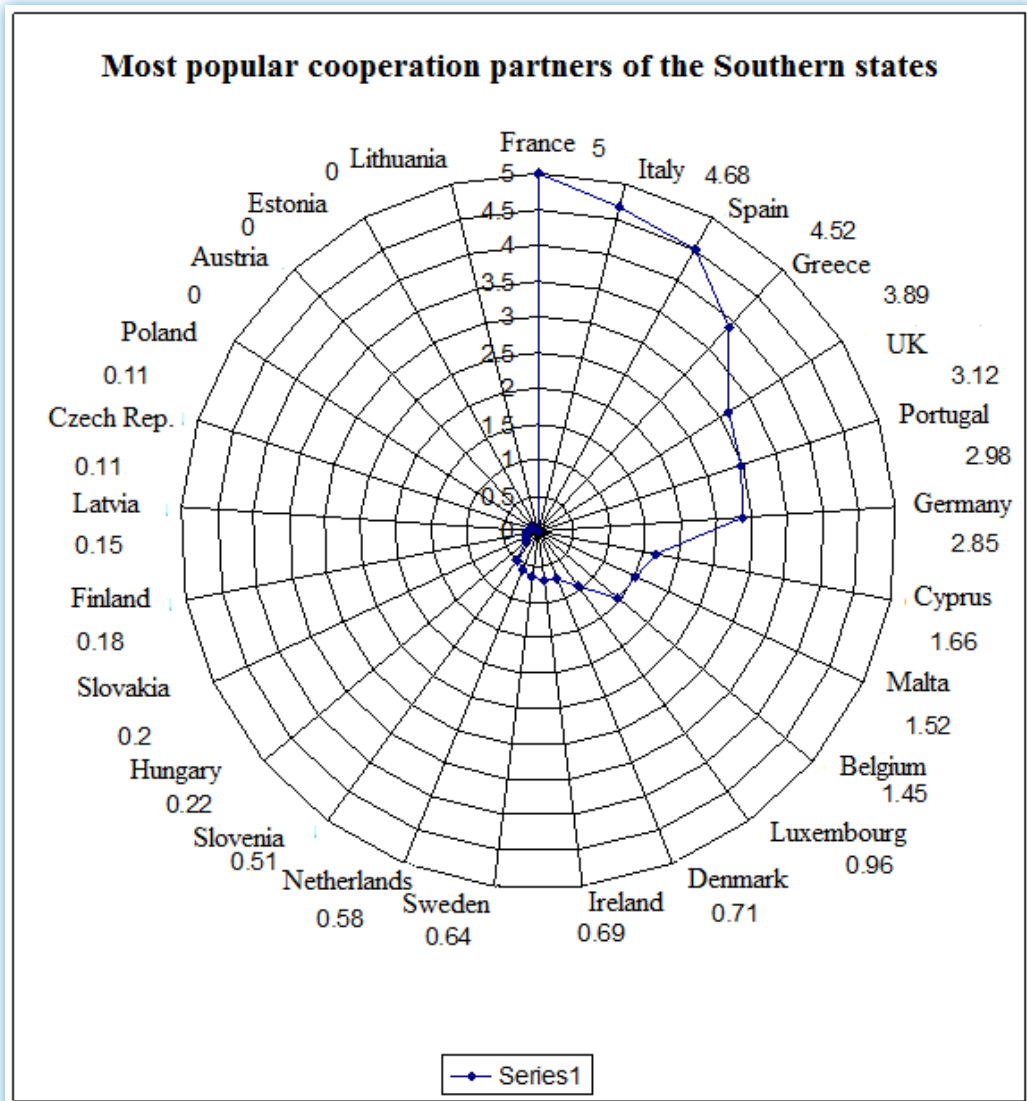
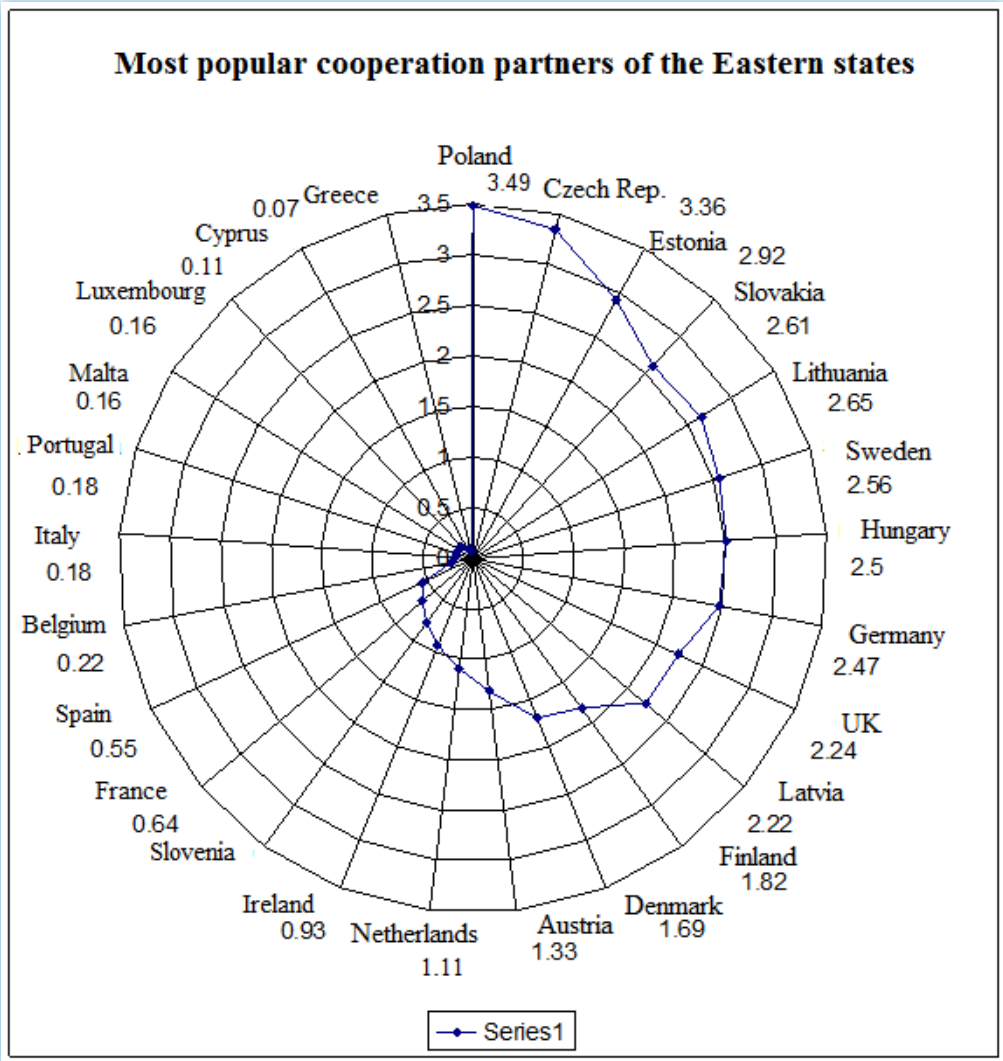


Diagram 2: Most popular cooperation partners of the Eastern states (Naurin, Lindahl, 2008:76):



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Legal aspects of sovereignty in peacebuilding, peacekeeping and peacemaking on Syria's conflict resolution

Paul POPA, Phd*

Abstract

With the events of the terrorist attacks of 9/11, the international relations scene has changed, and the principles already known needed a new approach both restrictive and progressive. The challenges are reflected in the relationships between states and peace-building, peacekeeping and peacemaking, as any other concepts, have undergone some changes, having to do with challenges, which may diminish the importance or validity of the sovereign right.

Keywords: sovereignty, humanitarian intervention, internal affairs, dimensions, assistance

General aspects

THE EVOLUTION OF the international system and relations has been characterized throughout history by imposing sovereign right of states. Thus, in a more anarchic international system than ever, the sovereign right of the states is the source of other rights, national or international, as around its main mechanisms emerge inter-state interactions. Any other regulation envisages first the protection of sovereignty, because without it the actors on the international scene were to be unsubstantiated, without motivation or purpose. Therefore the rules taken into consideration are meant primarily for the protection of this right, for setting the derivatives or procedures for international order and the relationship between states. The observance of sovereignty leads to a unanimously recognized and used right whenever needed.

In this respect, the right of sovereignty was likely to be marked by changes of perspective, so that the conditions already set by custom and international regulations, have drawn criticism to restore certain elements characterized as vague and loopholes. It also developed several concepts that are intended to be high-level international norms by some entities or states.

* Paul POPA, PhD candidate- Doctoral School of International Relations and Security Studies, Faculty of History and Philosophy, Babes-Bolyai University, Cluj-Napoca. E-mail: paul.popapa@gmail.com

The legitimacy of these concepts, however, is criticized for the lack of principles by which they can be characterized. Peacebuilding, peacekeeping and peacemaking have gained more ground, as many states are increasingly using these rights, which in the opinion of some, could be considered as a violation of the right of sovereignty. For a quick example, we can mention the case of Western countries, especially the United States, which, in order to justify the right to defend oneself against terrorism, have adversely affected, according to scholars, the rights of another sovereign state. In the same way, in terms of peacebuilding, peacekeeping and peacemaking, the right of sovereignty may suffer, leaving fewer opportunities for the latter to occur unhindered.

In the current context of international relations, as more and more concepts and rights are used to undermine the effect of the right of sovereignty, we consider appropriate an analysis to determine how that has evolved and most importantly to try to envisage how it will develop in the future in relation to other rights to the detriment of the right of sovereignty.

Peacekeeping, peacebuilding and peacemaking are tools for solving international security problems. As concepts evolving since the end of World War II, they are now used when there are concerns about maintaining the security of a state, region or international order. Although there are tools that concern peace, their features cause a slight difference in their applicability.

Peacemaking is the type of instrument used in international politics that aims for re-stabilizing and maintaining peace. It can be used as a mechanism of UN military intervention or mediation / negotiation in politics and diplomacy. Peacebuilding, represents those types of missions concerned in building democracy, from diplomacy to democratic elections, institutional training etc. Peacekeeping is one of the cases that have a broad applicability, which can include the other two concepts. It contains the negotiations of peace (peacemaking) and constructive democracy, free elections, etc. (peacebuilding) to military and humanitarian intervention (Dawson 2004: 1-3).

Typically, these tasks are assigned to the UN. Without making reference to its peace missions we want to make an analysis of the impact of these missions has the right on sovereignty, and their applicability, depending on the situation needs in Syria.

Based on recent examples from the international relations scene, such as the interventions in Afghanistan, Iraq and the MENA region following the *Arab Spring*, and more recently in Syria, we can see that increasingly more derived rights can affect the right of sovereignty in ways that, at first, from some point of view, are legal, even necessary and imperative. Hence, these cases can create a precedent that could lead to interference caused by various reasons, under the umbrella of certain rights- whose value, importance and effects can be hyperbolized.

The more serious question is whether peacebuilding, peacekeeping and peacemaking are more important than the right of sovereignty of a state. Are the internal politics of a state a crucial issue for the foreign policies of another? But is a state intervention justified as long as there can only be presumed that domestic policy is not in line with international standards? The right to intervene leaves many options that are relative and variable. This can lead to other concepts and dimensions of international law that we want to analyse in our research work.

In recent decades invoking rights which prejudice the right of sovereignty has been increasingly used. Whether it is about the right to self-defense, the responsibility to protect, the right to humanitarian intervention or peacebuilding, peacekeeping and peacemaking one can easily see the effects that such events can have and how they penetrate the international legal system and particularly the national one, by limiting the exercise of the right of sovereignty, under all its characteristics.

Due to the serious impact they can have on the right of sovereignty, peace-building, peace-keeping and peace-making cast doubts on the effectiveness of the international system. We can see how the international order is being questioned, through legal loopholes or ways of interpretation, through steps designed to ensure selfish or altruistic interest, but which in time can lead to dangerous precedents that may unbalance the order of the international system.

Key international standards regarding the right to sovereignty and its derivatives are provided both in the UN Charter and underlined or reinforced in the international legal acts, so nations respect the right to sovereignty first of all, and then other principles such as peace-building, peace-keeping and peace-making, that should be limited or even free from abuse.

Legal aspects

The UN Charter refers to the obligation of signatory nations to respect the sovereignty and independence of other states.^{1*} The question that arises here is whether this obliga-

1 * The United Nations Charter, Article 2: *The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.*

1. *The Organization is based on the principle of the sovereign equality of all its Members.*
2. *All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.*
3. *All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.*
4. *All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.*

tion is only from the UN recognized states, or bears on other legal-political entities? As can be seen in Article 2, paragraph 6 of the UN Charter, the UN shall ensure that states which are not member of this organization will follow the principles that spring from these legal texts and *mutatis mutandis*, they will be respected by Member States in relation to these entities. In paragraph 7 it is stressed that the UN is forbidden to interfere in the internal affairs of member states. However, the article does not prohibit a member of the UN to intervene in the internal affairs of another Member State, by invoking the right to peacebuilding, peacemaking and peacekeeping.

In this case, the Security Council is establishing interventions of peace-keeping or stabilization of security under Article 39^{2**} of Chapter VII of the UN Charter. As can be seen, the right to intervene in the internal affairs of a state by the UN- is strictly limited to the decision of the Security Council, which can determine whether and under what conditions can occur, in this case, the peacebuilding, peacemaking, peacekeeping in a state or other political entities. The right to intervene in this case can be restricted through the regulations of Article VII, because it sets the veto of the permanent members of the Security Council, who have their own agenda and interests. Thus, it is known that the permanent members of the Security Council have different views regarding the actions that should be taken.

The rights which prompted the need for invoking peace-building, peace-making, peace-keeping interference and intervention are provided in the UN Charter, the UN Declaration of Human Rights and the CSCE Charter of Paris (1990). The obligation to respect the sovereignty and independence of states: *prohibit the use of armed force except for self-defense or on behalf of the UN collective, the right to self-determination, prohibiting abuses of human rights through torture, deprivation of civil liberties, genocide, etc., fulfilment of treaties signed.* (Miga-Beșteliu 1998: 31-46).

The question arises whether new branches of law were necessary to strengthen hu-

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5. *All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.*
 6. *The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.*
 7. *Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII, in <http://www.un.org/en/documents/charter/chapter1.shtml>, accessed on 25.11.2014.*

2 The United Nations Charter, Article 39: *The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security in <http://www.un.org/en/documents/charter/chapter1.shtml>, accessed on 25.11.2014.*

manitarian action or would have been preferable that the existing law be used in depth— from the perspective of creating new forms of international law of state, sign and ratify the new regulations; from the perspective of law enforcement, enforce existing obligations already contracted. That opens up the way to a judicial approach that states must honor their obligations and, in strictness, defend their interests (Russbach 1999: 11-12).

The first UN General Assembly Resolution of December 8, 1988, begins by recalling that defending human rights, is one of the goals of the United Nations. In the second paragraph it “reaffirms the sovereignty, territorial integrity and unity of the state”, stating that “every State has the duty to have priority care for victims of natural disasters and exceptional states of the same kind occurring on its territory.” (UN A/RES/43/90).

The UN General Assembly states that it is aware that, along with the actions of governments and intergovernmental organizations, speed and efficiency (humanitarian assistance) is based often on aid granted by local competition and the non-governmental acting.

The second resolution (UN A/RES/45/102), adopted on 14 December 1990, reaffirms the sovereignty of states and recognizes the important contribution of non-governmental organizations (UN A/RES/45/102). It is considered to strengthen the resolution of 1988, stating the conditions of training “emergency lanes”. UN General Assembly “peruse with satisfaction” the UN Secretary General’s report on the implementation of previous resolutions and its guidance on means to facilitate humanitarian assistance operations.

Therefore human rights dilemma of peacebuilding, peacemaking and peacekeeping is in a competition with state sovereignty. Recent events have led to a reassessment of the normative assumptions about human rights, state sovereignty, etc. Recent cases of peacebuilding, peacemaking and peacekeeping give the need to redefine the concept of inviolability of state sovereignty. Cases of intervention in Iraq, Bosnia, Somalia, Rwanda, Liberia and Haiti have provided the basis for reconsideration of the doctrine and practice of humanitarian intervention (Gizelis and Kosek 2005: 363-371).

An essential factor to take into consideration on legal determination especially on the evolution of the right to humanitarian intervention, peacebuilding, peacemaking, peacekeeping is that the International Court of Justice, that established positions considered essential for the nature of humanitarian law. For example, in the opinion expressed in connection with the Treaty on the legality of the threat and the Use of Nuclear Weapons, the Court recognizes the importance of the right to humanitarian intervention as a branch of international law, which can be used during hostilities as the main aspect of humanitarian protection (ICJ-CIJ/AO 08/07/1996).

Thus, we observe that the International Court of Justice considers the right to humanitarian intervention and also peacebuilding, peacemaking, peacekeeping as a source of

law, by the interpretations it gives to legal texts, on state sovereignty and through their application to specific cases.

In this way, the right to sovereignty and peace-building, peace-making, peace-keeping that evolved through custom rules are of crucial importance in the international system and relations between states, but as one of the ways that test on numerous occasions entities authorized to maintain international security.

Sovereign right of states in the international system is likely to be penetrated by various means, which brings up the inevitable question to what extent it also benefits from the presumption of firmness and inflexibility, and what will be the effects in the future. Thus if we consider that there are legal means designed to circumvent the fundamental right of states the question whether in the future it will retain its identity, inevitably arises. If we consider that the increasingly common principles that are otherwise based on the international legal system, such as human rights can be invoked to the detriment of the right of sovereignty, the fact that more and more countries give up national prerogatives in favor of supranational structure, created in association with others, lets us believe in a unitary manner that sovereignty has lost prestige.

As an example, we can consider that the right of sovereignty was born just in the interest of protecting the fundamental human rights of peoples and nations by default. The basics of international law over time, especially after the Second World War comes to establish the core of international system, which is to let people off, without being hostage to third structure, as the right of the people to govern themselves freely, their fate, is not in the hands of entities that would not be so concerned or interested for compliance with the ethnic group or people concerned.

Ironically in this case basic human rights are those that have established the right of sovereignty, and ultimately all these rights are those fundamental presumptions of the right of sovereignty. Thus, we conclude that the fundamental underpinning of international relations and the international system is about human rights, and not the right of sovereignty (Finnemore 2000: 9-13). Because, even if the right of sovereignty was won by invoking such elements, it is still one that can be overturned by applying the fundamental principles of respecting the integrity of the people.

So it can be said that the right of sovereignty is a right subsequent to the human rights, and through a simplistic conclusion we can say that the right to peacebuilding, peacemaking, peacekeeping and interference is not a source of law but a way to protect the rights of sovereignty. In this sense, one can say that the right to peacebuilding, peacemaking and peacekeeping is more than legal, because it is mandatory to respect the sovereignty of the state (Gizelis and Kosek 2005: 369-376). In an entity where human rights are not respected we cannot talk about a right of sovereignty, that would mean to

be a source of a principle that is violated at home.

Thus, human rights are fundamental in the international system as sovereignty right is a fundamental right in the international relations (Gizelis and Kosek 2005: 369-376). The difference is crucial, because the international system includes international relations. Therefore we can talk about absolute legal right to humanitarian intervention, even if the right to sovereignty is violated.

The essential question is about determining the application of this law, and most importantly to what extent and who applies the right to peacebuilding, peacemaking and peacekeeping. Considering the fact that the international system is not a hierarchical structure, being rather anarchy, the answers to the above must be considered in light of several factors (Seybolt 2008: 11-12).

As we stated, the right to peacebuilding, peacemaking and peacekeeping is legal, even at the expense of the right to sovereignty. But its enforcement decision, and especially entities or actors who should realize these steps, represents the controversy in international relations. Being in close contact with the right to protect it is related to the fact that the right to peacebuilding, peacemaking and peacekeeping can be invoked more or less positively by interested actors, whose intervention can generate negative feedback, frustrations or threats towards other actors or international entities, regional or appropriate (Finnemore 2000: 19-22).

The UN Security Council may establish the legal and technical framework for a peacebuilding, peacemaking and peacekeeping intervention that can be done, but as members with veto power have substantial interests in the international system, its activity may face various obstacles or gaps, so that no measures and approaches exist, or that they are not concrete, effective through the incomplete nature or lacking in unity (Seybolt 2008: 24-25).

From the point of view of the *political dimension*, peacebuilding, peacemaking and peacekeeping obviously calls into question the legality of the state regime where this procedure is performed. As in the case of regimes where this intervention is allowed, because the level of government cannot effectively achieve stability and local or regional authorities are no longer able to drive single steps and activities designed to bring stability to adjust the balance of security in the area, in this case, there is no question about the legitimacy of this intervention (Gizelis and Kosek 2005: 383).

The situation is delicate when the intervention is done against the will of policy makers who govern, because resembles violation of their sovereignty. Thus, as we showed above, the legitimacy of these efforts, peacebuilding, peacemaking and peacekeeping, founds the principle of legality in self-determination and self-government, which places the right of sovereignty of the state above the right of sovereignty of the ruling political elite.

Such interventions inevitably bring illegitimate governments that refuse external help to be doubtful in their ability to take necessary measures to undo the situation (Gizelis and Kosek 2005: 383). By default, as a result of peacebuilding, peacemaking and peacekeeping the question arises whether the governing factor is able to coordinate matters after intervention. The implications of such interventions are likely to bring major changes to the inevitable internal politics, most likely regime change by force or through democratic mechanisms.

The social dimension is mainly affected by factors that have led to the situation requiring peacebuilding, peacemaking and peacekeeping. Implications of these approaches can be analyzed by means of the nature of the intervention itself. If it requires military intervention, the social dimension may be more affected by extending the state of uncertainty and imbalance condition.

An essential aspect to note is the fact that the positive aspects of peacebuilding, peacemaking and peacekeeping are related to the ability and opportunity to intervene against abuses which affect human rights, but these interventions should not exceed the limits in this so as not to cause greater damage than those for which intervention was performed.

The damage may be greater to the extent that there is intolerance and resistance to such efforts. Therefore, social dimensions must be protected not only against factors that cause instability, but also against the actions required. There are many examples of how civilians subsequently undergo these interventions by the lack of efficiency to protect the interests of those for whom such interventions are made.

The security and military dimension is very controversial in nature and essence. The peacebuilding, peacemaking and peacekeeping that have a military character, could often cause insecurity. And this can be analysed in terms of two perspectives that take into account the effects they can produce. First, as noted in the foregoing, it can be assumed that military intervention is likely to generate a state of anxiety much worse than the existing one. The legitimacy of military intervention can be accepted partially, because even if the benefits are much greater than the damage, it remains questionable how the short and long term effects are more harmful. It is true that, against a hostile government or authority such military intervention is required, without which could not perform any intervention (Domagala 2004: 5-7). There could be no other fixes, rather than military, because if there were other possibilities, then peacebuilding, peacemaking and peacekeeping would not be needed.

The most important aspect to note is that these interventions have to be carried out by respecting proportionality, so that they could not affect the principles for which they are made. The second critical issue is the one according to which such interventions can affect the security interests of other regional and international actors, when there is lack

of consent of all decision makers (Seybolt 2008: 26). Otherwise the mission can be a failure by having hostilities within the intervention, and contrary opinions from other members, which can lead to its discrediting and failure.

Economic dimension: a state in a situation requiring peacebuilding, peacemaking and peacekeeping is usually a state that is facing economic problems. Therefore these interventions should be considered as economic support for restructuring and recovery, without which, in the case of a governmental shortcomings, can be considered an unfinished mission. Therefore states or organizations consider implementing interventions are those that have a budget allocated for economic recovery as a last step of the intervention.

These dimensions are taken into account for peacebuilding, peacemaking and peacekeeping and these operations cannot perform or achieve goals unless they establish plans for each of them, as they represent steps and ways for the success of an intervention.

Conflict in Syria

Syria was and remains one complicated issue for Western allies and international organizations in the Middle East. Situated in the heart of MENA, Syria has led over time policies against the expansion of western influence in the internal affairs of states. Legislation of the country was changed, and even today it is facing serious problems, leading to failure regarding fundamental human rights and freedoms, economic and political issues.

In fact, Syria was gradually excluded from international organizations such as the Arab League, the Organization of Islamic Cooperation and the Union for the Mediterranean. Syria is only member of the United Nations and the Non-Aligned Movement.

Amid the Arab Spring revolts that have sparked a chain reaction in the MENA states, also in Syria people felt the need to rebel. If in other states, the phenomenon subsided towards the middle of 2012, the Syrian riots were transformed into revolution.

First of all, not the lack of human freedom and social welfare were the causes for the outbreak and perpetuation of the Syrian conflict. The causes were determined by the “institutional blockages” that led to the marginalization of many areas of interest. Economy of Syria in the last decade can be described with mixed results, having some periods of economic growth, but not enough to create jobs and a sustainable economy for decent living (Nasser 2013: 9).

If in the past, the former president had imposed an authoritarian regime, the current generation led by his son, Bashar al-Assad, formally appreciates the values of democracy, only insists for certain suitable conditions in Syria needed for their implementation. He suggested that opposing views and criticism are welcome, as long as the national security is not affected (Bertelsmann Stiftung 2012). Public debates and elections are conferred for the political spectrum and for those very close to the regime. Syria faces serious prob-

blems of human security. Authorities often resort to torture, abuse or illegal arrests that are contrary to democratic spectrum. Public administration is impressive by its size and influence rooted in society. Party politics and bureaucracy penetrate every city and institution. It provides only basic administration services and direct administrative apparatus that serve the interests of the party, initiatives and reforms being blocked by passivity or sabotage ([Bertelsmann Stiftung 2012](#)).

Another problem concerns the ethnic groups in Syria, which are currently a major factor in perpetuating the Syrian situation. The main ethnic minority in the country, the Kurds, has a constant discrimination based on ethnic origin. The government fears the growing Kurdish separatism in the north-east of the country, especially the Kurdistan Workers' Party, labeled as a terrorist group in the European Union and the United States. In 2010, dozens of political activists were sentenced to prison terms. They fought against restrictions on the use of the Kurdish language and Kurdish culture. As a result, about 300,000 Kurds born in Syria actually have no status.

The fate of Islamists is perhaps even worse. According to Amnesty International, torture was used regularly by the authorities, right before the riots ([Amnesty International 2011](#)). Divergences within the ruling elite are created by increasing the wealth and power in the hands of Assad and Makhlof families, causing more influence than the Alawite (Religious community in Syria - part of central and local government). ([Lasenky and Yacoubian 2005: 1-2](#)).

To this, add the conflict of the Israeli-Palestinian conflict that arouses nationalist feelings and determines positions contrary to Israel and Western countries, notably the USA. Syria is rated in a highly centralized system constituted in separate interests groups focused on changing the political leaders.

The evolution of the conflict in Syria

What began as a peaceful protest against the Syrian government has evolved into a civil war between a discontented population and a police without respect for the human values. The conflict in Syria is considered one of the most important events on the stage of international relations, and has produced both indignation and criticism.

The events have long exceeded the scope of protection of human rights and international regulations. It started as in the case of Tunisia, with a peaceful manifestation against the government. Following the events that were already underway in the rest of the Arab states, several teenagers wrote anti-government slogans on one side of the street in the border town of Deraa. About 15 teenagers were arrested and tortured during interrogation, beaten and burned by police ([MacLeod 2011](#)).

Subsequent to these events, protests about these abuses have increased the extent of abuses that were committed against the protesters. The level of violence in Syria has risen

inexorably. In March 2012, children were killed in the Baba Amr district of Homs and in April, a video shows a man as he was buried alive as punishment for sending videos to television hostile to the Syrian government (Smith 2012: 7-8).

Troops were sent in July 2011 in Hama province to restore order at the cost of dozens of lives. Russia and China veto granted to UN resolution condemning Syria. In November 2011 the Arab League suspended Syria from the organization structures, for failing to implement an Arab peace plan. In December Syria accepts observers from Arab League, and that although it was welcomed by the protesters, the mission shuts down in January of the next year because of worsening violence (BBC News).

In October tension between Syria and Turkey is amplified when shooting on Syrian Turkish border town kills five civilians. In Kuwait \$1.5 billion were gathered to help civilians affected by the conflict in Syria (BBC News). Tensions between Syria and Israel or Turkey increased so military intervention was taken into consideration.

In April this year the UK and USA, accused Syrian government forces of using chemical weapons against combatants (BBC News). In May, Israel and Syria exchanged fire in the Golan Heights. That means the revolution was promoted to civil war. This confrontation becomes one of the interests of the Western allies on the one hand and from Syria and its ally, the Russian Federation, especially the interest of the PRC, thus seeking to prevent American and Western influence in the area.

“Arab Spring” in Syria: Implications for the international system

The Syrian conflict as an international scale event proved itself to be essential for future peace and stability in the area. Is the Syrian conflict a test for supremacy?

The West has imposed economic sanctions on Syria, which led to significant decreases on national economic prosperity. The European Union was forced to impose oil sanctions on Syria, and on some other trades (EU Council 2012/420). The United States of America which was joined by the People's Republic of China and India have imposed restrictive measures. Crisis, added to such measures, have only worsen the overall condition of the state, unable to find viable solutions to maintain a decent standard of living for its citizens (Smith 2012: 9-10).

Russia and China blocked in February 2012 a draft of the UN Security Council resolution on Syria, and the Syrian government bombarded the city of Homs and other cities. According to the UN more than 7,500 people died. *In March the plan developed by UN envoy Kofi Annan is thereafter compressed with great changes to China and Russia.* The UN Security Council strongly condemns government for using heavy weapons and police killing more than a hundred civilians in Hula (UN Security Council 2014). France, Britain, Germany, Italy, Spain, Canada and Australia expelled Syrian diplomats in protest.

Above all, the Syrian conflict had economic implications for the United States. The

United States contributed to humanitarian assistance in response to UN calls and media projects, in addition to participation in international disaster assistance (IDA), Migration and Refugee Assistance (MRA) (Department of State 2012). The question remains whether these forms of branding U.S. humanitarian assistance will have the desired effects, and whether something will attract criticism from the regional community. The Syrian conflict has become a battle between the United States and its allies (Qatar, Saudi Arabia, Turkey, etc.) and Bashar al-Assad and its various supporters: Iran, the Russian Federation, Hezbollah.

A primary concern for the U.S. and international policy makers is the Syrian military system controlling some important military facilities that include a wide range of conventional and unconventional weapons, including the chemical weapons armored anti-aircraft missiles, anti-ground explosives and small arms (Blanchard 2013: 10-11). Therefore, and humanitarian aid can be regarded as a mixture and placing influence in the area (Walt 2013).

In this respect, we consider that the UN should play an important role in stabilizing the Syrian government and security in the region. Lakhdar Brahimi, the Algerian diplomat, appointed on September 1, 2012 as the new UN-Arab League special representative for Syria is the one who initiated a dialogue with the US and Russia. After this, fighting continued (March 2014 – May 2014). Even after the Presidential election (June 2014) ISIL continued fighting (June 2014 – August 2014) against U.S. airstrikes (August 2014 – present).

Conclusions

The right of sovereignty determined the evolution of international relations and international law. Whether it is a natural right, the states as well as people are looking to protect their existence and interests, or their obligation to take all necessary measures in order to survive. The right of sovereignty has become a principle provided by the law of war, of how it is initiated, conducted or completed.

The right to peacebuilding, peacekeeping and peacemaking is a controversial issue because it is a paradoxical exercise and undermines the very purpose of international mechanism to protect international relations. The role of peacebuilding, peacekeeping and peacemaking, as it is regulated and codified in the UN Charter, is to ensure the integrity and independence of peoples when collective or internal security measures fail. In an anarchic international system, inevitably there will be circumstances in which states would have to provide protection when necessary.

The essential problem is to delineate where one can claim peacebuilding, peacekeeping and peacemaking. The interventions are important for the present collective security system, because without them, the anarchic system today would trigger chaotic initiatives. As a matter of practical strategic attack, any state is likely to make a strong effort to demonstrate the culpability of his opponent. As a matter of law, however, there is no requirement for a state to receive the blessing of the Security Council before responding to such interventions.

Peacebuilding, peacekeeping and peace-making, like any other law, may be subjected to unusual test cases that test the ability to apply them legitimately and especially the opportunity to fold new cases on the international scene. For the application of the conditions laid down in custom and regulations to interpretations by the International Court of Justice, supported fully by the body of the UN General Assembly or Security Council, these interventions are one of the most important rights that a state can have.

A dilemma that arises is the difficulty in assessing proportionality, because it is difficult to speculate on whether the action is particularly in the light of the uncertain nature of the security threat.

The Arab region accounted for the International system one of the main points on the foreign policy agenda since the Second World War. Each decade has been marked by events that have assumed Western diplomatic, economic or military interventions. Even if the main character of external policy remains the same for the region, however, it requires to adopt special measures and active involvement in the form of promotion and protection of international values. But economic interests over natural resources are the main factor in policy towards MENA.

Arab Spring phenomenon surprised the world by the magnitude and evolution of riots and protests. Moreover, from such political changes, uprisings and revolutions, few are thinking about further reforms and evolutionary transition to be achieved. In a way it was an inevitable and predictable phenomenon.

The best instrument to solve the Syrian problem, is to have a complex initiative of peacekeeping that would include peacemaking efforts with the Syrian regime and the government in exile. Since there are ISIL attacks, the peace operations should include military interventions. Regarding peacebuilding, this has no applicability yet, since there were elections in June and the former regime was re-elected as legitimate.

In Syria there are no „good guys” or „bad guys”. The European Union and the United States are in a position to demonstrate once again their good intentions for the world, the ability to manage such events in order to maintain the global security. They can see the mistake of being supporters of favorable regimes, mistakes that are now calling to be fixed.

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