

No. 33604

**HUNGARY
and
ROMANIA**

Treaty of understanding, cooperation and good neighbourliness (with appendix). Signed at Timisoara on 16 September 1996

Authentic texts: Hungarian and Romanian.

Registered by Hungary and Romania on 4 March 1997.

**HONGRIE
et
ROUMANIE**

Traité d'entente, de coopération et de bon voisinage (avec annexe). Signé à Timisoara le 16 septembre 1996

Textes authentiques : hongrois et roumain.

Enregistré par la Hongrie et la Roumanie le 4 mars 1997.

[TRANSLATION]¹

TREATY² OF UNDERSTANDING, COOPERATION AND GOOD
NEIGHBORLINESS BETWEEN ROMANIA AND THE REPUB-
LIC OF HUNGARY

Romania and the Republic of Hungary,

Convinced that good neighborliness, mutual respect and cooperation between the two countries correspond to the fundamental interests of Romania and Hungary:

Reiterating their commitment toward human rights and fundamental freedoms, democracy, humanism and the rule of law, and expressing their belief that the affirmation and enrichment of their content represents the basis of liberty, justice and peace;

Animated of the joint desire that Europe should become a united continent, of peace, security and cooperation for all states and peoples, and determined to act in order to develop such relations which would make the achievement of these objectives possible;

Recognizing that national minorities are an integral part of society in the state in which their live and considering that their protection is a component part of the international protection of human rights and that consequently their protection is the object of international cooperation and that normalization of their cooperation in this area represents an important contribution to both stability and understanding in Europe and to the consolidation of democracy in the two countries and their integration in european and euro-atlantic structures;

Reiterating their determination to act in order to accomplish the purposes and principles of the United National Charter, of the Final Act in Helsinki, of the Paris Charter for a new Europe and of other documents of Organization for Security and Cooperation in Europe;³

Convinced that the irreversible changes which took place in Europe and in the two countries open new perspectives in their bilateral relations,

Agreed on the following:

Article 1

(1) Romania and the Republic of Hungary (heretofore referred to as “Contracting Parties”) shall base their relations on mutual trust, cooperation and respect.

(2) The Contracting Parties shall observe, in their mutual relations and in relations with other states, the principles of the United Nations Charter, of the Final Act in Helsinki, of the Paris Charter for a new Europe and of other documents of

¹ Translation supplied by the Governments of Hungary and Romania.

² Came into force on 27 December 1996 by the exchange of the instruments of ratification, in accordance with article 24.

³ *International Legal Materials*, vol. XIV (1975), p. 1292; vol. XVII (1978), p. 414; vol. XXII (1983), p. 1395; vol. XXVIII (1989), p. 527; vol. XXIX, No. 4 (1990), p. 1054 (American Society of International Law); United Nations, *Official Records of the General Assembly, Forty-fifth Session*, document A/45/859; and *International Legal Materials*, vol. XXXIV, No. 3 (1995), p. 764 (American Society of International Law).

Organization for Security and Cooperation in Europe and the other generally accepted principles and norms of international law.

Article 2

(1) The Contracting Parties will act so that the entire Europe should become a community of states, peaceful and democratic, based on the rule of law and shall contribute to the defense and consolidation of security in this space, to the achievement of the objective or guaranteeing peace, security through cooperation, in accordance with the commitments within Organization for Security and Cooperation in Europe.

(2) The Contracting Parties, in order to strengthen european peace and security, shall support the continuation of the process to limit and reduce armed forces and armament in Europe at a level in accordance with defense needs. They shall also support the elaboration of new measures to increase confidence and security and shall pursue to take such measures within their bilateral relations.

Article 3

(1) The Contracting Parties reiterate that in their mutual relations they shall refrain from the threat of force or the use of force, directed either against the territorial integrity or political independence of the other Contracting Party, or in any other way which is incompatible with the goals of the United Nations Organization and with the principles of the Final Act in Helsinki. They shall also refrain from supporting such actions and shall not allow a third party to use their territory to commit activities of this kind against the other Contracting Party.

(2) Any differences which might appear between the Contracting Parties shall be solved exclusively in a peaceful way.

Article 4

The Contracting Parties, according to the principles and norms of international law and with the principles of the Final Act in Helsinki, reconfirm that they shall observe the inviolability of their common border and the territorial integrity of the other Party. They also reiterate that they have no territorial claims on each other and that they shall also not raise such claims in the future.

Article 5

(1) In order to achieve the objectives of this Treaty, the Contracting Parties shall create the necessary framework for cooperation in all areas of mutual interest.

(2) To enforce this Treaty, the Contracting Parties shall give priority to the collaboration and expansion of relations between legislative and executive bodies.

(3) In order to ensure continued development and deepening of bilateral relations and mutual understanding of standpoints on international issues, periodic exchanges of opinions shall be continued at various levels. In this respect, a meeting between the prime ministers shall take place at least once every year, and the foreign ministers shall review the implementation of the Treaty herein at least once every year.

(4) Periodic meetings of the leaders of other ministries and central institution shall be regulated through understanding to be concluded between them.

Article 6

(1) The Contracting Parties shall continue to support the development and persistent use of mechanisms of european collaboration, in order to thus actively contribute to maintaining and strengthening peace and security in the region.

(2) Should a situation arise which, according to the opinion of one of the Contracting Parties, could threaten peace and international security or its major security interests, that Party may suggest to the other Party that they examine together measures to contribute to reducing tension and eliminating the situation created, taking into account the principles and mechanisms stipulated by the United Nations Charter and those available within european collaboration.

(3) The Contracting Parties shall organize periodic consultations at various levels on security and defense issues of mutual interest. At the request of any one of them, they shall inform one another of the fulfillment of obligations assumed based on international documents they both subscribed to regarding security and disarmament.

(4) Cooperation between the military institutions of the two Parties shall be made on separate agreements.

Article 7

(1) The Contracting Parties shall expend their contacts and cooperation in international organizations, including in the regional and subregional ones. They shall support one another in their efforts to join the European Union, the North Atlantic Treaty Organization and the Western European Union.

(2) The Contracting Parties, in agreement with other european countries interested, shall work together on achieve projects of regional and subregional cooperation and other forms of cooperation to favor accelerated development of participating countries, in areas for mutual interest — economy, industry, agriculture, environment, transportation, telecommunications and others. They shall encourage participation of those directly interested, in accordance with the legislation of each Party, in the implementation of these projects and forms of cooperation.

Article 8

(1) The Contracting Parties shall develop, according to the practices and norms of international trade, mutually beneficial economic cooperation and commercial exchanges in all areas of economic life.

(2) To this end they shall stimulate, in accordance with their international regulations, and with their international obligations, relations and direct cooperation between companies of the two States, and shall act to ensure favorable conditions for entrepreneurial, commercial, and other economic activities of physical and legal entities of one of the Contracting Parties on the territory of the other Contracting Parties.

(3) Also, the Contracting Parties shall encourage and promote mutual capital investment, and shall guarantee their protection.

(4) The Contracting Parties shall give special attention to cooperation between them in order to coordinates the development according to the international standards, of national infrastructures, including power systems, and of interconnected transportation and telecommunications networks.

Article 9

(1) The Contracting Parties shall promote mutually beneficial and efficient cooperation in the area of fundamental and applied research, and shall give special attention to modern equipment and technology.

(2) The Contracting Parties shall encourage direct contact and joint initiatives of scientists and researchers in the two countries, and to cooperate between scientific research institutes, libraries and other institutions in this area.

Article 10

(1) The Contracting Parties shall cooperate at the bilateral, subregional and regional level, in order to prevent, reduce and eliminate pollution which affects their respective territories, and to improve conditions.

(2) In case of the environmental disaster, or of an accident with such an effect, or in the case of such threat, the Contracting Parties shall inform one another without delay on the situation and emergency measures taken.

Article 11

(1) The Contracting Parties shall expand cooperation between them, and with other Danube states, in order to develop navigation on the Danube and collaboration among riparian countries, in all areas of mutual interest, and to prevent, reduce and control the pollution of Danube waters.

(2) The Contracting Parties shall also cooperate on issues regarding transborder waters which interest both countries, based on the bilateral convention and on multilateral conventions to which both Contracting Parties are or shall become part.

Article 12

(1) The Contracting Parties shall develop cooperation in the areas of culture, science and education.

(2) The Contracting Parties shall support the development of cultural exchanges between institutions, creative unions, associations and non-government organizations, and between citizens of the two countries, and shall conclude for this purpose agreements and governments and interdepartment programs.

(3) The Contracting Parties shall develop and support cooperation, including that based on direct agreements, between universities and other education institutions, institutes and centers of scientific research of the two countries, and exchanges of students, professors and scientific researchers. They shall give special attention to the training of specialists and declare that they are ready to expand and deepen this cooperation.

(4) The Contracting Parties shall encourage cooperation and direct exchanges between archives, libraries and museums, and shall provide access to documentary sources existent there in to researchers and other persons of the other country, in accordance with valid internal regulations of that country.

(5) The Contracting Parties shall take necessary measures so that their competent authorities examine the issue of recognition of education diplomas in order to conclude an adequate understanding in this area.

(6) Each Contracting Party shall encourage the study of the other Party's language in universities, schools and enter institutions, and for this purpose shall grant assistance to train teachers and organize education.

(7) The Contracting Parties shall support the activity of their cultural centers and shall fully use the possibilities they offer to develop mutual cultural exchanges, according to the agreement between them.

(8) In order to achieve the objectives set forth by this article and to develop the institutionalized framework of bilateral collaboration, the Contracting Parties shall act in order to conclude a new agreement of cooperation in the areas of culture, education and science and of other such conventions.

Article 13

(1) The Contracting Parties shall cooperate in order to maintain and mutually learn of the cultural heritage of the two nation.

(2) The Contracting Parties shall act in order to protect their historical and cultural monuments, of memorail sites of written and material vestiges on their territories, which evoke and conserve moments of the history and culture of the other Party, shall support their conservation and shall facilitate access to them, according to the legislation of each Party.

Article 14

The Contracting Parties shall encourage a climate of tolerance and understanding among their citizens with different ethnic origin, religion, culture or language. They condemn any manifestation of xenophobia, hatred, discrimination or racial, ethnic or religious prejudice and shall take effective measures to prevent any such manifestation.

Article 15

(1) *a)* The Contracting Parties pledge that in regulating the rights and obligations of persons belonging to national minorities living on their territory, they shall enforce the Framework Convention of the Council of Europe regarding national minorities, if their lawful internal order does not contain more favorable regulations regarding the rights of persons belonging to minorities.

b) The Contracting Parties, without infringing upon the contents of paragraph *a)* above, in order to protect and promote ethnic, cultural, linguistic and religious identity of the Romanian minority in Hungary and of the Hungarian minority in Romania, shall enforce, as legal commitments, the provisions which define the rights of these persons, as they are stipulated in pertinent documents of the United Nations Organization, Organization for Security and Cooperation in Europe and the Council of Europe, mentioned in the appendix to the Treaty herein.

(2) As such, the Parties reiterate that the persons to whom the preceding paragraph before have the right, exercised individually, or jointly together with other members of their group, to express freely, preserve and develop their ethnic, cultural, linguistic and religious identity. Accordingly, they have the right to create and maintain their own educational, cultural and religious institutions, organizations or associations, which can appeal to voluntary financial and other contributions, and to public support, in accordance with national legislation.

(3) The Contracting Parties respect the right of persons belonging to the Romanian minority in Hungary and of persons belonging to the Hungarian minority in Romania to freely use their mother tongue, in private and in public, orally and in writing. They shall take the necessary measures so that persons may study their mother tongue and have adequate possibilities to be educated in this language within the state education system, at all levels and in all forms, according to their needs. The Contracting Parties shall ensure conditions which will make possible the use of their mother tongue also in relations with local, administrative or judicial authorities, according to national legislation and international commitments undertaken by the two Parties. These persons also have the right to use their first and last name in their mother tongue and shall enjoy official recognition of these names. In areas inhabited by a substantial number of persons belonging to the respective minorities, each Party shall allow traditional local names of geographic places, street names and other topographic names of public use to be displayed, also, in the minority language.

(4) The Contracting Parties shall respect the right of persons belonging to national minorities to have access, in their mother tongue to information and electronic and print mass media and to freely exchange and disseminate information. They shall give these persons to possibility, within the internal legislation of each to create and administrate their own mass media.

(5) The Contracting Parties shall ensure the exercise by persons belonging to these minorities of the right to effectively take part, individually or through their political parties or organisations to the political, economic, social and cultural life and to resolution of issues of national or local interest, through their elected representatives in bodies of central or local public authorities. Each Contracting Party, in making decisions on issues regarding the protection and advancement of national identity of these persons, shall consult with their organisations, political parties or associations, according to this democratic decision-making procedures stipulated by law.

(6) The Contracting Parties respect the cultural and historical heritage of national minorities, support their efforts to protect historical monuments and sites which preserve the culture and history of minorities and take adequate measures so that in areas with mixed population citizens should be aware of the Romanian respective Hungarian values.

(7) The Parties shall respect the right of persons belonging to these minorities to maintain free contact among them and across the borders with the citizens of other states and the right to participate in the activities of national and international non-governmental organizations.

(8) The Contracting Parties recognize that, in exercising the rights referred to in the article herein, any person belonging to a minority shall observe, as any other citizen of the respective state, the national legislation and the rights of others. These persons shall enjoy the same rights and shall have the same obligations as all other citizen of the country they live in.

(9) The Contracting Parties, without infringing upon measures taken within their general integration policies, shall refrain from any policy or practice with the purpose to assimilate the persons belonging to national minorities against their will and shall protect these persons against any action which aims at such assimilation. They shall also refrain from measures which, by altering the proportion of popula-

tion in areas inhabited by persons belonging to national minorities are directed against the rights and freedoms which result from international standards and norms mentioned in paragraph 1 of this article.

(10) The Parties shall support each other in monitoring the implementation of the provisions mentioned in this article. To this end, during the periodic consultations mentioned in article 5 of this Treaty, the Parties shall also examine issues of their bilateral cooperation regarding national minorities as they result from the enforcement of the hereby Treaty and shall create an inter-governmental Committee made of experts. They shall cooperate in the adequate unfolding of Organization for Security and Cooperation in Europe and Council of Europe procedures, which verify the fulfilment of commitments regarding the protection of national minorities, as defined in the documents of these organizations, to which the Parties have subscribed.

(11) The Contracting Parties shall cooperate in order to develop the international legal framework for the protection of national minorities. They agree to enforce as part of the hereby Treaty, the provisions of international documents by virtue of which they shall also assume other obligations regarding the advancement of the rights of persons belonging to national minorities.

(12) None of the commitments contained in this article can be interpreted as implying any right to undertake any activity or action against the purposes and principles of the United Nations Charter, of other obligations resulting from international law or of the provisions of the Final Act of Helsinki and of the Paris Charter of Organisation for Security and Cooperation in Europe, including the principle of territorial integrity of states.

Article 16

The Contracting Parties shall develop their cooperation in the area of mass-media. They shall favor the free flow of information regarding the social, political, economic, cultural and scientific life in their countries and shall support any effort directed towards mutual and objective awareness and understanding, towards overcoming prejudice.

Article 17

(1) The Contracting Parties shall develop and support cooperation in the areas of health care and medical research.

(2) The Contracting Parties shall also promote cooperation in the areas of social security and insurance, in the interest of the citizens of each Party who are on the territory of the other Party and, to this end, shall examine the possibility of concluding understandings.

Article 18

The Contracting Parties shall support the expansion of direct contacts between political and labor organizations, between churches and religious communities, foundations women's, youth, sports and other associations.

Article 19

(1) The Contracting Parties shall support and facilitate direct contacts among their citizens.

(2) The Contracting Parties shall expand consular relations and shall simplify border crossing and customs control, including by opening new border checkpoints and the growth of existing ones, according to the possibilities, in order to facilitate the traffic of passengers and goods, by concluding agreements to achieve these goals.

Article 20

(1) The Contracting Parties shall mutually grant one another legal assistance in civil and criminal cases, according to valid conventions, and shall develop cooperation based on special agreements between their police authorities.

(2) The Contracting Parties shall cooperate in the prevention and fight against organized crime, especially against terrorism, illegal drug trafficking, air piracy, contraband and illegal trafficking of cultural, historical and museum goods and values. Also, they declare their disposition to work together in these areas, within international cooperation.

Article 21

(1) The Contracting Parties shall resolve, through direct consultations and negotiations, all differences resulting from the interpretation or implementation of the Treaty hereby. When both Contracting Parties shall become parties to a multilateral international agreements regarding the peaceful resolution of differences, the differences mentioned herein, and which have not been resolved within a reasonable period of time through direct consultations and negotiations, shall be resolved according to the procedures established by the above-mentioned multilateral international agreement, on the condition that obligations assumed through that agreements also refer to such differences.

(2) The Contracting Parties shall attempt, any time it is the case, to include in their bilateral convention clauses according to which differences regarding the interpretation or implementation of the respective conventions shall be subject to available resolution procedures.

Article 22

The present Treaty is not against any third state and does not infringe upon the rights and obligations which result for the Contracting Parties from bilateral and multilateral treaties concluded by each one of them with other states.

Article 23

The present Treaty is concluded for a period of 10 years. Its validity is automatically extended by further periods of five years, unless any of the Contracting Parties notifies in writing to the other Contracting Party, at least one year before the expiration of that period, its intention to denounce the Treaty.

Article 24

The present Treaty shall be subject to ratification according to the constitutional procedures of each Contracting Party respectively, and shall enter into force on the date of the exchange of ratification instruments. The Contracting Parties note

that the “Treaty of friendship, cooperation and mutual assistance between the Socialist Republic of Romania and the People’s Republic of Hungary” signed in Bucharest on February 24, 1972,¹ has ceased to be effective.

Article 25

The present Treaty shall be registered at the United Nations Secretariat, according to Article 102 of the Charter.

CONCLUDED on [16 September 1996], at [Timisoara], in two original copies, each in the Romanian and Hungarian languages, with both texts being equally authentic.

For Romania:

[NICOLAE VACAROIU]

For the Republic
of Hungary:

[GYULA HORN]

¹United Nations, *Treaty Series*, vol. 847, p. 133.

APPENDIX

LIST OF DOCUMENTS REFERRED TO IN PARAGRAPH 1.*b*) OF ARTICLE 15 OF THE TREATY OF UNDERSTANDING, COOPERATION AND GOOD NEIGHBORLINESS BETWEEN ROMANIA AND THE REPUBLIC OF HUNGARY

1. The Document of the Copenhagen meeting on the human dimension of Organization for Security and Cooperation in Europe. June 29, 1990;
 2. The Statement of the United Nations General Assembly on the rights of persons belonging to national, ethnic, religious or linguistic minorities (Resolution 47/135), December 18, 1992 and
 3. Recommendation 1201 (1993) of the Parliamentary Assembly of the Council of Europe on an additional protocol on the rights of national minorities to the European Convention on Human Rights.*
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* The Contracting Parties agree that Recommendation 1201 does not refer to collective rights, nor does it obligate Parties to grant those persons the right to a special territorial autonomy status based on ethnic criteria.