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Refugee Protection in Romania Before Communism, Under the 1923 and 1938 Constitutions (I)

Irina POP

Abstract: This paper, the first in a series, endeavors to document Romania's historical commitments to refugee protection over the past century. It delves into the legal and political dimensions of refugee protection, exploring both factual occurrences and societal perceptions, as well as the construction of humanitarian solidarity. Additionally, we reflect on instances of failure in protection and criminal persecutions endured within Romania, targeting individuals assimilated with refugees. These persecutions and crimes were perpetrated by state institutions, political organizations, and individuals alike.
We aim to contextualize the legal and political framework surrounding refugee protection by examining constitutional structures, including:
I. The Constitutions of 1923 (in force from 1923 to 1938) and 1938 (in force from 1938 to 1940).
II. Suspension of the Constitution from September 6, 1940, to August 23, 1944.
III. The reintroduction of the 1923 Constitution and its validity from 1944 to 1947.
IV. Communist Constitutions of 1948, 1952, and 1965, with the 1965 Constitution remaining in force until 1991.
V. The Constitution of 1991, which has been in effect since 1991.
We delineate the legal provisions of these constitutions regarding refugee protection, examine special laws in the field, identify responsible institutions, and scrutinize societal perceptions of refugee protection. Furthermore, we investigate the prevailing culture of humanitarian solidarity, defined as a collective ethos encompassing knowledge, attitudes, and moral conduct towards individuals in distress, irrespective of their circumstances. We contend that this culture of humanitarian solidarity serves as a pivotal enabler for upholding the principle of human dignity in refugee protection and acts as a deterrent against murders, crimes, and persecutions targeting refugees.
This paper specifically focuses on refugee protection during the interwar period, under the democratic Constitution of 1923 (1923-1938) and the autocratic Constitution of 1938 (1938-1940), until January 1941.
The analytical framework comprises:
1. Constitutional, international, and legal instruments for refugee protection in Romania.
2. The reality of protection and instances of serious failures, including estimations of refugee numbers, factual occurrences of protection, societal perceptions of safety, and violations against the obligation to protect civilians.
3. Humanitarian solidarity as a component of public culture

Keywords: *refugee protection, humanitarian solidarity, public culture of humanitarian solidarity.*

Introduction:

This paper examines refugee protection in Romania during the interwar period, spanning from 1919 until Romania entered World War II on June 22, 1941. This timeframe encompasses the governance under the 1923 Constitution, the enactment of the 1938 Constitution, as well as the suspension of the latter during the National Legionary State (September 6, 1940 – January 29, 1941) and the initial phase of the Antonescu Dictatorship until June 22, 1941, when Romania aligned with the Axis forces to reclaim Bessarabia and Bukovina.

We hypothesize that the absence of public humanitarian solidarity fosters hates, xenophobia, and policies of extreme violence, rendering the most vulnerable individuals' automatic victims. This extreme violence, perpetrated by the state, and sanctioned by local groups and individuals, permeated the societal fabric, creating an atmosphere of victimhood.

The central questions addressed in this study are: How did Romania safeguard refugees during the interwar period, and did it cultivate a culture of humanitarian solidarity?

To address these inquiries, we explore and document the legal and political frameworks for refugee protection both in Europe and within Romania. We juxtapose assumed obligations to protect refugees against the stark realities on the ground and assess the presence or absence of a culture of humanitarian solidarity.

The European landscape during this period was marked by instability, with extremist forces gaining traction and preparing for war against democracies, leading to harsh persecutions targeting vulnerable segments of society, including minorities and refugees. Following September 1, 1939, the outbreak of World War II exacerbated the situation, plunging weaker states into disarray and giving rise to widespread crimes and persecution.

Similarly, Romania grappled with internal instability. From 1919 to 1941, the Romanian Kingdom transitioned through various forms of governance, including a democratic regime under the 1923 Constitution (1923-1938), an autocratic regime under the 1938 Constitution (1938-1940), the brief rule of the National Legionary State or Legion Dictatorship (September 5, 1940 - January 29, 1941), and the personal dictatorship of General Ion Antonescu following the suspension of the 1938 Constitution on September 5, 1940. The country also experienced dynastic instability due to the succession of kings, including Ferdinand I (1916-1927), Michael I (1927-1930), Carol II (1930-1940), and Michael I (1945-1947). With four kings in twenty-

five years, Romania faced challenges in maintaining international standing and internal coherence.

The context in Romania during the period from 1919 to 1941 was marked by instability and political tumult. The Romanian Kingdom underwent various forms of governance:

a) It functioned as a democratic country under the provisions of the 1923 Constitution (1923-1938).

b) It transitioned into an autocratic regime under the 1938 Constitution from 1938 to 1940.

c) It experienced a period of rule by the National Legionary State or Legion Dictatorship (5 September - 29 January 1941), led by General Ion Antonescu.

d) Following the suspension of the 1938 Constitution on September 5, 1940, the country came under the personal dictatorship of General Ion Antonescu.

Additionally, the Romanian kingdom grappled with dynastic instability, primarily due to the actions of Prince Carol II. His abdication in 1926, subsequent return to the throne in 1930, and his corrupt governance contributed to internal turmoil. Successive kings during this period were Ferdinand I (1916-1927), Michael I (1927-1930), Carol II (1930-1940), and Michael I (1945-1947). With four kings in twenty-five years, Romania's international standing and internal cohesion were significantly challenged.

Moreover, the political landscape was characterized by continuous upheavals and violent conflicts, as well as intricate relationships with various external powers. A multitude of political parties, including significant ones such as the National Peasants' Party (PNȚ) led by Maniu and Mihalache, the Liberal Party (PNL) led by Dinu Bratianu, the Legionary Party (formerly the Iron Guard) led by Corneliu Zelea Codreanu, and the Social Democratic Party (PSD) led by Titel Petrescu, sought to mobilize the country based on their respective ideologies.

Furthermore, the Communist Party, operating illegally since 1924 and supported by Moscow, under the leadership of Anna Pauker, worked to further the interests of the Comintern and undermine the stability of the country. These parties maintained strong ties with ideologically aligned parties in other European nations and with governing parties, such as PNȚ with British Conservatives, PNL with French and other liberal groups, PSD with Social Democratic Parties primarily in Western and Nordic countries, and the Communist Party with Stalin's political party.

In the context of the Great War in Europe, the protection of refugees was in

its infancy. Aside from sporadic acts by the Red Cross and the humanitarian principles advocated by Henry Dunant, refugees often found themselves reliant on the goodwill of neighboring states. Consequently, significant efforts were undertaken to establish protective measures under the League of Nations and the Nansen Offices for refugees.

Similarly, in Romania, refugee protection was in its nascent stages. However, certain experiences within society shed light on the culture of humanitarian solidarity and imparted valuable lessons on who should intervene and on behalf of whom.

The capacity to aid refugees was governed by international norms, ratified treaties, and the provisions of constitutions regarding refugee protection and definitions. Before the 1951 Geneva Convention on Refugee Protection, the term "refugees" lacked a precise definition and referred to individuals crossing national borders due to regime changes in their home countries or facing persecution. Specific groups such as White Russians and Armenians were mentioned in international acts, while after 1933, Jews and opponents of the Nazi regime in Germany and Austria were included. During this period, there was no distinction between asylum seekers and refugees, nor between migrants and refugees.

In the interwar period, the term "refugee protection" held symbolic significance in state policies and public culture, entailing limited obligations of the host state to ensure personal security for those seeking refuge. However, the League of Nations documents, particularly the 1933 Refugees Convention, provided a comprehensive framework outlining signatory states' responsibilities towards stateless individuals, asylum seekers, or refugees. This included ensuring non-refoulment, fair asylum procedures, decent living conditions, integration support, and the right to apply for citizenship.

During this time, humanitarian solidarity was primarily associated with Christian values and the charitable mission assumed by societal elites and churches. However, the concept of EU solidarity with refugees encompassed both a moral obligation to support those fleeing persecution and a political response influenced by state regimes and alliances.

For us, the culture of humanitarian solidarity signifies society's collective readiness to assist refugees and denounce their persecution, violence, or crimes, extending beyond just elite groups to encompass broader societal support.

1. The Protection of Refugees in Europe After the Great War

1.1. European Political Context

The general European context during the interwar period was marked by instability, with countries grappling with the aftermath of the Great War, seeking revenge, and facing economic challenges, poverty, inflation, uncertainty, and social upheaval. Radical political parties gained traction, fostering xenophobia that permeated from academic circles to popular media. Fascist groups emerged across Europe, engaging in antisemitic actions and battling with communists. The mainstream parties struggled to manage social unrest, and minorities faced widespread discrimination and persecution. In Germany, particularly after the Nazi seizure of power in 1933, minorities, especially the Jewish population, became targets of hate speech and racial persecution, leading to the enactment of discriminatory laws such as the Nuremberg Laws.

1.2. Available Protection in Europe Amidst Political Turmoil

During the interwar period, international organizations such as the League of Nations and the Red Cross assumed responsibility for refugee protection. The League of Nations, prompted by the Red Cross, initiated international cooperation in protecting refugees, appointing Fridtjof Nansen as the High Commissioner for Refugees in 1921. Nansen introduced several arrangements to define and provide identification documents for refugees, starting with agreements for Russian and Armenian refugees and expanding to include other groups such as Assyrians, Syrians, and Kurds. In the 1930s, new arrangements were established to protect German and Austrian refugees, culminating in agreements signed in Geneva in 1936 and 1938. Additionally, the Intergovernmental Committee on Refugees adopted resolutions defining conditions for protecting victims of forced migration from Germany, including Austria. Various international institutions, such as the Nansen International Office for Refugees and the Office of the High Commissioner for Refugees Germany, were created under the League of Nations to oversee refugee protection efforts.

A significant milestone in refugee protection, established by the League of Nations, is the Convention relating to the International Status of Refugees, dated 28 October 1933. This convention grants refugees the right to obtain identity and protection outside their country of origin, access humanitarian international aid, and receive assistance and protection as refugees and displaced persons. Unfortunately, only a few countries ratified it.

The document outlines several key provisions for assisting refugees and displaced persons, including commitments by the League of Nations, in conjunction

with the Red Cross, too:

1. Evacuate refugees from areas of danger.

2. Admit refugees into signatory states, adhering to the principle of non-refoulment.

3. Provide identification documents, such as the Nansen Passport, to refugees in need.

4. Offer emergency assistance unconditionally, including registration, establishment of refugee camps, special attention to minors and disabled persons, and meeting immediate basic needs.

5. Manage refugees' concrete situations and facilitate their integration into the host community, including access to employment, affordable housing, social assistance, and healthcare.

6. Provide pathways to refugee status and, ultimately, naturalization.

7. Facilitate resettlement, transit, and voluntary repatriation.

8. Ensure special protection for victims.

This convention laid the groundwork for the 1951 Convention on Refugees Protection.

Figure no.1. Refugees Protection Pattern in the 1933 League of Nations Convention on Refugees

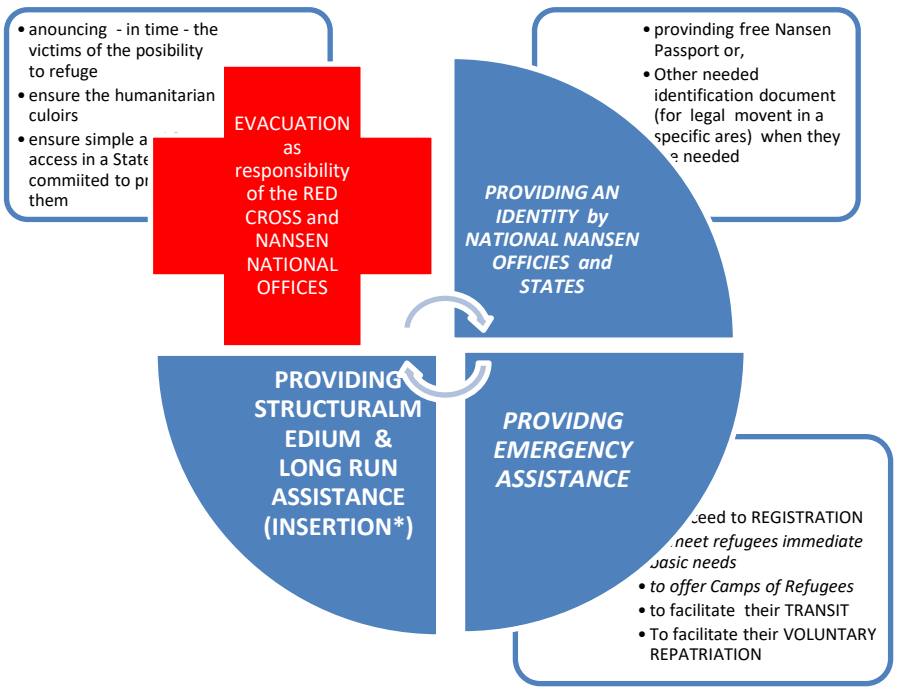
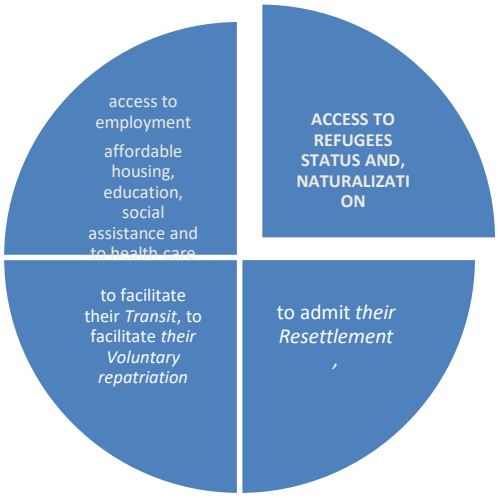


Figure no.2. 1933 Refugees Protection Pattern Underling REFUGEES INSERTION IN ADOPTIVE COMMUNITY



In our interpretation, all international documents address the insertion of a refugee into an adoptive community, rather than integration. This approach, with its non-reflexive nature, has implications for the foundation and efforts of the adoptive community, as well as respect for the refugees' choices. Insertion is not a definitive or compulsory process; instead, it is a temporary option for the refugee and an effort by the adoptive country to provide temporary relief to victims of war or other highly threatening conditions. Insertion is changeable, allowing the refugee to choose another adoptive community or return to their country of origin, as indicated by the logic of resettlement, transit, and voluntary repatriation.

The 1933 Convention addressed nearly all categories of people in distress and movement due to war or political reasons, along with their practical and immediate basic needs. While the convention named international institutions such as the Red Cross and Nansen Offices as responsible, the primary protection was supposed to come from the receiving state. However, there were fundamental steps that states needed to take. Firstly, they needed to determine how many refugees to accept. When the refugee crisis reached critical proportions, most states refused to increase their national quotas for refugee acceptance. The failure of the Evian Conference in 1938 exemplifies this, as states refused to increase their acceptance quotas for Jews fleeing persecution in Germany, despite the relatively modest proposed quota of 17,000 Jews per state. The principle of non-refoulment was

another crucial step, yet in 1938, it was only applied to one obvious victim in desperate need of refuge: Jews. Some partial solutions were found, with support from Jewish organizations, such as individual crossings of German borders and sending children to the UK for protection. However, these solutions were limited and left the majority of Jews in the Reich and other invaded territories vulnerable to the Holocaust. For other ethnicities, such as Germans and Austrians, agreements made by the League of Nations in 1936, 1938, and 1939 provided partial solutions.

Refugee protection in Romania after the Great War, particularly under the 1923 Constitution.

2.1 Refugee protection in Romania under the 1923 Constitution was guided by international norms established during the interwar period. These norms were effective in Romania, aligning with the democratic principles of the country's first constitution.

The Constitution of 1923, promulgated by King Ferdinand through the Royal Decree of 27 March 1923, enshrined individual rights, including those of citizens and non-citizens, such as refugees. Despite certain limitations, such as the lack of separation between the Church and State and significant executive powers vested in the King, it upheld democratic values and rights for all individuals residing within Romania's borders. This constitution remained in force from 1923 to 1938.

Refugee protection was explicitly granted under the 1923 Constitution. Article 7 addressed the rights and conditions of naturalization for refugees, while Article 9 stipulated that all foreigners living on Romanian soil were entitled to the protection provided by law for persons and property.

Although no specific law regarding refugee protection was identified in the Romanian Kingdom from 1919 to 1938, provisions within two collateral laws created legal conditions to safeguard refugees. The Law on Romanian Nationality (citizenship) of 1924 and the Law of 1939 allowed foreigners to obtain rights similar to those of Romanian citizens.

The Law on Migration, enacted on April 20, 1925, established conditions for Romanian state protection of immigrants, including refugees, thereby providing a legal framework for their support and integration.

Under the regime of the Kingdom of Romania governed by the 1923 Constitution, a commitment to democratic principles led to the signing and ratification of international agreements aimed at protecting refugees. Notably, Romania signed the 1933 Convention, demonstrating its dedication to refugee rights. Additionally, in 1930, a Nansen Office for Refugees was established at the

initiative of Nicolae Titulescu, which played a significant role in awarding the Nansen Certificate among other functions.

2.2. On the Reality of Refugee Protection in Romania, 1923-1938

Number of refugees protected: Reports indicate that approximately 10,000 Armenian refugees arrived in Constanța in 1923, with the Union of Armenians of Romania (UAR) advocating for their legal status and Romanian citizenship. Many vessels carrying refugees arrived in Constanța during this period, including one with 189 orphans who were later housed in Strunga near Iași until 1926. It is difficult to estimate the total number of Armenian refugees who entered Romania illegally. Despite the temporary nature of their refuge in Romania, many refugees found shelter and were eventually naturalized as Romanian citizens.

Facts in protecting refugees in Romania, 1923-1938: Oral histories and museum records indicate that the Romanian Kingdom provided protection to Armenian refugees, particularly in the 1930s. The first vessels arrived in Constanța in 1923, carrying around 10,000 refugees, mostly en route to France. An Armenian benefactor, Armeng Manissalian, supported the refugees financially and established an orphanage in Strunga. Although the Brătianu government did not provide direct support, the efforts of individuals like Manissalian ensured the well-being of the refugees. The Armenian Orphanages Album from 1923, preserved in the Constanța Armenian Museum, serves as a testament to this protection, highlighting the pathways to integration and citizenship afforded to refugees.

Perceptions of refugee life: While political leaders and community figures expressed gratitude for the protection afforded to refugees, common refugees often faced challenges and abuses that overshadowed any sense of protection. Many refugees, including Harry Tavitian's uncle Sarkis, experienced internment and loss of identity documents, highlighting the precarious nature of their status. Sarkis's ordeal, documented by Tavitian, reflects the harsh realities faced by refugees, despite legal protections and efforts to integrate into Romanian society.

2.3. Does the provided protection fit with the requirements of humanitarian solidarity?

The protection offered to refugees in Romania during this period was inadequate and fell short of the standards expected for humanitarian solidarity. While the state did open its borders to Armenian refugees, the structural support and assistance necessary for their well-being were largely provided by ethnic Armenian communities and individual benefactors. The assistance was primarily based on ethnicity, and while Christianity offered some protection against religious

xenophobia, it was not sufficient to ensure comprehensive support for all refugees.

Humanitarian solidarity demands more than just the opening of borders. It requires the provision of legal identity, emergency support for survival and transit, assistance with integration into society, and pathways to naturalization and equal rights. However, the support provided to refugees in Romania did not fully meet these criteria, leaving many refugees vulnerable and without adequate assistance.

3. Refugees' Protection in the Kingdom of Romania (1938-1940)

3.1. European political context around 1938 and its significance for refugee protection.

The political context in Europe around 1938 was marked by growing tensions and the rise of fascist regimes, particularly in Germany. The appeasement policies pursued by traditional democracies like France and the United Kingdom contributed to the expansionist ambitions of Nazi Germany and the erosion of treaties established after World War I. This led to the annexation of Austria and the division of Czechoslovakia, among other aggressive actions.

The signing of the secret Ribbentrop-Molotov Pact in 1939 further destabilized the region, with the Soviet Union gaining influence over Romanian territories. Romania, feeling insecure about its future, sought alliances and assurances of support from France and the UK. However, when the outbreak of World War II occurred in September 1939, it became clear that these assurances were not sufficient to protect Romania.

Facing increasing threats from both Nazi Germany and the Soviet Union, Romania decided to remain neutral. However, after the invasion of Poland by both Germany and the USSR, Romania found itself in a position to admit refugees fleeing the conflict. This decision, made by the Crown Council, was in line with a culture of humanitarian solidarity cultivated by the League of Nations, despite not being a signatory to the 1933 Convention on Refugee Statute.

The decision to admit refugees from Poland was significant, as it demonstrated Romania's willingness to provide humanitarian assistance in the face of regional turmoil. However, it also incurred the anger of Hitler and the Soviet Union, highlighting the complex geopolitical dynamics at play during this period.

The Kingdom of Romania Constitution of 1938, also known as the Carol II Constitution, was an authoritarian document that significantly expanded the powers of King Carol II. Unlike a constitution resulting from democratic processes such as debates in a Constituent Assembly or negotiations between political parties, this constitution was hastily engineered by Carol II to consolidate his authority. Produced

in just 10 days and approved through verbal votes with an overwhelming majority, it codified emergency powers and established royal supremacy over Parliament and the judiciary.

One of the notable aspects of the 1938 Constitution was its suppression of political parties and associations. Article 26 effectively eliminated the existence of political parties by denying the right to create legal entities without specific legislation. Instead, Parliament was restructured to represent professional associations, with half of the Senate being directly appointed by the King and the other half being heavily influenced by him

Despite its undemocratic nature, the 1938 Constitution did not explicitly abolish the right to asylum. Article 27 provided foreigners already in Romania with state protection for themselves and their assets, while Article 11 allowed for the naturalization of foreigners, which could potentially include refugees. This constitutional framework, however flawed, did not prevent Romania from opening its borders to refugees from Poland during the tumultuous period of World War II.

Overall, the 1938 Constitution of Romania exemplified the autocratic tendencies of King Carol II's rule, but it did not explicitly foreclose the possibility of providing refuge to those in need.

3.2 Reality of Refugees' Protection in the Interval 1938-1939

The number of refugees from Poland to Romania during 1939 remains uncertain. Polish civilians, government officials, and members of the armed forces, who had disarmed at the borders, entered Romania. Masses of Polish refugees received permission to transit through Romania as they made their way to France and later London. The type of protection provided was temporary, as these individuals were considered people in transit. This situation fostered a culture among governmental elites to uphold the solidarity commitments made when regional countries signed an alliance in case of a communist attack. However, the general public had limited contact with the refugees.

The exact number of Polish refugees who transited through Romania during this time is unclear. Without archival investigations, particularly in police archives, estimates vary. Some popular sources suggest around 50,000 refugees, while others indicate up to 100,000. In most cases, their protection was temporary and aimed to facilitate their passage through Romania as part of a retreat corridor. This protection was primarily managed by state institutions and rarely involved the general public.

3.3 Does the Provided Protection for the Refugees of Poland Fit with the

Requirements of Humanitarian Solidarity?

The protection offered by the Romanian Kingdom for Polish refugees fostered emotional solidarity within the country. Although this solidarity was short-term, it nurtured public empathy. This atmosphere left no room for hostility toward refugees in Romania. The transit of refugees did not require contributions or sacrifices from the local population. However, there was an element of public pride in assisting, reflected in sentiments of "We did it!"

As mentioned earlier, this protection was short-lived, as the majority of refugees were passing through Romania and had limited contact with the native population, primarily in cities like Bucharest. There were few opportunities for mutual learning about humanitarian solidarity. Additionally, Romanians themselves faced threats during this period, with new refugees arriving in subsequent months, including those from lost territories.

In summary, while the protection offered to Polish refugees in Romania during this period may not fully meet the criteria of humanitarian solidarity, it represented an important political gesture of solidarity during wartime.

4. First Waves of Refugees in Amputated Romania: Romanian Citizens from Bessarabia and Northern Bukovina

4.1 The Political Context in Neutral Romania: Victims of USSR Aggression and Preparations to Host Brother Refugees

Romania's status of neutrality did not shield it from the Ribbentrop-Molotov Pact, which led to the dismemberment of Romania and the Communist invasion. Conditions became unbearable as the Communists disregarded civilians, disregarded those in need, and failed to provide reasonable conditions for retreat or alternative options. The terms of the pact, progressively harshened, amounted to an abominable diktat of the time.

On June 26, 1940, the Soviet Union issued an ultimatum to Romania, demanding the restitution of Bessarabia and Northern Bukovina. This ultimatum[1], justified by the USSR's perceived right, also included the annexation of Herza County. The Romanian government's proposal for negotiations was met with another ultimatum just two days later. Romania was ordered to evacuate its army and

[1] The text of the document with the first Romanian Government response, plus the new ultimatum (USSR response) with the other Romanian response are available in Bucur, Bogdan, (2019*): Sociologia proastei guvernări în România interbelică (The Sociology of Bad Government in the Interwar Romania)*, București, Editura Rao, pp.230-235.

administration from Bessarabia and Northern Bukovina within 36 hours, with no mention of the affected population or their citizenship status. This concession, orchestrated under the government of Gheorghe Tătărescu and King Carol II's patronage, was not met with resistance.

Subsequently, a Crown Council meeting decided not to fight against the USSR, recognizing the futility of opposing an overwhelmingly superior force[2]. This decision was later subject to debate within Romania. Nevertheless, Romania's territorial losses continued with the cession of Northern Transylvania to Hungary on August 30, 1940, and the cession of the Cadrilater to Bulgaria on September 1, 1940. Both agreements[3] contained provisions for refugees' protection in Article 3.

In the following months, Romania's domestic political situation deteriorated further. The loss of territory fueled resentment against King Carol II's regime, especially as his government shifted towards a Nazi-friendly orientation. The pressure for Carol II's abdication intensified, with figures like Iuliu Maniu and Dinu Brătianu spearheading efforts to facilitate the transition to a new government. Despite initial promises[4], General Ion Antonescu accepted the role of Prime Minister and formed a government sympathetic to the Axis powers. Mass demonstrations against Carol II's regime erupted, culminating in his forced abdication in favor of his son, King Michael, on September 5, 1941. Carol II had previously suspended the 1938 Constitution[5], and Romania entered a period of political transition without a new constitutional framework in place.

4.2 Reality of Refugee Protection in Amputated Romania: First Wave of Refugees, Refugees from Bessarabia, and Bucovina

The evacuation left the state unprepared to protect its people seeking to escape from dire circumstances. With the loss of Bessarabia and Bukovina, waves of refugees poured into Romania from the former Romanian territories during the four days when the borders were not yet closed. These individuals legally sought refuge between June 28 and July 4, 1940. Subsequently, many Moldavians attempted to

[2] See Djuvara, Neagu, (2013): *O scurtă istorie ilustrată a românilor (Romanians Short History with Ilustration)*, București, editura Humanitas, pp 325 and 326.

[3] The texts are available in Bucur, Bogdan, (2019*)*: pp.230-235.

[4] Ion Antonescu firmly promised to Maniu, that he would not accept a mandate of Prime Minister. (See Pavel, Dan (2023): pp. 120-121.)

[5] *Kingdom of Romania (1940): Legea 510/ 1940 pentru suspendarea Constituției din 27 Februarie 1948 (Law no. 510/1940 for the suspension of the Constitution of February 27, 1938.)* Text published in the *Official Gazette*, Part I no. 205 of September 5, 1940. In force since 05 September 1940 available at https://lege5.ro/ legea-nr-510-1940-pentru-suspendarea-constitutiei-din-27-februarie-1938

flee illegally after losing their Romanian citizenship due to the new border alignment, desperately seeking safety from Soviet Bassarabia.

The people from Bassarabia constituted the first waves of Romanian ethnic refugees heading to the country. As evacuees, they fell into a special category, deserving of humanitarian solidarity from both the government and society at large. Unfortunately, this solidarity was lacking, especially after Romania retreated from the League of Nations on July 13, 1940.

Simultaneously, increasing numbers of illegal refugees arrived, fleeing Communist terror and persecution against ethnic Romanians. In the chaotic moments following the Soviet occupation, many Romanian soldiers and civilians were detained, disarmed, or arrested by Soviet forces. The communist authorities began mass arrests, targeting civil servants and former deputies of the Country Council, among others.

The escape from the territories for those who became non-Romanian overnight presented a formidable challenge for both the refugees and the Romanian Government, led at the time by George Tătărescu. While the government informed the population of the situation, it was ill-prepared to provide transportation or guidance on resettlement. Consequently, refugees were left to fend for themselves in many cases, with priority given to political entities, administration officials, and the military.

The evacuation process was chaotic and lacked a legal framework for providing means of evacuation and personal security for civilians. Political entities, administration, and military personnel were prioritized due to the foreseeable risk of persecution and mistreatment. The ensuing persecution under Soviet occupation was relentless, with arrests, deportations, and executions becoming commonplace.

While some support was provided to citizens of major cities, rural populations faced greater challenges in escaping during the legally permissible evacuation window. Many attempted to cross the borders illegally, with varying degrees of success. Soviet authorities responded with terrorist measures, including strengthened border patrols and the deportation of families with relatives in Romania to forced labor camps.

Numerous attempts to flee to Romania resulted in tragedy, with individuals being killed, wounded, or captured by Soviet patrols. Those who managed to reach Romania often faced retaliatory actions against their families left behind. Despite the risks, these desperate attempts to seek refuge underscored the perilous conditions

and the determination of those fleeing persecution.

The Romanian authorities conducted investigations and published various data regarding the circumstances of the withdrawal at least three times: immediately during the withdrawal, after the reoccupation of the provinces in 1941, and on Antonescu's order in 1944 as part of the efforts to prepare documentation for the Conference of Peace. They estimated the number of refugees from Bessarabia and Bukovina to be around 200,000. However, due to the prevalence of illegal border crossings, the accuracy of this figure is uncertain. According to official documents, only a small portion of the population of Bessarabia and Bukovina reacted positively to the Soviet annexation, with the majority expressing pro-Romanian sentiments. Many attempted to seek refuge, and about 200,000 citizens managed to legally do so in Romania, spurred by the urgency of the ultimatum response.

The number of refugees who entered illegally is unaccounted for in the total of 200,000. These individuals, whether alerted or simply confined within the new borders, likely numbered around 200,000 as well. The atrocities committed following the establishment of the Soviet administration suggest that many sought to escape the Communist regime.

Regarding effective protection measures, no legal preparations were identified to host, integrate, or support the refugees. The government was caught off guard[6] and took necessary actions to protect the refugees within three months, with measures becoming effective by the end of September 1940. The Secretary of State for the Colonization of the evacuated population was tasked with implementing these measures, which included providing small allowances, access to some social services (largely provided by NGOs), and facilitating employment opportunities. Refugees perceived this protection as a form of hope for mercy from the authorities, though some individuals, such as a high-ranking officer and a teacher named Mihail Covaliu, sought state support directly.

The memories of evacuated individuals paint a complex picture of refugee life, with many expressing dissatisfaction with their circumstances despite

[6] Constantin Băjenaru, , (2020): *Aspecte privind Refugiații Basarabeni în Județul Făgăraș până la intrarea României în Război (21 Iunie 1941) (On the Refugees from Bassarabia in the Făgăraș County until the Romania Entering into the War (July 21, 1941)* available at the https://humanities.studiamsu.md/wp-content/uploads/2022/01/23.-p.153-160-3.pdf

acknowledging the necessity of refuge. Hostility towards refugees was common[7], and feelings of unhappiness prevailed, even in the absence of immediate danger. Instead of nurturing solidarity, these sentiments fueled individualistic efforts for survival.

An anecdote about a young refugee family from Cernăuți illustrates the challenges faced upon arrival in Romania. Despite seeking refuge in their mother-in-law's house in Bucharest, the family faced hostility and was unwelcome. The daughter-in-law, who arrived with no possessions, was particularly targeted, with resentment growing due to her lack of assets. She often reminisced about their home in Cernăuți, emphasizing its address to her daughter as a symbol of their lost life before displacement.

During the evacuation, in places and some stations where refugees gathered in desperate fights for space on trains or wagons, anti-Romanian and pro-Soviet incidents occurred. These groups of young fanatics attacked, stripped, beat, and even killed priests, intellectuals, Romanian soldiers separated from their units, or simple civilians. The actions of these groups highlighted the failure of the Romanian administration to protect its people. Some military and civil documents from that period blamed the Jews of Bessarabia and northern Bukovina for this deplorable retreat, though Jewish documents proved the persecution of the Jewish population. Upon arriving in Romania, Romanian citizens of the Jewish minority found themselves in a particularly hostile atmosphere fueled by fascist elements, fascist political leaders, some intellectuals, and the press. There were cases of Romanian soldiers who, after crossing the Prut River, indulged in violent actions against innocent Jews.

Despite the executive's impotence in integrating them into new areas of the country, waves of refugees continued to arrive, along with the need to ensure order in the evacuation process. Enraged by xenophobia, some groups, including those related to the army, committed crimes against Romanian citizens of Jewish ethnicity. Jews uncovered cases of people being pushed out of trains, war crimes, and crimes against humanity, exacerbating protection challenges. The prevalence of a culture of humanitarian solidarity mattered significantly in those circumstances.

[7] Ravici Niura (f.a): *Family deportation from Cernăuți to Debrecen in* Schieber, Siegfried, edt: *Generații, Generații ...Viata și Martirul Evreilor din Campulung Bucovian (The life and the Martyrdom of the Jews from Campulung -Bukovina)*, f.a. pp. 675-676.

4.3. Does the provided protection for brother refugees, speakers of the same language, fit with the requirements of humanitarian solidarity?

The chances to protect refugees and develop humanitarian solidarity toward brother refugees were ruined from the beginning by some groups in the army and administration failing to adopt legal and moral conduct toward the victims. Specifically, the murders, crimes, persecutions, and abuses against minorities—documented by Jews—poisoned the atmosphere in the country for a long time, undermining efforts to provide effective protection and promote solidarity among refugees.

5. Next Waves of Refugees in Amputated Romania: Romanian Citizens from Northern Transylvania and Cadrilater

5.1. Protection of Northern Transylvania Refugees in the Early Wartime Period in the Kingdom of Romania after August 30, 1940: Options for Romania

Unlike the victims of the Ultimatum[8] (refugees from former Romanian territories incorporated into the USSR), refugees from Northern Transylvania were afforded a form of legal protection. The Vienna Diktat, although terrifying, contained provisions for refugee protection. Romanians who chose to leave were given a six-month window to do so. In the Vienna Arbitrage/Vienna Diktat document, Articles 2, 3, and 4 outlined measures to protect individuals who lost their citizenship. Instead of retaining their citizenship, affected individuals were automatically granted citizenship of the new state. The text mandated that the decision to stay or leave be left to individual choice—hence referred to as "options"—and provided a six-month interval for those affected by the Diktat to make their decision. Furthermore, it allowed for the regulation of business affairs and asset transfers. Once a decision was made, the new state was required to facilitate transportation for those opting to leave (Articles 3 and 4). The entire text of the Diktat is available in facsimile form in a book authored by Bogdan Bucur[9].

In Romania, the text was disseminated via the press, and the public was

[8] In the Soviet *Ultimatum*… were no provisions for the civilians. No possibility to opt for citizenship or other (for Romanian or Soviet citizenship); no reasonable interval of time to organize their refugees; no for protecting their assets; no or to legally return as foreign citizens back to the home villages or cities. Neither the minimal provision to ensure the public order in the refuge was in the text. (The atrocities that occurred were partly determined by the missing concerns for civilians in the text.)

[9] See Bogdan Bucur, (1919*):* pp.250-252.

informed about refugee protection measures: "All Romanian subjects established in the territory to be ceded by Romania on this day acquire Hungarian nationality without any further formalities. They will be authorized to opt for Romanian nationality within six months. Those who exercise this right will depart Hungarian territory within an additional period of one year and will be received by Romania. They will be allowed to take their movable property without hindrance, liquidate their immovable property until their departure, and take the proceeds with them. If liquidation is unsuccessful, these individuals will be compensated by Hungary. Hungary will address all matters related to the resettlement of those opting to leave in a generous and accommodating manner." (Excerpt from the text published in "Universul," September 1, 1940 edition).

5.2. Reality of Refugee Protection for Brothers from Northern Transylvania and Conditions of Options for No Refuge

The number of refugees from Northern Transylvania after August 30, 1940, was significant, with estimates reaching around 500,000 individuals seeking shelter primarily in the south of Transylvania. According to official reports from the Commission for Refugees of Northern Transylvania, between December 1, 1940, and December 1, 1943, the total number of refugees from this region was 218,919. A comparable number, approximately 250,000 individuals, were not at home at the time of the Diktat.

Did the Romanian authorities adequately protect the refugee population from Northern Transylvania? Comprehensive studies on this topic are lacking, but family memories recount frightening situations where individuals received little to no assistance from the Romanian state. For instance, my great-grandmother, severely injured in her yard in Feleac, Cluj, did not receive assistance from the Romanian state. When transferred across the new border to Cluj for medical care, she faced incredible difficulties gaining access to a hospital under Hungarian administration. Thus, it appears that individuals were largely left to fend for themselves in these conditions.

Regarding education, some former students from Cluj-Napoca who sought refuge in Timișoara were able to continue their studies and graduate, but the effort required was immense, and specific support from the state or civil society is not well-documented. Literature mentions isolated cases of support provided to refugees, but a comprehensive overview is lacking.

One notable form of support came from the King Michael Foundation, which

supported the House of Transylvanian Refugees Avram Iancu, located in the Village Museum in Bucharest. Additionally, refugees in Bucharest organized themselves into the Association of Refugees from Northern Transylvania and engaged in public communication efforts, including gatherings at the Museum of the Village[10], public conferences, and publications aimed at maintaining hope and trust in their future.

In terms of state involvement, there were some instances of support noted in the Coposu diary, particularly for jurists from Northern Transylvania who found employment[11] in Bucharest upon arrival. However, this support seems to have been more selective and caste-based rather than part of a systematic intervention to ensure the "Big 4s" (labor, housing and food, education, and healthcare) for all refugees.

In conclusion, it can be said that apart from their admission into Romania, the brothers-refugees were largely left to fend for themselves.

Romanians and Jews who remained in Northern Transylvania after August 30, 1940, faced significant challenges. Despite provisions in the text to avoid harming civilians of other ethnicities, widespread murders, crimes, persecutions, and abuses occurred, often instigated by local fanatics or civil organizations. Of particular concern were the atrocities committed against Jews, many of which occurred under the influence of the Nuremberg Laws, which were adopted early[12] and comprehensively in Hungary, then allied with Germany.

Romanians who remained in Horthy's Hungary were effectively refugees in their own homes, subjected to deprivation of their rights and major offenses. They were denied access to education[13], excluded from civil service positions, and often conscripted for labor or military service. Educational institutions such as the University of Cluj opted to relocate to Sibiu, while high schools like Emanuil Gojdu in Oradea moved to Timișoara.

The ARDEAN (Association of Refugees, Expulsions, and Displaced Persons

[10] See Gabriel Țepelea, (1995): *Lupta Refugiaților Transilvăneni impotriva Diktatului de la Vienna (The Refugees of Transylvania Fight, against the Vienna Diktat)*, available at https://biblioteca-digitala.ro/reviste/ACTA-MUSEI-NAPOCENSIS/32-II-Acta-Mvsei-Napocensis-Istorie-1995_042.pdf.

[11] Dan Pavel, (2023): p. 134.

[12] Horthyst Hungary adopted the *Nuremberg law* between 1938 -1941, excluding Jews from many professions, schools, from participation of the economic and social life. The laws forbade the intermarriages between Jews and non-Jews, barred the Jews for be employed in administration. See more on https://encyclopedia.ushmm.org/content/en/article/hungary-before-the-german-occupation.

[13] The University of Cluj – Ferdinand I University - and Cluj University of Medicine opted for a refuge at Sibiu; the Cluj University of Agriculture refugeed at Timișoara. The Oradea high-school Emanuil Gojdu at Timișoara etc. The students enrolled there must refuge or end their studies.

from Northern Transylvania) detailed numerous atrocities and violations of the Vienna Arbitrage/Diktat, including thousands of murders, tortures, arrests, and expulsions, as well as tens of thousands subjected to forced labor or internment[14]. Although the text of the Arbitrage/Diktat allowed for appeals in cases of breaches, its provisions were not consistently implemented in good faith, leading to widespread suffering among Romanian civilians.

Under pressure from leaders like Iuliu Maniu, the Romanian Minister of Foreign Affairs, Mihai Antonescu, invoked Article 7 of the Arbitrage/Diktat to call for intervention from Germany and Italy[15]. A commission led by Henke and Ruggieri confirmed mutual breaches of the legal framework[16], with both Romanian and Hungarian citizens suffering persecution and economic damages in each other's territories[17]. Despite protests from the Romanian government, the situation remained dire for many civilians affected by the territorial changes.

Despite the adoption of the Nuremberg Laws in Hungary, Horthy assured Hungarian Jews that he would personally protect them, leading many to believe him. However, the atrocities against Jews occurred after Horthy's removal from power in March 1944 and the German occupation of Hungary. In the early 1940s, Hungarian Jews faced persecution and recruitment into labor units, with some individual support from Romanians in certain cases[18].

The perceptions of Northern Transylvania refugees regarding their protection in Romania during the final days of Carol II's dictatorship and the subsequent National Legionary State are not well-documented in official state records. However, individual testimonies paint a troubling picture. In many cases, refugees relied on relatives, colleagues' families, or acquaintances for protection rather than state institutions. Additionally, the social climate did not support their integration into society.

Some individuals choose to cross borders back to their hometowns for

[14] Mircea Popa and Doina, (2006): *Open letter to the Romanian Member Chamber of Deputies, Viorel Arion on the behalf of the ARDEAN (Association of the Refugees, Expulses, and Displaced Persons from the Northern Transylvania*, available at https://www.cdep.ro/proiecte/2007/100/80/4/ax184.pdf.

[15] A commission of the two powers (Nazi Germany and Fasciste Italy) governs visited the territories where the Vienna Dictate was imposed. Their conclusions: there were abuses in both of the parts. According to Pavel, Dan (2023): *Iuliu Maniu în Jurnalul lui Corneliu Coposu* ..., p. 197.

[16] See Coposu, Corneliu, (2014): *File dintr-un jurnal interzis 1936-1947, ...(Pages from a forbiden diary 1936-1947 ...)*, București, Editura Vremea.

[17] See Roșca, Dumitru, (2016)... p. 86. and pp. 82-83.

[18] See Roșca, Dumitru, (2016)... p. 86. and pp. 82-83.

various reasons. For example, Dumitru Roșca and Teodor Tătaru, students at the Adventist Seminar in Stupini, decided to return home[19] to the North of Ardeal and faced challenges crossing the border illegally. Similarly, Iosif Negrean[20], a shopkeeper from Carei, experienced multiple movements across borders due to political changes and personal circumstances, illustrating the complexities faced by refugees.

Persecutions against those who maintained hope, such as members of the Pro Transylvania association, led to negative perceptions of the National Legionary State's willingness to protect refugees. The deportation of Jews and Roma people to Transnistria, which began in October 1941, further exacerbated these negative perceptions. Although these events occurred after Carol II's abdication, they were influenced by his policies and foreign relations.

5.3 On the Humanitarian solidarity in the Refuge situation

During the period of the 1938 Constitution, there was little space for the construction of humanitarian solidarity concerning refugee situations, either as beneficiaries or benefactors, at a societal level. While individual acts of solidarity existed, they were often rare and isolated. Some instances of solidarity were motivated by Christian teachings, as seen in the memories of Dumitru Roșca, an Adventist.

In one notable example, a group of Adventists provided protection for a group of Jews who had escaped deportation, offering them food and shelter in a secure location where the Adventists prayed[21]. However, these instances of solidarity were exceptions rather than the norm.

Overall, the wartime atmosphere was marked by atrocities committed by one group against another, with refugees mainly being victims rather than recipients of widespread humanitarian aid or protection.

Conclusion on the Refugees Protection in the Kingdom of Romania 1923-1940.

The period of refugee protection in the Kingdom of Romania from 1923 to 1940 reveals several deficiencies in the country's approach to handling refugee crises. Unlike states that were signatories to the League of Nations 1933 Convention

[19] See Roșca, Dumitru, (2016)... p. 86. and pp. 82-84.

[20] See Mărieș, Horia, (2014): *Români refugiați, expulzați sau rămași în Ardealul de Nord după Diktatul de la Vienna* (*Romanians refuged expulsed or remained in the Northern Transylvania after Vienna - Diktat)*, *available at* https://www.buletindecarei.ro/2014/09/ romani-refugiati-expulzati-sau-ramasi-in-ardealul-de-nord-dupa-diktatul-de-la-viena.

[21] Roșca, Dumtru, (2016), p. 96.

on Refugees' Protection, Romania often lacked a comprehensive legal framework for addressing refugee situations. Instead, measures were often taken reactively rather than proactively.

The implementation of refugee protection norms was inconsistent, and the Romanian state was ill-prepared to handle the influx of refugees during World War II. Generally, refugee protection efforts relied heavily on the initiatives of international organizations like the Red Cross and League of Nations, as well as private initiatives such as the Orphanage of Strunga funded by individuals like Armeng Manissalian.

The arrival of refugees from former Romanian territories exposed deficiencies in Romania's political, institutional, social, and cultural systems regarding refugee protection. One significant deficiency was the absence of a culture of humanitarian solidarity and the lack of efforts to cultivate such a culture at the societal level.

Factors contributing to this deficiency may include the influence of the Far-Right government, the prevailing atmosphere in Europe characterized by the ideology and implementation of the Nuremberg Laws, a lack of tradition of solidarity among Romanians without discrimination, and insufficient examples of solidarity from Romanian elites.

For researchers in political science, sociology of public culture, and political communication, this period presents an opportunity to examine why efforts to construct a culture of humanitarian solidarity were lacking, while xenophobia against others was allowed to proliferate. It raises questions about the societal values, political ideologies, and historical contexts that shaped Romania's approach to refugee protection during this time.

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