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# In Quest of A Smart Neighborhood Strategy How Should Be the Future Eastern Foreign Policy of Romania?

ȘERBAN FILIP CIOCULESCU

Since the end of Communism, each of the presidential administrations and the ministers of Foreign Affairs tried to forge and launch a new "eastern foreign policy", acknowledging the existence of historic threats and opportunities. The first democratic president, Ion Iliescu, remains in history as he tried to normalize relations with the Russian Federation by overcoming the thorny Soviet inheritance and the well-known Russo-phobia of many Romanians, while his successor Emil Constantinescu agreed to the signature of the bilateral treaty with Ukraine, in the hope of acceleration NATO membership. All the successive presidents were first careful to mention that their first priority in the East is to "normalize" the relations with the Republic of Moldova, promoting the "one nation two states" principle and preparing the field for a close relationship, and even for the scenario of the possible unification. Unfortunately, less attention was given to countries such as Georgia, Azerbaijan, and Armenia, at least during the first post-communist decade. Only during the last ten years some improvements have been recorded such as the strategic partnership with Azerbaijan and the special relation with Georgia – Romania is one of the members of the "New friends of Georgia" group of states.

When the new presidential administration of Traian Băsescu came in power at the end of 2004, there were real hopes for a new eastern foreign policy of Romania, as Traian Băsescu and his close advisers constantly spoke about Romania's main interest in anchoring the Wider Black Sea Area to the West (namely the EU and NATO), and rebuilding the special relations with countries from the former Soviet space and from the Middle East. The main issues to be solved were the fate of Moldova and the issue of Transnistrean conflict, the still remaining contentious issues with Ukraine and Russia, the access to natural energy from Central Asia and the Caspian. Six years have passed since this moment and Romania, who became in 2007 a EU member, doesn't look like having resolved even the major part of these issues. In this study we want to investigate the evolutions of Romania's relations with Republic of Moldova, Ukraine and Russia to see if there are really prospects for an active and constructive eastern policy to be integrated with the strategic profile of our country.

## *Redefining the Relation with Republic of Moldova*

Romania and Moldova are both sovereign states, but they are inhabited by the same nation, the "Romanians", in spite of the fact that many Moldovans call themselves "Moldovans" not Romanians, as an inheritance of Soviet times.

Romania was the first country to recognize the independence of Moldova in 1990, and for a huge part of Romanians and Moldovans this was the first step towards

unification. Then, the political conflict in Transnistria generated the intervention of Russian forces and reduced the probability of this event. Since the end of the USSR, Romania and the Republic of Moldova oscillated between good and poor relations, depending on the leadership, the regional circumstances and some specific events.

Romania and Moldova developed a flourishing trade during the last 20 years, more and more people circulating across the borders and earning their bread by doing trade.

On January 20, 1992, The Romanian embassy was opened in Chișinău.

For its part, the Republic of Moldova has hesitated since the mid-90s between hypothetical EU integration and membership in the CIS practice, reaching the sometimes contradictory official discourse of the doctrine of co-integration in EU and CIS.

Political elites in Chișinău clearly experienced an identity crisis and still feel vulnerable to external power influences. They have sought to crystallize a foreign policy able to keep alive the two options: enhancing the membership in the CIS or approaching the West through EU membership. For example in 2002, the political scientist Vasile Stati, a doctrinaire of the communist regime in Chișinău, stated that Moldova should aim at the double relation (with Russia and the West), as the kingdom of Moldova did in 1475, by declaring itself a vassal to Poland and Hungary, and President Voronin did not hesitate to speak metaphorically about "lamb/calf which is sucking from two sheep/cows"<sup>1</sup>.

If one examines quantitative data about Moldo-Romanian relations, the facts seem impressive: there are more than 104 bilateral agreements regarding issues of mutual interest have been signed, such as on mutual promotion and protection of investments, avoiding double taxation and preventing tax evasions, cooperation in transportation, postal services, telecommunications and tourism, facilitation of trade, customs services, science, education, culture and in many other important areas. Short of the much-debated bilateral treaty of friendship and cooperation, every other type of diplomatic document has been signed, including recently the bilateral trans-border trade agreement. About 90% of the Moldovan goods have a free access on the Romanian market since the EU agreed to give to Chișinău Autonomous Trading preferences in January 2008. In 2008-2009, Romania was on the second place among the foreign trading partners of the Republic of Moldova for the exportations and third place for the imports<sup>2</sup>. For Moldova, Romania is the first trade partner with the EU.

Romania assumed, since the beginning of the 90s, the role of the country which constantly supports Republic of Moldova for integration first into the international community and then to the West. This is the reason why Bucharest encouraged and supported Chișinău for becoming a member of various organizations such as UNO, OSCE, the Council of Europe, Stability Pact for South-Eastern Europe and now for the EU. Of course, because neutrality as a principle is present in the Moldova's constitution, the Romanian authorities did not openly push for NATO membership but supported activities through Partnership for Peace.

Between 1991 and 2001 it was an intense political, diplomatic and economic dialogue between the two countries. Petru Lucinschi, the Moldovan president, met Emil Constantinescu in 1998 and Ion Iliescu in 2001, minister of Foreign Affairs Andrei Pleșu visited his counterpart in Chișinău twice in 1998 etc.

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<sup>1</sup> Victor CHIRILĂ, "Republic of Moldova Relations with Romania", in Igor SAROV, Igor OJOG (eds.), *The Foreign Policy of the Republic of Moldova (1998-2008)*, Cartdidact, Chișinău, 2010, p. 31.

<sup>2</sup> The Republic of Moldova, <http://www.mae.ro/index.php?unde=doc&id=5664&idlnk=1&cat=3> (accessed on 3.07.2010).

In spite of some real elements of cooperation and good understanding, such as the opening of three joint checking points, the special economic zone Galați-Giurgiulești-Reni, the participation of the two countries plus Ukraine in the two Euro-regions Lower Danube Region and Upper Prut Region, and the connection of Moldova to the Romanian power supply system, it is fair to mention also the points of contention: the non-signature of the Treaty on Privileged Partnership and Cooperation between Moldova and Romania, the conflicts around the reconnaissance of the Patriarchy supported from Bucharest, the accusations of Romania's interference in Moldova's domestic affairs etc.

The Romanian obsession with rejecting the bilateral basic treaty with Republic of Moldova became indeed an element of Romanian foreign policy doctrine. The Social Democrat Party of Romania denied the need for such a treaty between the years 2001-2004, later the Băsescu PDL administration also said it was neither necessary, nor beneficial, because it could be seen as an attempt to legitimize the consequences of the Ribbentrop-Molotov Pact and the so-called "Moldovan" language<sup>1</sup>.

In 2001, the Moldovan Communist Party (CPRM) took the power in Chișinău and at the beginning heavily oriented the foreign policy towards greater integration within the CIS and towards special relations with Russia.

Experts in Moldovan and Romanian foreign policy speak about periods of tensions and period of pragmatism in the bilateral relations.

In October 2001, Moldovan minister of Justice Ion Morei harshly criticized Romania before the European Court for Human Rights on the occasions of the hearings regarding the Metropolis of Bessarabia vs. the Government of Moldova.

Only the episode of the "Kozak Memorandum" in 2003<sup>2</sup> allowed for a relative normalization of the bilateral relations, when the Moldova's relations with Russia worsened and Chișinău decided to go closer to the EU, thus temporary improved the relations with Romania in search of support<sup>3</sup>. Armand Goșu stated that this anti-Russian and pro-western turn of Moldova found Romanian decision-makers unprepared and without any reaction<sup>4</sup>.

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<sup>1</sup> Many times president Băsescu stated that Romania does not need such a treaty which would only legitimize the consequences of the Soviet-Nazi Pact and that he does not want to be "the partner of Stalin".

<sup>2</sup> According to various Moldovan, Russian and European testimonies it seems that both EU and USA put pressure in 2003 on the Moldovan president and government to reject the Russian deal, after initially president Voronin seemed ready to sign the memorandum, hoping that Russia will help Moldova to settle the frozen conflict in Transnistria. On June 22, 2006, the Russian chief of diplomacy, S. Lavrov, stated that EU could contribute to the peace-keeping in Transnistria and it would have certainly already participate "if it did not broke the Kozak memorandum signature". The statement was recorded at the meeting of the "Weimar triangle" (France, Germany, Poland – since 1991), where Russia participated for the first time. <http://www.interlic.md/2010-06-23/lavrov-ue-poate-participa-la-operatiunea-de-mentinere-a-pacii-intransnistria-16414.htm> (accessed on 17.07.2010).

<sup>3</sup> Former Romanian minister of Foreign Affairs Adrian Cioroianu mentions the hypothesis that the rejection of the Kozak memorandum was the outcome of the US-EU combined pressures at Romania's suggestion, and that Voronin may have hoped that since Romania would enter the EU, the Transnistrians would be attracted by economic prosperity and accept to come back to Moldova. However he said he does not believe Voronin really thought this possible. Adrian CIOROIANU, "Ghiuleaua rusească de la glezna Moldovei", *Foreign Policy* (Romania), May-June 2010, p. 55.

<sup>4</sup> Armand GOȘU, "Politica răsăriteană a României 1990-2005", *Contrafort*, no. 1 (135), January 2006, <http://www.contrafort.md/2006/135/958.html> (accessed on 20.07.2010). The author is very firm when declaring that "During a decade and half, Romania had an Eastern

Former President V. Voronin frequently labeled Romania as an "imperialist" state, an aggressive "big brother" trying to impose its will to Moldova and interfering in domestic politics. Moldovan communist authorities complained before European institutions about Romanian behavior. They also condemned Romania's policy of giving citizenship to many Moldavians, considering this a strategy for controlling Moldova as a state and reducing its sovereignty. In 2001-2002, there were expulsions of diplomats and various accusations made by Chișinău, some of them purely ridiculous.

Between 2004 and 2006 there has been a period of "illusionary friendship" to quote well-known analyst Victor Chirilă<sup>1</sup>.

In December 2007, President Voronin send a letter to all the EU head of states complaining about Romania's "evil" practices and called Romania the biggest threat for his country.

In April 2009, as their legitimacy clearly diminished, the communist officials in Chișinău accused Romania of fomenting the bloody revolt of the democratic youth in the capital city<sup>2</sup>, but there was no real proof of this and the international community recognized the innocence of Romania. More likely, the CPRM in fact tried to find a scape-goat to divert the popular unhappiness, generated by its failing socio-economic politics, to a foreign threat.

Although President T. Băsescu pledged that Romania will continue to recognize the territorial integrity and statehood of Moldova, in his message in front of Parliament reunited Chambers (14 April 2009):

"Romania supports unconditionally Moldova – he hold that there is only one Romanian people and that the existence of the Moldovan Communist regime is an evil in itself that the Moldovan youth must discard! The crimes committed by representatives of the Moldovan regime, once established, should be subject to international criminal justice"<sup>3</sup>.

A more sensitive issue involving Romania, Moldova and the EU was the intensification of the process of granting citizenship to Moldovans. Following the harsh actions of the Moldovan communist authorities against the protesting civilians in April 2009, President Băsescu decided to allow a much bigger number of citizens-making, but this triggered a reaction of mistrust and dissatisfaction from representatives of some EU members. Czech Republic who had the rotative EU presidency through the voice of its chief of diplomacy suggested that Romania should not use this way to

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policy without consistency and without vision". The reason is that Romania focused only on Euro-Atlantic integration and "this exhausted its diplomatic capacity". He insists that Romania does not have neither a tradition of an active eastern foreign policy nor enough well prepared experts for this area.

<sup>1</sup> Victor CHIRILĂ, "Republic of Moldova Relations...cit.", p. 28.

<sup>2</sup> The so-called "twitter-revolution" was the effect of the revolt of the democratic youth in Chișinău against the electoral fraud committed by the communists during the April 2009 elections. When new elections were eventually organized the communist lost the power in favor of a democratic coalition of more pro-western parties. One can see an influence of the Ukrainian scenario – the elections won in 2004 by pro-Russian Ianukhovich were contested by the population in Kyiv for reasons of massive fraude and new elections immediately organized, won by the pro-western candidate Yushchenko.

<sup>3</sup> Message of the Romania's president in front of the two Chambers of the Parliament, 11 April 2009, [www.presidency.ro](http://www.presidency.ro) (accessed on 17.05.2009).

create a big number of EU citizens as this would have destabilizing effects on the EU and the Eastern Partnership that was just launched by the EU. A huge number of Moldovan-Romanian citizens would come in the West asking for low-paid jobs, endangering the socio-economic situation of these states. German diplomats also spoke about the risk of introducing Moldova on the EU "using the back door"<sup>1</sup>.

Thus, one can say that Romania's strategy of getting closer to Moldova, affirming the principle "one nation two states", preparing Moldova for EU membership by regarding it as a "Balkan state" provoked opposed reactions from Chişinău at least between 2001 and 2009<sup>2</sup>. The communist leadership adopted the slogan "two nations, two states" and hanged on the so-called "Moldovan" identity, an inheritance of the Soviet times. The new government which took the power in 2009, in fact a coalition of political parties called The Alliance for European Integration, made significant steps in the direction of Romania.

Even if there is not a consensus in favor of the unification (the President Ghimpu, known as an "unionist", anyway stated that there is no such a perspective on the short term), neither for condemning Communism as a criminal regime (the attempt to commemorate the "day of the Soviet occupation" in June 2010 failed as the Constitutional Court declared the presidential decree as invalid<sup>3</sup>), some steps were done such as the removal from the Moldovan official sites of the mention of "Moldovan language", the removal of barbed wire from the Romanian-Moldovan border, the signing of the trans-border trade agreement etc. The government in Chişinău seems to have understood that there is no chance for Romania to agree to sign a Basic Political treaty with Moldova. First, as all the Romanian officials since 1991 underlined, Romania does not want to recognize the juridical effects of the Ribbentrop-Molotov Pact and to make explicit reference to the 1947 Paris Peace Treaty. There is also a battle of political myths: between those Moldovans who see Romania as a "protective brother" and condemn the Communist (Soviet) regime and ideology, and those who are afraid of "Romanian irredentism" and believe that in fact USSR "liberated" the land occupied by Romanian forces in 1918 and 1941. Of course, Romania wants to contribute to this struggle for the hearts and the minds of the Moldovans, but it knows from experience that any direct interference will provoke harsh reactions from the anti-Romanian side.

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<sup>1</sup> Cristina CÂMPEANU, "Europa presează România să renunțe la Moldova", *Romania Liberă*, 15 July 2010, <http://www.romanalibera.ro/actualitate/europa/europa-preseaza-romania-sa-renunte-la-moldova-193764.html> (accessed on 20.07.2010).

<sup>2</sup> Ruxandra Ivan explains the hostility of the Moldovan government towards Romanian policies by the nature of the political regime in Moldova: the Communist ruling party. She stated that Romania abandoned for a time the idea of unification with Moldova because of the Russian opposition and the imperatives of Western integration. Unifying with Moldova would have diminished the prospects of Romania's integration with NATO and EU as the member states did not agree to the membership of former Soviet states. See especially Ruxandra IVAN, "De la discurs pasional la discursuri paralele. Relațiile dintre România și Republica Moldova 1991-2006", in IDEM (coord.), *Direcții principale în studiul relațiilor internaționale în România*, Ed. Institutul European, Iași, 2007, p. 299.

<sup>3</sup> One should mention that one of the coalition parties, the Democrat Party, led by presidential aspirant Marian Lupu, has been particularly critical of Ghimpu's decree, fearing a harsh reaction of Russia and the divisive effect on Moldovan population. Some pro-Romanian Moldovans consider the Soviet military action of 1940 as an occupation, while others consider the Red Army to have "liberated" the region from fascism, in their opinion embodied by Romania.

The cooperation should be at the beginning pragmatic, technical, profit-oriented. The agreement for small scale trans-border traffic is an excellent initiative which already gives results. The opening of two new consulates in Cahul and Bălți, following the visit of Romanian minister of Foreign Affairs Teodor Baconschi, is an excellent initiative of cooperation, alleviating the public pressure on the Chișinău Consulate, where thousands of Moldovans are making files for Romanian visas. Romania granted Moldova a non-refundable aid worthing 100 million euros, for 4 years, for infrastructures. It also co-initiated with France the "Friends of Moldova within EU" (*The Informal Group for the Support of Republic of Moldova's European Action*) group project and granted special licenses for 10 000 Moldovans to benefit from the agreement of small border trade. Moldova promised to allow the opening of the Romanian Cultural Institute "Mihai Eminescu" in Chișinău and to broadcast again the TVR1 channel<sup>1</sup>.

Anyway, Bucharest should not forget the warning made by former Moldovan minister of Foreign Affairs, Andrei Stratan, in May 2006, that Moldova "needs partners not lawyers" for EU integration<sup>2</sup>. At the same time, the simplification of the procedures of granting Romanian citizenship must be maintained and even accelerated. The Moldovan government should be persuaded that this is not a strategy threatening the statehood and national security of the Republic of Moldova but a historic reparation and an opportunity to get closer to the EU. Romania should anyway continue to be the main supporter of Moldova's EU integration and the interface of EU in relation with Chișinău, even if the High Representative for CFSP, Catherine Ashton, manages to abolish the post of the special EU envoy in Moldova, as she has proposed in a plan to build up the future European External Action Service<sup>3</sup>.

Another sensitive issue is the issue of the Metropolis of Bessarabia and one could expect Russia to have a distinct view on this one. Russia, through the voice of the minister of Foreign Affairs Sergey Lavrov has already voiced concern about the obvious pro-Romanian orientation of the new Moldovan government.

The effectiveness of the Romanian eastern policy towards Moldova depends on many factors: the political will of the government in Bucharest to allocate resources and to attract EU attention and funds, the cohesion within the Moldovan government (currently there are real divergences among the composing parties on the future of the state, the relations with Romania and Russia, the communist inheritance etc.), the reaction of Russia and Ukraine etc. A good strategy for Moldova would allow

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<sup>1</sup> Andrei Popov (deputy minister of Foreign Affairs and European Integration) in *Sinteze și Dezbateri de politică externă*, weekly bulletin, no. 35, 11.07.2010, Foreign Policy Association, pp. 4-7, [www.ape.md](http://www.ape.md) (accessed on 20.07.2010).

<sup>2</sup> However, on July 12, 2010, minister of Foreign Affairs Teodor Baconschi said, on the occasion of the periodical activity report of the Ministry of Foreign Affairs that "we continue to be the strongest lawyer of the Republic of Moldova within the EU. Up to now we have organized two meetings of the Informal Support Group for Republic of Moldova's European Action, a joint initiative of Romania and France. The first reunion was in Brussels on February 25, the second on June 14, in Luxembourg, with a numerous participation" – "Bilanț de etapă la șase luni de la preluarea mandatului ministerial", 12 July 2010, <http://www.mae.ro/index.php?unde=doc&id=44383&idlnk=2&cat=4> (accessed on 19.07.2010).

<sup>3</sup> This point of view is assumed by some experts like Răzvan Buzatu who wants the international organizations operating in Moldova to resort to Romanian experts because they are better prepared to understand realities in the field than westerners. See Răzvan BUZATU, "Expertiză de dincoace de Prut", *Foreign Policy* (Romania), May-June 2010, p. 54.

Bucharest to decisively but not ostensibly supporting the current pro-western governmental coalition, taking part in the resolution of the local frozen conflict in Transnistria<sup>1</sup>, favoring the political elites which are in favor of EU integration. Romania should strive to get involved again in the peace process, not only through the EU which in an observer, but as full fledged actor. Also much more care should be given to the process of granting citizenship to Moldovans, as a way for calming down the legitimate grievances of some EU states<sup>2</sup>.

Russia is also watching with mistrust this process and would certainly put pressure on the most EU Russian friendly states, namely Germany and France, to react to Romanian pro-Moldova strategy. In an extreme case, Moscow could go as far as deliberately interfering in Moldova's domestic affairs to hinder the efforts of pro-western coalition. At a moment when Germany unilaterally proposed a special partnership with Russia, when the US make all necessary efforts to normalize bilateral relations with Moscow, when the EU Special Representative for Common Foreign and Security Policy, C. Ashton, is ready to give up the special envoys for Moldova and South Caucasus (probably for centralizing the structures of the future European External Action Service but possibly also to reduce Russian fears of a too assertive EU in its "sphere of influence"), Romania does have only a narrow range of maneuver.

No one knows if Romania and Moldova will after some time unite again or not, under the reluctant EU umbrella. But Bucharest should make all that is necessary to ensure the anchoring of Moldova to the West, its full democratization and cultivate the common values of Europe but also the shared "Romanianess". Sharing economic benefits with Moldova such as energy access is also vital for Romania as a tool for gaining legitimacy and credibility.

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<sup>1</sup> There are some Romanian scenarios for solving the Transnistrian frozen conflict: from federalism, Cyprus-like solution to the extreme solution: Moldova giving up Transnistria in exchange for unification with Romania and EU membership. As an example, A. Cioroianu thinks that it would be a good idea for Moldova to renounce temporarily or definitively to Transnistria. Adrian CIOROIANU, "Ghiuleaua rusească...cit.", p. 55.

<sup>2</sup> In July 2010, an article criticizing the "bad" practice of granting citizenship for Moldovans by Romania appeared in the German journal *Der Spiegel*, reflecting the fear that thousands of Moldovans will come in Western Europe and take the jobs of the natives. On July 19, *Il Giornale* published an article by Gian Micalessin accusing Romania for illegally and immorally transforming Republic of Moldova into the 28<sup>th</sup> member of the EU by granting European citizenship to too many Moldovans. The two new Romanian consulates in Bălți and Cahul are the reason of this vehement reaction. "We are 28 member states within EU and we did not even knew it! Bucharest is taking care to give the EU as gift, a new, invisible and unwanted member state. Plus a lot of immigrants ready to move in." Trying to defend Romania's position, Teodor Baconschi explained that Spain grants citizenship to more Moroccans, each year, than Romania do to Moldovans but this argument did not change the tone of western accusations targeting Romania. This western fear seems exaggerated since between January and June 2010 only 10,000 Romanian passports were delivered to Moldovans. As journalist Sabina Fati emphasized one would need 100 to 300 years to turn all the Moldovans into Romanian citizens! See Gian MICALESSIN, "Passaporti Regalati, Moldavi Pronti a Invaderci", *Il Giornale*, 19 July 2010, [http://www.ilgiornale.it/esteri/passaporti\\_regalati\\_moldavi\\_pronti\\_invaderci/19-07-2010/articolo-id=461777-page=0-comments=2](http://www.ilgiornale.it/esteri/passaporti_regalati_moldavi_pronti_invaderci/19-07-2010/articolo-id=461777-page=0-comments=2) (accessed on 20.07.2010), and Sabina FATI, "Exodul moldovenilor. De la panică la dezinformare", *România Liberă*, 22 July 2010, <http://www.romanalibera.ro/opinii/editorial/exodul-moldovenilor-de-la-panica-la-dezinformare-194414.html> (accessed on 23.07.2010).



### *Rethinking the Relation with Ukraine*

Retrospectively looking, after the collapse of the USSR, it was almost impossibly for Romania and Ukraine to have immediately good relations. Since Ukraine inherited Romanian historic territories, illegally taken away by the USSR in 1944-1948, the field was rife for a more or less acute conflict. The bilateral relation has been characterized since the beginning by disputes, thorny issues, mistrust and mutual accusations. Ukraine was a newly born state, excepting the brief period after WWI, when an independent Ukrainian state existed for some years before being annexed by the Soviet Union. The theory of conflict in strategic studies posits that conflict in a dyadic configuration is more likely if the two actors are neighbors, they have contentious issues, hostile intentions and material capabilities for war. This was the situation between Kyiv and Bucharest in the first years following the collapse of communism.

After 1991, Ukraine became the owner of some pieces of Romanian territory, abducted by the Soviet Union during the years 1940, 1944 and 1948, the northern Bukovina, Bessarabia Southern, Herța region and, not least, the Serpents' Island. Under international law, after the demise of the USSR in the context of political relations and the Warsaw Pact (May 14, 1955 to July 1, 1991), Serpents' Island could have returned to Romania, if the Ukrainian authorities wanted to normalize their relations with Romania.

In 29 November 1991 the Romanian government made a Declaration stating that:

"The recognition of Ukraine's independence and desire to develop mutually beneficial Romanian-Ukrainian relations do not entail recognition of the inclusion in the territory of the new newly independent Ukrainian state of northern Bukovina, the Herța region, the Khotyn region or the region or the region of Southern Bessarabia, which were forcibly annexed by the USSR and thereafter incorporated into the territorial structure of Ukraine on the basis of the Ribbentrop-Molotov Pact"<sup>1</sup>.

Ukraine rose during negotiations with the Romanian, the issue of the succession to the former USSR, claiming it was not its fault if it owned former Romanian territories, as they were inherited from the USSR.

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<sup>1</sup> See the "Declaration of the Romanian Government", *România Liberă*, 29 November 1991 (accessed on June 1998). See also Dominiuș PĂDUREAN, *Insula Șerpilor*, Editura Muntenia, Constanța, 2004, p. 442. According to the Romanian declaration "taking into account that this referendum will have to be held also within the Romanian territories, Bukovina, Herța County, Khotyn County and the districts from Southern Bessarabia, the Romanian Parliament solemnly declares that those territories were broken apart from the country's body, and the Ribbentrop-Molotov Pact has been considered void, *ab initio*, by the USSR on 24 December 1989 and by the Romanian Parliament on June 24, 1991. Certainly, Ukraine has the right to organize a referendum for its independency but this referendum cannot be valid regarding the Romanian territories abusively annexed by former USSR, territories which did not ever belong to Ukraine and which de jure belong to Romania".

One has the right to question the good faith of the legality argument as it appears that:

"The act which led to the creation of Soviet Russia, namely the USSR, contains no clause of transmissibility of the USSR by any of its components; the lack of some nominal inheritance clause has the result that Ukraine cannot invoke any legal right to justify the annexation of Romanian territories."<sup>1</sup>

Ukraine and Russia, when they signed the convention regarding the Serpents' Island through which Ukraine received this Soviet territory, practically did not respect Romania's right, stipulated by the Vienna Convention on the Law of Treaties (1969) which is clear that a treaty will not create rights and obligations for a non-signatory third state. On the other side, Ukrainian foreign policy experts wondered why Romania did not claim these territories directly from the USSR, before they were transferred to Ukraine.

Romania and Ukraine opened in 1995 the bilateral negotiations, in order to sign a basic treaty on good relations and neighborhood, the regime of the state border including of the maritime border, as the treaty concluded with the former USSR in 1961 came to an end. Since the beginning it was obvious that the two states positioned themselves to history in a diametrically opposed configuration: while Romania asked for a clear denunciation of the Ribbentrop-Molotov Pact, Ukraine rejected this proposition and suggested Romania has territorial claims. Kyiv also rejected Romania's requirement to introduce in the treaty's text a clause stipulating that

"the parties do not have and will not have any territorial claim regarding the common border, as it has been defined by the Peace Treaty of 1947 and by the Final Act of Helsinki in 1975"<sup>2</sup>.

Kyiv rejected also this proposal, as it considered it to be a "trap" that Romania prepared to recover the Serpents' Island, a territory the Soviets took from Romania a year after the Paris peace treaty of 1947 and without any legal basis.

Eventually, on June 2, 1997, in Neptune, the bilateral treaty of cooperation and good neighborhood relations was officially signed between Ukraine and Romania. The main explanations for Romania's decision to agree with a text which practically allowed Ukraine to keep the Romanian territories (northern Bukovina, Bessarabia and southern Herța, the Serpents' Island) with a legal justification were structured around the preparation for NATO membership (one of the requirements being the good relations with the neighbors), the fear produced by the imprevisible evolutions in Russia, the economically difficult situation of Romania, a country which needed stability to attract foreign investors. President Emil Constantinescu who took the power on behalf of the Democratic Convention at the end of 1996 was eager to make Romania a credible partner for NATO enlargement; he also announced a new strategy for the Eastern countries. Especially he wanted to put an end to the deadlock which characterized the Romanian-Ukrainian relations between 1992-1995.

The opinions among the political class and the public opinion were highly divided during the years 1991-1997 and even after that. Some of them went as far as suggesting

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<sup>1</sup> Dominuț PĂDUREAN, *Insula Șerpilor*, cit., p. 439 (our transl.).

<sup>2</sup> *Ibidem*, p. 448.

Romania should claim back those territories and put heavy pressures on Ukraine. Others asked for a more nuanced approach, Romania giving up these territories in exchange for the political-civic guarantees for ethnic Romanians living in Ukraine and economic advantages. Because the public opinion in Romania is generally not very interested in foreign policy, the treaty was agreed and signed without generating wide protests. Anyway, as foreign policy analyst Ruxandra Ivan correctly observed, the signature of this treaty

“split the public opinion into those in favor of the overcoming of the past, who also sustained the Treaty as a means of showing our good will to NATO and those who considered it a historical treason of the Romanian ideal of re-unification and of the Romanians that live nowadays in Ukraine”<sup>1</sup>.

In late January 1997 at the Summit in Davos, President Emil Constantinescu talked of a “historic sacrifice” that the Romanian people did in order to get closer to the West.

Within the basic treaty there was a mention that in a two years time the countries should agree and sign a border treaty including the maritime space. As Ukraine always feared the Romanian territorial claims regarding the Serpents’ Island, Kyiv managed to tergiversate the negotiations process, thus, between 1991-2003 the border sea regime was based on the official documents signed by USSR and Romania.

From 1998 until 2004, Romania has conducted 34 rounds of negotiations with Ukraine regarding the conclusion of the Treaty on State Border Regime, Collaboration and Mutual Assistance in border issues. From them, 24 were at the level of delegates and 10 at the level of experts within Ministries of Foreign Affairs.

In February 2009, the long standing trial between Romania (as a claimer) and Ukraine (as a defender) before the International Court of Justice regarding the fate of the continental shelf and territorial sea of the Serpents’ Island resulted in a historic “Romanian victory” (according to our mass media), as Romania received about 80% of the disputed areas. The international judged acknowledged what it was obvious: the Serpents’ Island is not an inhabited Island in spite of Kyiv’s desperate efforts to build there banks, offices, hospitals etc. It is a savage rock and should not receive territorial sea and continental shelf. However, the oil and gas which are there, in the continental shelf (the Romanian media spoke about 70 billion c.m. of gas and 12 million tons of oil, but the real amount is still unknown), could solve the domestic needs of our country for some time.

As a general rule, the difficult situation inherited from recent history prevented Romania and Ukraine to be more committed to the normalization of their relations. As a rational actor, Romania understood that a strong a viable Ukrainian state is a vital piece in the new geopolitical puzzle as a counter-weight to the possibly reemerging and assertive Russia. As Ukraine, under President Leonid Kuchma at the beginning showed a certain pro-West enthusiasm, through NATO’s Partnership for Peace activities and the special relation with Poland, Romania should had normally seen Ukraine as a potential ally. Ukraine is a “weak” state, as it has been since the beginning. With a population ethnically composite and with loyalties split between Russia (the Russophones orthodox Christian from the East) and the West (mainly

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<sup>1</sup>Ruxandra IVAN, “Patterns of Cooperation and Conflict. Romanian-Ukrainian Bilateral Relations, 1992-2006”, *Studia Politica. Romanian Political Science Review*, vol. VII, no. 1, 2007, pp. 133-153.

the Greco-Catholic Slavs from the West), with a weak economy relying too much on heavy industries and mining, with a real deficit of raw energy resources (oil and gas), Ukraine seems more and more difficult to govern effectively and to find its own way between a much more assertive Russia and the western pole (EU and NATO) which is unlikely to enlarge more to the East in the near future, but it's a strong attraction element for the western Greco-catholic Ukrainians.

Romania clearly supported Ukraine for NATO membership, at least since President Băseșcu took the power at the end of 2004. At the NATO summit in Bucharest in April 2008, Ukraine and Georgia were mentioned in the final communiqué as future members of the Alliance, though they did not receive the Membership Action Plan (MAP) because of the opposition between the adepts of enlargement (US, Poland, Baltic states, Romania) and opposing states (Germany, France). Anyway, the special relationship between Presidents V. Yushchenko and T. Băseșcu, based on friendship and mutual respect, and on their strong western commitment plus lack of confidence in Russia, did not brought a real improvement in the bilateral relations. More than that, some Ukrainian officials went as far as stating that the main sources of threats for their countries were Romania and Russia!<sup>1</sup> Accidental events like the famous case of espionage – the Bulgarian-Ukrainian network around the Romanian non-commissioned officers spy Floricel Achim – unveiled in March 2009, increased the perception of hostility between the two countries and allowed the "hawks" within the state apparatus of both states to ask for more security enhancing measures. Romania expelled Ukrainian diplomats and Kyiv also expelled two Romanian staff from the embassy, invoking a violation of the Vienna convention on diplomatic and consular law<sup>2</sup>.

The reasons for the non-concordance between Yushchenko's words and facts may lie in the domestic politics of Ukraine, generally chaotic and conflictual<sup>3</sup>. The

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<sup>1</sup> In May 2009, Yuri Ekhanurov, the Ukrainian minister of Defense stated that Russia and Romania are possible threats for Ukraine because they have territorial claims, according to the *Ukrainska Pravda*. It seems that Ekhanurov tacitly referred to a declaration of Traian Băseșcu in 2008 who said that there were political forces in Ukraine who had claimed Transnistria for a future unification with Ukraine but "these forces forgot that in this case the South of Ukraine would come back to the Republic of Moldova". Ukrainian and Russian medias commented that it was about a part of the Odessa region, including the Cetatea Albă (Bleghod-Dnestrovsk). Also in March 2009, when the famous case of espionage (the Floricel Achim's network made of Bulgarians and Ukrainians) within the Ministry of Defense in Romania became notorious, two Ukrainian staff from the embassy in Bucharest had been expelled from Romania. The diplomatic incident tensed even more the Romanian-Ukrainian relations. See "România și Rusia sunt posibili inamici ai armatei ucrainene, spune ministrul apărării de la Kiev", *Ziarul de Iași*, 22 May 2010, <http://www.ziaruldeiasi.ro/national-extern/romania-si-rusia-sunt-posibili-inamici-ai-armatei-ucrainene-spune-ministrul-apararii-de-la-kiev-ni5fpv> (accessed on 10.07.2010).

<sup>2</sup> It seems that the informations stolen from Romania were given to somebody from Russia. According to the *Ukrainska Pravda* quoted by News In, Ukrainian diplomats said that the two Romanian diplomats, Radu Filip and Iustinian Focșa, have supported and financed NGOs (cultural groups) of the Romanian minority who deployed "subversive anti-Ukrainian activities", favoring "separatist tendencies". Ionel DANU, "Scandalul spionajului: doi diplomați români expulzați din Ucraina", *Adevărul*, 6 March 2009, [http://www.adevarul.ro/actualitate/eveniment/Scandalul-spionajului-diplomați-expulzați-Ucraina\\_0\\_74394936.html](http://www.adevarul.ro/actualitate/eveniment/Scandalul-spionajului-diplomați-expulzați-Ucraina_0_74394936.html) (accessed on 10.07.2010).

<sup>3</sup> See the presentation of Ukrainian domestic chaotic politics and its turbulent relation with NATO in Serghei TOLSTOV, "Criza economică, politică și geopolitică", *Foreign Policy* (Romania), March-April 2009, p. 79.

coalition of Yushchenko and Timoshenko finally disappeared and they became adversaries, while the main contender for the presidential function, the pro-Russian V. Yanukovych and his Party of Regions has been on an ascendant trajectory and eventually took the power in February 2010. The process before the International Court of Justice that Ukraine lost in face of Romania generated a wave of accusations between the coalition of Prime Minister Iulia Timoshenko and the president's Party of Regions, plus the Communists, the later accusing the president for a conspiracy with Romania as a price for NATO membership!

This is a real paradox: the pro-western Yushchenko and his initial ally, Timoshenko, which needed Romanian support for NATO membership, did not manage to normalize the relations with Romania, because of the chaotic political landscape at the domestic level, their nationalistic electorate and the lack of will and energy<sup>1</sup>. Băsescu and Yushchenko set up in 2005 the Joint Presidential Commission for solving the remaining disputes at the highest level possibly. This commission has various working groups: one is dedicated to the Transnistrian problem, one is the Committee for Security and European Cooperation, Regional and Euro-Atlantic area, other for culture and education a.s.o.

The only concrete result was that Traian Băsescu paid a visit to Kyiv in February 2006 and stated his support for Ukraine during the energy crisis with Russia, after Moscow cut the gas deliveries for some time to punish Ukraine for its "bad" practices of stealing gas. Worth to mention that during the August 2008 Russian-Georgian war, Ukraine led by Yushchenko and Timoshenko (as Prime Minister) supported Georgia, being accused by Moscow for sending weapons and even instructors to help the embattled Georgian troops. Yushchenko even threatened Russia with the closing of the Sevastopol harbor access to the rest of the Black Sea and asked Moscow to notify each military naval action to Kyiv<sup>2</sup>. This is the reason that many political analysts spoke about an axis made by Georgia-Poland-Romania and Ukraine, all of them opposing Russian interests in the Greater Black Sea Area. All of them cooperated for balancing Russia, of course a strategy of "soft balancing"<sup>3</sup> rather than hard balancing. This is the

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<sup>1</sup> Trying to explore the main features of Ukrainian foreign policy in relation with Romania, R. Ivan used for her analyses "three major variables – historical legacies, domestic regime and international environment". She thought that absent the last two factors, the historical legacy has more impact as an explanatory element for the difficulties to build bilateral constructive relations between Romania and Ukraine. When the two governments are similarly pro-Western, the relations are "smoother" such as between 1996-2000 and 2005-2006. In fact, we have a different opinion: the domestic pressures on weak governments created strong incentives not to make concessions while the pro-Western camp did not really made an advantage. Of course, we agree that the international and regional environment is important for both countries, mainly their relations with EU, NATO and Russia. See Ruxandra IVAN, "Patterns of Cooperation and Conflict... cit.", p. 152.

<sup>2</sup> In August 2008, Yushchenko passed a decree that the Black Sea Fleet warships which had participated in operations off Georgia will not be allowed to return to Sevastopol., but the Duma rejected this act.

<sup>3</sup> The concept of "soft balancing" was used especially by Robert A. Pape in some influential articles, to label actions by regional powers like China and Russia to oppose the US primacy without properly balancing through military builds up, alliances etc. Soft balancing means doing gestures of non-provocative opposition, measures that do not directly challenge American military preponderance but only use international institutions, economic tools, and diplomatic ways to delay, diminish, and undermine US hegemony. Robert PAPE, "Soft Balancing Against the US", *International Security*, vol. 30, no. 1, Summer 2005, pp. 7-45.

reason that experts thought that the region "became more and more polarized"<sup>1</sup> and two camps nearly emerged. In fact, with the more or less tacit approval of former US President GW Bush jr these leaders tried to limit Russian sphere of influence in the area. In the end, Ukraine has been the weakest link in the chain, the first who broke apart. The death of Polish president Lech Kaczinski and most of his staff removed other big opponents for Moscow.

On the other side, the pro-Russian Yanukovych seems more willing to normalize the bilateral relations with Bucharest, as he already promised that the civic and political rights of the Romanians from Ukraine will be more respected than before! He relies on a not so nationalistic electorate, in the Eastern side of the country, geographically far from the common border with Romania. And Ukraine currently seems to be in the Russian sphere of influence again, as the Duma (Parliament) followed the President's request and withdrew the application to NATO membership. He also prolonged the Russian right to keep its military fleet in the Sevastopol harbor after 2017 up to 2042 in exchange for receiving promises of cheap Russian gas, a point of harsh contention between former President Yanukovych and Russian president and then Prime Minister Putin. He also decided to bestow the title Hero of Ukraine on two anticommunist nationalist leaders that Yushchenko granted in 2009, also he wants to grant again the official status of the Russian language, after Yushchenko denied this and promoted Ukrainian language. His anti-nationalist feelings and pro-Russian stance will further divide the public opinion.

Confident on Russian support, Yanukovych seems to be ready to improve the relations of his country with Romania. Another points of disputes such as the Bystroe Channel (a channel near the common border which the Ukrainians are working at to make him navigable and avoid the taxes paid by transiting the Danube-Black Sea channel of Romania), the Krivoi Rog factory (where Romania invested a lot of money and human capital during the communist time), the Maican Island (a very little island – 1500x800 meters – between Chilia and Vilkovo, it belongs to Ukraine and Kyiv thinks that Romania wants to take it, as a guarantee for having a border on the navigable channel there)<sup>2</sup>. There are western analysts who see Yanukovych as a "Ukrainian Nixon", able to "reposition Ukraine in geopolitical terms", thus bringing Ukraine "closer to the EU than his predecessor Viktor Yushchenko"<sup>3</sup>.

A pragmatic cooperation with a country led by a government which is playing the Russian card is not easy but it is still feasible. It is conceivable that Ukraine will

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<sup>1</sup> Ruxandra IVAN, "Patterns of Cooperation and Conflict... cit.", p. 152.

<sup>2</sup> "Cui îi va reveni Insula Maican?", *România Liberă*, 15 April 2010, <http://www.romanalibera.ro/actualitate/eveniment/cui-ii-va-reveni-insula-maicain-183396.html> (accessed on 24.06.2010). The Romanian diplomacy states that the river-borders between Romania and Ukraine should respect the middle of the navigable channel, for the navigable waters, or the middle of the water surface, for non-navigable ones. If the navigable channel is modified following to "natural geomorphologic changes" it is possible that this island goes to Romania, according to the 2003 bilateral border agreement.

<sup>3</sup> According to Andrew Wilson, the Ukrainian leader could do "In the same way that Nixon's anti-communist credentials gave him the political cover to engage China, Yanukovych's links with Moscow and his support among Ukraine's Russian speaking population may make it easier for him to engage with Europe". See Andrew WILSON, "Dealing with Yanukovych's Ukraine", *Policy Memo*, European Council of Foreign Relations, [http://ecfr.3cdn.net/b24a1317ca9f7f2b97\\_5bm6ivzx0.pdf](http://ecfr.3cdn.net/b24a1317ca9f7f2b97_5bm6ivzx0.pdf) (accessed on 12.07.2010).

ask the opinion of Moscow for some sensitive issues with Bucharest, especially concerning military aspects, but it will still maintain its sovereign decision-making capacity. The problem is that Yanukovich may involuntarily repeat the political trajectory of Yushchenko, in that its Regions Party will face a strong opposition from the nationalist Greco-catholic electorate led by Timoshenko or by other charismatic leader. Any concession made to Romania would weaken the already weakened internal cohesion of this country. Thus, either influenced by Moscow or by the desire not to excessively anger the domestic nationalists, the decision-making outcomes adopted by Kyiv will probably be "suboptimal", in that it will reflect a compromise between foreign and domestic pressures, not a real rational player calculus. A good example is the decision taken in June 2010 by the Duma to grant Ukraine a status of "neutrality" (nonaligned status according to Prime Minister Mykola Azarov) by renouncing to any membership in a military alliance but with the possibility to cooperate with them. As Russian fleet will remain for another 25 years in Sevastopol and Russian military bases will be created in Western Ukraine, this so-called non-alignment will be in fact a clear dependency on Russia.

Any Romanian strategy should be based on recognizing the borders, asking guarantees for the Romanians living in Ukraine, offering viable alternatives for the Bystroe Channel a.s.o. Bucharest should also indicate some red-lines not to be crossed by its neighbor: installing Russian basis near the border with Romania, deteriorating the Delta environment, hinder the Transnistria peace process etc. One good example is the Russian-Ukrainian joint statement over Moldova's breakaway pro-Moscow region Transnistria, on May 17, a text which described Moldova and Transnistria as distinct entities<sup>1</sup>! Romania should send warning messages for such unacceptable behaviors. On the other side, Romania should refrain from hostile acts such as declaring that Crimea should return to Russia or not recognizing that the Soviet actions in Ukraine in 1932-33 which resulted in millions of dead were close to genocide by forced starvation on Stalin's orders<sup>2</sup>! This means that Bucharest must respect the Ukrainian red-lines agreed on a rational basis like the non-contestation of the current borders, at least if the general international/regional context remains unchanged – according to the main general principle of international law "*pacta sunt servanda rebus sic stantibus*"<sup>3</sup>!

One of the predilect fields of cooperation is bilateral trade. Romania and Ukraine had in 2008 a total amount of 1991,7 billion USD (1220,6 – the Romanian exports

<sup>1</sup> Gregory FEIFER, "Kremlin, With Kyiv's Help, Ups Pressure Over Transdnier", Radio Free Europe, 20 May 2010.

<sup>2</sup> The new president Yanukovich does not consider the Stalinist behavior from 1933-34 as being a genocide. The sociologist Iryna Bekeshkina thinks that the president is splitting the Ukrainian society to an unprecedented and very dangerous degree, while Volodimir Fesenko stated: "Formally, the country remains a parliamentary-presidential republic, but in fact we're a presidential-parliamentary system [...] That is to say the main political figure, the main decision-maker, is now the president". See Gregory FEIFER, "For Yanukovich, a fleet-footed dash to repair Russia divide", 30 April 2010, <http://rbth.ru/articles/> (accessed on 14.07.2010).

<sup>3</sup> In an interview in July 2010, Romanian presidential adviser Iulian Fota explained the frequent anti-Romanian articles published by Ukrainian journals as the logical outcome of the new state emerging only 19 years ago, lacking domestic legitimacy and not enough consolidated, so, as a diversionary tactic, the Ukrainian politicians turned Romania into a "regular, day to day opponent", in spite of Romania's good will and territorial guarantees provided to Kyiv. See Sabina FATI, "Interviu cu Iulian Fota. România, adversarul de serviciu al Ucrainei", *România Liberă*, 28 July 2010, <http://www.romanialibera.ro> (accessed on 30.07.2010).

and 771,55 the Ukrainian imports) but in 2009 only 746,8 billion USD (455 billion the Romanian exports and 291,8 the Romanian imports). The global economic crisis hit the economies of both states and reduced the volume a trade to a level inferior to that of 2007 (1526,2 billion USD)<sup>1</sup>. To note that Romania has a constant trading surplus in the balance of imports and exports with Ukraine, while this is not the case in relation with Russia. It is foreseen that at the end on 2010, the Joint Economic Cooperation Commission will began to work again.

A thing is certain: Romania would benefit much more from a stable, democratic Ukraine, than from a weak, disintegrating state, with ethno-religious conflict and domestic turmoil<sup>2</sup>. There are strategic scenarios of the breaking up of Ukraine, either by the "Czechoslovak scenario" (peaceful separation) or by the "Yugoslavian one" (armed conflict with identity basis)<sup>3</sup>. Romania would be directly affected by such events, thus it has a clear interest in avoiding such destabilizing processes.

A huge debate is dividing now political and strategic circles within the EU and NATO: on one side, states such as Germany and France would like to agree with Russia's proposal of building a huge European and Eurasian security framework to encompass EU, NATO and work on the OSCE pattern but with much more effectiveness. On the other side, Poland, Romania, the Baltic States oppose this project as they consider it a potential threat for the trans-Atlantic security environment. Russian attitude towards EU states will also depend on their behavior regarding this mega-structure of security. In case a positive result is obtained, Russia will make pressures on Ukraine and other states within its sphere of influence to change their behavior.

But even in case of a continuous conflicting evolution between anti-Russian and more pro-Russian states in the Euro-Atlantic area, Romania and Ukraine should "isolate" their bilateral relations and try to find pragmatic local solutions for their mutual benefit. Romania should continue to support Ukraine for future EU membership and encouraging cooperation with NATO, but without ignoring possible infringements by the Ukrainian government on domestic democratic processes. Ukraine is no longer a threat for Russia and this could help promote a better Russia-EU relation on the long term<sup>4</sup>.

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<sup>1</sup> Ukraine, <http://www.mae.ro/index.php?unde=doc&id=5750&idlnk=1&cat=3> (accessed on 14.07.2010).

<sup>2</sup> Adrian SEVERIN, "E timpul ca politicienii ucraineni să lase politicianismul", *Foreign Policy* (Romania), March-April 2009, p. 82. He stated that Ukraine is not ready for EU and NATO membership and that Romania and Poland should support the effort of modernization and anchoring to the West of Ukraine.

<sup>3</sup> The winning of elections by Yushchenko in 2004 has been labelled as "US-sponsored *coup d'État*" by the pro-Russian parties, while the victory of Yanukovych in 2010 has been considered as a strategic victory for Russia, in the eyes of nationalist Ukrainians from the West. Ukrainian analyst Stephen Bandera is one of the numerous experts mentioning the risk of the breaking up of Ukraine. He even made a play on words (playmanteau) combining the names of Yanukovych and Yugoslavia which gives ... Yanuslavia! In his words: "Yanukovych was not elected president by a clear majority of Ukraine's 36 million voters last February. He beat Yulia Tymoshenko by fewer than a million votes. Yet he is ruling in complete disregard to the regions of the country that did not support him. He has failed to become president of the entire country". See Stephen BANDERA, "Yanuslavia", *Kyiv Post*, 5 May 2010, [http://www.kyivpost.com/news/opinion/op\\_ed/detail/65868/#ixzz0tkXhk7WG](http://www.kyivpost.com/news/opinion/op_ed/detail/65868/#ixzz0tkXhk7WG) (accessed on 10.07.2010).

<sup>4</sup> "Initial Outcomes Of President Yanukovych's Foreign Policy: Results Of Expert Poll By The Institute Of World Policy" – a conference organized by Alyona Getmanchuk, director of



### *Reshaping the Relations with Russia*

The anti-communist revolution of 1989 represented a turning point for the Russian-Romanian relations because in the following years Russia withdrew more to the East after the imperial disintegration while Romania gradually moved closer to the West and prepared its integration within it.

For an independent observer, the bilateral relations between Bucharest and Moscow seem distant and even hostile from time to time<sup>1</sup>. Russian-state controlled media regularly portray Romanian president Băsescu as an anti-Russian ruler and obsessed with Romania's reunification with Bessarabia. But where these relations always so tensed during the last century or history witnessed also positive moments? Are they tensed because of the characteristics of both countries' leadership, and the political regimes, or because the international system's structure and the geographical facts creates for these countries a propensity towards mistrust, fear and competition?

The main factors explaining the predominantly negative stance of the Russo-Romanian relations originate mostly in the psycho-cognitive features of the Russian and Romanian post-communist leaders, with the foreign and security policy bureaucracies in both states playing the role of a conservative structure.

When the Cold War ended, Romania rediscovered its pre-communist independent foreign policy and, after some hesitations in the first years of freedom, when it oscillated between a partnership with Russia, one with the Balkans states, with the Wisegrad Group, or the neutrality scenario<sup>2</sup>, since the middle of the 90s Romania resolutely turned its head towards the West, aiming especially at the EU and NATO integration. Romanian main direction of foreign policy was the West, a historic inheritance from the 19<sup>th</sup> and the first half of 20<sup>th</sup> century, but it also had to manage a dangerous neighborhood situation in the East (Russia, Moldova, Ukraine) and a risky situation in the West (Hungary and Serbia).

Russia has been a permanent challenge for Romania since at least the 19<sup>th</sup> century. In 1877-1878, many Romanians imagined Russia could be a powerful ally against Ottoman Empire, following the tradition opened by Dimitrie Cantemir, the 18<sup>th</sup> century Moldavian prince, who entered into an alliance with Peter the Great's Russian empire against the Turks. Unfortunately, at the end of the 19<sup>th</sup> century, the Russians were obsessed by

the Institute of World Policy, and Sergiy Solodkyy, deputy director of IWP, in fact a public presentation of expert poll about the first outcomes of president Viktor Yanukovich's first months of foreign policy. Among the participants were Zbigniew Brzezinski (USA), James Sherr (UK), Steven Pifer (USA), Philippe Moreau Defages (France), and Marcin Wojciechowski (Poland), etc. <http://www.eurodialogue.org/energy-security/Initial-Outcomes-Of-President-Yanukovich-Foreign-Policy-Results-Of-Expert-Poll-By-The-Institute-Of-World-Policy> (accessed on 12.07.2010).

<sup>1</sup> A good and very recent example of a hostile act was Russia's decision to arrest on 16 July 2010 the Romanian first secretary of the Embassy from Moscow, Gabriel Greco, accusing him of practicing the espionage on Russian territory and trying to have access to sensitive "military informations". Being declared non-grata, he was to leave Russia in 48 hours. In 2009, Romania also expelled some Russian diplomats. See В Москве задержан подозреваемый в шпионаже в пользу Румынии, [http://www.rian.ru/defense\\_safety/20100816/265842262.html](http://www.rian.ru/defense_safety/20100816/265842262.html) (accessed on 16.07.2010).

<sup>2</sup> See Mihail E. IONESCU, "After the Cold War. The Early Choice of Security Policy – The Case of Romania", at the conference held in 9 December 2009, "EU as A Global Player", organized by the European Institute of Romania and the Swedish Embassy in Romania in Bucharest.

territorial expansion in the geopolitical sphere of the Ottomans and were not ready to pay a price for keeping their little allies loyal. Thus, the harsh behavior adopted by the Russians in 1878, during San Stefano and Berlin congresses, who grabbed territories<sup>1</sup> which had belonged to the medieval kingdom of Moldova, and "offered" northern Dobrogea to Romania in a forced exchange<sup>2</sup> – determined a new course of Romania's foreign policy, meaning the secret alliance with Austro-Hungary and Germany against Russia. When Romania eventually took sides with Russia against the Central Powers, in 1916, this was a deeply divisive event for the leadership and the public opinion because the adepts of special relations with Berlin and Vienna insisted on the danger that an expansionist Russia, dreaming at the Turkish Bosphorus and Constantinopolis, would represent for the survival of Romania. They were never convinced by Russia's good intentions, even after the 1914 Sazonov-Diamandi agreement, which would have given Romania territories owned by Austro-Hungary as a prize for its neutrality in case of war<sup>3</sup>. After the war, rumors had circulated about Russia's reluctance to support Romania against Bulgaria, an ethnically kin state of Slav origin and a traditional protégé, and about Russian Bolshevik's plan to use force to change the political regime in Romania.

The 1989 revolution generated strange events, with rumors of Soviet spies traveling in Romania with obscure aims. Some of them have been shot, wounded and even killed by Romanian police forces near Brădești (Dolj district), as they came from Yugoslavia, but up to know their status is not clear: unfortunate tourists or evil spies?

After the end of the Cold War, Romania has to reposition itself in its relations with the still powerful neighbor from the East. Russia was a declining power between 1991 and 1999 but for Romania it was still too powerful and even sometimes threatening. Romanian decision-makers tried first to ensure the national security in a common framework with Russia, by eliminating the threats that Romanian behavior could have provoked in Russia.

Even if for a lot of Romanians Russia has been a "pole of repulsion"<sup>4</sup>, in 1991 former President Ion Iliescu tried to link Romania's fate with Russia by signing a bilateral basic treaty ("mutual assistance and support agreement"). By agreeing not to be part of alliances labeled as hostile by the other country, this treaty could have prevented Romania from joining NATO, at least if not rejected later! But the USSR disappeared in 1991 and the Romanian Legislative did not ratify the pact. But why did Romania try to have such a legally binding pact with the former empire which shaped its fate

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<sup>1</sup> The three districts Cahul, Bolgrad and Ismail, situated between the Danube, Prut river and the Black Sea, with a surface of 9642 km<sup>2</sup>, were taken by Russia in 1878 because they were considered as geopolitically important in securing the access to the Danube mouths for the Russian fleet. Previously, Russia had been forced by France and Great Britain to give this territory to Principality of Moldova after the 1856 Paris peace treaty which ended the Crimean War.

<sup>2</sup> *Treaty of San Stefano*, Encyclopædia Britannica Premium, London, 2005.

<sup>3</sup> "90 de ani de la intrarea României în Primul Război Mondial", ISPAIM, *Occasional Papers*, 6/2007, no. 9, pp. 40-53. The forceful exchange of territories remained until today in the Romanians' collective memory as a symbol of Russian harsh imperialism and lack of respect for the little neighboring countries.

<sup>4</sup> This expression was invented by Tom Gallagher, in order to characterize the mass rusophobia existing in our country, even if not at the level in Poland and the Baltic states. See Tom GALLAGHER, "Building Democracy in Romania: Internal Shortcomings and External Neglect", in Jan ZIELONKA, Alex PRAVDA (eds.), *Democratic Consolidation in Eastern Europe*, vol. 2 (*International and Transnational Factors*), Oxford University Press, Oxford, 2001, p. 411.

for some long decades? There are several possible answers: either it was a Russian promise of support for the Romanian political leaders, or Russian pressures based on economic aspects, or Ion Iliescu's personal preferences for the Russian "card" (based on education, ideology and group solidarity)<sup>1</sup>, or the fact that, according to Ioan M. Pașcu, "the clause was agreed only because (the Russians – my remark) had promised that it will be the same in all the treaties with the Eastern states"<sup>2</sup>. This proposed agreement was based on the so-called Kvitsinsky doctrine through which Moscow tries to get sure of having good and submissive neighbors. In Central Europe, only Slovakia, during the rule of Prime Minister V. Meciar, accepted this doctrine and signed the "basic treaty" with Russian Federation<sup>3</sup>. On the other side, the Bulgarian president Jelio Jeleu in 1992 unilaterally rejected the bilateral friendship treaty between Moscow and Sophia and agreed with a new one at the end of the same year. Thus, Russians could not benefit from the "Kvitsinsky doctrine" and gradually lost most of the control on Eastern Europe, excepting the good relations with Bulgaria and Serbia which were de facto under Russia's protection during the 90s.

Again, in April 1996, President Iliescu and his staff prepared the field for the signing of the Romanian-Russian Friendship Treaty but because of the numerous protests and the resistance he met from the political opposition in the Parliament<sup>4</sup>, the final decision was to postpone the signing of this treaty.

On the other side, Romania expected from the NATO countries a certain amount of protection, including from the destabilizing pressures from the East. Romania had decisively chosen the Western camp in 1999 when it allowed NATO aircraft to cross its air space in their way to strike Yugoslavia and at the same time denying Russian ones to do the same for supporting Belgrad. At that occasion, Russian decision-makers clearly perceived Romania as a western "pawn", a perception reinforced by the fact that the Democratic Convention, the ruling coalition in Romania between 1996-2000, had adopted a very Western-oriented strategy. When the Social Democratic Party won the power back, between 2000 and 2004, there was a bigger openness towards Russia and the bilateral treaty has been signed and ratified in 2003. Nonetheless, the progress was slow and the political and economical relations kept the same low profile as before. Especially, Romania failed to improve the level of economic exchanges and investments in Russia. When the centre-right coalition led by Traian Băsescu took the power at the end of 2004, Romania was already a NATO member, and aimed at protecting NATO eastern flank by anchoring the Greater Black Sea Area to the Western security

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<sup>1</sup> Th. Tudoroiu adds that in Iliescu's opinion, only Russia was able to give protection against domestic troubles, regional crisis and revisionist neighbors. See Theodor TUDOROIU, "From Spheres of Influence to Energy Wars: Russian Influence in Post-Communist Romania", *Journal of Communist Studies and Transition Politics*, vol. 24, no. 3, September 2008, pp. 386-414. He mentions that Romania was the last among Warsaw Pact members who asked for the dismantlement of this alliance, and more than that, on December 19, 1991, the ministries of defense from Romania and USSR, Nicolae Spiroiu and Evgheni Shaposhnikov signed a treaty of military cooperation.

<sup>2</sup> "Discuția Săptămânii despre relația României cu Rusia", 1<sup>st</sup> March 2008, [http://www.bbc.co.uk/romanian/news/story/2008/03/080301\\_discutia\\_saptamanii.shtml](http://www.bbc.co.uk/romanian/news/story/2008/03/080301_discutia_saptamanii.shtml) (accessed on 4.06.2010).

<sup>3</sup> Janusz BUGAJSKI, *Cold Peace. Russia's New Imperialism*, Praeger Publishers, Westport, 2004, p. 162.

<sup>4</sup> Again, the issues of the treasure and of the condemnation of Ribbentrop-Molotov Pact were the most controversial ones.

structures and by internationalizing it. The Romanian president frequently invoked the "internationalization" of the Black Sea, but he always insisted that Romania wants positive relations with Russia and Turkey. He called Russia "one of our friends" and Turkey "one of our allies", then mentioned that the internationalization of this sea is the final aim of Romania's eastern regional politics<sup>1</sup>.

Thus, Russia reacted harshly against this perceived interference in its sphere of influence. When Romania accepted to host US forward military bases on its territory and later agree to install elements of the anti-ballistic missile shield, Russia perceived this as a direct challenge and even threatened Romania with possible military strikes! Romania supported Georgia and Ukraine's NATO membership and the territorial integrity of these states plus the Republic of Moldova, thus acting directly against Russian interests.

In January 2006, T. Băsescu was asked by the leader of the Russian delegation with the Council of Europe's Parliamentary Assembly which is the reason for agreeing to host US military bases in Romania. He answered:

"As I understood, you represent the Russian Federation. You stayed 30 years in Romania. We never asked you why!"

Of course, this answer produced a lot of critical reactions in the Russian mass media.

In June 2007, the then Romanian minister of Defense, Theodor Meleşcanu, proposed to his Russian counterpart to organize together common military exercises, possibly in the Black Sea area. But the next day, the Russian general V. Ţamanov, counselor of the minister of Defense, said that

"probably the Romanian minister of Defense does not know history if he made such a statement. I want to recall him that, after the decision taken by the Soviet leadership, before WWIL, our armed forces took part to common military exercises with fascist Germany. Everybody knows how that ended: Germany attacked USSR"<sup>2</sup>.

So, Russia dismissed a gesture destined to give an impetus of cooperation, a sign of good will, and it was not the Russian minister who answered by his counselor!

When accidentally Romania held a similar position with Russia, this did not contribute to the *détente* and normalization of bilateral relations. A good example is when Romania sided with Russia against the independence of Kosovo but this did impress neither V. Putin nor Medvedev.

As a general rule, the first post-communist decade saw Romania's attempt to normalize bilateral relations with Russia but there were especially historical reasons that blocked those plans and the lack of cultural and political affinities<sup>3</sup>. First,

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<sup>1</sup> See "Traian Băsescu propune internaționalizarea Mării Negre", *Ziua, Civic Media, Rador*, 15 June 2005, <http://www.ziua.ro/b.html><http://www.ziua.ro/b.html> (accessed on 29.06.2005).

<sup>2</sup> Răzvan CIUBOTARU, "Răcirea globală a relației româno-ruse", *Cotidianul*, 11 June 2007, p. 5.

<sup>3</sup> Cosmin POPA, "Sub semnul contratimpului istoric", *Sfera Politicii*, no. 95-96, 2001, pp. 43-47. Popa stated that in 1991 Romania tended to get closer to Russia in security issues, did not ask the dissolution of the Warsaw Pact, like others former communist states, thus its foreign policy was in a continuum with that of USSR! (p. 46)

Romanian diplomacy insisted that Russia should condemn the Ribbentrop-Molotov Pact and acknowledge the fact that the Romanian treasure is kept in Russia. In fact, the bilateral treaty signed in 2003 foresaw the sitting of a commission of historians tasked with the study of the Romanian treasure's fate. But its activity has been discontinuous and ineffective, and it managed to be less effective than Romania's diplomacy in the years 60s when Russia gave back some cultural pieces from the treasure<sup>1</sup>. The joint intergovernmental commission for the study of the common historical issues hold three meetings in 2004-2006 and then the Russian part did not resume its participation. Concerning the treasure (93,4 tonnes of gold), Russia committed itself within the Council of Europe to give back the cultural goods it had taken by force during the Second World War.

Moscow, on the other side, was anxious about Romania's possible reunification with the Republic of Moldova. In 1991-92, as in 2009-2010, the Russian media is propagating the image of a "hungry" Romania trying to "eat" its small eastern neighbor<sup>2</sup>.

Another major point of worry for the Romanians was the energy issue. Russia discovered after 2000, that it could have a strong leverage on EU states by acquiring energy infrastructures in these ones but also by denying them the right to do the same in Russia. Romania is taking about 15% of its natural gas necessity from imports and Russia is the biggest provider. In 2009 Romania brought 2 billion c.m. of gas from Russia and in 2010 this could amount to 4 billion c.m. The total domestic gas consumption is about 13,2 billion c.m. per year<sup>3</sup>. The Russian state-owned giant company Gazprom tried and managed to buy shares in companies like Petrotel and other Russian corporation bought steel factories and petrochemical ones on the Romanian territory. Romania would like to negotiate directly with Gazprom and thus eliminate the two intermediaries that operate in this realm and increase the price of gas. But few decision-makers want to make the required compromises like selling another energy infrastructures and taking part in Southstream project, a big Russian initiative for building a gas pipeline crossing the Black Sea and reaching Bulgaria, Serbia, Hungary Italy and Austria, and also Greece and Italy. Strangely, Gazprom gives the Romanian politicians the feeling that it is a full-fledged international player, semi-autonomous from Russia as a state. In fact, the company works for the state, it is a tool for a great power like Russia. In January 2009, the conflict between Russia (defending Gazprom's interests) and Ukraine produced a breaking of the gas supply also for Romania, and many decision-makers understood that Romania is only a minor player in the Eurasian energy game, that Russia used Ukraine to give a signal to the Western states and ask for political concessions. Being an EU member is not a full guarantee that we will not lack energy in case of regional crisis and conflicts, but some of the decision-makers knew that this is not a reason to play lonely games with Russia to benefit from its natural energy resources. Preferring Nabucco, the EU project of the gas pipeline, became more important than accepting a Russian invitation for joining South-stream. To be sure, there are also people who would like to do this compromise

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<sup>1</sup> The issue of the treasure has been included only in one annex to the 2003 treaty, just like the condemnation of the Soviet-Nazi Pact, together with Romania's participation in WWII in alliance with Nazi Germany.

<sup>2</sup> Janusz BUGAJSKI, *Cold Peace...* cit., p. 216.

<sup>3</sup> "ANRE: Cantitatea de gaze importate de România din Rusia s-ar putea dubla în acest an", 3 March 2010, <http://www.bloombiz.ro/business/anre-cantitatea-de-gaze-importate-de-romania-din-rusia-s-ar-putea-dubla-in-acest-an-> (accessed on 10.07.2010).

with Russia, searching for immediate benefits. Nobody is to be blamed, but the choice we make will have deep strategic and economic consequences on the long term!

Bizarrely enough, on January 8, 2009, in a press conference, Russian Prime Minister V. Putin proposed to Romania the possibility to directly buy gas, without intermediaries. Russians are not against Romania taking part in South Stream and our country could even sell Russian gas to Ukraine<sup>1</sup>! Most of the mass media and political analysts considered this to be an attempt to create tensions between Bucharest and Kyiv or simply a joke!

Economically, in accordance with the figures given by the Romanian Ministry of Foreign Affairs, the importations from Russian federation were about 1854,5 million USD in 2009, while the exports were about 636 million USD. Thus, there is a huge imbalance in the payments structure. Comparing with the situation in 2008, the total amount of economic exchanges diminished with 56.3%, with the exports losing 27.2% and the importations 61.6%<sup>2</sup>. Romania is dependent on Russian imports of natural gas but less than states like Bulgaria and Hungary. Doing business in Russia today is a risk job because the property right are not really guaranteed: the huge Yukos company, owned by magnat Kodorkovsky, has been illegally dismantled and shared among other companies and the owner imprisoned after a fake process! Thus, Romanian businessmen always asked for special guarantees before investing in Russia. The Romanian-Russian Trading Chamber, stimulated by the impetus given by the government led by Adrian Năstase, in 2001, drafted a strategy for enhancing the Romanian exportations in Russia by creating an open investment fund, distribution networks and a stockmarket. Unfortunately, these activities remained at a low level up today. The maximum success was the setting up by the Romanian government in 2006 of a credit insurance mechanism based on the Eximbank, the Romanian export credit agency<sup>3</sup>. In May 2009, Romania's minister of Economy, Adriean Videanu made an official trip in Moscow and he met Sergei Shmatko, the Russian minister of Energy Alexander Medvedev, the deputy-president of Gazprom<sup>4</sup>. They debated about the need to juridically protect the foreign investments, combat the lack of financial transparency and the interference of the economic mafias and black markets. Of course, the situation is better than between 1991-1996, when many "Russian companies systematically did not pay for goods that had already been imported"<sup>5</sup> and the courts were not willing or able to make justice for the losing foreign business.

Romania through the voice of its President stated against the Russian proposed European-Eurasian security organization to encompass all the existing cooperative organizations there (NATO, OSCE, SCO etc.) Even the 2010 memorandum between German Chancellor Merkel and Russian president Medvedev proposing the creation of EU-Russia security commission has been received with mistrust, which is quite normal because it was not a common EU initiative but a German unilateral one. As rumors circulated about Germany's proposal that Russia receive visa-free regime for its citizens traveling in the EU in exchange for the withdrawal of Russian troops from

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<sup>1</sup> Răzvan CIUBOTARU, "Oferta lui Putin. România în South Stream", *Cotidianul*, 8 January 2009, [http://old.cotidianul.ro/oferta\\_lui\\_putin\\_romania\\_in\\_south\\_stream-69503.html](http://old.cotidianul.ro/oferta_lui_putin_romania_in_south_stream-69503.html) (accessed on 10.07.2010).

<sup>2</sup> <http://www.mae.ro/index.php?unde=doc&id=5698&idlnk=1&cat=3> (accessed on 10.01.2010).

<sup>3</sup> Theodor TUDOROIU, "From Spheres of Influence to Energy Wars...cit.", p. 392.

<sup>4</sup> <http://moscova.mae.ro/index.php?lang=ro&id=13736> (accessed on 10.07.2010).

<sup>5</sup> Theodor TUDOROIU, "From Spheres of Influence to Energy Wars...cit.", p. 392.

Transnistria, Romanian decision-makers included in the National Defense Strategy draft, unveiled in July 2010, a paragraph stipulating that

“the presence of foreign troops near Romania’s borders without the host country’s approval constitute a threat to national security”<sup>1</sup>.

This means that Romania will be more vocal in asking for involvement in the settlement of the Transnistrian conflict, a feature which could produce more tensions in the relations with Moscow.

There are numerous hindrances affecting the prospects of new improved bilateral relations between Romania and its eastern neighbors: some of them are psycho-cognitive ones like personal biases and misperceptions located at the individual level<sup>2</sup>, other ones are at the organizational level – bureaucratic routine, specific features within the organizational processes, small decision-making group pathologies etc.<sup>3</sup>. Not to mention the systemic level which affects the relations among states in a significant manner. As it is impossible to rapidly and completely change the people’s beliefs, norms and values or to wait until a new generation of policy-makers replaces the old one, or to hope that the domestic regimes will change their decision-making procedures, only a gradual accommodation process and mutual knowledge mechanism could improve the current situation.

As a general conclusion, Romania needs a strategy for approaching in a unitary way the relations with its Eastern neighbors. This strategy should be based on EU efforts to build its own direct neighborhood policy and find a *modus vivendi* with Russia, in order to avoid the emergence of a zero sum competition in the common neighborhood. If Romania wants to have its own foreign policy profile, as an EU and NATO border country, it must have to normalize its bilateral relations with its neighbors, proposing pragmatic cooperation especially in soft security and economic realms and allocating resources for the projects. Beyond Ukraine, Russia and Moldova, more attention should be also dedicated to Azerbaijan, Georgia and Armenia. Beyond strategic energy projects like the AGRI (the Azerbaijan-Georgia Romania Interconnector for transporting Azeri liquefied gas to Constanța) or the strategic partnership with Baku, Romania should have an integrated vision and long-term goals. As Teodor Baconschi mentioned several times, Romania’s foreign policy strategic profile rely also on the Eastern Partnership, the EU’s program on enhancing ties with the Eastern flank states. Within the EP, the Comprehensive Institutional Building is an important tool for supporting states like Moldova and Georgia, which whom Romania has privileged relations<sup>4</sup>. Romania also wants to build an energy partnership with Turkmenistan and to attract Kazakhstan in the PEOIP project (Constanța-Trieste pipeline).

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<sup>1</sup> “Strategia națională de apărare”, Bucharest, 2010, <http://www.presidency.ro/static/ordine/SNAP/SNAP.pdf>. 16 (accessed on 25.07.2010). This document is only a draft, to be submitted to the public opinion, and then to the Parliament.

<sup>2</sup> For a comprehensive description of the psycho-cognitive mechanisms affecting the foreign policy decision-making see especially Sorin Ștefan DENCA, “Abordări psihocognitive în analiza de politică externă”, in Iulia MOTOC, Șerban F. CIOCULESCU (coord.), *Manual de analiză a politicii externe*, Polirom, Iași, 2010, pp. 195-212.

<sup>3</sup> Jack S. LEVY, William R. THOMPSON, *Causes of War*, Wiley Blackwell, 2010, pp. 162-185.

<sup>4</sup> The six months report activity of the Ministry of Foreign Affairs, 12 July 2010, [http://www.mae.ro/pdf/bilant\\_6luni.pdf](http://www.mae.ro/pdf/bilant_6luni.pdf) (accessed on 20.07.2010).