

Stages in the Institutional Establishment of Danube Cooperation

From the European Commission of the Danube to the Danube Commission

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From a geographic, economic, and especially a geopolitical point of view, the Danube connects Western and Eastern Europe, as well as Southern and Northern Europe.

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BOTH FOR Romania and for the other countries situated on the Danube, this river is first and foremost a geographic, cultural, and geopolitical coordinate. This coordinate has been largely the same in the history of all the nations living on the banks of this river—Germans and Austrians, Slovaks, Hungarians, Croats, Serbs, Bulgarians, and Romanians—whom the Danube brought together rather than kept apart. If the old Istros, as the river used to be called by the ancient Greeks, while the Romans called it Danubius, has an important past, it also has a dynamic present and a promising future. It has always been a major waterway, well known to the people in the region and used for transportation purposes both by those who lived along his banks and by those who lived further inland. Throughout its history, the Danube has facilitated exchanges—of people, of goods, of ideas—between Central and Eastern Europe, the Balkan Peninsula, and the Black Sea. In this respect, the Danube has had and will continue to have a direct

contribution to the economic and especially to the multicultural development of the region, gathering together, as any great river would with its tributaries, the values generated by the cultures and by the civilization of the Danube nations.

The Danube Basin is the point of contact between highly different ethnic and linguistic cultural communities, and when it comes to religion, only Christianity emerges as a common denominator, albeit under many denominational forms. If we look at it in terms of culture and civilization, we see that the Danube brings together, from its sources in the European Alps to the end of its journey, in the Black Sea, the German world—Reformed, of the Lutheran denomination, with its Catholic Austrian element, a Slavic community that is both Catholic, with the Slovaks and the Croats, and Orthodox, with the Serbs, the Bulgarians, and the Ukrainians, plus two exceptions that come to further increase this Danube diversity, the Finno-Ugrian Hungarians, Catholic or Reformed (Calvinists and Unitarians), and the Romanians, a multi-denominational Latin people (with an Orthodox majority, but also with a Greek-Catholic and a Roman-Catholic component). We could say that, in the course of time, the Danube managed to gradually reduce the distances between the nations living in its vicinity.

This cultural diversity is also mirrored at geopolitical level. In the modern world, the area of the Danube saw the emergence of a multi-state system, based upon the concepts of nation-state, of sovereignty, and of the balance of power. The waterways connecting the various European regions to the other great civilizations of the world and the need to use the network of rivers as demarcation lines between various polities made it so that the Danube, together with its tributaries and with the Black Sea, was always in the attention of the great powers with an interest in the region. There were many occasions when the “Danube issue” created the geopolitical context in which nations could come together and unite, in keeping with the distinctive features and with the cultural heritage of the Germans and of the Austrians, of the Czechs and of the Slovaks, of the Serbs and of the Croats, as well as of the Bulgarians, of the Hungarians, and of the Romanians. Besides, the fact that it flows into the Black Sea granted these nations access to the world at large.

With its sources in the European Alps, in the Black Forest Mountains, the Danube proceeds then to collect the waters flowing from the Dinaric Alps, from the Balkan Mountains, and from the great rivers of the Carpathians, slowing down once it reaches the Romanian Plain and then splitting into the three main arms of its Delta, feeding the Black Sea with an estimated 200 cubic kilometers of water every year.¹ The Danube has a total length of 2,857 km, while its hydrographic basin covers an area of 817,000 square kilometers.² The vitality of the waters of the Danube created a natural environment which, in the course of time, drew to the banks of the river many people, cultures, and civi-

lizations. The Danube remains the most important river in Europe. And if we think that Europe stretches from the Atlantic to the Ural Mountains, then we realize that the Danube is by no means a fringe river. We could even say that it flows across the very center of Europe. From a geographic, economic, and especially a geopolitical point of view, the Danube connects Western and Eastern Europe, as well as Southern and Northern Europe.

The importance of this inland waterway should be obvious to anyone, and its efficient use depends on the manner in which we understand to manage it. The many nations in the region have always shown a conspicuous interest in this river, and unavoidably many disputes have arisen and will continue to arise. They manifested themselves in a variety of manners. The Roman world was the first to dominate the Danube from its sources to its mouths, and today it is with admiration that we remember what the Roman civilization truly meant. The Danube itself played a part in it, and its banks still show the traces of the bridges, of the roads, and of the forts built here by the Romans.

Insofar as the 19th century is concerned, a century of modernity from several points of view, the European civilization of that time envisaged a set of institutions likely to ensure free navigation on the rivers which cross several countries or which mark the boundary between states. This principle was discussed at the Congress of Vienna in 1815 and was enshrined in the documents signed on that occasion by the representatives of eight countries: Austria, France, Great Britain, Portugal, Prussia, Russia, Spain, and Sweden. The documents in question opened the rivers of Western Europe to the free traffic of all countries, riparian or not, and introduced a single system for navigation control and tariff collection. It was for the first time in history that the European states came to an agreement and reached a joint decision in a matter concerning freedom of navigation on international rivers.³ No reference to the Danube was made on that occasion. Towards the middle of the 19th century, the river was claimed by three empires—Austria, Turkey, and Russia. The Russian Empire, in pursuit of its century-old goal of dismantling the Ottoman Empire, made a first breakthrough in 1812, when it annexed Bessarabia, a part of the Principality of Moldavia, at that time under Ottoman suzerainty. Thus, Russia became a riparian state of the Danube. A first legal document extending to the Danube the provisions of the Acts issued by the Congress of Vienna was the Convention concerning navigation on the Danube, signed by Russia and Austria in Sankt Petersburg in July of 1840. The convention applied to those sectors of the river located on the territory of the countries in question. In point of fact, Russia merely closed off the mouths of the Danube, in order to divert trade towards its own territory.⁴

A new war, known as the Crimean War (1853–1855) broke out between Russia and Turkey, and it came to involve a sizable European coalition that brought

together France, Britain, and Sardinia, also joined by Austria and Prussia, eager to promote their own political designs. After three years of war, the main European powers of that time negotiated a new order in the eastern part of the continent. The Paris Peace Congress of 1856, attended by representatives of the main European powers of that time—France, Great Britain, Austria, Prussia, Sardinia, Turkey, and Russia—, remains a momentous event, both because of its effects on the European balance of power, and in what concerns the historical destiny of the emerging nations, the Romanians among them. The region of the Danube and of the Black Sea was very important for the European powers of that time, interested in a lasting settlement that would have brought stability to the continent. A modern war was followed by a modern peace, and therefore the document signed in Paris remains a reference point in the history of the Danube, of the Black Sea, and of the whole of Europe. Thus, the Paris Peace Treaty of 30 March 1856 came as the crowning achievement of a lasting European effort to institute a stable judicial order in the region of the Danube and of the Black Sea, an order based on legal principles and likely to ensure the peace and the economic development of the region. The treaty consecrated the neutrality of the Black Sea, instituted free navigation through the Bosphorus and the Dardanelles, and set up an international navigation regime on the Danube.

The first international organization devoted to this river was created on the same occasion. Its name included the very word “European,” so rich in meaning today. The new European Commission of the Danube, the ECD, had its headquarters in the city of Galați.⁵ Although it was originally created only for a period of two years, and its attributions only covered maritime Danube, from Sulina to Galați and then to Brăila, the ECD actually remained in operation until the middle of the 20th century, proving to be of great service to Europe and especially to Romania, as it regulated traffic on the Sulina arm and helped develop navigation and trade in the entire Danube region.

The same treaty provided for the establishment of a Riparian Commission (RC), which included Austria, Bavaria, Württemberg, and the Sublime Porte, plus the commissioners of the three Danube Principalities (Moldavia, Wallachia, and Serbia) validated by the Porte. The RC was designed as a standing commission and was to take up the attributions of the ECD once the latter ceased to function. However, the RC never came into being, and the ECD, initially planned as a temporary institution, continued to operate for nearly a hundred years.

At the same time, we could say that the Paris Peace Treaty of 1856 marked the birth of the modern Romanian state. A sizable part of the documents in question deals with the status of the Danube Principalities, Wallachia and Moldavia, whose fate became the responsibility of the whole of Europe, as a collective guarantee was offered by the seven signatory powers.

By turning the Danube into an international issue, the Paris Peace Treaty created the favorable circumstances which eventually led to the unification of the Romanian countries. The Paris Convention of 1858—stemming from the agreement between the suzerain power, the Ottoman Empire, and the European powers who offered their guarantees—set up a commission tasked with making proposals for the future organization of the Danube Principalities, as well as *ad-hoc divans* for the consultation of the population. The rule of law was established in the United Principalities, designed as a confederate state, marking a radical break with the authoritarian and absolutist governance specific to the periods of Ottoman and Russian domination. This European initiative was followed in the principalities by a series of actions that took things a lot further than planned. The perfect synchrony between the decisions made by the ad-hoc divans and the election of the same ruler in both Iași and Bucharest made it possible to solve the “Romanian issue” exactly in the manner desired by the Romanians themselves. The double election of ruler Alexandru Ioan Cuza, occurred on 24 January 1859, meant that the nation put into practice its own political choice, thus joining the civilized world of that time.

The 1878 Treaty of Berlin recognized Romania’s independence from Turkey, de facto gained on the battlefields of 1877. Its newly-acquired status—Romania became a distinct subject of international law—made it eligible for membership in the European Commission of the Danube. Thus, Romania assumed a number of responsibilities on the mouths of the Danube and in Dobruja, being granted direct access to the Black Sea by the provisions of that very same treaty. From that moment on, Romania would seek to alter the regime of the Danube, systematically pursuing the elimination of international obligations incompatible with its national sovereignty.

The Treaty of Berlin placed Austria-Hungary in charge of the project meant to improve navigation through the Iron Gates (the Danube Rapids), and also allowed it to collect the related tariffs.⁶ Austria decided to transfer all of its rights in this matter to Hungary. Thus, the Budapest administration began the improvement work in 1895, and declared it completed in 1899, gaining both political and financial advantages. First of all, the Hungarian Regulations discriminated when it came to the tariffs it charged. These were designed so as to favor Hungarian exports (cement, fertilizers, etc.) and were exceedingly high for the Romanian exports (chiefly grain).⁷

The issue of the Danube was also the object of the 1883 Treaty of London, which removed the Kilia arm from under the authority of the ECD. However, the competences of the latter presently reached as far as Brăila, and its existence was extended with 21 years, becoming after that subject of renewal by tacit agreement every three years.⁸ The two World Wars of the 20th century brought with them significant changes in the institutional structure of Danube

cooperation. The First World War saw the abolition of the ECD, which was replaced by a Commission of the Danube Arms, dominated by Germany and Austria-Hungary. The unilateral withdrawal from the 1856 Treaty of Paris was not recognized by the Entente, and Britain, France, and the United States protested against the action in question.

Russia, which had become the Soviet Union under its first communist government, withdrew from the war and, following the union between Bessarabia and Romania, it ceased to be a Danube state, no longer participating in the later negotiations regarding the status of the Danube.

The new status of the Danube was regulated by the Versailles Treaties (1919–1920), which defined the general principles, followed by the Paris Convention of 23 July 1921, signed by the representatives of Belgium, France, Great Britain, Italy, Romania, Kingdom of Serbs, Croats and Slovenes, Czechoslovakia, Germany, Austria, Bulgaria, and Hungary. Practically, France and Britain consolidated their earlier positions, while the defeated countries—Germany, Austria, and Hungary—came to play a lesser role. Furthermore, Turkey and Russia (now the USSR) ceased to be part of the Danube administration, despite the fact that they had been founding members of the ECD.

The Definitive Statute of the Danube reconfirmed the principle of free navigation and equal treatment for all flags, that is, for the vessels of any nation that sailed on the Danube. It was agreed that the entire river network be placed under international control, meaning that the latter covered the Danube (from Ulm to the Black Sea), but also tributaries like the Morava, the Thaya, the Drava, the Tisza from the mouth of the Someș, and the Mureș downstream of Arad.⁹ The ECD, which included representatives of France, Great Britain, Italy, and Romania, maintained its authority over maritime Danube (from Brăila to the Black Sea). The rest, known as fluvial Danube, was placed under the authority of the International Commission of the Danube (ICD), which consisted of two representatives of Germany, one representative of the other riparian states, and members of the ECD. The ICD was tasked with monitoring the Danube from Ulm to Brăila. In what concerned the sector of the Iron Gates, the Statute of the Danube provided for the establishment of a special technical and administrative Service with its headquarters in Orșova, based on an agreement between the ICD, Romania, and Yugoslavia, concluded at Semmering on 28 June 1932. The Semmering Agreement set up the Administration of the Iron Gates (AIG) as a service subordinated to the ICD and responsible for the maintenance and the improvement of navigation conditions in this sector of the Danube.¹⁰ This sector, known as the “Iron Gates and Cataracts” sector, was under the administration of the special technical and administrative Service established by a joint agreement between Romania and Yugoslavia, on the one hand, and the ICD, on the other, with the latter having the power of control and oversight.

During the interwar period, or more precisely in 1937–1938, Romania managed to convene a conference of ECD member states, which was held in Sinaia and which agreed to change the status of maritime Danube. The treaties, the agreements, and the conventions of 1856 and 1881, reconfirmed in 1921, had granted the ECD a number of rights and privileges which practically turned this international organization into a super-state body. The Sinaia Conference was attended by Britain, France, and Romania. Italy kept its distance, in an attempt to gain ECD membership for Germany.¹¹ The Sinaia Arrangement of 1938 “concerning the exercise of its attributions by the European Commission of the Danube,” granted Romania complete sovereignty over maritime Danube, which included technical attributions, the right to levy and manage navigation taxes, and the right to police and medical control. Furthermore, article 7 stated that all fixed and movable assets of the Commission were placed at the disposal of the Romanian state, to be used according to their purpose in the interest of navigation. This included floating facilities, quarry equipment, the hospitals in Sulina and the lighthouses on Snake Island, at Sulina and on Sfântu Gheorghe arm. Romania was to exercise these attributions by way of an autonomous body created for this purpose within the Communications Ministry: the Directorate of Maritime Danube. The ECD was left only with its administration buildings located in Galați and Sulina, becoming thus an international control body in the proper sense of the word.¹²

The Sinaia Arrangement was completed by the Bucharest Agreement of 1939, between Britain, France, Italy, Romania, and Germany. This agreement came into effect together with the Sinaia Arrangement, on 13 May, 1939, and provided for Germany’s membership in the ECD.¹³

THE SECOND World War had as its first consequence the recognition of Germany as a member of the body that would administer fluvial Danube. At a conference dedicated to the Danube and held in Vienna, between 5 and 12 September 1940, Germany, Bulgaria, Hungary, Italy, Romania, Slovakia, and Yugoslavia concluded an arrangement which abolished the ICD and replaced it with a Council of Fluvial Danube.

The summer of 1940 also saw the return of the Soviet Union, which once again became a riparian state of the Danube following the occupation of Bessarabia. From this moment on, the USSR declared that it could no longer remain indifferent to the status of the Danube and that it would take part in any decision concerning the river. In October 1940, Germany and the Soviet Union agreed to dismantle both Danube organizations—the ECD and the ICD—and replace them with a single Danube Commission consisting of Germany, Italy, the USSR, and the riparian Balkan states.

As early as 1942 (during a conference held in Bucharest with the participation of Germany, Italy, and Romania), the change in the status of maritime Danube included a German attempt to abolish the ECD and set up a single Commission of the Danube riparian states. No such agreement was reached, as the radically opposed German and Romanian views could not be reconciled. On that occasion, the Romanian delegate demanded that the issue regarding the abolishment of the ECD be postponed until the end of the war.¹⁴

Practically, during the war and right after 23 August 1944, when Romania joined the Allies and continued the war alongside the USSR, Britain, and the USA, navigation on the Danube was supervised by the Directorate of Maritime Danube, a Romanian state agency, which monitored and financed improvement work not only in its original sector, but also at the Iron Gates. Difficulties rose from the manner in which the Soviet military authorities interpreted the rights given to the USSR by the Armistice Convention with Romania concluded on 12 September 1944. The Red Army seized and shipped to the USSR, as spoils of war, many of the installations essential to navigation. Also, it occupied the mouths of the Sulina arm and the city of Sulina, declaring it a military zone.¹⁵

At the end of the war, the USSR assumed a dominant role in Danube affairs. The attitude displayed during the Belgrade Conference (30 July–18 August 1948) is quite illustrative of the position of force adopted by the Soviet delegates led by Andrey Yanuaryevich Vyshinsky. The conference was attended by delegates of the following states: the USA, Britain, France, the USSR, Czechoslovakia, Hungary, Yugoslavia, Bulgaria, and Romania. Austria sent some observers, while Germany was not represented.¹⁶ The Convention Regarding the Regime of Navigation on the Danube was based on a Soviet project which gave priority to the riparian states, which became exclusively responsible for regulating and controlling navigation on the Danube. The Belgrade Convention was adopted with a majority of votes (the former socialist states). France and Britain abstained, while the USA voted against. In an additional Protocol to the Convention, the previous regime of navigation on the Danube was declared to be no longer in effect. Thus, the abolishment of the ECD and of the ICD was reconfirmed. The Belgrade Convention signed by Bulgaria, Hungary, Romania, the USSR, the Ukraine, Czechoslovakia, and Yugoslavia came into effect on 11 May 1949. Austria joined the convention on 7 January 1960.

The Convention, in its article 5, provided for the establishment of the Danube Commission (DC), an inter-governmental organization including representatives of the Danube countries. The DC is still in operation today, based on the 1948 Belgrade Convention imposed by the former USSR. The DC began its activity in 1949, having its headquarters first in Galați, and then in Budapest, after 1954.¹⁷ However, the Belgrade Convention and the establishment of the

Danube Commission in 1948 consecrated the political fragmentation of the Danube, which was now divided by the Iron Curtain. Thus, navigation developed mostly on the middle and the lower Danube, in the area of the then socialist countries.¹⁸

Of course, the geopolitical mutations occurred in Europe after 1990—especially the dissolution of the USSR (meaning that the Russian Federation ceased to be a riparian state of the Danube), of Czechoslovakia, and of Yugoslavia—require a new reorganization of Danube cooperation. The year 1996 saw a “small revision,” as Germany, Croatia, and Moldova joined the organization.

The DC is currently in a process of reorganization and adaptation to the new geopolitical context of the Danube Basin. Despite the heterogeneous nature of its 11-member structure—EU member states (Germany, Austria, Slovakia, Hungary, Bulgaria, and Romania), members of the former Yugoslavia (Croatia and Serbia) or of the CIS (the Russian Federation, the Ukraine, Moldova)—all members are aware of the need for change. Still, each country sees this change according to its own interests, which are mainly economic in nature. Geopolitical mutations played a significant role. In 1948, the former URRS abolished the ECD and kept France, Britain, and Italy out of the new institutional structure, arguing that they were not riparian states of the Danube. More recently, France and Turkey (followed by Holland and the Czech Republic) acquired observer status within the DC, and the Russian Federation could not object because it is itself no longer a riparian state of the Danube. Nowadays, a new partner, the European Commission in Brussels, shows great interest in the DC, seeking to increase the efficiency of the Inland Waterway Corridor 7, from Constanța to Rotterdam.

An event that seriously affected the activity of the DC was the NATO bombing of Serbia, occurred in 1999, with the destruction of the bridges in Novi Sad. After that, navigation was totally or partially disrupted until October 2005, when a pontoon bridge was erected. This blockage on the Serbian sector triggered profound mutations, affecting riparian states to varying extents. Most seriously affected were the states located downstream—Romania, the Ukraine, Bulgaria—while Germany, Austria, Slovakia, and even Hungary actually intensified their Danube traffic, in the direction of Western Europe.

In an attempt to increase the efficiency of the DC, in 2001 Romania and Austria set in motion the Danube Cooperation Process (DCP), an initiative meant to expand cooperation from navigation proper to aspects relating to culture, education, to the protection of the environment in the Danube region, and even to political matters. Romania and Austria, together with Hungary, actively participate in the work of the Preparatory Committee for the revision of the Belgrade Convention of 1948.

FOR SEVERAL decades, the Danube issue remained closely related to the historical development of modern Romania. Today, the Danube issue has become once again a European matter, and Corridor 7 Danube–Main–Rhine will soon fulfill the European dream of uniting the eastern and the western parts of Europe under the same norms and standards, demanded by a higher level of culture and civilization. The new institutional structures planned in connection to this intra-European navigation corridor will be more efficient and more beneficial to Europe than the previous organizations. All DC member states are called upon to cooperate in the de facto and the de jure implementation of the projects devised by the European Commission in connection to Inland Waterway Corridor 7, from the Black Sea to the North Sea. □

Notes

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Abstract

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Throughout its history, the Danube has facilitated exchanges—of people, of goods, of ideas—between Central and Eastern Europe, the Balkan Peninsula, and the Black Sea, having a direct contribution to the economic and especially to the multicultural development of the region. The present paper discusses the main instances when, in the modern era, the Danube came to the attention of the main European powers, becoming the object of various treaties and agreements: from the Congress of Vienna (1815) to the Paris Peace Congress of 1856 (with the establishment of the European Commission of the Danube), the Treaty of Berlin (1878), the Treaty of London (1883), the Versailles Treaties (1919–1920), the Semmering Agreement of 1932, the Sinaia Arrangement of 1938, the Bucharest Agreement of 1939, the Belgrade Convention of 1949 (with the establishment of the current Danube Commission). Attention is also given to the issue of the Danube in the broader context of EU enlargement in this geographic area.

Keywords

Danube, European Commission of the Danube, Danube Commission, Danube Cooperation Process