

### Patterns of cooperation and conflict: Romanian-Ukrainian bilateral relations (1992-2006)

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Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

#### Empfohlene Zitierung / Suggested Citation:

Ivan, R. (2007). Patterns of cooperation and conflict: Romanian-Ukrainian bilateral relations (1992-2006). *Studia Politica: Romanian Political Science Review*, 7(1), 133-153. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-56034-3>

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# Patterns of Cooperation and Conflict

## Romanian-Ukrainian Bilateral Relations (1992-2006)

RUXANDRA IVAN

The purpose of this paper is to examine the evolution of the relation between two neighbor countries in Eastern Europe: Romania and Ukraine, in order to understand the patterns of conflict and cooperation that emerged between them in the last fourteen years. While both States can be said geographically belonging to Europe, the political aspects of their positioning are not very obvious. Romania is a former communist country, placed in the sphere of influence of the Soviet Union after the Second World War, but having had a "non-conventional" foreign policy during the communist regime. In 2006, as we speak, Romania is a NATO member country, and is expecting an answer from the EU as to the date of its accession. Ukraine, on the other hand, is a former Soviet Republic which is undergoing a rather recent process of democratization which authentically started only with the Orange Revolution in 2004. Both countries are, in a certain way, placed in a peripheral area, a "buffer zone"<sup>1</sup> between Western Europe and the Russian Federation. This is why their relationship is important for international stability from several points of view. First, by entering the EU, Romania will have to manage one of the Union's external borders, comprising the border with Ukraine, too<sup>2</sup>. Secondly, both countries are gateways to Central Asia and the Russian Federation, be it for pipelines, trade, or trafficking. Finally, they have a common interest and a common foreign policy purpose: getting closer to the Western international organizations and, especially for Ukraine (but for Romania too in the first years after 1989), emancipating from dependency on Russia. In spite of this common interest, the relations between them have not always been smooth in the last fourteen years. As we will try to demonstrate in this paper, historical legacies that hinder this relationship were very difficult to overcome. If this finally happened, it is due, on the one hand, to the pressures of international organizations, and on the other hand, more recently, to very strong national interest issues, as perceived by the decision-makers.

Thus, we will try to understand the way in which the relations between the two countries evolved from a mutual distrust marked by their historical legacies to a more cooperative stance. We will start from the hypothesis that the external environment was a very strong factor in influencing the foreign policies of the two States towards each other. On the one hand, the external factor will be examined from a liberal institutionalist point of view, and we will show that international organizations have put strong incentives on both States to cooperate. On the other hand, we will argue that the external factor can also be addressed from a realist point of view, especially in times of crisis, and the case in point will be the energy

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<sup>1</sup> Martin WIGHT, *Power Politics*, Leicester University Press, London, 1978, p. 25.

<sup>2</sup> In this context, V.G. BĂLEANU is wondering: "To what extent will Romania's north-eastern border become the new line of inclusion-exclusion for the new Europe?", in "In the Shadow of Russia: Romania's Relations with Moldova and Ukraine", *Conflict Studies Research Centre Working Paper*, G85, August 2000, p. 16.

crisis in Ukraine, in January 2006, when the two States were pushed into cooperation out of fear of Russia. The external factor that influences decision-making is doubled by two other variables: historical legacies, which in Central and Eastern Europe have an overwhelming weight, and domestic regimes.

The paper will be organized as follows. In the first part, we will draw a theoretical framework which will guide our research into the subject. Then, we will analyze the historical legacies that weight on the relationship between Romania and Ukraine, and the reasons why it proved rather ambiguous, and even conflicting, in a first phase. Then, we will try to assess the way in which different forms of cooperation emerged, and why this happened, insisting on the role of the international organizations and the need for survival in an anarchical system. The final part of our paper will be dedicated to a general assessment of the impact of the different variables that we took into consideration on the bilateral relations.

### *Theoretical Framework*

The main theoretical framework at our disposal in order to study bilateral relations between Romania and Ukraine is foreign policy analysis (FPA). Various branches of FPA propose a number of variables which can go to more than 50, in certain cases. In an effort to simplify the framework proposed by traditional foreign policy analysis, we chose to limit the number of variables that we will take into consideration to three.

An aspect which we consider very important – as in all Central and Eastern Europe – is the historical heritage, which, for these countries has not yet been overcome, like in the case of Franco-German relations. The historical heritage models the attitudes of one country to the other, especially in the first years after independence, when the two governments do not have any experience on bilateral relations and must start from a zero point. For the case of Romania and Ukraine, we will see that historical heritage was an important factor that hindered cooperation in a first stage of bilateral relations. If decision-makers have managed to overcome it, it is surprising to still see in the Romanian media allegations based on the “historical enmity” between the two peoples. Thus, we chose not to insist too much on the public opinion as a variable in Romanian and Ukrainian foreign policy decision-making, as we will briefly assess its minor impact.

What we took instead into account was the variable of the domestic regime – which is, the political color of the different governments that were in power after 1991. The political color is of interest here inasmuch as it models foreign policy decisions, and not in what concerns internal reforms. This is why we will try to assess whether the different governments had a rather pro-Western, neutral or pro-Russian general orientation. Then, we will see whether there exists a correspondence between this general orientation and bilateral relations between the two countries.

Finally, a variable that always intervenes in foreign policy-making concerns external factors that influence decision-making. In our case, we took into consideration the main orientation of the important powers in the system. We did not treat separately the USA and the EU member countries, because they share a set of common values and norms of international conduct that channels the behavior of Romania and Ukraine in the same direction. Thus, even if they were treated separately, they would have certainly converged, as both the USA and the EU are

interested in stability, cooperation and good relations among the countries in the East European region.

The other main power in the system that impacts on both countries' foreign policy is Russia. For Romania, Russia is a very powerful State in its not very far abroad, whose past imperial tendencies have had a great impact on the country's internal regime. In the case of Ukraine, we cannot speak of a simple calculus of power: Ukraine is part of Russia's "near abroad" and, during the last decade, it managed to get into the most important zones of Ukrainian internal politics<sup>1</sup>.

### *Patterns of Conflict: The Weight of Historical Legacies as National Interest*

The end of bipolarity brought about instability and allowed old historical legacies to spring out to surface. The relations between Central and Eastern European countries and former Soviet Republics are not framed by the Warsaw Pact and the strong hold of the USSR anymore. After 1991, they are to be re-built. But the issue here is how to find a foundation on which to build the relationship between Romania and Ukraine. Where to start over? The 1945 situation? But Ukraine did not exist as a State then. Actually, the two countries do not have a history of bi-lateral relations before 1991 at all. This is why it was very difficult to create such a relationship out of nothing.

Moreover, after 1991, each of the two countries strived for gaining a distinctive foreign policy identity. The issue is even more complicated in the case of Ukraine, whose problem was one of national identity building *tout court*, as it existed as an independent modern State only between 1918 and 1919. Perceived by everyone as naturally belonging to Russia's sphere of influence<sup>2</sup>, Ukraine had to fight for its own statehood. As for Romania, it was rather reluctant to engage in cooperation with its Eastern neighbors<sup>3</sup>, fearing a resurgence of Russian imperialism.

This mutual fear comes on the background of historically unstable borders between Romania and the territory of nowadays Ukraine. Ukraine has inherited from the USSR some territories that were part of the "Greater Romania" in 1918. The Union of 1918 is one of the foundational myths of the Romanian State; the yearly commemoration of the Union is celebrated as Romania's national day. These territories are northern Bukovina, the Hertza county, which seems to have been given to the Soviets because, at Yalta, when they drew the frontiers, the pencil of Molotov had a bold top, which went over this county, initially not included in the negotiations; the Khotyn county, and the South of Bessarabia. All these territories belonged to Romania between 1918 and 1940<sup>4</sup>.

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<sup>1</sup> See Janusz BUGAJSKI, *Cold Peace. Russia's New Imperialism*, Westport, Connecticut, Palgrave, London, 2004, pp. 79-95.

<sup>2</sup> Anne de TINGUY, "L'Ukraine, la Russie et l'Occident, de nouveaux équilibres dans une nouvelle Europe", in IDEM (ed.), *L'Ukraine, nouvel acteur du jeu international*, Bruylant, Bruxelles, L.G.D.J., Paris, 2000, p. 10.

<sup>3</sup> Moldova is, here, a case of its own.

<sup>4</sup> We only took into consideration historical events after the creation of the Romanian modern State in 1859, as before, the Romanian Principalities were either under Ottoman, Habsburg or Russian rule.

These territories were mentioned in the Ribbentrop-Molotov Pact, as desired by the USSR. They were given to the USSR in 1940, along with the rest of Bessarabia, which forms now the territory of the Republic of Moldova. The Paris peace Treaty, in 1947, establishing the responsibility of Romania as an aggressor State, left them to the USSR. Thus, nowadays Ukraine has more than 40% of the territories lost by Romania to the USSR in 1940.

But the most controversial issue here is probably less territorial than economic. It's that of the Serpents' Island, a very small island (only 17 ha, not inhabited and with no water sources) situated near the Romanian town of Sulina, where the Danube flows into the Black Sea.

The Island belongs to the Romanian state since the Berlin Congress in 1878, being taken into consideration among the Dobruja territories that Romania was entitled to in exchange for the southern Bessarabia (given to the Russian empire). It continued to be Romanian till 1948. The island got to the Soviets in very ambiguous circumstances. It was neither part of the discussion at the moment of the Ribbentrop-Molotov Pact, nor in the Paris Treaty, and it was never mentioned as belonging to the USSR until the moment of 1948. But in 1948, a team of Romanian and Soviet engineers went on the field in order to establish the exact configuration of the border, which was to be traced according to the Paris Treaty. It seems that the Soviets claimed that the Serpents' Island should be theirs, and the communist Romanian government of Petru Groza signed the Protocol on the trajectory of the State frontier between Romania and the USSR, the 4<sup>th</sup> of February 1948, which foresaw that the island was to be part of the USSR. The Romanian or the Soviet Parliaments never ratified this Protocol, and this is the basis on which, after 1991, the Romanian Government contested the legality of this act.

Being very small, not inhabited and with no water sources, the island did not have great importance at the time. But it acquired it after the fall of the Soviet Empire, from several points of view. First, resources of oil and gas were discovered in the sea, around the island<sup>1</sup>. Being located between Romania and Ukraine, the island counts for the delimitation of the territorial waters of each of the two countries, and by way of consequence, for the exploitation of the underwater resources. Moreover, it is significant for the delimitation of the exclusive economic zones whether the island is inhabited or not; this is why Ukraine sustains it is. And indeed it is, in a way, because the Soviets established a strong military basis there, which surveyed the naval and aerial traffic in the Black Sea all through the Mediterranean. Now, the military facilities belong to Ukraine. But with the 1997 bilateral Treaty, an agreement was reached as to their disaffection.

Meanwhile, the local mythology went so far as to link (especially by way of etymology) the name of the Serpents' Island to Atlantis and to trace a history of the island which goes as far as the Trojan war: it seems that Achilles had built some temples on the island<sup>2</sup>. Fortunately, this mythology does not have a very large audience in Romania; what can be striking is the fact that a Romanian author who writes on the international law takes it over when writing about the legal status of the island<sup>3</sup>.

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<sup>1</sup> Ștefan DEACONU, *Principiul buneii vecinătăți în dreptul românesc*, Editura All Beck, București, 2005, p. 92. For a lengthy overview of the resources in the continental shelf, see George DAMIAN, "Insula Șerpilor, piatra de încercare a diplomației românești", in Victor RONCEA (ed.), *Axa. Noua Românie la Marea Neagră*, Editura Ziua, București, 2005, pp. 206-209.

<sup>2</sup> [www.tomrad.ro/iserpi](http://www.tomrad.ro/iserpi).

<sup>3</sup> Ștefan DEACONU, *Principiul buneii vecinătăți...cit.*, pp. 93-94.

In 1961 was signed the "Treaty between the Government of the Popular Republic of Romania and the Government of the Union of the Soviet Socialist Republics concerning the regime of the Romanian-Soviet State frontiers, collaboration and mutual assistance in problems regarding frontiers", but this Treaty did not contain provisions on the delimitation of the territorial waters, exclusive economic areas and continental shelf. During the communist regime, starting with 1967, there were several attempts at the delimitation of the territorial waters, the continental plateau and the exclusive economic areas. The negotiations did not lead to an agreement, and they were abandoned in 1987. Thus, there was no bilateral treaty between Romania and the USSR concerning the delimitation of the continental shelf in the Black Sea.

As showed by the declaration of the Romanian government on the occasion of the Ukrainian independence, Romania tried to found the relations with Ukraine on the recognition of the injustice done through the Ribbentrop-Molotov Pact, thus trying to make possible the retrocession of its former territories. Negotiations for a political basic Treaty between the two countries were blocked until 1995 mainly because of the Romanian request for the inclusion of a condemnation of the Pact, which would imply the recognition of the injustice of the border. The initial position of Romania towards Ukraine demanded the denouncement of the Ribbentrop-Molotov Pact, and a solution to the problem of the Serpents' Island, which, according to the Romanian part, did not legally belong to Ukraine. This radical position slowly changed in time, and one should look for the causes of the change. On the other hand, Romania was interested in not having a direct border with the Russian Federation, and, by way of consequence, in a real independence of Ukraine. This interest develops in the middle of the 1990's, along with an interest of all the Western countries in having a democratic Ukraine between the European Union and Russia.

But during these first years, the stake was greater for Ukraine, which was struggling for its own survival as a State. The position of Ukraine towards Romania can only be understood in the broader context of regional relations among Russia, the Republic of Moldova, Ukraine and Romania.

Firstly, Ukraine has a problem of national identity. Medieval historiography calls Ukrainians "the little Russians" (along with "white Russians" – the population of nowadays Belarus, and Russians), since the XI<sup>th</sup> century, while the name Ukraine seems to signify, etymologically, "border land", "periphery"<sup>1</sup>. Moreover, just like the majority of former Soviet Republics, it had on its territory a very large Russian minority: around 22%, while the percentage of Russian native speakers was even bigger: 33%<sup>2</sup>. The Russian minority is concentrated in the industrialized East, while ethnic Ukrainians populate the agrarian West, where there are also important Romanian, Hungarian and Slovakian minorities. At the moment of the declaration of independency, the Western countries manifested a lot of skepticism as to its possibilities of real autonomy<sup>3</sup>. This is why Ukraine had to prove, first of all, its capacity to be a real player in the regional system.

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<sup>1</sup> See Alain RUZE, *Ukrainiens et Roumains, IX<sup>e</sup>-XX<sup>e</sup> siècle. Rivalités carpato-pontiennes*, L'Harmattan, Paris, 1999, p. 9.

<sup>2</sup> According to a 1989 counting of the population, quoted in Rainer MUNZ and Rainer OHLIGER, "L'Ukraine post-soviétique: une nation en formation entre l'est et l'ouest", in Anne de TINGUY (ed.), *L'Ukraine...cit.*, pp. 79-107.

<sup>3</sup> Anne de TINGUY, "L'Ukraine, la Russie et l'Occident...cit.", pp. 12-15.

Secondly, there were territorial disputes with the Russian Federation, too<sup>1</sup>: mostly, the statute of Crimea. Crimea was transferred from the Russian Soviet Socialist Republic to the Ukrainian Soviet Socialist Republic in 1954, on the occasion of the 300<sup>th</sup> anniversary of the "reunification" between Russians and Ukrainians. The peninsula, in which the majority of the population is ethnically Russian, attempted at declaring independence in 1992, but the Crimean Parliament withdrew the decision in a few days. One year later, the 9<sup>th</sup> of July 1993, the State Duma in Moscow declared in unanimity Sebastopol, a "Russian city". Russia also maintains its XIV<sup>th</sup> army in Transnistria, at the border between Moldova and Ukraine, thus having means of military pressure from both East and West. This is especially useful in the context of the Russian foreign policy doctrine of the "near abroad", which is another way to assert the Russian sphere of influence on the former Soviet Republics. It is not difficult to see that territorial claims from both Russia and Romania, along with the lack of confidence and support from the West, made Ukraine feel very threatened in the first years after independence, and to adopt a realist approach of international relation relying on self-help<sup>2</sup>.

Under these conditions, Ukraine tries to distance itself from Russia, firstly by a policy of non-alignment. Some authors even say that "Ukraine's drive to escape Russian domination was one of the single most important factors behind the collapse of the USSR"<sup>3</sup>. The newly independent Republic is very reluctant to advance with the integration into the Community of Independent States, especially in the field of security. Instead, it engages in regional cooperation with other former Soviet Republics willing to emancipate from Russia, by participating at the informal union of GUAM (Georgia-Ukraine-Azerbaijan-Moldova), founded in 1997. It also enhances cooperation with Poland and Germany, in an attempt to gain an identity of central European country:

"It made the policy of a 'return to Europe', from which it says was artificially separated, the central element of an approach that allowed it to distance from the USSR and to get closer to the USA and the Western European countries"<sup>4</sup>.

Nevertheless, the Russian Federation is and remains, during these years, the main economic partner of Ukraine. In 1993-1994, Russia raises the price of the oil delivered to Ukraine in order to align to the market prices<sup>5</sup>. In 1996, a new tax of 20% is imposed by Eltsin to all importations coming from Ukraine. Russian takeovers of Ukrainian economic assets were an important trend in 2000-2004. The latest development of the energy relation between Russia and Ukraine is the

<sup>1</sup> Roman WOLCZUK thinks that the main controversial issues in Ukrainian-Russian relations can be synthesized as follows: the recognition of borders (the problem of Crimea), the military balance between the two countries (the problem of the nuclear arsenal), the economic relations, the energy relations and the CIS integration. See his book *Ukraine's Foreign and Security Policy, 1991-2000*, Routledge Curzon, London and New York, 2003, pp. 29-45.

<sup>2</sup> *Ibidem*, p. 51.

<sup>3</sup> Kathleen MIHALSKO, "Security Issues in Ukraine and Belarus", in Regina COWEN KARP (ed.), *Central and Eastern Europe: The Challenge of Transition*, Oxford University Press, New York, 1993, pp. 225-257 / p. 237.

<sup>4</sup> Anne de TINGUY, "L'Ukraine, la Russie et l'Occident...cit.", p. 10.

<sup>5</sup> About energy dependency, also see Margarita Mercedes BALMACEDA, "Gas, Oil and the Linkages between Domestic and Foreign Policies: The Case of Ukraine", *Europe-Asia Studies*, vol. 50, no. 2, March 1998, pp. 257-286.

major crisis in January 2006, which, as we shall see, has an impact on the Romanian-Ukrainian relations as well.

Ukraine also used its nuclear arsenal as a means of pressure for both Russia and the Western countries. In 1991, Ukraine made a real breakthrough when, two days after the Moscow putsch (August 24, 1991), it placed under its jurisdiction all military facilities on its territory, which comprised 30% of the Soviet tanks, 25% of the aviation, the Black Sea fleet and 176 ICBMs and 1180 warheads<sup>1</sup>. Having accepted at first to give up its nuclear facilities, it comes back on the decision when it realizes that it can use them as a strong instrument of negotiation.

This new assertive position of Ukraine determined the Western countries to take it into account as a possible balancer for Russian imperialism in the region. This is why the relations between Ukraine and the Western countries went smoother and smoother; in 1994, the USA even offered security guarantees in exchange for the signature of the Non-Proliferation Treaty, by which Ukraine gave up its nuclear capabilities.

This overview of the Ukrainian position in the region in the very first years of independence allows us to make several remarks concerning its situation. Ukraine had all the reasons to feel insecure from several points of view. First, by being seen rather as an appendix of Russia, than as a country of its own, it had to strive for a distinctive national identity and statehood. Secondly, it had to confront territorial claims from its neighbors – let us remember that, besides Russia and Romania, Poland could have had such claims, too. Third, it had to emancipate from the Russian sphere of influence. Last, but not least, economic and energetic dependence on Russia was, and still is, an important threat.

All these legacies, be they more ancient, as the territorial or minorities questions, or more recent, like the economic dependency, deeply modeled the international and regional behavior of Ukraine since 1991. Consequently, they also affected its relations with Romania.

### *Some Facts in Bilateral Relations*

One can reconstitute several important moments in the bilateral relations between Romania and Ukraine, which we shall consider turning points for our analysis. The first stage of the relationship is marked by rather cool relations and mutual distrust. This might be considered normal, given the declaration of the Romanian government on the occasion of the independence of Ukraine:

“The recognition of Ukraine’s independence and the desire to develop mutually beneficial Romanian-Ukrainian relations do not entail the recognition of the inclusion in the territory of the newly independent Ukrainian state of northern Bukovina, the Hertza region, the Khotyn 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>2</sup>.

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<sup>1</sup> Cf. Roman WOLCZUK *Ukraine’s Foreign and Security Policy...cit.*, p. 35. Kathleen Mihalisko confirms the number of missiles, but she raises the number of warheads to 1240 (see “Security Issues...cit.”, p. 243).

<sup>2</sup> Declaration of the Romanian Government, 29 November 1991.



This declaration is followed by a similar one adopted in the Parliament.

The bilateral diplomatic relations were established on February 2, 1992, and during the first year in office, the Ukrainian Foreign Minister visited Bucharest (September 1992). It's an occasion for the official start of negotiations of a basic political treaty. The visit was not returned by his homologue until 1997, when the Treaty was finally signed. The two Parliaments sent visiting delegations to each other in 1992-1993. Nevertheless, the first forms of cooperation between the two countries appeared at a multi-lateral level, in June 1992, when both were founding members of the Black Sea Economic Cooperation, an initiative launched by Turkey and joined, besides Romania and Ukraine, by Bulgaria, Russia, the Republic of Moldova, Greece, Georgia, Armenia, Azerbaijan and Albania.

Both countries were also involved in the four-sided framework of talks concerning the situation in Transnistria, where the conflict had erupted on the 3<sup>rd</sup> of March, 1992. But Romania renounced to participate at these talks since 1993.

While Ukraine manages to set up very good relations with Hungary and especially Poland<sup>1</sup>, negotiations for the Treaty with Romania are deadlocked during the period 1992-1995, mainly because the Ukrainian side does not accept the inclusion in the basic Treaty of a condemnation of the Molotov-Ribbentrop Pact. It is only in 1995 that the two sides agree on the general form of the bilateral agreements: they were to be formed by a Treaty of good neighborliness and cooperation, a common Declaration of the two Heads of State which was to condemn the Ribbentrop-Molotov Pact, and a document containing guidelines for the establishment of the regime of common frontiers, which was to touch the issue of the Serpents' Island, too. Negotiations are speeded up with the coming into office of the Romanian President Constantinescu. Having political basic Treaties with all the neighbors was one of the preconditions for NATO accession; or, NATO was to take a decision on this issue in 1997, at the Madrid summit (7-9 July). The Treaty was signed a few weeks before the NATO summit, on the 2<sup>nd</sup> of June, and it comes into force, after ratification in the Parliaments, on the 22 of October 1997. It was heavily criticized by a significant part of the Romanian public opinion. While Romanians usually agree on foreign policy goals, it seems that 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 consider it as a historical treason of the Romanian ideal of re-unification and of the Romanians that live in nowadays Ukraine.

The provisions of the Treaty were rather ambiguous concerning the disputed issues. The reference to the Ribbentrop-Molotov Pact is replaced by a very vague allusion, in the Preamble, to the "condemnation of the unjust acts of totalitarian regimes and military dictatorship"<sup>2</sup>. The Parts agree that their common border is inviolable (art. 2) and that their relations are founded on the respect, among others, of the Helsinki Final Act (which is the last international agreement mentioning that borders in Europe are recognized by all signatory parties and cannot be changed forcefully) (art. 1). Some vital issues are postponed: the regime of the common frontier is not decided upon, and the Treaty specifies in article 1.2 that it will be set

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<sup>1</sup> The Treaty of good neighborliness with Poland was signed in May 1992, only a few months after Ukrainian independence.

<sup>2</sup> "Tratat privind buna vecinătate și cooperare între România și Ucraina", *Monitorul Oficial, partea I*, nr. 157/16. 07. 1997, Preamble.

by an ulterior Treaty (which has only been signed six years after, in 2003). This also involves the issue of the delimitation of territorial waters and the Serpents' Island. The article 5 states that the Parts "will sustain each other in their efforts for integration into the European and Euro-Atlantic structures". The most significant provisions are those concerning the statute of minorities, set out in art. 13. The Romanian side obtained an important victory through the inclusion of a reference to the Recommendation 1201 of the Council of Europe, which enhances the rights of minorities. Nevertheless, the Treaty specifies that "this recommendation does not refer to collective rights and does not oblige the contracting Parties to grant to the respective persons the right to a special territorial autonomy status based upon ethnic criteria" (art. 13.1).

Most of the Romanian foreign policy decision-makers are rather optimistic about the Treaty, especially for the article 13 concerning minorities<sup>1</sup>. Nevertheless, former Foreign Minister Meleşcanu (1992-1996) thinks that, although in general the Treaty reflects the Romanian position, the way in which it is applied by the Ukrainian party is discriminating for the Romanian minority:

"Ukraine applies it on a reciprocal basis: the rights that you grant to the Ukrainian minority in Romania will be hold by us to the Romanian minority: they will have as many schools as ours have etc, thus ignoring the huge difference that exists between the two minorities, in terms of numbers as well as in terms of its creation through political decisions that have nothing to do with the right to self-determination..."<sup>2</sup>.

The first bilateral visit at Presidents' level took place on the occasion of the signing of the Treaty, when Leonid Kutchma came to Bucharest. The first Romanian President to visit Kiev was Emil Constantinescu, in May 1999. Later, Ion Iliescu went to Kiev, Odessa (2002) and Tchernautsi (2003). Traian Băsescu visited Kiev in December 2004 and in February 2006.

The border question was not completely set up until now. In 2003 was signed a "Treaty concerning the regime of the Romanian-Ukrainian State frontier, collaboration and mutual assistance on border issues", which entered into force in May 2004. The Treaty foresees the recognition of the borders agreed upon in the Romanian-Soviet Treaty in 1961. But the issue of the territorial waters remains unsolved. Between 1998 and 2004, there were 24 rounds of negotiations. Romania has given up the idea of getting back the Serpents' Island; the only issue that separates now the two sides is the delimitation of the continental shelf, which depends on whether the island is considered as inhabited or not. Romania brought the case before of the International Court of Justice in Hague, on the 16<sup>th</sup> of September 2004. It is the first case involving Romania before the ICJ.

2004 is also the year of the construction, by Ukraine, of the Bastroe Channel (begun on May 11). Before, the Ukrainian ships transiting the Danube had to use the Romanian channel of Sulina. It seems that this was bringing important losses to the Ukrainian economy, so it tried to find alternative solutions for navigation through the Danube Delta. But it also seems that the construction of the Bastroe Channel brings about very important ecological consequences for the Danube Delta, under-

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<sup>1</sup> Interview with former Romanian Foreign Minister Adrian Severin, Bruxelles, March 23, 2006; interview with former Romanian President Emil Constantinescu, Bucharest, January 2005.

<sup>2</sup> Interview with former Romanian Foreign Minister Teodor Meleşcanu, Bucharest, October 7, 2005.

lined by various ecologist organizations<sup>1</sup> and by the Romanian government, who protested against the channel. The Ukrainian part infringed the Treaty signed in 1997 and other international conventions<sup>2</sup> by not consulting the Romanian part before the construction of the channel, which affects the Romanian portion of the Delta, sustains the Romanian government. Meanwhile, the Ukrainian part considers that, the works taking place on its territory, it should not have done so.

The issue had an important international impact. Among the states, the governmental and non-governmental organizations which mobilized against the construction of the channel, because of its apparently disastrous ecological consequences, are the USA, Germany, the EU, Ramsar-UNESCO, the Environmental Danube Forum, etc<sup>3</sup>. The international media also gave accounts of the story<sup>4</sup>. After numerous requests from the Romanian part, bilateral talks on the issue began on July 20, 2004, at experts' level. But they did not lead to significant evolutions.

In order to solve this type of problems, in 2005 was created the Joint Presidential Commission Băsescu-Yushchenko: the two Presidents thought that a direct high-level relation would smooth bilateral relations. And indeed it did: they met three times in 2005 and Băsescu paid a visit to Kiev in February 2006, right after the energy crisis in Ukraine. They talked about setting up joint energy projects that would allow both countries not to depend on energy from Russia anymore, while Yushchenko declared that "The enhancement of our dialogue [with Romania] is the most characteristic feature of the year 2005"<sup>5</sup>.

Thus, if we were to trace some distinct periods of bilateral relations between Romania and Ukraine, we find the following:

1. 1992-1995: divergent initial positions, when negotiations do not lead to any result, as none of the two countries wants to distance itself from the initial position.
2. 1995-1997: negotiations are unblocked by a more pronounced tendency to compromise
3. 1997-2003: the most important Treaties are signed and several high-level visits take place.

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<sup>1</sup> The reports of several NGOs are quoted on the official site of the Romanian Foreign Ministry, [www.mae.ro](http://www.mae.ro).

<sup>2</sup> These are: "The Convention on the conservation of wild life and natural habitats in Europe", Berna, 19 September 1979, under the aegis of the Council of Europe; "The Convention on internationally significant wet areas, especially as habitat for the aquatic birds", Ramsar, 1971; "The Convention on the evaluation of trans-border impact on the environment", Espoo, 1991; "The Convention on the cooperation for the protection and sustainable utilization of the Danube river", signed in Sofia, 1994; "The Convention on the access to information, public participation in decision-making and access to justice concerning environmental issues", Bonn, 1979; "The Convention on the protection of the world cultural and natural patrimony", Paris, 1972; "The Agreement between the Ministry of environment and territorial management of the Republic of Moldova, the Ministry of waters, forests and environmental protection in Romania and the Ministry of the environment and natural resources in Ukraine concerning the cooperation in the protected areas of Danube Delta and Lowe Prut", Bucharest, 2000; "The Agreement between the Romanian and Ukrainian governments concerning the cooperation in the field of trans-border waters management", Galați, 1997, and last, but not least, "The Treaty between Romania and Ukraine on the regime of the Romanian-Ukrainian State frontier, collaboration and mutual assistance in border issues", Cernăuți, 2003. Cf. the Romanian Ministry of Foreign Affairs, [www.mae.ro](http://www.mae.ro).

<sup>3</sup> Cf. the official site of the Romanian Ministry of Foreign Affairs, [www.mae.ro](http://www.mae.ro)

<sup>4</sup> See, for example, *L'Express*, 28 June 2004; *Berliner Zeitung*, 31 August 2004; *Der Tagesspiegel*, 31 August 2004; *Le Figaro*, 27 September 2004.

<sup>5</sup> Cf. Ukrainian Presidential site, [ww7.president.gov.ua/en/news/data/print/5817.html](http://ww7.president.gov.ua/en/news/data/print/5817.html)

4. 2003-2005: the issues of the Bastroe Channel and the delimitation of the continental shelf divide the two countries.

5. Since the end of 2005, new peak of cooperation, based on joint energy projects and Black Sea Cooperation.

### *Domestic Factors and Foreign Policy*

We will now move on to examine the second variable that we took into account in order to analyze the relations between Romania and Ukraine: the internal political regime. In applying this variable, we must look into the interaction between the domestic regimes of the two States, paying attention to the changes in the internal political configuration in each case. This is why a brief overview of the different governments and their foreign policies is necessary. Then, we will try to mirror the changes of governmental majority in the two countries with the periods of ups and downs in the bilateral relation.

In Romania, the first years after 1989 were of confusion about foreign policy. The turn towards West was not yet very obvious under Iliescu, who had a very bad external image, being considered a neo-communist. The decisive move that he makes towards a Western orientation of foreign policy comes with the signing of the Partnership for Peace, in 1994, and the Snagov Declaration in 1995, by which the entire Romanian political class (represented by all the parliamentary parties) affirms its intention to support the objective of the European integration for Romania.

The change of government in 1996 brings in Emil Constantinescu, a known intellectual (former President of the Bucharest University) and member of the "democratic opposition". He has a very good image with the Western countries. He speeds up the negotiations for the Basic Political Treaty with Ukraine – observers say that in order to get a positive answer about Romania's accession to NATO membership, which was to be decided in 1997<sup>1</sup>, but the former President denies it<sup>2</sup>. The Treaty is finally signed in 1997. The way in which Romania accepted, in 1997, to sign the Treaty in its present form is significantly due to the change of government in 1996. While former Minister of Foreign Affairs Meleşcanu thinks that maybe we could have obtained more<sup>3</sup>, which means that he would have continued negotiating, for the new President in office it was important to show determination in overcoming legacies from the past and showing good will to the international community. So, firstly, the new President had to prove his commitment to international norms of cooperation and good neighborliness. Second, he had to prove that he was able to sign a Treaty that was not very popular among Romanian public opinion. The former President says that it was only possible to conclude this Treaty in his first year in office, because the great capital of trust he was enjoying in the country, and because he was known for his anti-communist orientation and thus would not

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<sup>1</sup> Among others: V.G. BĂLEANU, "In the Shadow of Russia...cit.", p. 24; Roman WORONOWYCZ, "Romania, Ukraine Settle Territorial Dispute", *The Ukrainian Weekly*, vol. LXV, no. 23, June 8, 1997, etc.

<sup>2</sup> Interview with Emil Constantinescu, former President of Romania, January 2006.

<sup>3</sup> Interview with former Romanian Foreign Minister Teodor Meleşcanu, Bucharest, October 7, 2005

be perceived as selling his country to the Russians<sup>1</sup>. The former President seems to be ready to forget the past and found bilateral relations on new bases, on the model of Poland which, he says, had much more to lose than Romania if we think in terms of historical borders, and yet signed a treaty with Ukraine some time earlier<sup>2</sup>. He is also the one who came up with the idea of a network of tri-lateral cooperations around Romania, the first of which was Poland-Romania-Ukraine.

The debates around the Treaty can also tell us more about the way foreign policy decisions are made in Romania and the weight of different internal factors, such as the relations between the responsible institutions or the public opinion. The former Minister of Foreign Affairs, Adrian Severin, seems to have had some disagreements with the President on the way negotiations were run:

"The fact that M. Ceaușu<sup>3</sup> almost constantly made declarations in the media about the negotiations before telling me what was happening, or the way in which he tried to take his mandate directly from the President, did not serve the cause too well"<sup>4</sup>.

Moreover, the Minister even reversed some of the decisions of the chief negotiator appointed by the President<sup>5</sup>. As for the influence of the public opinion, we can say that the Treaty was signed in its present form in spite of vociferous protests of mass-media or civic associations, a fact that even confirmed by the former Minister<sup>6</sup>. Several critics were brought to the Treaty, beginning with the "historical treason" of leaving behind Romanian territories. Dominuț Pădurean, Professor of History at the Romanian Naval Academy and author of the single monograph of the Serpent's Island<sup>7</sup>, thinks that the Treaty is "the worst and the most criminal Treaty signed by Romania in the last decades"<sup>8</sup>. Paul Nistor points out that all the public debate around the Treaty only emphasized the problematic historical heritage, instead of revealing the positive aspects of the bilateral relations<sup>9</sup>. The attitude of the public opinion towards Ukraine is also showed by a recent opinion poll. Measuring the "temperature" of the sentiments of the Romanian population towards foreign countries, the poll placed Ukraine in the "rather cold" zone, followed only by Russia and the Arab States<sup>10</sup>.

We should not look for the impact of public opinion on decision-making in Ukraine either, where observers say that "as the civil society is weak, the State defines by its own the country's national interests"<sup>11</sup>.

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<sup>1</sup> Interview with former Romanian President Emil Constantinescu, Bucharest, January 2006.

<sup>2</sup> *Ibidem*.

<sup>3</sup> The chief negotiator of the Treaty, appointed by the President.

<sup>4</sup> Adrian SEVERIN, Gabriel ANDREESCU, *Locurile unde se construiește Europa*, Polirom, Iași, 2000, p. 49.

<sup>5</sup> *Ibidem*, p. 50.

<sup>6</sup> *Ibidem*, p. 54.

<sup>7</sup> Dominuț PĂDUREAN, *Insula Șerpilor*, Editura Muntenia, Constanța, 2002.

<sup>8</sup> Mircea LUNGU, interview with Dominuț Pădurean, in Victor RONCEA (ed.), *Axa...cit.*, p. 215.

<sup>9</sup> Paul NISTOR, "Problema memoriei în relațiile internaționale. Tratatul româno-ucrainean (1997)", *Xenopoliana*, X, nr. 1-4, 2002, pp. 153-160.

<sup>10</sup> Institutul pentru Politici Publice, *Percepția opiniei publice din România asupra politicii externe și a relațiilor internaționale*, October 2005.

<sup>11</sup> Oleksandr DERGATCHEV, "L'Ukraine entre l'Europe et l'Eurasie, une voie semée d'embûches", in Anne de TINGUY (ed.), *L'Ukraine...cit.*, pp. 111-125/p. 121.

The next legislature brought back Ion Iliescu as a President and a very strong government who had to deal with the issue of the Bastroe Channel. Since 2004, the new President, Traian Băsescu, continuously asserts his role in foreign policy and his strong orientation towards the strategic partnership with the USA, while having a rather cold relation with Russia. This stance, combined with the new orientation of Ukrainian foreign policy brought about by the Orange Revolution, led to a rapprochement between the two countries.

As for the Ukrainian part, the first elections after the independence were won by the incumbent President, Leonid Kravchuk. He is a former communist party leader who managed to take power by taking advantage of the 1991 *coup d'État* in Moscow, and who tried to gain legitimacy by playing the independence card. His orientation in foreign policy was towards distancing Ukraine from Russia, by avoiding to be attracted into a reconstruction of the former USSR through the CIS; in order to do this, he sought alliances with Central European states, such as those of the Visegrad Group and Germany. In a documented study about foreign policy during the Kravchuk regime, Charles Furtado shows that nationalism was certainly not an important determinant of Ukraine's foreign policy<sup>1</sup>. On the contrary, Ilya Prizel sustains that Kravchuk's foreign policy was nationalistic, following a post-colonial pattern in which leaders try to legitimize themselves through foreign policy. Thus, Kravchuk's pro-Westernism is a mere instrumentalization of foreign policy for electoral purposes. But it didn't pay, as he lost the 1994 elections<sup>2</sup>.

They were won by Leonid Kutchma, originating from the Eastern part of Ukraine and former director of the biggest nuclear missile plant in the world. Kutchma became Prime Minister of Ukraine in 1992, under Kravchuk, and ever since there was a marked rivalry between the two leaders in order to gain support from the population. While Kutchma was seen as rather pro-Russian, predicating an Eurasianist doctrine that linked Ukraine to the former Soviet space<sup>3</sup>, he managed to pursue some important economic reforms which made him popular. A marked pro-Russian orientation in foreign policy is characteristic of his first term in office, while beginning with 1997, he becomes a virulent critic of the CIS and he pushes for alternative forms of regional integration, such as GUAM. Another shift intervenes in 2000, when Kutchma has to face an internal scandal that might have costed him his position; he is now supported by the Russians, with whom he is obliged to make important compromises.

Both countries changed government in 2004. While in Ukraine, that was the result of violent mass protest against the falsified elections that tried to impose the pro-Russian Yanukovitch as a winner, the Romanian President Băsescu adopted the orange as the official color of his electoral campaign, with a direct reference to the Ukrainian Orange Revolution. He also went to Kiev in order to assist to the confirmation of Yushchenko as a President. Thus, the relation between the two Presidents debuted under very promising auspices. Yushchenko, the new Ukrainian President, is well-known for his anti-Russian and pro-American orientation, as

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<sup>1</sup> Charles F. FURTADO, Jr, "Nationalism and Foreign Policy in Ukraine", *Political Science Quarterly*, vol. 109, no. 1, Spring 1994, pp. 81-104.

<sup>2</sup> Ilya PRIZEL, *National Identity and Foreign Policy. Nationalism and Leadership in Poland, Russia, and Ukraine*, Cambridge, Cambridge University Press, 1998, p. 374.

<sup>3</sup> See Kuchma's inaugural Presidency speech, quoted in Stephen R. BURANT, "Foreign Policy and National Identity: A Comparison of Ukraine and Belarus", *Europe-Asia Studies*, vol. 47, no. 7, November 1995, p. 1138.

well as President Bănescu. In spite of this, during 2005, there were several confrontational declarations from the two Ministries of Foreign Affairs linked to the Bastroe Channel and to the negotiations for the settlement of the Transdnistrian problem<sup>1</sup>. But the personal relation established between Bănescu and Yushchenko seems to contribute to a better relation between the two countries. Ukraine and Romania are new partners in the framework of the Black Sea Cooperation (we should not forget that the Black Sea area is the main foreign policy preoccupation of Bănescu's administration), along with Georgia; it is with these two countries that Romania is trying to build a strategic partnership, and we must also note that these are the most pro-American countries in the Black Sea region. President Yushchenko announced, after Bănescu's visit to Kiev in February, that Ukrainian bilateral priorities in 2006 are agreements with USA, Poland, and Romania<sup>2</sup>. As for Poland, it is the country that had best relations with Ukraine since 1992.

**Table 1**  
*Influence of the Domestic Regimes on the Bilateral Relations*

Period	Romanian domestic regime	Ukrainian domestic regime	Bilateral relations
1991-1992	Iliescu, undecided	Kravchuk – pro-Westerner	Beginning of diplomatic relations and negotiations on the Treaty
1992-1994	Iliescu, undecided then becomes lightly pro-Westerner	Kravchuk, pro-Westerner	Transnistrian issue Beginning of cooperation in multilateral framework (BSEC)
1994-1996	Iliescu, rather pro-Westerner	Kutchma – Eurasianist	Unblocking of negotiations
1996-1999	Constantinescu, markedly pro-Westerner	Kutchma – pro-Westerner	1997: Basic Treaty First bilateral Presidential level visits
1999-2000	Constantinescu	Kutchma	
2000-2004	Iliescu, pro-Westerner	Kutchma forced by the Russians into their camp	2003: Treaty on State frontier 2004: construction of Bastroe Channel Romanian case to the ICJ on the delimitation of the continental shelf
2004-2006	Bănescu, pro-American	Yushchenko, pro-Westerner	ICJ and Bastroe issues, then Joint Presidential Commission High-level visits Energy cooperation Black Sea Cooperation

<sup>1</sup> See especially the Romanian newspaper *Ziua*, 13 and 14 June, 2005, but also Victor RONCEA (ed.), *op. cit.*, pp. 45-51.

<sup>2</sup> [ww7.president.gov.ua/en/news/data/print/6045.html](http://ww7.president.gov.ua/en/news/data/print/6045.html)

The comparative table shows no superposition between the mandates of the different legislatures in the two countries and the evolution of bilateral relations. It is very difficult to find a linkage between domestic regime and foreign policy especially in the first years of bilateral relations between Romania and Ukraine. Both countries were in transition; both were rather preoccupied with internal reforms, economic and social problems. It is true that the basic political Treaty was signed once the democratic opposition gained power in Romania, but the Treaty was being negotiated for a very long time already. Moreover, the fact that Ukraine had no problem in finding agreements on basic Treaties with her other Eastern European neighbors in the first years after independence (like Poland or Hungary) does not point to any reluctance of its domestic regime in strengthening ties with neighboring countries, in spite of the existing problems of minorities or borders. The only regularity that we can notice is that relations were better between Romania and Ukraine when both Presidents had a pronounced, almost emphatic, pro-Western orientation and a very marked reticence to Russia: Constantinescu with Kutchma in his anti-Russian period (1996-2000), and Băsescu with Yushchenko (2005-2006).

### *External Factors: Distribution of Power and/or Institutional Pressures*

For almost 50 years, the international system could only be thought in bipolar terms. There were the two superpowers and their allies, while very few countries in the world were genuinely neutral. The end of the Cold War was followed by a rather brief period of euphoria, which led some analysts to consider that the "end of history" was approaching<sup>1</sup>. In time, States began to re-define their national interests, by re-considering the international distribution of power. The relations between Romania and Ukraine can also be viewed through the lens of national interest, defined, as in Morgenthau, in terms of power<sup>2</sup>. Meanwhile, if we look at the international distribution of power, this will not tell us much in terms of variables: power as such is not a variable in our case, since we cannot assess whether the power of the USA, for example, increased or decreased since 1991. Moreover, if measured in absolute terms, the power of Ukraine was greater in the first years of the 1990s, when it had control over the nuclear weapons and over the Black Sea Fleet. Nonetheless, with no allies, it was rather isolated on the international arena. Thus, we can say that Ukraine is a more powerful state nowadays, through the good relations that it maintains with her Western neighbors and with Western powers in general.

So, instead of taking power, measured quantitatively, as a variable, we should rather consider the attitude of the significant powers in the system towards the international arena and towards the two countries that we study.

If Romania starts with a great capital of international sympathy after 1989, it loses it soon because of internal unrest (the events of June 1990, student's manifestations in Piața Universității and the arrival of the minors), and because the new

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<sup>1</sup> Francis FUKUYAMA, *The End of History and the Last Man*, The Free Press, New York, 1992.

<sup>2</sup> Hans MORGENTHAU, *Politics Among Nations*, Alfred A. Knopf, New York, 1948.



government in Bucharest is seen as a neo-communist<sup>1</sup>. As for Ukraine, the Western States are rather skeptical about its capacity to be an independent State<sup>2</sup>. Moreover, the refusal of Ukraine to give up its nuclear arsenal attracted the mistrust of the West, at a time when relations between USA and Russia went rather smoothly:

"This only brought a great amount of Western criticism of Ukraine's policy as short-sighted, irresponsible, and dangerous. Kravchuk's intransigence and misplaced assertiveness created a perception of Ukraine as a spoiler state bent on obstructing the emergence of a new security system stretching from Vancouver to Vladivostok"<sup>3</sup>.

Both Romania and Ukraine had a cautious start in foreign policy orientations. Geographical proximity and historical ties with Russia prompted the two countries not to be very audacious in their orientation towards the West. This is why, in a first stage, both tried to keep their options open. Moreover, for Romania, the dismantling of the USSR was an opportunity to try to re-gain the territories lost after the Second World War: this is why its relations with Moldova were very romantic in a first period. Northern Bukovina and southern Bessarabia were also concerned. This is why, taking into account national interest, Romania pressed for the recognition of the historical injustices done through the Ribbentrop-Molotov Pact. On the contrary, Ukrainian national interest went in the opposite sense: as we showed in the first section, this country had to consolidate its statehood, being threatened by minorities and territorial claims from several of its neighbors<sup>4</sup>. As documented by John Dunne in 1994:

"Ukraine still lacks a consistent and detailed security policy. This lack of a detailed policy is evidenced in the mutability of policies such as Ukraine's 'block free' status and its 'non-nuclear' identity. As it struggled to take account of domestic and international circumstances, Ukrainian policy has been reactive rather than pro-active"<sup>5</sup>.

Under these circumstances, the relation between the two States can be seen as a zero-sum game: what is lost by one of them is gained by the other: mutual gains are not possible. Thus, a cooperative logic cannot be reached in the bilateral relation.

By 1995, Romania manages to define its two most important foreign policy objectives: accession to NATO and integration into the EU. As these organizations impose very strict membership political criteria, revision of the existing frontiers cannot go hand in hand with the Romanian objective of integration. This is why getting back the territories in question is not a viable perspective anymore. Once having renounced to territorial claims, the relations with Ukraine can start afresh.

<sup>1</sup> Former Minister of Foreign Affairs Teodor Meleşcanu complains about the very bad image of the government in international fora, which was the most important challenge that he had to fight (Interview with Teodor Meleşcanu, former MAE of Romania, October 2005). We should nevertheless place his statement in the context: he changed party and is now member of the PNL, the main challenger of his former party.

<sup>2</sup> Jean-Yves HAINE, "La politique occidentale vis-à-vis de l'Ukraine", in *L'Ukraine et la stabilité en Europe*, Actes du Colloque organisé par l'Institut Royal Supérieur de défense, Bruxelles, 1994, pp. 15-27/p. 19-20. He also says that "All through 1992 and 1993, it was only the nuclear aspect that interested the West" (p. 24).

<sup>3</sup> Ilya PRIZEL, *National Identity and Foreign Policy...*cit., p. 383.

<sup>4</sup> Kathleen MIHALSKO, "Security Issues..."cit.", p. 246.

<sup>5</sup> John F. DUNNE, "Ukraine's Continuing Security Dilemma. A Summary Update", in *L'Ukraine et la stabilité en Europe*, cit., pp. 29-41/p. 29.

By this time, Ukraine too settles to a policy of non-alignment with Russia and gains recognition from the USA and Western European countries. It manages to stay away from deepened integration with the CIS and signs the Non-Proliferation Treaty and START I, in 1994: both treaties are mediated by the USA, which in turn offer security guarantees and financial aid to Ukraine. Western countries now overcome their doubts as to Ukraine's capacity to become an independent State; moreover, they are more and more interested in having a democratic country bordering both the EU (in the perspective of enlargement) and Russia<sup>1</sup>. In 1994, Ukraine signs the Partnership for Peace; in 1995, it becomes a member of the Council of Europe; in 1996, it sets as a long-term foreign policy objective the integration into the EU. Thus, the second stage of Romanian-Ukrainian relations coincides with the rapprochement of both countries to Western organizations, while the third stage – signing of the bilateral treaties and high-level visits – intervenes while Romania hopes for accession to NATO – and finally gets it in 2002, and Ukraine tries to find alternative options to CIS integration.

It is interesting to note that both countries are preoccupied by the way in which they are seen at the international level, by submitting their position to international forums. The account of former President Constantinescu about the way in which the issue of the basic Treaty was settled is very relevant in this sense:

"It all took place at the OSCE meeting<sup>2</sup> [...] Before going to Lisbon, I received a report from the SIE (Foreign Intelligence Service) on the position that Ukraine was to take at the OSCE. They were prepared for an attack against Romania, which was presented as a neo-imperialist State who does not want to sign the Treaty, maintains a situation of instability and does not recognize Ukrainian frontiers, unlike Poland [...] In the context of the change of government [in Romania], Kutchma, who had enough experience, postponed the manifestation of force in order to see our reaction in Lisbon [...] Having this report, I asked for a meeting with vice-President Al Gore and I insisted that this meeting should take place before Gore's meeting with Kutchma. And my meeting with Kutchma was fixed after his meeting with the Americans [...] I told Gore that we will solve the problem of the Treaty with Ukraine on the Polish model [...] and he told this to Kutchma [...] But I told him that the condition was a privileged attention in this Treaty to the Romanian minorities. And here, we would need American pressures [...] This was the basis of the Treaty"<sup>3</sup>.

The European Union and the USA seem both interested in the development of Romanian-Ukrainian relation, as they congratulated the two governments for the signing of the Treaty<sup>4</sup>.

Meanwhile, the foreign policy orientations of Russia are an important determinant, especially for Ukraine, but for Romania too. But, unlike Romania, Ukraine is part of the geopolitical space considered by Russia to be its "near abroad", with

<sup>1</sup> Cf. Anne de TINGUY, "L'Ukraine, la Russie et l'Occident...cit.", p. 12.

<sup>2</sup> In Lisbon, December 1996.

<sup>3</sup> Interview with former Romanian President Emil Constantinescu, January 2006. The story is confirmed by former Minister of Foreign Affairs Adrian Severin, in Adrian SEVERIN, Gabriel ANDREESCU, *Locurile unde se construiește Europa...cit.*, pp. 47-48.

<sup>4</sup> For the EU, see the statement of the Presidency, the Hague, 2 June 1997; for the USA, "Bill Clinton felicită președinții României și Ucrainei pentru semnarea Tratatului de bază", *Adevărul*, 4 June 1997, p. 9.

which it pretends a very special relationship. Immediately after the dismantling of the Soviet empire, Russia had a period of internal instability which did not allow it to be too assertive in foreign policy. It was the period when the "new thinking" of the Gorbachev-Shevardnadze couple still survived, while Moscow also depended on the foreign aid for survival. This changed beginning with 1993:

"Key policy documents adopted in the spring and fall of 1993, including the foreign policy concept and the new military doctrine, were characterized by marked suspicion of Western intentions, resentment against Russia's apparent subordination, complaints about painful economic reforms allegedly imposed by the West, and a resolve to restore the country's global position"<sup>1</sup>.

Thus, at the end of 1993, the main objective of Russia's foreign policy becomes the re-integration of the former Soviet republics, including, of course, Ukraine<sup>2</sup>. This line becomes even harder after the appointment of Evgheny Primakov as a Foreign Minister in 1996: he wishes to restore Russia as a great power and does not consider the former Soviet republics as sovereign States, but as Russia's "near abroad"<sup>3</sup>. Relations with Ukraine are paid a special attention: in 1997, the two countries sign a basic political Treaty through which the irreversibility of the dismantling of the USSR is recognized. Thus, Russia tries to get closer to Ukraine so that the latter does not seek accession to NATO or the EU, while Ukraine accepts this, hoping to soften Russia's position on these issues. Meanwhile, it also tries to escape Russian influence by taking the initiative of the GUAM in 1997. In 2000, Russia elaborates a new military doctrine and national security concept that depicts NATO expansion as a threat<sup>4</sup>, and Russia's foreign policy becomes even more assertive. Thus, Russia manages to re-impose itself on the international arena. After the terrorist attacks of September 11, it softens its position on NATO enlargement, while still maintaining its claims to "peace-keeping" in its "near abroad". Since 2003, through bilateral agreements and investments, Ukraine becomes more and more dependent on Russian state-controlled energy sector, as well as trade.

In the context of the need to integrate with the West and of the perceived threat from Russia, the relation between the two countries we study is not to be thought in terms of a zero-sum game anymore. If we are to put it in realist terms, Romania and Ukraine are balancing Russia on the issue of the energy. But we can also think of the latest evolutions of the bilateral relations in liberal institutionalist terms: by getting in touch with international institutions, the two States better understood and defined their interests and thus they came to cooperate for absolute gains, and not for relative ones, that is, by measuring whether the other has more to gain from the cooperation<sup>5</sup>. This change of perspective might also be linked to the socialization of decision-makers in international organizations: Adrian Severin, the Foreign Minister that signed the basic Treaty, appears to think in these terms:

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<sup>1</sup> Janusz BUGAJSKI, *Cold Peace...cit.*, p. 8.

<sup>2</sup> *Ibidem*.

<sup>3</sup> *Ibidem*, p. 11.

<sup>4</sup> *Ibidem*, p. 14.

<sup>5</sup> For a theoretical account of the absolute/relative gains, see the debate between John MEARSHEIMER, "The False Promise of International Institutions", in Michael E. BROWN *et al.* (eds.), *Theories of War and Peace*, The MIT Press, Cambridge, Massachusetts, London, 1998, pp. 329-383, and Robert O. KEOHANE, Lisa MARTIN, "The Promise of Institutional Theory", in *Ibidem*, pp. 384-396.

"I tried to convince the Ukrainian partners that this Treaty must not be seen as a trade contract [...], but as an association contract; not as a contract in which one side tries to sell the merchandise at its greatest price and the other to offer the smallest price, but a Treaty in which we must put together all that we have best in order to get something superior"<sup>1</sup>.

**Table 2**

*Influence of the International Environment on the Bilateral Relations*

Period	Attitude of Western powers to Romania	Attitude of Western powers to Ukraine	Russian foreign policy	Bilateral relations
1992-1995	Uncertainty as to Romania's foreign policy orientation	Lack of confidence and interest	Internal weakness leads Russia to seek cooperation with the West; Search for a new sphere of influence since early 1994	Divergent initial positions; Beginning of negotiations on the Treaty, but no compromise
1995-1997	Perspective of integration into NATO and the EU	Change of position: acknowledged need for the democratization of Ukraine	Harder line on former satellites; seeks equality with the Western bloc as a "great power"	Tendency to compromise; smooth negotiations
1997-2003	NATO accession Preparation for EU integration	Western countries are increasing cooperation with Ukraine	Increasing assertiveness in foreign policy; Seeks good relations with Ukraine After 9.11, softens position on USA, but not on the "near abroad"	Signature of the Treaties; bilateral visits
2003-2005	Romania continues to prepare for EU accession; Better relations with USA than the EU	Stress on the democratization of Ukraine	Russia enhances Ukrainian dependence on energy	Tensions on Bastroe Channel and the continental shelf
2005-now	American military bases in Romania		Assertiveness in foreign policy; hardening of the position towards Ukraine	Joint energy projects Joint Presidential Commission

This overview of the complex relations established among the important powers in the international system allows us to seize some regularities that link the atti-

<sup>1</sup> Adrian SEVERIN, Gabriel ANDREESCU, *Locurile unde se construiește Europa...cit.*, p. 52.

tude of these powers to the two countries that we analyze and their bilateral relations. Thus, we can see that in the absence of a marked interest from either Russia or the Western powers to the region (the period 1992-1995), the bilateral relations do not have a promising evolution. The two States are more preoccupied by survival and hard national interest than by cooperation. The situation changes in a second period, when, on the one hand, Western organizations are more and more interested in consolidating democracy in both Romania and Ukraine, and on the other hand, Russia begins to re-assert its sphere of influence. Better relations are thus supported by both the pressures from the West to democratize and to have good bilateral relations in the region (institutional pressures), and the danger that represents for both countries the re-emergence of Russia as a great power. The consensus reached by Romania and Ukraine can thus be explained following two paradigms of the International Relations theory: a liberal paradigm would stress the influence of the Western powers, exerted through institutions, while a realist explanation would purport to the need to balance Russia's increasing power.

After September 11, the two tendencies that we signaled soften: the West is more preoccupied by containing terrorism, especially in the Middle East, than by the democratization of Eastern Europe. Russia, in turn, seizes the opportunity of the fight against terrorism in order to deal with separatist tendencies at its borders, and seeks an understanding with the USA. Immediately after, in 2003-2005, problems appear in the bilateral relation between Romania and Ukraine. It is true nevertheless that, while the link between international pressure and the signing of the Basic Treaty is rather obvious, we cannot establish a direct link between these later events and the bilateral problems. What we can do is point to a regularity that appears in the superposition of the international evolution and the bilateral relations, which might prove significant.

Beginning with 2005, it seems that the region becomes more and more polarized: not only the position of Russia hardens, but also that of the USA, Romania and Ukraine. Now, we can almost see the creation of two camps which, if they are not yet in conflict, launch rather confrontational declarations. USA creates military camps on the Romanian territory; Russia cuts energy supplies to countries with pro-American regimes in its "near abroad" (Ukraine, Georgia) and promotes internal legislation in order to stop foreign (i.e., European and American) funding for Russian civic associations. In the context of this polarization, Romania and Ukraine cooperate for balancing Russia, whose rise is seen by the two countries as the most dangerous development in the region.

So, if the pattern of cooperation created by institutional pressures from Western powers and organizations is more visible in the 1997-2003 phase, the recent polarization of the regional environment enhances a pattern of cooperation out of fear and points to a balancing behavior of the two States.

The analysis of our three major variables – historical legacies, domestic regime and international environment – leads us to several conclusions as to the impact of each variable on the relations between Romania and Ukraine. First, we can notice that historical legacies have more impact in the absence of other types of incentives. In the zero-point of bilateral relations, as well as in the absence of international pressures or external threat, the historical legacies are perceived as a hindering factor of cooperation.

Second, as far as the domestic regime is concerned, its impact seems rather low, as the changes of governmental majority does not superpose on the ups and

downs of the bilateral relations. But we should stress an important aspect concerning the internal factor: when the two governments are markedly Western-oriented, the relations between them are smoother, like the periods 1996-2000 and 2005-2006. This does not happen when only one of the two is pro-Western (1992-1994 and 2000-2004).

Finally, the international and regional environments appear as very important factors that shape bilateral relations in our case. These can be interpreted from both a liberal institutionalist perspective and a realist one: in our case, the interpretations converge, even though they offer different explanations. From a liberal institutionalist perspective, we would say that the politics of different international organizations (such as the Council of Europe, the EU, or NATO) to consolidate democracy and good relations of neighborliness in the region managed to export rules of cooperation that were taken over by the two countries in question. From a realist point of view, it is rather the fear of Russia that determined the two countries to create ties that would help both of them to emancipate from their powerful regional neighbor.