

TREATY BETWEEN THE REPUBLIC OF HUNGARY AND ROMANIA ON UNDERSTANDING, COOPERATION AND GOOD NEIGHBOURHOOD

The Republic of Hungary and Romania,

- being convinced that good neighbourhood, mutual respect and cooperation correspond to the fundamental interests of Hungary and Romania;
- reaffirming that they are committed to the human rights and fundamental freedoms, democracy, humanism and the rule of law and expressing the conviction that their enforcement and substantial enrichment constitutes the basis of freedom, justice and peace;
- being guided by their common effort aimed so that Europe becomes a unified continent of peace, security and cooperation for the benefit of all states and peoples, and determined to act in order to develop such relations which would enable the advancement of these goals;
- recognizing that national minorities constitute an integral part of the society of the state where they live and taking furthermore into account that their protection forms part of the international protection of human rights and as such falls within the scope of international cooperation, and that normalization of their cooperation in this field constitutes an important contribution to stability and understanding in Europe, to the strengthening of democracy in their respective countries and to their integration into the European and Euro-Atlantic structures;
- reaffirming their commitment to act in order to implement the purposes and principles contained in the Charter of the United Nations, the Helsinki Final Act, the Paris Charter for a New Europe and other documents of the Organization on Security and Cooperation in Europe;
- being convinced that the irreversible changes which have occurred in Europe and in their respective countries open new perspectives in their bilateral relations;

have agreed as follows:

Article 1

(1) The Republic of Hungary and Romania (hereinafter referred to as "the Contracting Parties") will base their relations on confidence, cooperation and mutual respect.

(2) The Contracting Parties shall, both in their mutual relations and in relations with other states, respect the principles enshrined in the Charter of the United Nations, the Helsinki Final Act, the Paris Charter for a New Europe and other documents of the Organization on Security and Cooperation in Europe, as well as other accepted principles and norms of international law.

Article 2

(1) The Contracting Parties shall act in order that Europe as a whole becomes a peaceful and democratic community of states based on the rule of law and will contribute to the safeguarding and strengthening of security of this region, and to the guaranteeing of peace

and security based on cooperation, in accordance with their obligations undertaken within the framework of the Organization on Security and Cooperation in Europe.

(2) The Contracting Parties, in order to strengthen European peace and security, support the continuation of processes aimed at controlling and limiting European armed forces and armaments to the level necessary for defence. They will furthermore support the elaboration of new confidence-building and confidence-strengthening measures and will strive at making similar steps in their bilateral relations.

Article 3

(1) The Contracting Parties confirm that they shall, in their mutual relations, refrain from the use, or the threat of use, of force against the territorial integrity or political independence of the other Contracting Party, as well as from any actions which are inconsistent with the purposes of the United Nations and the Helsinki Final Act. They shall also refrain from supporting such actions and they shall not allow a third party to use their territory for conducting similar actions against the other Contracting Party.

(2) The Contracting Parties shall settle any dispute arising between them exclusively by peaceful means.

Article 4

The Contracting Parties confirm that, in accordance with the principles and norms of international law and the principles of the Helsinki Final Act, they shall respect the inviolability of their common border and the territorial integrity of the other Party. They further confirm that they have no territorial claims on each other and that they shall not raise any such claims in the future.

Article 5

(1) The Contracting Parties shall, with the view to implementing the purposes of this Treaty, establish an appropriate framework for cooperation in all fields of mutual interest.

(2) When implementing this Treaty, the Contracting Parties will attach special attention to the enhancement of cooperation and the extension of relations between the legislative and executive bodies.

(3) They will continue, at different levels, regular exchanges of views in order to ensure further development and deepening of their bilateral relations and to become mutually acquainted with each other's views on international issues. Within this framework, the Prime Ministers will meet at least once a year and the Ministers for Foreign Affairs shall also meet annually with the aim of reviewing the implementation of this Treaty.

(4) Regular meetings of leaders of other different ministries and central agencies shall be provided for in the agreements to be concluded between them.

Article 6

(1) The Contracting Parties will, in order to contribute actively to preserving and strengthening of peace and security in the region, support the further development and consistent implementation of European cooperation mechanisms.

(2) If, in the opinion of either of the Contracting Parties, a situation emerges that may present a threat to international peace and security or to its own security interests, this Contracting Party may propose to the other Contracting Party to consider jointly those

steps to be taken in order to ease the tension or to eliminate the emerged situation, taking into account the principles and mechanisms enshrined in the Charter of the United Nations, as well as those available within the framework of the European cooperation.

(3) The Contracting Parties shall conduct regular consultations at various levels on questions of mutual interest concerning security and defence. Upon the request of either Party they shall inform each other on the fulfilment of their international engagements concerning security and disarmament, stemming from such documents they have both subscribed to.

(4) Cooperation between the military institutions of the Contracting Parties shall be realized on the basis of a separate agreement.

Article 7

(1) The Contracting Parties will broaden their relations and cooperation in international organizations, including regional and sub-regional organizations. They shall mutually support each other's efforts aimed at integration to the European Union, NATO and the Western European Union.

(2) The Contracting Parties shall, together with other interested European countries, cooperate in the realization of regional and sub-regional projects and other forms of cooperation with the aim of promoting, in the field of economy, industry, agriculture, ecology, transport and communication as well as in other fields of mutual interest, the acceleration of development of the countries participating in those projects and other forms of cooperation. They shall encourage the participation of those directly interested in the realization of these forms of cooperation and projects, in accordance with the domestic legislation of the Contracting Parties.

Article 8

(1) The Contracting Parties shall, on the basis of international trade practice and norms, develop their economic cooperation and mutually advantageous trade in all fields of the economy.

(2) For this purpose they shall, in accordance with their domestic legislation and other international obligations, incite direct contacts and cooperation between the participants in the economy of the two States and will endeavour to create favourable conditions for natural and legal persons of both Contracting Parties in order to enable them to exert the undertaking of entrepreneurial, commercial and other economic activity in the territory of the other Contracting Party.

(3) The Contracting Parties shall also encourage and promote mutual capital investments and shall guarantee their safety.

(4) The Contracting Parties shall pay particular attention to the cooperation in the coordinated, international standard-conform development of their national and interconnected infrastructures, including their energy systems, transport and telecommunication networks.

Article 9

(1) The Contracting Parties shall support mutually advantageous and efficient cooperation in the field of basic and applied research, with special emphasis on modern equipment and technology.

(2) The Contracting Parties shall encourage direct contact between, and the shared initiatives of, scientists and researchers of the two countries, as well as cooperation between scientific research institutes and libraries and other institutions specializing in this field.

Article 10

(1) The Contracting Parties shall cooperate, at sub-regional or regional level, in preventing, reducing and eliminating the pollution affecting their territories, as well as in improving the conditions for their ecological security.

(2) In the event of an ecological catastrophe or of an accident threatening with such consequences or of the risk thereof the Contracting Parties shall, without delay, inform each other concerning the situation which has emerged and on emergency measures they have taken.

Article 11

(1) The Contracting Parties will broaden their cooperation between each other and with other Danubian states, keeping in view the development of Danubian shipping, the cooperation of riparian states in all fields representing mutual interest, as well as the prevention, reduction and control of pollution of the Danube.

(2) Furthermore, the Contracting Parties shall cooperate on the questions of mutual interest between the two countries related to the issues of transboundary watercourses, on the basis of those bilateral and multilateral treaties which the Contracting Parties are, or will be, a party to.

Article 12

(1) The Contracting Parties shall promote their cooperation in the fields of culture, science and education.

(2) The Contracting Parties shall support the development of cultural exchanges between the institutions, creative associations, non-governmental organizations and associations, as well as the exchange of natural persons of the two countries and will conclude for this purpose inter-governmental and inter-ministerial agreements and work programs.

(3) The Contracting Parties shall develop and promote, also on the basis of direct arrangements, cooperation between universities, other educational institutions and the scientific research institutes and centers of the two countries, as well as the exchange of pupils, students, teachers, professors and scientific research fellows. They attach particular importance to cooperation in the field of vocational education and the post-graduate training of specialists and declare that they are ready to broaden and deepen this cooperation.

(4) The Contracting Parties shall encourage direct cooperation and exchange between archives, libraries and museums, and shall grant, in accordance with the domestic

regulation of the given country, access to the source material available in these institutions for researchers and other persons of the other country.

(5) The Contracting Parties shall take the necessary measures in order to have the competent authorities of the two countries examine the issue of recognition of diplomas with a view to conclude an appropriate agreement in this field.

(6) Both Contracting Parties encourage the teaching of the language of the other country in universities, schools and other institutions, and they shall, for this purpose, grant support for the training of teachers and the organization of education.

(7) The Contracting Parties shall support the activity of their cultural centers and will make to a full extent use of those possibilities offered by these centers for developing mutual cultural exchanges, in accordance with the relevant bilateral agreement.

(8) The Contracting Parties shall, in the interest of the realization of the aims established in this article and the development of an institutional framework of bilateral cooperation, act in order to conclude a new convention concerning cooperation in the field of culture, education and science, as well as other appropriate agreements.

Article 13

(1) The Contracting Parties shall cooperate in the preservation of their cultural heritage and in making the two peoples mutually acquainted with that heritage.

(2) The Contracting Parties shall endeavour to protect historical and cultural monuments, memorial sites, written and material relics located in their respective territories related to the history and culture of the other Contracting Party and will support their preservation and will facilitate, in accordance with their domestic legislation, access to them

Article 14

The Contracting Parties shall promote the climate of tolerance and understanding among their citizens of different ethnic, religious, cultural and linguistic origin. They condemn xenophobia and all kind of manifestations based on racial, ethnic or religious hatred, discrimination and prejudice and will take effective measures in order to prevent any such manifestation.

Article 15

(1)

a) In regulating the rights and duties of persons belonging to national minorities living on their territories, the Contracting Parties undertake to apply the Framework Convention of the Council of Europe for the protection of national minorities, if more favourable provisions concerning the rights of persons belonging to national minorities do not exist in their domestic legislation.

b) Without prejudice to the contents of the preceding paragraph, the Contracting Parties shall, with the aim of protecting and developing the ethnic, cultural, linguistic and religious identity of the Hungarian minority in Romania and the Romanian minority in Hungary, apply as legal obligations the provisions defining the rights of persons belonging to such minorities as contained in the documents of the United Nations, the Organization on Security and Cooperation in Europe and the Council of Europe, listed in the Annex of this Treaty.

(2) The Contracting Parties shall reconfirm accordingly, that the persons referred to in the preceding paragraph shall have, individually or in community with other members of their group, the right to freely express, preserve, and develop their ethnic, cultural, linguistic and religious identity. Accordingly, they shall have the right to establish and maintain their own educational, cultural and religious institutions, organizations and associations which are entitled to seek voluntary financial and other contributions, as well as public support in accordance with the domestic legislation.

(3) The Contracting Parties shall respect the right of persons belonging to the Hungarian minority in Romania and the Romanian minority in Hungary to use freely both orally and in writing their mother tongue in private and in public. They shall take the necessary measures to ensure that such persons can learn their mother tongue and have adequate opportunities for being educated and trained in this language at all levels and forms within the framework of the State education system, according to their needs. The Contracting Parties shall ensure the conditions allowing the use also of the mother tongue of these persons in their relations with local administrative and judicial authorities, in accordance with the domestic legislation and the international obligations the Contracting Parties have subscribed to. These persons shall have the right to use their surnames and first names in their mother tongue and to have them officially recognized. In areas where persons belonging to the minority concerned live in a substantial number, both Parties shall allow the display, also in the language of the minorities, the traditional local denominations, street names and other topographical indications intended for the public.

(4) The Contracting Parties shall respect the right of persons belonging to national minorities to have access, in their mother tongue, to information and to the electronic and printed media, as well as to freely exchange and disseminate information. The Contracting Parties shall, within the framework of their domestic legislation, grant the possibility to establish and operate their own media.

(5) The Contracting Parties shall ensure the right of persons belonging to the minorities to effectively participate, individually or through their parties or organizations, in the political, economic, social and cultural life and, through their representatives elected to central and local public authorities and administrations, in the settlement of issues representing national or local interests. Both Contracting Parties shall, in the process of decision-making concerning questions related to the protection and enforcement of the national identity of these persons, consult the organization, political parties or associations of these persons according to democratic decision-making procedures as provided by the law.

(6) The Contracting Parties shall respect the cultural and historical heritage of national minorities and shall support their efforts to preserve the architectural monuments and memorial sites related to minority culture and history, and will take appropriate measures to allow citizens living in regions of mixed population to become acquainted with Hungarian and Romanian cultural values.

(7) The Contracting Parties shall respect the rights of persons belonging to national minorities to maintain free contacts among themselves and across frontiers with citizens of other States, as well as to participate in the activities of national and international non-governmental organizations.

(8) The Contracting Parties agree that, in the exercise of the rights referred to in this article, persons belonging to national minorities, similarly to any other citizen of the state concerned, shall respect the national legislation and the rights of others. These persons shall enjoy the same rights and have the same duties of citizenship as other citizens of the State in which they live.

(9) Without prejudice to measures taken in pursuance of their general integration policy, the Contracting Parties shall refrain from policies or practices aimed at the assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aiming at such assimilation. They shall further refrain from measures which by altering the proportions of the population in areas inhabited by persons belonging to national minorities are aimed at restricting the rights and freedoms flowing from the international standards and norms listed in paragraph 1 of this article.

(10) The Contracting Parties shall assist each other in observing the implementation of the present article. For this purpose they will also examine, in the framework of the regular consultations referred to in Article 5 of this Treaty, those questions of their bilateral cooperation related to national minorities concerning the implementation of this Treaty and shall establish an intergovernmental expert commission. They will cooperate in the appropriate operation of the mechanisms of the Organization on Security and Cooperation in Europe and the Council of Europe verifying compliance with obligations contained in the documents of these organizations and to which the Parties have entered into.

(11) The Contracting Parties shall cooperate in further developing the international legal framework for the protection of national minorities. They agree that they will apply as part of this Treaty the provisions relating to further developing the rights of persons belonging to national minorities contained in those international documents to which they will subscribe in the future.

(12) Neither of the obligations contained in the present article shall be interpreted as implying any right to engage in any activity to perform any act contrary to the purposes and principles of the Charter of the United Nations, other obligations of international law or the Helsinki Final Act and the Paris Charter of the Conference on Security and Cooperation in Europe, including the principle of the territorial integrity of states.

Article 16

The Contracting Parties shall develop their cooperation in the field of mass media. They shall facilitate free flow of information relating to the social, political, economic, cultural and scientific life of their countries and shall support all efforts aimed at becoming mutually and objectively acquainted, understanding each other and overcoming prejudices.

Article 17

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

(2) The Contracting Parties shall furthermore urge cooperation, in the interest of citizens of each other sojourning in the territory of the other Contracting Party, in the field of social security and social protection, and they will examine the possibility to conclude agreements to this effect.

Article 18

The Contracting Parties shall support the broadening of direct contacts between political organizations, trade unions, churches and religious communities, foundations, organization of women, youth, sport and associations of other type.

Article 19

(1) The Contracting Parties shall support and facilitate direct contact between their citizens.

(2) The Contracting Parties shall extend their consular relations and will simplify border crossing and custom control, including the opening of new border crossing points and the enlargement of the existing ones to the extent of their possibilities, in order to facilitate the traffic of persons and goods. They will conclude appropriate agreements for this purpose.

Article 20

(1) The Contracting Parties shall, in accordance with the treaties in force, grant each other mutual legal assistance in civil, family and criminal law matters and they will develop, under separate agreement, the cooperation between their police bodies.

(2) The Contracting Parties shall cooperate in preventing and combating organized crime, with special emphasis on terrorism, illicit traffic in drugs, unlawful seizure of aircraft, smuggling and illegal traffic of cultural, historical objects and valuables and of museum pieces. They express readiness to cooperate in this field also within an international framework.

Article 21

(1) The Contracting Parties will settle all their disputes concerning the interpretation or implementation of this Treaty through direct consultations and negotiations. After that point when both Contracting Parties have become Party to an international multilateral treaty on peaceful settlement of disputes, those disputes referred to in this article that could not be settled through direct consultations and negotiations within a reasonable time, will be settled according to procedures prescribed in the above mentioned international multilateral treaty, provided that the obligations to be assumed under that treaty would encompass disputes of this kind.

(2) The Contracting Parties shall endeavour, whenever necessary, to insert in their bilateral provisions under which they may submit their disputes concerning the interpretation or implementation of such treaties to available mechanisms of settlement of disputes.

Article 22

The present Treaty is not aimed against any third state and shall not prejudice the rights and obligations of either Contracting Party flowing from its bilateral or multilateral treaties concluded with other states.

Article 23

The present Treaty is concluded for a period of ten years. Its validity shall be automatically extended, for further five year periods, unless one of the Contracting Parties, at least one year before the given validity period expires, notifies the other Contracting Party in writing of its intention to renunciate.

Article 24

This Treaty shall be ratified in accordance with the constitutional requirements of both Contracting Parties and shall enter into force on the date of exchange of the instruments of ratification. The Contracting Parties take note that the "Treaty on Friendship, Cooperation and Mutual Assistance between the Hungarian People's Republic and the Socialist Republic of Romania", signed in Bucharest, February 24, 1972, is no longer in force.

Article 25

This Treaty shall be registered with the Secretariat of the United Nations, in accordance with Article 102 of the Charter.

Done at Timisoara, this 16th day of September, 1996 in two original copies, both in the Hungarian and Romanian languages, both texts being equally authentic.

For the Republic of Hungary
For Romania

Annex: List of documents referred to in Article 15, paragraph (1) b), of the Treaty on Understanding, Cooperation and Good Neighbourhood between the Republic of Hungary and Romania

1. Document of June 29, 1990 of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe;
2. Declaration of December 18, 1992, of the General Assembly of the United Nations on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Resolution 47/135);
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.

[Quelle: www.meh.hu/nekh/Magyar/7/asz-ro-e.htm]