

Ukraine – Romania: a sustained deadlock

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The decision passed by the International Court of Justice in The Hague in February 2009, which finally determined the status of the Snake Island and the delimitation of the borders of Ukraine's and Romania's exclusive economic zones on the Black Sea's continental shelf removed the major dispute from the agenda of relations between the two countries but it failed to reduce their mutual distrust. The sources of this distrust include the difficult history of Ukrainian-Romanian relations in the 20th century which is still adversely affecting political and economic co-operation between these two countries and preventing them from being free from resentments. Romania is the only EU member state and neighbour with which Ukraine has strained relations, which have been seriously deadlocked for years. There are a few political and economic reasons for this. Bucharest's actions taken with regard to the Romanian and Moldovan national minorities in Ukraine are interpreted in Kyiv as a threat to Ukraine's national security, and Romania's political and economic activity in the Black Sea basin is perceived as contrary to Ukrainian interests in this region. In effect, although Romania supports Ukraine's efforts to build closer relations with the Western structures in the international arena, it cannot be ruled out that Romania's support will depend on the resolution of bilateral disputes in a way which is favourable to Romania.

Outline of the relations

Over the past few years, Kyiv has invariably received support from Bucharest for the main goals of its policy with regard to the Euro-Atlantic structures. Romania has backed Ukraine in its efforts to establish closer relations with the EU, and earlier also by granting the NATO Membership Action Plan to Ukraine. Although Romania attaches greater significance to relations with Moldova as part of the European Neighbourhood Policy and the Eastern Partnership, its government has still backed Ukraine's aspirations to sign the Association Agreement with the European Union and refrained from criticising the present Ukrainian administration for the way it is treating the opposition. However, neither of the two countries gives priority to mutual relations. Romania's Eastern policy is focused predominantly on relations with Moldova and supporting Moldova's integration with the EU. Another priority task for Romania is to reinforce its own position in the Black Sea region, which is viewed with displeasure in both Kyiv and Moscow. Although Romania has finally supported the EU's Eastern Partnership, a priority goal for it is developing co-operation as part in the framework of another EU initiative – the Black Sea Synergy.

Romanian and Ukrainian senior state officials have met on very rare occasions over the past few years. The last meeting at the presidential level took place in August 2008, when Viktor Yushchenko was the president of Ukraine. Visits by foreign ministers have also been quite rare. In some official Ukrainian documents Romania is treated as a potential source of threat to national security¹. Similar opinions are expressed by active high-ranking Ukrainian military officials and some experts and politicians². The lukewarm political relations have not been compensated by Ukraine's trade exchange with Romania, reaching US\$1.8 billion between January and October 2011³, an equivalent of less than 1.5% of Ukraine's total foreign trade. The decision of the Hague International Court of Justice, recognising almost 80% of the disputed area on the continental shelf – which has rich hydrocarbon deposits – as Romanian territory has been received negatively in Ukraine. Some Ukrainian media saw it as a sign of further territorial claims from Romania regarding Northern Bukovina (Chernivtsi oblast) and Southern Bessarabia (part of the Odessa oblast)⁴.

Relations between the two countries have also been adversely affected by the spy scandal caused by the deportation from Romania of Ukraine's military attache and his assistant in March 2009 on charges of spying. The scandal was revealed shortly after the Romanian president, Traian Basescu, had cancelled his visit to Ukraine, scheduled for February, without stating any reasons. As a consequence, the operation of the working teams of the Joint Ukrainian-Romanian Presidential Commission, which had been established in 2007 as a platform for developing solutions to disputed issues in bilateral relations, was suspended. In May 2011, Kostyantyn Hryshchenko paid a visit to Bucharest, the first visit by a Ukrainian foreign minister in six years, which both parties recognised as being a breakthrough. The ministers declared that consultations and working meetings at an expert level would be held and a package of documents, including an agreement on small border traffic, would be signed. However, a return visit by Foreign Minister Teodor Baconschi to Kyiv in November 2011 did not bring any qualitative change in bilateral relations; the key disputes are still unresolved. Nevertheless, it is important that contacts at the level of foreign ministers became regular in 2011. The fact that contact at the high political level is rare is preventing the creation of an institutional and financial framework for effective cultural co-operation and dialogue between representatives of civil society. Romania is also Ukraine's only neighbour, among EU member states, which has no agreement on small border traffic signed. The activity of the diplomatic agencies of the two countries is very low, and soft power initiatives and public diplomacy activity – such as the creation of culture centres or the promotion of tourism – are missing. The effect of this is that the public in both countries rely to a great extent on mutual stereotypes. The governments of the two countries are doing little to change this. As a result, their political relations are characterised by distrust and prejudice⁵, and Kyiv sees Bucharest's activity for the protection of the rights of the Romanian national minority in Ukraine as unfriendly.

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The idea of a 'Greater Romania' and Romanian historical policy

The border between the two countries was confirmed under two treaties signed by Romania and Ukraine in 1997 and 2003 and Romania is not officially questioning this. However, since the collapse of the USSR and the emergence of an independent Ukraine Romanian politicians have on numerous occasions called into question the legality of the change

¹ Decision of the National Security and Defence Council of Ukraine approved by a decree of the president of Ukraine of 10 December 2010 <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=n0008525-10>

² For example, Gen. Yuriy Dumanski (<http://ak.inzt.net/newsukraine/386-19-07-2011>), deputy speaker of Ukraine's parliament, Mykola Tomenko (<http://www.ukrgazeta.cz/the-news/news-ua/6468-podvijne-gromadyanstvo-zagroza-bez-petsi-ukrajiny>) and the leader of the Strong Ukraine party, Serhiy Tyhytko (*Kommentari*, 11 December 2009, no. 47)

³ On the basis of data from the State Statistics Service of Ukraine. www.ukrstat.gov.ua

⁴ Another disputable territory is Maikan Island, which belongs to Ukraine. It is situated on the Danube, where the current of the river was agreed to set the Ukrainian-Romanian border. However, as a consequence of a natural change in the trajectory of the current to Ukraine's disadvantage, the island is now located on the Romanian side of the border, and Bucharest is insisting that Kyiv should relinquish its rights to this island.

⁵ The first news announced in the Ukrainian media during the visit by Minister Baconschi to Kyiv was that Romania did not have any territorial claims against Ukraine.

of the Romanian-Soviet border in 1940, as a consequence of which Bessarabia, Northern Bukovina and Snake Island on the Black Sea, which had belonged to the Kingdom of Romania, became part of the USSR. Although Romania is a signatory to a number of international agreements which sanctioned the shape of the borders in Europe after World War II, ideas for reintegrating “all ethnic Romanian territories” are still popular in the media and political discourse. Such unionist tones can also be heard in the statements by the Romanian president, Traian Basescu, who has accused Kyiv of a desire to reintegrate Transnistria and offered a swap of territories (Transnistria would be given back to Ukraine in exchange for Northern Bukovina). Such declarations made by Romanian politicians are seen in Ukraine as territorial claims and are adding to the negative image of Romania. In this context, the significant support Bucharest is offering to ethnic Romanians living abroad is perceived in Ukraine as an attempt at a soft realisation of the idea of the ‘Greater Romania’ (Romania Mare) through integration of the frontier regions in the cultural and linguistic areas.

The dispute over national minorities

According to the censuses carried out in Ukraine in 2001 and in Romania in 2002, 61,000 ethnic Ukrainians live in Romania, and 151,000 ethnic Romanians live in Ukraine. In both cases, these national minorities account for approximately 0.3% of the total population of each country (see Appendix). Romania and Ukraine cannot agree on the issue of the Moldovan national minority in Ukraine. Kyiv sees them as a distinct ethnic group, while Bucharest believes that Moldovans are ‘Bessarabian Romanians’, and treating the two minorities as one group in its official statistical data states that over 400,000 ethnic Romanians live in Ukraine. Distinction between these two national groups causes objection from Bucharest and accusations expressed, for example, by President Basescu that Kyiv is applying a selective policy towards ethnic Romanians and is ‘deromanianising’ this national minority. This stance resulted in Romania’s withdrawal in 2008 from work in the Ukrainian-Romanian Intergovernmental Commission for National Minorities, which – with the participation

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of experts from the OSCE and the Council of Europe – was engaged in monitoring the areas inhabited by ethnic minorities in both countries.

In turn, Kyiv is accusing Romania of bad and asymmetrical treatment of the Ukrainian minority. According to calculations made by Ukrainian state institutions, Romanians in Ukraine have a better-developed system of primary, secondary and higher education in their native language of instruction, they can choose between a broader array of programmes on the regional radio and TV stations, and issue more press publications in their native language⁶. Ukrainian experts estimated that this situation is an effect of Bucharest’s ill will, without however mentioning the asymmetry in the numbers of the two minorities and low financial support the Ukrainian government offers to ethnic Ukrainians living abroad.

The strain in bilateral relations is additionally augmented by Bucharest’s policy of restoring Romanian citizenship. In this context, the amendment of the citizenship act of 15 April 2009 has played a significant role as it lifted the requirement to relinquish citizenship of another country, broadened the group of those authorised to apply for citizenship and accelerated and simplified the procedure of considering the applications by cancelling the requirement to pass tests in Romanian language and culture. The context and the timing of the introduction of the new regulations in the citizenship act (the wave of demonstrations

⁶ 92 schools at different levels with Romanian as the language of instruction operate in Ukraine, plus two Romanian language faculties at the universities in Chernivtsi and Uzhhorod. In turn, one Ukrainian secondary school and 63 schools, where Ukrainian is taught as a subject, usually extracurricular, operate in Romania. There is no separate Ukrainian faculty at any university in Romania. For more reference see for example http://www.nbu.gov.ua/portal/Soc_Gum/Nvdau/2009_15/29.pdf

in Moldova following the forgery of the parliamentary elections' results by the Communist Party) proves that residents of Moldova were its main target. Statistics also show that this was the group from which the largest number of applicants and 'new' citizens of Romania originated. Ukraine did not react officially to the amendment of the Romanian citizenship act, although it formally does not accept dual citizenship. Nevertheless, this fact has been given publicity in the Ukrainian media and is interpreted as a sign of Romania's 'imperialist tendencies'. They also announced that Romanian citizenship had been granted to between 50,000 and 500,000⁷ citizens of Ukraine, but these numbers are significantly overestimated.

Such fierce reactions from Kyiv to actions taken by Romania in the area of protecting the rights of national minorities result from the lack of a coherent strategy of relations with Romania in Ukraine and the negative evaluation of the situation of the Ukrainian minority in Romania. Furthermore, it is impossible to rule out that such reactions from Kyiv are caused by its fear of repeating the situation existing in Crimea, where a significant share of ethnic Russians hold dual citizenship. The different policies applied by Ukraine and Romania to their respective diasporas may result on the one hand in the continuing assimilation of the Ukrainian minority in Romania and on the other in increasing the assertiveness of the Romanian minority in Ukraine. In the longer term, a situation like this may lead to tension caused by nationality-related issues in the ethnically diversified regions and make bilateral relations even less flexible at the central level.

The dispute over the use of the transport potential of the Danube Delta

One of the key points of dispute in Ukrainian-Romanian economic relations is over Ukraine's development of the Danube-Black Sea deep-water navigation route in the Ukrainian part of the Danube Delta on the Bystroye channel (see Map). The aim of this project is to improve competitiveness and to increase the volume of the goods transported through Ukrainian ports on the Danube, such as Izmail or Reni, and the adjacent regions. The project was to be completed in 2011. However, Romania raised an objection, claiming that the Ukrainian government violated the standards of international law regarding protection of the natural environment. At the same time, Bucharest is developing its own transport routes, the Sulina and the Saint George branches, which are competitors to the Ukrainian project. According to Ukrainian data, the Bystroye channel has higher capacity, ships can go in both directions 24 hours a day, and the fees per tonne of goods are lower, while the traffic on the Sulina is only one-way, is allowed only at daytime and at much higher rates, which is the reason for the losses sustained by the Romanian side.

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In the opinion of Ukrainian politicians and experts, Romania is making efforts to withhold the use of the Ukrainian route and to block its development in order to ensure itself a monopoly in goods transport in the Danube Delta. In 2008, Bucharest decided to take the dispute with Ukraine outside bilateral relations and put it on the agenda of the Espoo Convention Implementation Committee (which evaluates the impact

on the natural environment in the cross-border context) and of the EU council of ministers for the environment in order to cause these bodies recommend Ukraine cease work on the development of the channel. Both institutions granted Romania's request, and the Espoo Convention Committee additionally made further work on the channel dependent on Kyiv's receiving consent for such work from Romania. The Committee is still working on this issue,

⁷ <http://bukovynaonline.com/rumunski-pasporti-ta-rumun-ske-pitannya-cifri-fakti-analiti-ka-vsebihnij-oglyad/>

One of the main reasons for such a large spread in the numbers is the fact that access to official statistics is difficult, which in turn gives rise to speculations and makes journalists base their reports on unofficial data.

and the development of the Bystroye channel has been blocked until 2014, when its next session will take place. Ukraine is accusing Romania of using international institutions to promote its own economic interests in the region. In turn, Ukrainian experts and politicians⁸ claim that it is the Romanian hydrotechnical work leading to changes in the division of the waters to the benefit of Romania, discharging the land excavated from the seabed of these channels for the access path to the Ukrainian channel and the development of Romanian infrastructure on land is what is having negative impact on the natural environment.

In the Black Sea region, both Ukraine and Romania act as economic competitors, and use the ecological slogans as a tool in their rivalry for maximising the profits they derive from the use of the transport potential of the Danube Delta. At the same time, the EU's regional initiatives, such as the European Union Strategy for the Danube Region and the Black Sea Synergy, in which both countries participate, are seen in Ukraine as a tool for strengthening Romania's position in the region. Therefore, it is highly unlikely that the joint projects specified in the Strategy⁹ will be implemented in the immediate future.

The Transnistrian issue

The settlement of the conflict in Transnistria is not a matter of dispute between Ukraine and Romania, and the stances adopted by each of the countries could even be similar in certain aspects (as for example the threats posed by the presence of Russian troops in Transnistria). However, potentially, the settlement of the Transnistrian issue may have an adverse effect on bilateral relations, especially given the rhetoric adopted by Bucharest. Ukraine, which could play a significant role in the process of settling the conflict in the 5+2 format, is not playing this role at the moment. Kyiv formally supports Moldova's territorial integrity, but it wants Chisinau and Tiraspol to settle mutual relations by establishing a federation. This is caused by the weakness of Ukrainian foreign policy on the one hand, and on the other by its policy towards Russia and the fact that some Ukrainian oligarchs who are closely linked to the government benefit in their business from the status quo in Transnistria. Furthermore, Ukraine co-operates with the administration of this region to ensure the rights of the Ukrainian national minority are respected. This accounts for approximately 30% of Transnistria's population. Bucharest also supports the territorial integrity of Moldova

and wants the conflict to be settled within the 5+2 format¹⁰. However, unlike Kyiv, it backs the stance adopted by Chisinau, i.e. granting Transnistria broad autonomy within Moldova¹¹.

From Kyiv's point of view, the increase in tensions in relations between Chisinau and Tiraspol is posing an additional threat to national security. In turn, in the context of relations with Romania, the settlement of the Transnistrian conflict in a way which

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⁸ See for example the opinion expressed by the Ukrainian prime minister, Mykola Azarov <http://forua.wordpress.com/2010/07/16/ukraine-is-not-satisfied-with-romania-and-its-position/>

⁹ For example the construction of the bridge on the Danube between Orlovka in Ukraine and Isaccea in Romania.

¹⁰ See for example an interview given by the Romanian foreign minister for the *Den* newspaper, 15 November 2011. <http://www.day.kiev.ua/218955>
At the same time, opinions can be heard in Romanian nationalist circles, such as the New Right (Noua Dreapta), that Bessarabia is an ethnically Romanian area and should be reintegrated into Romania.

¹¹ Influential expert circles in Romania linked for example with the former foreign minister, Adrian Severin, are also considering a concept which envisages Moldova's relinquishment of Transnistria. This solution would facilitate Moldova's integration with the EU, one of the key priorities in Romania's Eastern policy. See for example the report from the Ovidiu Sincai Institute "Transnistria. Evolutia unui conflict inghetat si perspective de solutionare" (September 2005) and the report from the Romanian Centre for European Policies "Cum am folosit fereastra de oportunitate?", http://www.crpe.ro/library/files/crpe_pm_19_ro_md_sinteza_recomandarilor.pdf (December 2010).

Conclusions

Considering the key trends in Ukrainian foreign policy, namely relations with Russia and bringing the country closer to the EU, relations with Romania are not treated as a priority issue but still are quite significant in the context of Kyiv's policy in this region. Over the past few years, these relations could be characterised as being tense due to significant disagreements over the scope and forms of protection of national minority rights and the use of the Danube Delta for economic purposes. The disputes are unlikely to be settled in the short term, which will also make a qualitative improvement in bilateral relations impossible. The signing of the small border traffic agreement has been made dependent on opening a Romanian consulate in Uzhhorod and/or a consular agency in Solotvyno, Ivano-Frankivsk oblast. Ukraine does not want to agree to this, fearing that the number of applications for Romanian citizenship would increase. The census planned for 2012 in Ukraine may become a source of deterioration of mutual relations given the disputes over the recognition of Moldovan nationality. Similarly hostile reactions may arise out of the results of the census held in 2011 in Romania, since both censuses are likely to show a decrease in the populations of national minorities. In turn, a positive element of Romanian-Ukrainian co-operation may be the growing trade exchange dynamics, which in the first half of 2011 grew by over 96%¹² in comparison to a similar period in 2010. The activation of contacts at the level of foreign ministers observed in 2011 could also become a good basis for the fuller use of the potential of bilateral relations. Disputes over minorities and economic issues are not affecting Romania's declared support for bringing Ukraine closer to the West. Nevertheless, it cannot be ruled out that Romania will try to use the tarnished image of Ukraine as seen by the EU to make its support for Kyiv dependent on the resolution of bilateral disputes in a way favourable to Bucharest and to secure and enhance the rights of the Romanian national minority (for example, founding a separate university with Romanian as the language of instruction). It can be expected that for this purpose Romania will stick to its practice of bringing bilateral issues to international forums, including the EU, and thus to put pressure on Ukraine, which considering its aspirations to establish closer relations with the EU will avoid any possible frictions with individual EU member states.

¹² Data from the Ministry of Development and Trade of Ukraine: http://www.ukrexport.gov.ua/ukr/tovaroobig_zastat/rom/5916.html

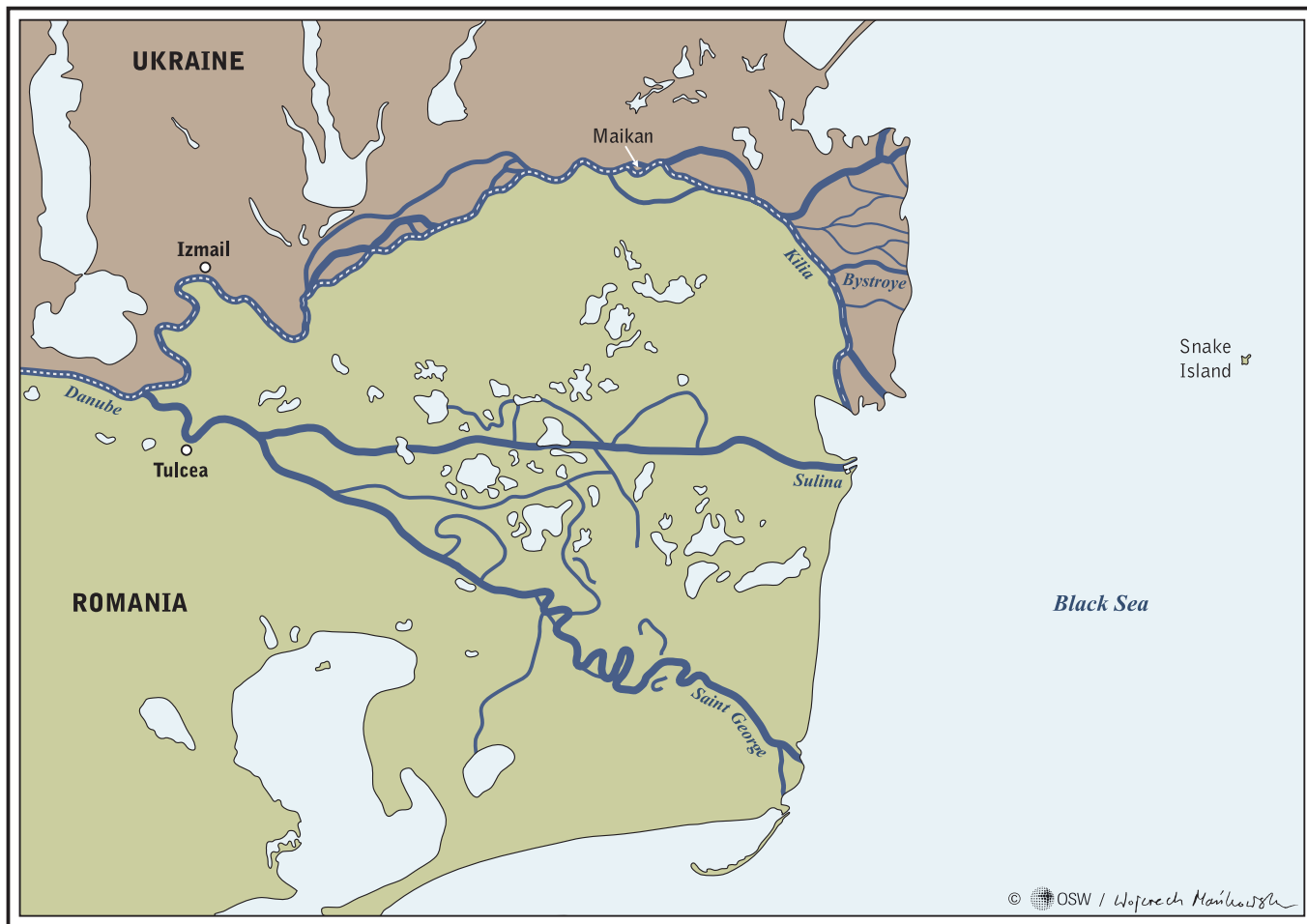
APPENDIX

The Romanian and Moldovan national minorities in Ukraine and the Ukrainian national minority in Romania according to the censuses conducted in 2001 in Ukraine and in 2002 in Romania

	Romanians in Ukraine		Moldovans in Ukraine		Ukrainians in Romania
Number (thousands)	151.0		258.6		61.4
Percentage	0.3		0.5		0.3
Region	Chernivtsi oblast	Zakarpattia oblast	Odessa oblast	Chernivtsi oblast	1. Maramures 2. Northern Bukovina 3. Banat
Number (thousands)	114.6	32.1	123.0	67.0	1 – 36,000 2 – 10,000 3 – 8,000
Percentage	12.5%	2.6%	5.0%	7.3%	-

MAP

The Danube Delta



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