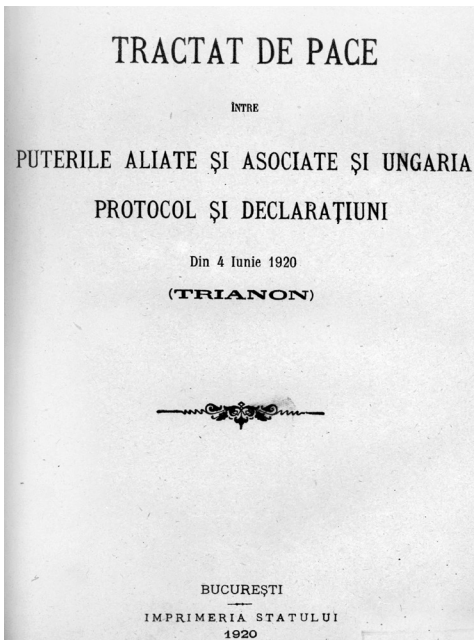


The Need for a Law to Declare 4 June as the Trianon Treaty Day

TITUS CORLĂȚEAN



SOURCE: <https://www.mvu.ro/index.php/tratatul-dintre-puterile-aliatae-si-asociate-si-ungaria-trianon-4-iunie-1920>.

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Introduction

ON 4 JUNE 2020, Romania will celebrate 100 years since the signing of the Trianon Peace Treaty. This event constituted an essential page in the history of the Romanian nation, which materialized in a peace treaty concluded by the Allied and Associated Powers, including Romania, with Hungary, as a successor state of the Austro-Hungarian Empire, a defeated state in World War I. Under the aforementioned peace treaty, the Great Powers acknowledged the union of Transylvania (and the eastern part of Banat) with Romania, as well as the sovereign will of the Romanians from Transylvania expressed through a vote on 1 December 1918, namely, through the Resolution of the National Assembly of Alba Iulia.

The Treaty of Trianon¹ was signed on behalf of “His Majesty the King of Romania”² by Dr. Ion Cantacuzino, minister of state, and Nicolae Titulescu,

A Romanian-language version of this article was published in *Dreptul* (Bucharest), new ser., 31, 6 (2020): 46–61.

former minister, secretary of state, and entered into force on 26 June 1921 as an integral part of the system of peace treaties concluded at Versailles which enshrined the end of the World War I and acknowledged de jure the changes occurred in international relations after years of military conflict.³

The Treaty of Trianon is divided into four parts. The first section includes the Covenant of the League of Nations, a common part of all peace treaties concluded at the end of the World War I. The second part establishes the frontiers of Hungary with the neighboring states, namely with Austria, with the Serb-Croat-Slovene State, with Romania (Art. 27 item 3), and with Czechoslovakia. The third part, called “Political Clauses for Europe,” provides a set of clauses regarding the bilateral framework of Hungary’s relations with its neighboring states, acknowledges certain clauses with other European states (Belgium, Luxembourg, Italy, etc.), contains rules regarding nationality, as well as the protection of national minorities. Finally, the fourth part, called “Hungarian Interests Outside Europe,” sets out provisions regarding the waiver by Hungary of the treaties concluded by the former Austro-Hungarian Empire with Morocco, Egypt, Siam (now Thailand), and China.

The Treaty of Trianon enshrined the right to self-determination for the nations of the Austro-Hungarian Empire, a process which allowed them, after leaving the former empire, to create, after the war, their own national states. As far as Romania is concerned, the aforementioned Peace Treaty meant not only the international legal recognition of the union of Transylvania with the Kingdom of Romania, but also the acknowledgement of the political and civil rights of the Romanians who constituted the majority population on that territory.⁴

The treaty was ratified by the United Kingdom of Great Britain and Ireland in May 1921 and by France in June 1921. During the debates on the treaty ratification by France, the President of the Council of Ministers, Aristide Briand, confirmed the borders set for Romania and its territorial integrity stating: “France will never intervene with the allied and friend governments to impair Romania’s right to national sovereignty to any extent.”⁵

In this context, it is important to mention that Article 45 of the Treaty provides that:

*Hungary renounces, so far as it is concerned, in favour of Romania all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Hungary as laid down in Article 27, Part II (Frontiers of Hungary) and recognized by the present Treaty, or by any Treaties concluded for the purpose of completing the present settlement, as forming part of Romania.*⁶

The international political and legal recognition of the will of the Romanians expressed by vote on 1 December 1918 would probably have been more diffi-

cult to achieve without the proclamation by the President of the United States, Woodrow Wilson, of the right (principle) to self-determination of nations (peoples),⁷ as one of the Fourteen Points read by him before the American Congress on 8 January 1918.⁸ Even though, in the end, only four points of his statement were completely accepted in the international regulatory architecture of the postwar reconstruction of Europe and the principle of national self-determination was not included in the Covenant of the League of Nations⁹ despite the efforts of the American president, there is no doubt that the political impact of this important document was crucial for the new international relations that were emerging between state and non-state players in Europe. This principle constituted the foundation for the establishment of new states and the declaration of the right to self-determination, only a few months later, by a number of nations from the former Austro-Hungarian Empire, including for the Romanians who were the majority in Transylvania, and also for the achievement of the Great Union on 1 December 1918.¹⁰

The treaty also enshrined the creation of an independent Hungarian state, which had not previously existed within the structure of the dual monarchy, an ideal which had been promoted by the Hungarian revolutionaries of 1848 and contained certain provisions regarding the protection of national minorities.¹¹ As far as Romania was concerned, under Article 47, the Romanian state committed as follows:

*Romania recognizes and confirms in relation to Hungary her obligation to accept the embodiment in a Treaty with the Principal Allied and Associated Powers of such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion, as well as to protect freedom or transit and equitable treatment for the commerce of other nations.*¹²

On the other hand, the provisions of the Treaty on the national minorities in Hungary were enforced only partially and temporarily, so that the process of their assimilation continued systematically over the time, often in an aggressive manner, including or especially with regard to the Romanian minority in that country, and therefore the Hungarian state is currently one of the most ethnically homogeneous states in Europe. There are authors in the Hungarian literature¹³ who admit that the protection of national minorities under the Treaty of Trianon had a temporary nature, mentioning, for example, that in 1923 the President of the Council of Ministers, István Bethlen, enacted Ordinance no. 4800, which enforced the relevant articles of the treaty. Thus, three different types of schools were created, the so-called primary schools of categories A, B

and C. However, they functioned only until 1935, until Gyula Gombos's ruling, when these rules began to be respected to a lesser extent.¹⁴

Why Is there a Need for a Romanian Law to Declare a Trianon Treaty Day?

THE PEACE Treaty of Trianon signed on 4 June 1920 has a special significance for the Romanian nation, which must therefore be acknowledged politically, legally, but also symbolically by the Romanian state, especially since on 4 June 2020 the Romanians will celebrate the Centenary of this historical event for the unity of the Romanian nation. And a Centenary can be celebrated only once.

The idea of submitting a draft law to declare 4 June as the Trianon Treaty Day in Romania belongs to the author of this article and it dates back to 2015. At the time, I registered with the Senate the legislative proposal no. L 235/2015. The proposal was supported by 90 senators as co-initiators, representing most of the parliamentary groups, with the exception of Democratic Union of Hungarians in Romania. The initiative received the favorable opinion of the government in office at that time¹⁵ as well as of the Legislative Council and the Economic and Social Council. The said legislative proposal received an adoption report and favorable opinions from the relevant senatorial committees. For reasons of internal politics and related to the relations between the parliamentary political groups and the internal power balance within the Parliament, the draft law had to be withdrawn from the Parliament by the initiator on 3 June 2015 before the final vote, as due to political reasons in that circumstance it would not have met the majority needed for adoption in the Senate.

In 2019, the author resumed the legislative initiative and registered it with the Romanian Senate under number L 459/2019. The legislative project was endorsed favorably by the Legislative Council and the Economic and Social Council, and it received the support of the social-democrat government in office at the time, as well as a favorable report and opinions from the relevant senatorial committees. The draft law was adopted by the Senate on 21 October 2019 and submitted to the Chamber of Deputies for debate and adoption. The change of the Romanian Government at the beginning of November 2019 led to the need to request a new point of view of the Executive, within the legislative procedure within the Chamber of Deputies as deciding Chamber. During the meeting held on 16 January 2020, the liberal government led by Prime Minister Ludovic Orban adopted an official point of view stating that it “does not support this legislative initiative.”¹⁶

The draft law has received favorable reports and opinions, generally with a close majority, due to political reasons, from the competent committees of the Chamber of Deputies, and it has been waiting for several months for the plenary debates and final vote of this Chamber.

Essentially, “the legislative proposal aims to declare 4 June as the Trianon Treaty Day and to establish the appropriate steps for the proper celebration of this day at national and local level.”¹⁷ Thus, the draft law proposes that for the celebration in Romania of 4 June as the Trianon Treaty Day, “cultural or educational and scientific events dedicated to raising awareness of the significance and importance of the Treaty of Trianon shall be organized at national or local level.”¹⁸ At the same time, it sets out the manner in which the central and local public administration authorities, non-governmental organizations and representatives of the civil society can be involved in these activities and can be given support, including appropriate budgets for these events. Moreover, the legislative project sets out that the national flag of Romania be flown on 4 June by the central and local public administration authorities. Last but not least, it also states the obligation for “the Romanian Radio Broadcasting Corporation and the Romanian Television Corporation, as public services, to include in their programs shows or footage from the events dedicated to this day.”¹⁹

The Explanatory Memorandum of the draft law provides some of the reasons for tabling this legislative initiative. Without prioritizing, we shall mention some of them.

Firstly, the moment of the 1918 Great Union and that of its international recognition represent the landmarks of a three-year cycle, which, between 2018 and 2020, required a special and privileged celebration as a national symbolism by the Romanian state, circumscribed by the concept of Centenary.

Consequently, especially (and perfectly explainable) 1 December 2018 and the entire year 2018 benefited from a set of decisions and events of a national, political, cultural, scientific and academic nature meant to celebrate the Centenary of the Great Union.

Among them we shall mention the celebration of 4 August 1919²⁰ as a reference date for a political-military event which had taken place 100 years earlier and which was essential for the defense and regional and international consolidation of the reunited Romanian state. We recall in this respect that

the spring of 1919 saw the proclamation of the Soviet Republic of Councils in Hungary, the new power installed in Budapest, dissatisfied with the provisions enforced by the Belgrade Armistice Convention, triggering a series of military actions both in the area of the border with the newly proclaimed Czechoslovakian state, as well as in the area of the Tisza River and the Western Carpathians. Faced with the attacks of the Hungarian army, the High Command of the Romanian army launched

an attack, mobilizing 119 battalions, 6 squadrons, 98 artillery batteries, with a total of approximately 120,000 soldiers, placed under the command of General Gheorghe Mărdărescu. On 27 July 1919, the Romanian army crossed the Tisza line and by 3 August annihilated any form of resistance and occupied Budapest for a few months . . . , an action which led to the collapse of the Soviet Republic of Councils.²¹

Naturally, the date of 4 June 1920 must therefore be acknowledged primarily at the political and legislative level by the Romanian state, declaring this day in our country as the Trianon Treaty Day, thus crowning the entire three-year cycle circumscribed by the Centenary.

The symbolism regarding the life of a nation and a state requires a set of decisions, public policies, the promotion of projects of national breath, whose deep roots can be found in a more distant or closer history, but whose objective is to strengthen the cohesion and solidarity of the nation around the fundamental values defining it. Especially for the younger generations, whose appetite in recent years, for different objective or subjective reasons, for the national historical landmarks has decreased, an effort from the part of the responsible and educated elites to inform and raise awareness is needed. A national day celebrated on 4 June each year can help in this respect.

There are also external, bilateral, regional or international policy reasons requiring the Romanian state to adopt such an attitude and legislative decision. We have mentioned above that the Treaty of Trianon constitutes a political and legal document of special importance for the Romanian nation and an essential element of the current geopolitical reality at European level, one hundred years after its signing. From this perspective, “the Treaty represents, first and foremost, one of the fundamental legal instruments governing the Romanian-Hungarian bilateral relations,” even after a hundred years, but it also has an essential relevance on a wider regional scale, in Central and Southeast Europe.

The observance of its provisions—and of the other relevant rules of international law—is a sine qua non condition for developing relations between the two states, in accordance with the values of a united Europe, freedom, democracy, the rule of law and solidarity. Today, almost all the successor states of the Austro-Hungarian Empire are members of the European Union. Romania and Hungary have a strategic partnership and are an integral part of the same sustainable alliance system and together they contribute to the current European construction, which has proven to be capable of ensuring optimal conditions for peaceful coexistence in Europe.²²

This is why any attempts made in recent years by Hungary, mainly due to internal political reasons (and without neglecting foreign the policy interests of signifi-

cant political actors in Budapest), to impose a distorted view on the significance of the Treaty of Trianon must be treated by the Romanian state at political, diplomatic and legal level in a professional manner, with clarity and firmness, without disregarding the potentially destructive impact of the Hungarian efforts in foreign relations or even within the political and social-ethnic architecture of Romania. “Any attempt to rewrite history, to question it from revisionist positions, cannot be accepted nowadays in the European Union.”²³ In this context, we draw attention to the fact that these actions of the Hungarian authorities constitute permanent challenges and an obvious violation of the letter and spirit of the Treaty of Understanding, Cooperation and Good Neighborliness signed on 16 September 1996 by Romania and Hungary,²⁴ starting with the provisions on good neighborliness, relations of mutual trust and respect, continuing with the common legal and political interpretation of the applicable standards in the field of the rights of persons belonging to national minorities and, last but not least, of the provisions regarding the observance of the principle of international law related to the inviolability of the frontiers and the territorial integrity of states. Because, for example, public political support for models of self-determination or political “autonomies” based on ethnic criteria in Romania for the Hungarian minority, sometimes with the legislative support of the Hungarian state, is only one of the actual and specific manners of undermining of the foundations of the Romanian-Hungarian bilateral basic political treaty as well as of CSCE Helsinki Final Act of 1975.

We will mention below precisely the actions taken by Hungary in rewriting history, reinterpreting in a revisionist manner the Peace Treaty of Trianon, including through the adoption in recent years of laws that seek to override certain essential provisions and effects of the 1920 Treaty. The lack of any proper reaction of the Romanian state and of the presentation in the national and external public space of Romania’s position and of the historical truth may generate a risk, offering an unrestricted and univocal public platform for the dramatized and structurally revisionist version of the other party. This is another reason for a Romanian law on the Treaty of Trianon.

Hungary and the Revisionist Rewriting of the History and of the Consequences of the Treaty of Trianon

THE PROGRAMMATIC action of Hungary to rewrite and reinterpret the history and the political-legal consequences deriving from the Peace Treaty of Trianon recorded a significant episode in 2010. Not surprisingly, the Fidesz right-wing government led by Prime Minister Viktor Orbán, with

the support of Jobbik—an extremist, xenophobic and anti-Semitic party—promoted and adopted in the Budapest Parliament, 90 years after the signing of the Peace Treaty, two laws that corresponded to the programmatic action of the Hungarian authorities in this field, namely a law that established 4 June as the day of “the unity of the Hungarian nation” and a second law amending the Hungarian Nationality Law. We will briefly analyze below the two laws and the revisionist content of these regulations.

On 31 May 2010, the Hungarian Parliament passed the Law establishing 4 June as the day of the “unity of the Hungarian nation.” The decision was prepared through the submission on 14 May 2010 by the Jobbik parliamentary group of a legislative initiative to declare the mentioned date as “National Day of Trianon Commemoration.”

The Explanatory Memorandum of the law, an integral part of the normative act adopted by the Hungarian Parliament, states the following:

- the peace treaty signed on 4 June 1920 is described as a “Diktat” and “the main cause of tensions in Central Europe,” a “national tragedy” for Hungary,²⁵ by which 2/3 of the territory was lost, 60% of the general population and 1/3 of the population of Hungarian nationality;
- the need to achieve the objective of self-determination and that of collective rights for the Hungarian “communities” abroad;
- the need to set a day for the “commemoration of the Trianon . . . and to raise the awareness of the Hungarians from the Carpathian Basin that they belong to the Hungarian nation”;
- the main the responsibility for the fate of the Hungarian “communities” abroad belongs to the Republic of Hungary.²⁶

The negative, revisionist political symbolism promoted by the Hungarian Parliament is obvious and it has been shaped, through the reopening of the subject of the Trianon Peace Treaty, by the content of the Explanatory Memorandum and the provocative content of the law itself.

A firm political reaction came at that time from the Foreign Policy Committee of the Romanian Senate, the only institution of the Romanian state which expressed an official public position, as neither the Romanian president nor the government,²⁷ led at the time by Emil Boc, had any reaction, given the known connivance politically motivated by pragmatic and mutual political and electoral interests stemming from the fact that the political leaders of the Romanian and Hungarian state belonged to the same European political family, the EPP.

On 8 June 2010, the Foreign Policy Committee of the Romanian Senate adopted a Resolution,²⁸ highlighting the provocative nature and symbolically revisionist content of the Hungarian law. The Committee also noticed a violation of fundamental principles of international law governing the international relations, such as:

- good neighborliness between states;
- the sovereign nature of the primary responsibility of the home state for its citizens belonging to a national minority;
 - promotion of certain concepts violating the European standards on the rights of persons belonging to national minorities (“self-determination,” “collective rights,” “minority communities”);
 - the rejection by the majority of the Hungarian Parliament of the amendment submitted to the draft law by the Hungarian socialists, which reiterated the principle of observing the inviolability of frontiers, a fact likely to raise the concern of the international public opinion and of the states in the region, including Romania, regarding the intentions of the Hungarian Government.

A comment needs to be made at this stage. We recall the fact that Hungary’s current borders with its neighbors were not established only under the Treaty of Trianon. They originate indeed in the provisions of Article 27, Part II, of the Treaty of 1920, including the border with Romania (art. 27 para. 3), but they were legally and politically reconfirmed after World War II under the Peace Treaty of Paris in 1947, the Helsinki Final Act of 1975 and the bilateral treaties concluded by Hungary with its neighbors in the 1990s. All these actions make the abovementioned Hungarian law even more questionable.

The same Resolution requires the Romanian president, government and Ministry of Foreign Affairs to take an official stance. The members of the senatorial committee also stressed the need to organize bilateral Romanian-Hungarian political-diplomatic consultations, in keeping with the imperative of observing the European standards regarding the protection of national minorities in the two countries, and the compliance with the international bilateral and multilateral commitments undertaken by Hungary. Last, but not least, the Resolution reiterated the Romanian authorities’ commitment to strengthen the Romanian-Hungarian cooperation and partnership relations in a European spirit, based on the principle of the good neighborliness, on the common European and Euro-Atlantic interests and on the connecting bridge represented by the Romanian minority in Hungary and the Hungarian minority in Romania.

On 26 May 2010, the Parliament of the Republic of Hungary adopted a draft law amending the Law on Hungarian nationality, in order to preferentially grant Hungarian nationality to any foreign nationals invoking Hungarian ancestry. The resolution of the Foreign Policy Committee also addresses this law.

Thus, the following important aspects emerge:²⁹

a) The Hungarian law was adopted in the absence of prior information and consultations which had to be organized by the Hungarian authorities with the neighboring states in which there was a Hungarian national minority. In doing so, Hungary violated the guidelines set out in the Venice Commission Report

on the preferential treatment of national minorities³⁰ and the Bolzano Recommendations (July 2008) on the role of national minorities in the relations between states. The lack of transparency and openness in dealing with issues with serious bilateral implications may have undesirable effects on the climate of mutual trust in the relationship between Romania and Hungary.

b) The Hungarian law invokes a so-called “reparatory nature” for the new mechanism for granting Hungarian nationality. This position is completely baseless, given that Article 63 of the Treaty of Trianon guaranteed the persons over the age of 18, former citizens of the Austro-Hungarian Empire, the possibility to opt freely, for 1 year from its entry into force, to either receive Romanian nationality or the nationality of the new Hungarian state, a process that actually occurred in practice. The same article stated that a husband could also decide for his wife, and the parents for their children under 18. This was a free option, guaranteed under a peace treaty, accompanied by guarantees regarding property rights over movable and immovable goods, as well as by commitments undertaken by the States Parties to the Treaty of Trianon “to put no hindrance in the exercise of the right which the persons concerned have . . .” (Art. 65).³¹ A free option, guaranteed by a peace treaty, cannot generate claims for reparatory actions from one state to its co-nationals, citizens of the other state, neither after one year, nor after one hundred years.

c) The mechanism of “reparatory” granting of Hungarian nationality lacks both rigor and the objective criteria generally found in this type of national legislation or in the international treaties in the matter. A clear ethnic nature may be identified in the granting of Hungarian nationality to people who claim to have this identity. It requires “knowledge of the Hungarian language,” a term that is vague and difficult to apply or evaluate. The law is vague, because it does not determine precisely the degree of kinship or the ancestry limit up to which the persons concerned may apply for Hungarian nationality, so that the usual objective elements enshrined in other national laws in this matter, such as loyalty or fidelity towards a certain identity and a certain state may not be actually identified. Basically, the absence of the real reparatory nature of the preferential naturalization is confirmed.

d) Quite self-evident, from this perspective, is the essentially ethnic foundation, the violation of the provisions of the European Convention on Nationality (Strasbourg, 6 November 1997) to which Romania and Hungary are State Parties, especially those of Art. 5 regarding non-discrimination, including based on the ethnic criterion.³² On these grounds, in the absence of a rigorous procedure, the issue of Hungarian nationality has been appreciated even since 2010 as generating the risk of a mass, collective granting of nationality, which violates the above-mentioned European Convention and the international standards in this matter.

e) It is not specified which Hungarian state is referred to in the text of the law (the Austro-Hungarian Monarchy, the interwar Kingdom of Hungary?). If reference is made to the period 1939–1944, it should not be ignored that the “Vienna Arbitrations” were declared null and void after World War II under the Peace Convention of 1947.

Historically speaking, the various arrangements adopted under the auspices of the League of Nations established the regime applicable to national minorities either in the form of *treaties especially dedicated to minorities* and concluded by the Principal Allied and Associated Powers, on the one hand, with Poland (Versailles, 1919), Czechoslovakia (Saint-Germain-en-Laye, 1919) and other states, on the other hand; special chapters in the peace treaties concluded with Austria (Saint-Germain-en-Laye, 1919), Bulgaria (Neuilly-sur-Seine, 1919), Hungary (Trianon, 1920) and Turkey (Sèvres, 1920; Lausanne, 1923); special conventions, such as those relating to Upper Silesia (Geneva, 1922); statements adopted before the League of the Nations Council by Finland (1921), the Baltic States (1922–1923), as prerequisites for their admission in the organization.³³ The first of the four types of rules enshrined in these treaties or declarations regarding the regime applicable to national minorities is that concerning the modalities of obtaining or losing a nationality.³⁴ The provisions of Articles 63–65 of the Treaty of Trianon, mentioned above, are illustrative and extremely clear from this perspective.

From the perspective of contemporary international law, the specialized doctrine mentions that generally the conditions for granting nationality are left at the discretion of the national jurisdiction of the states.³⁵ However, although states may prescribe the conditions for granting nationality, the international law is relevant, especially where other states are involved. The doctrine quotes as an example Art. 1 of the Hague Convention of 1930 on the conflict between the laws on nationality: “It is for each State to determine under its own law who are its nationals. This law shall be recognized by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality.”³⁶ Moreover, the International Court of Justice ruled in the *Nottebohm* case that, according to the practice of states, “nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties.”³⁷

The international law refers to the functioning, in general, of the two most important principles (systems) on which nationality is based, namely the descent from parents who have a certain nationality (*jus sanguinis*) or the place or territory of a state where birth occurs (*jus soli*).³⁸

Hungarian Manipulation Regarding the Law on Nationality

EVER SINCE 2010 Hungary has claimed that its new legislation on the issue of nationality is inspired by the Romanian Law on nationality. One of the arguments invoked was that of the Hungarian state's enforcement of the reparatory principle in the process of preferential naturalization, similar to the principle invoked by the Romanian legislation in this matter.

I have shown above that, at least as far as Hungarian law is concerned, such a principle does not apply, given the very clear conditions enshrined in Articles 63–65 of the Treaty of Trianon, but also the actual and verifiable practice of the application of such provisions. In short, it was mere Hungarian political rhetoric meant to provide a pretext in its bilateral and multilateral foreign relations in order to justify the adoption of a law with *an ethnic nature and revisionist symbolism*, at least in connection with the population.

Any attempted comparison with the Romanian legislation on the matter of nationality does not hold water. The Romanian Law on nationality is explicitly based on the *jus sanguinis* principle. In other words, *any person descending from parents or at least one parent with Romanian nationality* will obtain de jure the Romanian nationality from the moment of birth, which means automatically and *ope legis*, even if not proved immediately by a birth certificate, which can be issued later by the Romanian competent authorities. We immediately notice that the ethnic element is not the key factor, as it is the case with the Hungarian law, but that of the legal relationship between the individual and the Romanian state, in other words that of *nationality, regardless of the ethnic identity of the individual concerned* (Romanian, Hungarian, German, Jewish, etc.).

The issue of the reparatory effect of the Romanian legislation was raised in relation to the former Romanian nationals *who had lost their nationality under conditions not imputable to them*, at the end of World War II, due to the political decisions adopted by the Soviet and communist regimes in the states directly affected by this issue. The loss of nationality under such known historical conditions was not the result of personal options, but of political decisions imposed on individuals. The Romanian state considered that it was justified and necessary to adopt *a law with a reparatory moral and legal nature* for this category of people. Mention should be made that, unlike the Hungarian law, this right is limited to the third degree of kinship.³⁹

If we add other elements, criteria and procedures that are objectively different, we will fully understand *the unfounded nature of the statements regarding a so-called similarity between the Hungarian and Romanian laws on granting nationality*.

The Current Relevance and Importance of the Peace Treaty of Trianon

IN A political declaration on the major historical significance of the Treaty of Trianon for the Romanian nation, presented in the plenary session of the Romanian Senate on 6 June 2018,⁴⁰ in my capacity as senator, I mentioned the report presented by Ion I. C. Brătianu, president of the Council of Ministers and minister of Foreign Affairs of Romania, during the Paris Peace Conference, on 1 February 1919. The report presented by Brătianu, based on the Memorandum of the Romanian delegation to the Paris Peace Conference⁴¹ stated that “the entry of our country into World War I alongside the powers of Entente had as fundamental purpose the liberation of Transylvania and Bukovina from the domination of Austria-Hungary, while also demonstrating the economic, political and military contribution brought by Romania to the victory of the Allies over the Central Powers.” Brătianu also proved with historical and ethno-demographic arguments that Transylvania and Banat are Romanian territories. We reiterate the fact that the Hungarian statistics mentioned the Romanians as the majority population on these territories. I. I. C. Brătianu emphasized that: “Before the Romanian army entered Transylvania, Romanian deputies from all the counties of this province, by virtue of the right to self-determination, met at the Great National Assembly in Alba Iulia, where they decided the definitive union of Transylvania and the Romanian regions in Hungary with Romania.”⁴²

Within the meeting of 1 February 1919, the Allied Supreme Council decided to form a Committee of experts representing the United States of America, the British Empire, France, and Italy, to study the issues raised by I. I. C. Brătianu regarding the territorial interests of Romania and to submit proposals for the delimitation of the borders with Hungary based “on the ethnic, geographical and economic necessity criteria.”⁴³ Based on these criteria, the Committee of experts submitted to the discussion and approval of the Council of Foreign Ministers of the Peace Conference, during its meeting of 11 June 1919, the Romanian-Hungarian border.

It is necessary to mention, in this context, the essential role that the French military troops, in the context of the military operations of World War I (but also later on...), and the military mission led by General Henri Mathias Berthelot, including during the peace talks in Paris, played for the precise drawing of the borders between Romania and Hungary. Moreover,

The Allied Committee took into account the reports of the French Military Mission, including the reports of General Berthelot, related also to the economic aspects, eco-

conomic viability, railway transport infrastructure in Northwestern Transylvania, those in Satu Mare, Oradea and Arad, to confirm the fact that these administrative-territorial units must be maintained within the territory that was to be united with Romania, including in order to preserve the economic viability, which would have otherwise been destroyed.⁴⁴

The treaty signed on 4 June 1920 at Trianon was a *peace treaty*. With its entry into force, the “state of war” came to an end. The treaty stated right from its Preamble the objective to achieve a “solid, just and lasting peace.” The provisions of this peace treaty constitute a fair, clear, comprehensive and generous regulation, not only in terms of territorial issues and border setting, but also from the perspective of the rights of the persons directly interested in expressing an option with respect to their nationality, the regime of their movable and immovable goods, the protection regime granted to national minorities or to the creation of the foundation for the settlement of war damages.

The aspects briefly addressed herein clearly show the tendency of Hungary and its political and diplomatic actions to unilaterally reopen and rewrite the significance and consequences of the Treaty of Trianon, a fundamental instrument of peace, as well as of certain episodes from our common history in the region, a tendency constantly manifested over the time, including at present, a century after the treaty was signed, which is not only a hostile action from a diplomatic perspective but also a direct violation of the principles adopted at 1975 Helsinki Conference on Security and Cooperation in Europe, as well as of the principles on which the European Union was built. Such a tendency creates risks for the efforts meant to ensure a reconciliation, based on the Franco-German model, but also for the processes of European and Euro-Atlantic integration, in the spirit of a united Europe, freedom, democracy, rule of law, and solidarity.

Hungary’s political action to promote complementary laws, meant to question or even challenge the provisions or consequences of the Peace Treaty of 4 June 1920 contradicts the bilateral strategic partnership between the two countries, but also the meaning and spirit of the European construction. For Romania, there is no alternative to the principles and rules of the international law, to good neighborliness, and to the European model of integration, respect and tolerance. This means neither compromise nor denying the foundations of the Romanian state, historical truth, or abandoning the European project.

This is why, once again, celebrating the essential historical landmarks and symbols of the Romanian nation represents a natural conduct and, at the same time, a need also for the generations to come. This is another reason for enacting a Law declaring 4 June in Romania as the Trianon Treaty Day.



Notes

1. Traité de paix entre les Puissances alliées et associées et la Hongrie (Trianon, 4 juin 1920), <https://mjp.univ-perp.fr/traites/1920trianon.htm>.
2. Ibid.
3. “Expunere de motive pentru declararea zilei de 4 iunie Ziua Tratatului de la Trianon” (Explanatory memorandum of draft law no. L 459/2019), <https://www.senat.ro/legis/PDF/2019/191459em.pdf>.
4. Ibid.
5. M. Mușat and I. Ardeleanu, *From Ancient Dacia to Modern Romania*, transl. Andrei Bantaș et al. (Bucharest: Ed. Științifică și Enciclopedică, 1985), 771.
6. Traité de paix entre les Puissances alliées et associées et la Hongrie.
7. M. N. Shaw, *International Law*, sixth edition, third printing (New York: Cambridge University Press, 2010), 251.
8. At the Peace Conference, President Wilson stated that “National aspirations must be respected; peoples may now be dominated and governed only by their own consent. Self-determination is not a mere phrase. It is an imperative principle of actions which statesmen will henceforth ignore at their peril.” W. Wilson, *Messages, discours, documents diplomatiques relatifs à la guerre mondiale*, transl. Désiré Roustan (Paris: Bossard, 1919), 249.
9. Ibid.
10. For further details, see C. Ionescu, “Desăvârșirea unității statale și naționale a României—un proces istoric obiectiv,” *Dreptul* (Bucharest) 12 (2018): 29–30.
11. For further details on the issue of the protection of national minorities, please see I. Diaconu, *Minoritățile în mileniul al treilea: Între globalism și spirit național* (Bucharest: ARED, 1999), 32–36.
12. I.-A. Pop, I. Bolovan, I.-M. Bonda, A.V. Sima, and T. L. Popescu, eds., *Construind Unirea cea Mare*, vol. 3, *De la Marele Război la România întregită (1914–1922)*, eds. M.-O. Groza and C. S. Sabău (Cluj-Napoca: Școala Ardeleană, 2018), 903.
13. G. Hamza, “Traité de Paix de Trianon et la protection des minorités en Hongrie,” *Journal of the History of International Law/Revue d’histoire du droit international* 10, 1 (2008): 147–156.
14. Ibid.
15. Point of view of Romanian Government, <https://www.senat.ro/legis/pdf/2019/191459pv.pdf>.
16. Points of view of Romanian Government regarding certain parliamentary legislative initiatives subjected to debate in the Chamber of Deputies, point, 54, http://www.cdep.ro/proiecte/2019/500/20/1/pvgdPSG33_17.01.2020%20140%20initiativa.pdf.
17. “Expunere de motive.”
18. Lege pentru declararea zilei de 4 iunie Ziua Tratatului de la Trianon, <https://www.senat.ro/legis/pdf/2019/191459fg.pdf>.
19. Ibid.

20. On this date, the Romanian army, after repelling the attacks of the Bolshevik troops led by the communist Béla Kun, entered Budapest and occupied it militarily.
21. Pop et al., 3: 14.
22. “Expunere de motive.”
23. Ibid.
24. Treaty of Understanding, Cooperation and Good Neighborliness between Romania and Hungary (with appendix), signed at Timișoara on 16 September 1996, <https://treaties.un.org/doc/Publication/UNTS/Volume%201966/volume-1966-I-33604-English.pdf>.
25. Resolution on the position of the Foreign Policy Committee of the Romanian Senate concerning the Law amending the Law on nationality in Hungary and the Law on the unity of the Hungarian nation, Bucharest, 8 June 2010, https://www.senat.ro/pagini/comisii/activitatea%20in%20comisii/Comisia_Politica_Externa/Buletine/Rezolutia%20Comisiei%20pentru%20politica%20externa%20fata%20de%20legea%20de%20modificare%20a%20Legii%20cetățeniei%20maghiare.pdf.
26. Ibid.
27. The respective government had the political support of the Democratic Liberal Party, the Democratic Union of Hungarians in Romania and of the National Union for the Progress of Romania.
28. Resolution on the position of the Foreign Policy Committee of the Romanian Senate concerning the Law amending the Law on nationality in Hungary and the Law on the unity of the Hungarian nation, Bucharest, 8 June 2010.
29. Ibid.
30. Adopted by the Venice Commission during the 48th Plenary Meeting (Venice, 19–20 October 2001).
31. I. M. Anghel, *Tratatetele de la Trianon și Paris din 1920: Documentele prin care s-a consfințit înfăptuirea României Mari* (Bucharest: Ed. Academiei Oamenilor de Știință, 2018), 97.
32. European Convention on Nationality, art. 5: “Non-discrimination—1. The rules of a State Party on nationality shall not contain distinctions or include any practice which amount to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin. 2. Each State Party shall be guided by the principle of non-discrimination between its nationals, whether they are nationals by birth or have acquired its nationality subsequently.” <https://rm.coe.int/COERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802ed91d>.
33. G. Pentassuglia, *Minorités en droit international: Une étude introductive* (Strasbourg: Éditions du Conseil de l’Europe, 2004), 27–28.
34. Ibid.
35. Shaw, 660.
36. Ibid.
37. Ibid.
38. Ibid., 661.
39. Article 11 of The Law of Romanian nationality no. 21/1991 (republished and updated): “(1) Individuals who were Romanian nationals and have lost such national-

ity for reasons that are not imputable to them or whose Romanian nationality was withdrawn against their will, as well as their descendants down to the third degree of kinship, may apply to reacquire the Romanian nationality or it may be granted to them, and they may keep their foreign nationality as well, and either establish their domicile in Romania or keep their domicile abroad, provided that they meet the conditions provided under Art. 8 para. (1) b), c) and e).” <http://legislatie.just.ro/Public/Detalii Document/121439>.

40. Minutes of the Senate meeting of 6 June 2018, <https://www.senat.ro/PAGINI/Stenogramme/Stenogramme2018/18.06.06.pdf>.
41. Pop et al., 3: 877–889.
42. Minutes of the Senate meeting of 6 June 2018, p. 23.
43. *La Paix de Versailles: Questions territoriales (avec de nombreuses cartes et tableaux statistiques)/Tchécoslovaquie-Pologne-Ukraine-Roumanie-Yougoslavie* (Paris: Les Éditions Internationales, 1939), 281–376.
44. Minutes of the Senate meeting of 6 June 2018, p. 24.

Abstract

The Need for a Law to Declare 4 June As the Trianon Treaty Day

On 4 June 2020, Romania will celebrate 100 years since the signing of the Trianon Peace Treaty. This event constituted an essential page in the history of the Romanian nation, which materialized in a peace treaty concluded by the Allied and Associated Powers, including Romania, with Hungary, as a successor state of the Austro-Hungarian Empire, a defeated state in World War I. Under the mentioned peace treaty, the Great Powers acknowledged the union of Transylvania (and the eastern part of Banat) with Romania as well as the sovereign will of the Romanians in Transylvania expressed through a vote on 1 December 1918, that is, through the Resolution of the National Assembly of Alba Iulia. Beyond any historical and political-legal meanings of the Treaty of Trianon, this treaty represents in itself a document with strong spiritual connotations for Romanians, which justifies the need to celebrate its signing date through a solemn legislative act adopted by the Romanian Parliament. From this perspective, the author makes reference to a legislative proposal—undergoing its final adoption procedure—aiming to declare 4 June as the Trianon Treaty Day and to establish the appropriate steps for the proper celebration of this day at national and local level. The author also analyzes from a critical perspective two laws adopted by Hungary in 2010, namely a new law on the Hungarian nationality and a law on the “unity of the Hungarian nation,” meant to “commemorate the Trianon Diktat.” The political and legal analysis of the two Hungarian laws reveals the political will and the intent of the legislator from the neighboring country to call into question or even challenge the provisions or consequences of the Peace Treaty signed on 4 June 1920, which have been subsequently included in various major bilateral or multilateral international regulations.

Keywords

Treaty of Trianon, 4 June 1920, Romania, Hungary, national minorities, right to self-determination of nations, nationality