

## THE LEGAL BASIS OF THE DANUBE-BLACK SEA CANAL'S CONSTRUCTION (1949-1953)

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**Abstract:** This article's purpose is revealing the legal basis of the construction of the Danube-Black Sea Canal during 1949-1953 via a double approach: the series of official documents issued by the Romanian government on one hand, and on the other hand the decision of the Politburo of the Central Committee of the Romanian Worker's Party.

**Keywords:** Danube-Black Sea Canal, Gheorghe Gheorghiu-Dej, People's Republic of Romania

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Trying to shape the legal framework for implementing the extremely ambitious project, we consider necessary the approach regarding the legal basis of the problem from a double understanding: on the one hand the series of official documents issued by the Romania's governors, often materialized in decisions of the Council of Ministers, with the specification that these were the undoubtedly result of the expression "state-party" having, in other words, the basis in the decisions of the Political Office of the Central Committee of the Romanian Workers' Party. They were materialized in laws and decrees. On the other hand, the extension of legal basis can easily include in its field also the established legislation in the Romania's work field in the '50s.

In both dimensions of the legal basis, there were taken into account the constitutional provisions. As evidence, in the case of the first official act, founder of the operation (Council of Ministers' Decision no. 505/May 25, 1949), this fact was mentioned as clearly as possible: "on the basis of article 72 from the Constitution of the People's Republic of Romania, the Council of Ministers decides: to be started the preparatory works for the construction of the Danube-Black Sea Canal"<sup>1</sup>.

The mentioned article from the fundamental law of the country was only a legal "pretext", the real basis regarding the beginning of the Canal's construction residing in the Political Office's Decision of the Central

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<sup>1</sup> Arhivele Naționale Constanța (ANC), fund General Directorate of Works at the Danube-Black Sea Canal (1949-1953) (GDC), file 913/1949, p.1; (article 72 from the Constitution of the People's Republic of Romania provided that "The government has among its attributes the administrative leadership of the State. It is coordinating and giving general guidance for the ministries from that field of activity, it is guiding and planning the national economy (...). For certain fields of activity the government can organize and lead any kind of special services which will be directly subordinated to the Council of Ministers".).

Committee of the Romanian Workers' Party of the same day (annex...), concerning this important objective, at which elaboration had substantially contributed Gh. Gheorghiu-Dej, respecting the Kremlin's suggestion: "The Political Office of the Central Committee of the Romanian Workers' Party, in its meeting of May 25, current year – it was mentioned in document – taking note about the report of the comrade Gh. Gheorghiu-Dej regarding the project of building the Danube-Black Sea Canal and of economic and cultural developing of the surrounding region, considering that this great work is part of the project of building the socialism in our country, it decides that the project to be presented in front of the Council of Ministers for the immediate start of preparatory works of this canal's construction"<sup>2</sup>.

The imperative "suggestion" of Moscow regarded Romania still since 1948, after one of the meetings between Dej and Stalin, on the field of the Soviet leader. The engineer Paul Sfetcu, Dej's Head of Cabinet, was recently remembering the way in which it had been generated the decision regarding the construction of the Danube-Black Sea Canal: "After the nationalization of the main means of production, said Dej (in a discussion with his head of cabinet – *our note*), the state's leaders analyzed the perspectives that would open the national economy in the new social-economic conditions. In order to establish the most appropriate measures, it was decided that a state and party delegation to go to Moscow, to discuss with the Soviet leaders for building an economic cooperation. We presented to the Soviet leaders the potential of our nationalized industry and the measures that we consider necessary for the fully reevaluation of this potential and the ensuring of a continuous development regarding the Romanian-Soviet trade.

Stalin, as if he had not heard what I said, asked: Does the leadership of Romania know something about a project made by the Englishmen, by the early 20<sup>th</sup> century, for the construction of a navigable canal between Danube and Black Sea?

I was stunned and in the same time frightened – it would said Dej after this – by the perspective that instead of an industrial development – our objective regarding the travel to Moscow – we will get "a hole in the ground"<sup>3</sup>.

Seeing the hesitations of the Romanian delegation, "terrified by the unfortunate perspective which appeared", Stalin appreciated that the Romanians will know to found the financial funds necessary for the work, ensuring the Romanian side that "the Soviet Union will supply to Romania the necessary

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<sup>2</sup> *Rezoluții și hotărâri ale CC al PMR [Resolutions and decisions of the Central Committee of the Romanian Workers' Party]*, Bucharest, Editura P.M.R., 1951, p.111.

<sup>3</sup> Lavinia Betaea, P. Sfetcu, *Stalin decide: construiți Canalul! [Stalin decides: build the Canal!]*, in "Magazin istoric" [Historic Magazine], year XXXI, no. 12(369)/December 1997, p. 13-14.

excavation equipments and means of transport, if the Romanians are decided to start a so important and necessary work”<sup>4</sup>.

“Thus – wrote the same Paul Sfetcu – the Romanian delegation returned from Moscow “appropriated” with a map on which it was traced the route of the future Danube-Black Sea Canal. The press and the radio informed the country, the Romanian nation, about the great news, the happiness that fell on our heads without saying, of course, whose was the genial idea. For hiding this truth, and for the action to have a “national character” , it was also adopted a decision of the Political Office of the Central Committee of the Romanian Workers’ Party (...).

It must be also known that Gh. Gheorghiu-Dej had never spoke in public about the paternity of the idea of building the Canal or about the way in which the work was imposed to him. Whenever he remembered the way in which he was “convinced” and then “possessed by the euphoria” of building the Canal, he was showing a great embarrassment. He was in the same time convinced that he never could oppose to Stalin”<sup>5</sup>.

The Council of Ministers’ Decision no. 5057/May 25, 1949, was announcing the general purpose of the “great” work, also presenting the reasons for “the construction of the Danube-Black Sea Canal in the second half of 1949 (article 1)”. Among them, we remark the idea of ensuring “the cheapest and shortest water transport to the Black Sea; the industrialization southeast region of the country (...); the creation of conditions for improving the agriculture (...); the combat of drought which is continuously threatening this land; the drain of the Carasu Valley”<sup>6</sup> etc. Under article 2, it was established the body empowered for “the execution of all projection works, studies and construction-assembly” entitled the General Directorate of Works at the Danube Black Sea Canal<sup>7</sup>. This “special directorate” was directly subordinated to the Council of Ministers of the People’s Republic of Romania<sup>8</sup>, a definite proof of the importance given by the authorities to the new body and to the its object of “study and execution”. There were also approved “scheme of organization, the operating rules and the proposals of the Canal’s General Directorate for the employment of managerial staff, proposals registered at the Council of Ministers with no. 5787/May 25, 1948”<sup>9</sup>.

As general manager of the Canal’s General Directorate (helped by a “chief-engineer, as prime-deputy manager, by two deputy managers, by two deputy chief-engineers and by a mechanic chief-engineer”, according to article 5) it was appointed Gheorghe Hossu. Who was the important person endowed

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<sup>4</sup> *Ibidem.*

<sup>5</sup> *Ibidem.*

<sup>6</sup> ANC, fund GDC, file 913, p. 2.

<sup>7</sup> *Ibidem.*

<sup>8</sup> *Ibidem.*

<sup>9</sup> *Ibidem.*

with the high managerial quality of the greatest work that was to start in the summer of 1949 in Romania, we find out from the newspaper *Dobrogea Nouă* [*New Dobrudja*], the local officious of the Romanian Workers' Party, which presented in a specific manner the personality of the first manager of the Canal (the other directors have been Mayer Grunberg, between 1951-1952 and Vasile Posteuca, between 1952-1953), a communist personality dramatically “passed” from exploitation to exploitation until this function (he will not stop himself here, on March 2, 1951 being appointed minister of constructions): “... son of poor peasants from village of Blăjeni-Târnava Mică, who (sic!) have been fleeced by the landowners and kulaks as many, many of us have been fleeced, stolen, exploited. Poor child whose parents could not assure his piece of bread, comrade Hossu entered as an apprentice and learned the craft in a mechanical workshop from Mediaș. Here, comrade Hossu meets the capitalist exploitation of the employer. In 1927 he is coming in Dobrudja where he works in different workshops and where he is attracted by the revolutionary aspirations of the working class.

Years after years, comrade Hossu works hard as farm worker on almost all the estates (sic!) lined along the Carasu Valley”<sup>10</sup>.

According to the mentioned body press, no one else was better for “the saving” mission of Dobrudja, by the construction of the Danube-Black Sea Canal.

About the other members within the objective's leadership, “a nominal table with the members of the Romanian Workers' Party (sic!), the organization II basis “of October 1949 offered the following information about the “qualities” of those nominated:

“- Grunberg Mayer – born in 1894, member of the Romanian Workers' Party since 1946, social origin – small bourgeois; date of arrival on site: September 5, 1949; schools attended: party university; studies (sic!): Polytechnic; function on site: prime-deputy general manager, chief-engineer;

- Posteuca Vasile – born in 1914; social origin: worker, member of the Romanian Workers' Party (sic!) since 1938; schools attended: the Superior Party School from USSR; studies: 7 (seven...) classes; date of arrival on site: May 24, 1949 (one day before the adoption of the “historical” decision of building the Canal); function on site: deputy general manager;

- Antoci Dumitru – born in 1905; party member since 1946, social origin – small bourgeois; studies: Polytechnic, date of arrival on site: May 9, 1949, function: deputy general manager”<sup>11</sup>.

The Canal's staff was completed by “the counselors Terescenko Nicolae “mechanic-engineer came from the party organization from Timișoara

<sup>10</sup> “Dobrogea Nouă” (New Dobrudja), year III, no. 727/October 20, 1950, p. 2.

<sup>11</sup> ANC, fund Party Committee of the Danube-Black Sea Canal (PCC), file 14/1949, p. 172.

(Romanian Railways), Tabașnik Ignat “engineer from Bucharest” and Marin Dumitru “lawyer, member of the Romanian Workers’ Party (sic!) since 1947”<sup>12</sup>.

The last article of the Council of Ministers’ Decision of May 25, 1949, expressed “the volume and the great significance for works” reason for which there were also officially involved in this action other ministries to which would be assigned “important parts of these works”<sup>13</sup>. The document was signed by the state and party leadership of the People’s Republic of Romania, in front with dr. Petru Groza and Gheorghe Gheorghiu-Dej (annex...).

The next step regarding the adoption of documents that were the basis for starting the construction of the Canal was represented by the Council of Ministers’ Decision no. 613/ June 22, 1949, which approved the “Technical and Economic Memorandum” written by “the Commission of USSR and the Commission of the People’s Republic of Romania”, in which it was established for the first time (considering the period between 1949 and 1953) the plan tasks for 1949<sup>14</sup>.

The “logistics” and salary insurance of those charged to lead the work of building the Canal was materialized by the Council of Ministers’ Decision no. 1125/October 29, 1949 (annex...). The general manager of the Canal, Gh. Hossu, was then receiving a gross salary of 68000 lei, while the third deputy manager was receiving “only” 57000 lei. The engineers received a coefficient of technicality of 12 % applied on the basic salary, while the salary of the general manager was increased by the care of the Council of Ministers’ Presidency with the so-called “representation expenses, equal with those of deputy ministers”<sup>15</sup>. The salaries of the Canal’s leaders were much higher than the salaries of the objective’s civilian workers, those receiving between 2500 and 5700 lei per month<sup>16</sup>.

The final form of the “General Directorate of Works at the Danube-Black Sea Canal” – as main “building” body – was established by the Decree no. 75/March 23, 1950, issued by the Presidium of the Great National Assembly of the People’s Republic of Romania “under article 44, paragraph 2 and article 45 from the Constitution of the Romanian Popular Republic”<sup>17</sup>. Including six chapters, the decree was considerably increasing the field of responsibilities of the Canal’s General Directorate, considered, in the text of the law, “operation unit of state”, being a corporate body and having its own patrimony<sup>18</sup>.

It is decided that the headquarters of the General Directorate of the Canal to be in Constanta.

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<sup>12</sup> *Ibidem*.

<sup>13</sup> *Ibidem*, fund GDC, file 137/1949, p. 3.

<sup>14</sup> *Ibidem*, file 4/1949, p. 169.

<sup>15</sup> *Ibidem*, file 913/1949, p. 16.

<sup>16</sup> *Ibidem*, fund PCC, file 14/1949, p. 2.

<sup>17</sup> *Ibidem*, fund GDC, file 913/1949, p. 7.

<sup>18</sup> *Ibidem*.

The declared intention of the Party and State leadership from Romania was, under a motivational aspect, that of creating on the Canal's sites – according to the decree – “personnel qualified by new methods of work”<sup>19</sup>.

The tasks of each manager, deputy manager, chief-engineer or chief-accountant were particularly mentioned in the second of the document.

The “administrative organization” of the Canal's General Directorate (3<sup>rd</sup> chapter, article 13) included “the central bodies; the external bodies; the annex and auxiliary enterprises”. The central bodies were: of execution (including no less than 17 sectors), of consultation and endorsement.

The external bodies of the Canal's General Directorate were: the regional sectors of works (including Cernavodă, Medgidia and Midia) and the units and subunits of Bucharest.

The 4<sup>th</sup> chapter was dedicated to the “financial organization and bookkeeping”, while the 5<sup>th</sup> chapter brought the necessary clarifications regarding “the contracting of works and supplies”. The decree ended with a series of “special provisions” (annex...).

We insisted a little bit more on the organizational structure of the Canal's leading forum, hoping for a more precise clarification of this problem, not always correctly presented in certain studies, materials or memoirs<sup>20</sup>.

The Decree no. 75/March 23, 1950, will remain in essence unchanged during the entire process of works at the Canal, even if on March 1, 1951, by the Decree no. 32 there were formally modified the articles 3, 9 and 10, the structure and the attributions of the Canal's General Direction without being affected the new legal provisions (annex...).

The last organizational act from this documentary series was the Decision of the Plenary Session of the Central Committee of the Romanian Workers' Party of December 12/13, 1950, regarding the Five-Year Plan of developing the national economy of the People's Republic of Romania (1951-1955).

In the plenary session it was mentioned that two annual plans (1949 and 1950) “have been successfully achieved, creating the necessary conditions for the Five-Year Plan”, this fact being due to the “creative implementation of the Soviet experience in the construction of socialist economy”<sup>21</sup>.

The legal expression of the will of Romanian communists, who were “creatively” considering at that time the Soviet experiences in the field of the socialism's construction, was materialized two days later, in Law no. 8 of December 15, 1950 for the Five-Year Plan of developing the national economy

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<sup>19</sup> *Ibidem*, p. 8-14.

<sup>20</sup> I. Cârjă, *Canalul morții [The Canal of Death]*, Bucharest, Edit. Cartea Românească, 1993, p. 50.

<sup>21</sup> *Rezoluții și hotărâri ale CC al PMR [Resolutions and decisions of the Central Committee of the Romanian Workers' Party]*, vol. II, 1951-1953, p. 304.

of the People's Republic of Romania between 1951-1955, published in the "Official Newsletter no. 177 of December 16, 1950".

The value of works which had to be executed for the construction of the Danube-Black Sea Canal, within the Five-Year Plan, was estimated to 68 billion lei, and "the value of works that should be executed after the expiration of the Five-Year Plan (...) to 10,4 billion lei"<sup>22</sup>.

Regarding the second series of legal documents cited in the beginning of the chapter for understanding the way in which it was conceptualized the "work" and in which it was effectively achieved the regime of work over the entire "popular democracy", around the start and after the beginning of the works at the Canal, we consider that it is useful the mention of some fundamental normative documents, by their provisions, for the framework given to the political regime in Romania.

In this context, the Constitution of the People's Republic of Romania, adopted on April 13, 1948 – faithful copy of the Soviet one – in article 12, was mentioning that "the work is the basic factor of the society's economic life", a "duty of every citizen", the state being entitled to offer "support to all those who are working"<sup>23</sup>.

More specifically, the Constitution of the People's Republic of Romania, published in the "official Newsletter" no. 1 of September 27, 1952, was specifying still in the preamble (introductory chapter) that Romania "is a state of working people" and according to article 15, in our country the work was becoming in that moment "a duty and a matter of honor for every citizen who is able to work", according to the principle "who is not working is not eating"<sup>24</sup>.

Specific labor regulations were almost entirely found in the "Labor Code" adopted on June 8, 1950. this important legal document was based on the fundamental law of the country and especially on the Decision of the Plenary Session of the Central Committee of the Romanian Workers' Party of May 15-17, 1950, that discussed in section 1 of the agenda "the project of the Labor Code" – responsible in this problem being Gheorghe Apostol, one of the important members in the Political Office of the Central Committee of the Romanian Worker's Party<sup>25</sup>.

The Labor Code was designed to facilitate the achievement of the Five-Year Plan, by far the most important law for the economic evolution of the state with a "popular democracy". Legally expressed by Law no. 3/1950, published in the "Official Newsletter" no. 50/June 8, 1950, the Labor Code has regulated all issues relating to employment contracts, working rules, working

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<sup>22</sup> ANC, fund GDC, file 934/1951, p. 83.

<sup>23</sup> I. Scurtu, C. Mocanu, *Pagini de istorie [Pages of History]*, vol. III, Bucharest, 1993, p. 248-249.

<sup>24</sup> I. Muraru, *Constituțiile române (culegere) [The Romanian Constitutions (collection)]*, Bucharest, 1980, p. 73.

<sup>25</sup> "Scînteia" (The Spark), no. 1737/May 19, 1950, p. 2.

time (day, night, legal holidays), overtime issue. The article 57 of the code included extremely precise stipulations in this respect: “The work over the normal working time (which was of eight working hours – *our note*) is, usually, forbidden. The overtime work will be done only in exceptional cases...”<sup>26</sup>. Yet, from this perspective, it is sure that the working world of camps appeared then an “exceptional” one; a world in which the colonies’ “workers” (first of all political prisoners) were not allowed to question the rules imposed by the Canal’s sites or, as we will see, they were not allowed even to know them.

The “laborious” framework offered by the Labor Code to the Romanian society in early ‘50s was completed by other legislative documents among which the Decree 359 for the Organization of Labor Protection in the People’s Republic of Romania, published in the “Official Newsletter” no. 34/August 20, 1949 and updated by the Decree no. 185/ April 20, 1953. The labor protection became, by the adoption of the mentioned documents, “a matter of state”. Its purpose stated by law was “the improvement of work conditions of those who are working, the continuous reduction of accidents at work...”<sup>27</sup>.

This legislative framework regarding the labor regime was considerably extended in the years after the beginning of works at the Danube-Black Sea Canal, especially by decrees and normative acts concerning the use of working effectives, the work performed under detention.

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<sup>26</sup> *Codul muncii, text oficial cu modificările aduse până la data de 1 aprilie 1961 [The Labor Code, official text with the modifications made up to April 1, 1961]*, Bucharest, Edit. Științifică, 1961, p. 26.

<sup>27</sup> *Ibidem*, p. 95-98.