

Anatolii Kruglashov

Yurii Fedkovych National University,
Chernivtsi, UA
European Humanities University,
Vilnius, LT

Troublesome neighborhood: Romania and Ukraine relationship

Introduction

Ukraine and Romania are neighboring European countries sharing significant common cultural, historical, and civilisational heritage. They have a lot in common in their national development, cultural values, and in the level and issues of economic and social development. However, relations between the two independent states have not always been built on the basis of good neighborliness and mutual assistance, and reached the phase of maximum proneness to conflict in their history at the beginning of the 1990s. Since 1997 and until present those relations have inclined to gradual rapprochement. Both states' search for mutually acceptable pragmatic partnership in issues ranging from regional security in the Black Sea basin, to securing of their energy independence, implementation of joint commercial and economic initiatives and projects, and, finally, to furthering their quest for a worthy place within European and Euro-Atlantic processes.

In this article I will consider one issue which is of capital importance for Ukrainian-Romanian relations, namely, the position of the both countries concerning the interstate border existing between them, and evolution of their positions on the issues of territorial disputes.

I would like to mention that this issue has been reflected in Ukrainian and Romanian literature repeatedly due to the issue's importance for the both countries. The literature varies from political publications and information reports to various research papers. Until recently the positions of the Ukrainian and Romanian researchers have differed significantly concerning the states boundary issue, with the scholars and writers of both countries embracing different basic premises, history, and prospects for the both countries' relations respectively. However, the dialogue between Ukrainian and Romanian scholars grew more open, full of reciprocal understanding and of intention to reject the nationally determined histori-

11/2011

cism in analytical efforts. Researchers started searching for resolution of the existing issues on the basis of search for mutual interests in the methodological and conceptual framework corresponding to the value system and dialogue culture widespread in the EU.

In this last respect I can state with pleasure the important role of such a research centre as Yuriy Fedkovych Chernivtsi National University at which research enquiry is conducted in the field of regional-security research and co-operation in Central and South-East Europe with a special attention paid to the past and present condition of the Ukrainian-Romanian relations at the history, political science, and international relations Faculty. One of the dialogue sites of intellectuals on the both sides of the common border established at the instigation of the author of this article is a large-scale permanent conference; *Ukraine-Romania-Moldova: Historical, Political, and Cultural Aspects of Relations in the Contemporary European Context*, which took place in 2001¹, 2004², 2007³ and most recently in 2010. Among the researchers of Chernivtsi research school of Ukrainian-Romanian relations, I would like to especially mention the value of work of Professors Olexander Dobrzanskiy, Volodymyr Fisanov, Yurii Makar, Assistant Professors Ihor Burkut, Hanna Skoreiko, Serhiy Hakman, researchers Serhiy Osachuk, Iryna Petrova, Maxim Petrov, etc.

It is worthy to notice that ambiguity of evaluations by Ukrainian as well as Romanian scholars concerning relations of the two countries, in particular concerning recognition of the border between them, is conditioned by border disputes between the neighboring countries. The situation became especially aggravated at the beginning of the 1990s when Bucharest suddenly made a number of territorial claims against Ukraine. With entering into force of the basic treaty between the Ukraine and Romania in 1997 the territorial issue between the two countries paled into insignificance, however, a number of lesser boundary issues remained unresolved in the relations of the two countries. This article is dedicated to consideration of the above issues and to search for ways of their resolution.

First, historical conditions shaping the Ukrainian-Romanian border, and its legal status, are considered. Challenges requiring special attention and reaction of the partner countries are described. I finish with conclusions concerning prospects of further co-operation of Ukraine and Romania not only at the bilateral but also at the regional and pan-European levels; these conclusions concern opening of some new possibilities for development of the both neighboring countries.

I. Stages of the Border Discussions: a "prehistory"

After NATO's and EU's expansion to the East, Ukraine found itself between the borders of the post-Soviet countries, on the one hand, and borders of the North Atlantic Treaty Organization (NATO) and the EU, on the other hand. That made its geostrategic position somewhat ambivalent what concerns the guarantees of own national security. Although Kyiv stated its intention of full-fledged integration to the European and Euro-Atlantic bodies on numerous occasions, the Ukraine's progress in this direction remains inconsistent with its aspirations as well as with the

¹ *Ukraina – Rumunia – Moldova: istorychni polityczni ta kulturni aspekty vzaiemyn. Mizhnarodna naukova konferentsiia 16–17 travnia 2001 roku*, Chernivtsi 2002, pp. 510.

² *Ukraina – Rumunia – Moldova: istorychni polityczni ta kulturni aspekty vzaiemyn u konteksti suchasnykh evropeiskykh protsesiv. Zbirnyk naukovykh prats*, Chernivtsi 2006, pp. 430.

³ *Ukraina – Rumunia – Moldova: istorychni polityczni ta kulturni aspekty vzaiemyn. Zbirnyk naukovykh prats*, Chernivtsi 2009, pp. 480.

achievements of its Western neighbors. On the other hand, the European Union's and the NATO's enlargement exerted immediate positive influence on the system of organization of the Ukraine's state border. However, certain territorial issues remained unresolved in Ukraine's relations with Romania, along the countries' shared 638.4 km border.

Independent Ukraine has not made territorial claims against any country, neither has it placed in question its state border with any of its neighbors existing as of 1991. However, it does not mean that there were no claims against newly arisen independent states. Although issues appeared in the Ukraine's relations with Russia, Ukrainian-Romanian border remained a problem area as well. There are no legal grounds for any territorial claims of Romania against the Ukraine, as the boundary is officially recognized by Bucharest. The present borders in Europe (including those of the Ukraine) were secured by a number of international treaties and agreements which were recognized and ratified by Romania. That is in particular the Paris Peace Treaty of 1947, Helsinki Final Act of 1975, and the OSCE Charter of Paris for New Europe, etc. In spite of such legal certainty, political realities of Kyiv and Bucharest's bilateral relations with regard to border issues are not as clear as it would seem from these legal documents.

Touching upon the legal status of the Ukrainian-Romanian border it is appropriate to make a mention of the historical aspect of this issue. I will not go deep into detail, starting from the ancient times of Dacia and/or the later period of Kyivan Rus which might bring us to the ground of speculations on ethnic areas of the ancestors of the current Ukrainian and Romanian peoples, their unstable borders of settlement as well as dwell upon the continuity issues, and hypothetical legal succession of medieval states in the conditions of numerous changes in the political map of Europe of the Early Modern and Modern Period. In my opinion, this should hardly be the subject of analysis of modern political scientists and international relations experts but rather be of interest to researchers of the past and national consciousness of our peoples. Political realities of modern Europe are based on the post-war settlement first of all, on those borders which arose as a result of World War II and the following evolution of the European and global international law system. In spite of the sometimes grounded skepticism concerning fairness of the post-Yalta settlement, we consider the concept of "fair borders" to be conventional by their nature and consequently we consider the existing tendencies of their erosion and revisionism to be one of the most dangerous challenges to the regional and European security. Conversely, we perceive positively efforts concerning preservation of the fundamental structures of stability and mutual recognition and respect for the existing borders, in particular in the region of Eastern Europe. In their turn, the Ukrainian diplomats and researchers see shaping of the modern inter-state borders as follows. On 15 September 1947 the Paris Peace Treaty with Romania entered into force which established the shape of the Ukrainian-Romanian border (including the border along the Tisza, Prut, and Danube rivers). This treaty capped the results of World War II and established the basis of the post-war territorial delimitations in Europe. The Paris Peace Treaty confirmed the legitimate nature of including North Bukovina and South Bessarabia into Ukraine. We should note that those territories were and remain populated by the Ukrainians most of whom considered their presence in "Greater Romania" since 1918 to be illegal⁴. In Article 1 of the Treaty it was mentioned that "the Romanian borders indicated on the map at-

⁴ M. S. Dnistriansky, *Kordony Ukrainy*, Lviv 1992, pp. 110–112.

tached to the Treaty will be the same as they were as of 1 January 1941”⁵. The Ukrainian Soviet Socialist Republic (UkrSSR) whose political heir is modern Ukraine ratified the peace treaty with Romania on 13 September 1947⁶.

It should be noted that the Paris Peace Treaty defined the border of the Ukraine and Romania in general terms. For the border delimitation on large-scale maps and demarcation afield, a Protocol on Clarification of the Soviet-Romanian Border was entered into force by the governments of the USSR and Romania on 4 February 1948. “The Protocol has all the attributes of an international treaty and there are no grounds to consider it invalid in spite of the fact that Romania was forced (to accept it) at the time”, stresses the former Ambassador-at-Large of the Ministry of Foreign Affairs of the Ukraine Prof. V. Vasylenko⁷.

On 23 May 1948 another protocol was entered into force by the Romania and USSR according to which protocol the Snake Island “was returned to the Soviet Union by the People’s Republic of Romania and was included into the USSR”. Signing of the Demarcation Act and List Protocol of the Soviet-Romanian State Border Passing on 27 February 1949 became another step made by the Romanian and Soviet countries in this direction in the 1940s following the results of work of a mixed demarcation commission. Finally, the Treaty on the Regime of the Soviet-Romanian State Border, Co-operation, and Mutual Assistance in Border Issues was signed in Bucharest after a long break on 27 February 1961. Thus, the legal basis for the current Ukrainian-Romanian border was shaped.

However, the political situation and the context of the border issue began changing upon overthrow of the Communist regime in Romania and the Ukraine’s gaining independence. At the beginning of the 1990s Romania, while in a complicated socio-economic and unstable political situation, started looking for a way out of it by bringing back to life the idea of Greater Romania in the political discourse. The Greater Romania was, essentially, the idea of returning to 1918 borders, and the idea was embraced by parts of political and spiritual/cultural elite. This integral “great national project” was summoned to consolidate the nation which had lost its totalitarian integrity and found itself in the state of dramatic quest for a new political and value consensus which could not become democratic immediately. Instead the great-power ambitions which had not disappeared in the Romanian public discourse during the Communist regime played a hyper compensatory function for the difficult situation in the country and for the failures of its new leadership which was much too closely connected to Nicolae Ceausescu regime. The inspiring ideal of the national state grandeur served, from our point of view, as a hurriedly created project advantageous to the ruling elite. The project resonated with mass consciousness of common Romanians traumatized by the Communist regime and dramatic collisions of the post-Ceausescu development period. Besides, such a national project, a pact of the elites with the society enabled the former to attain their own political goals with the minimum resource costs redirecting the public attention to attaining phantom political goals. In such a context the post-Communist ruling elite of Romania took a number of steps which became a predisposing factor in the

⁵ *Ukrainska RSR u mizhnarodnykh vidnosynakh. Mizhnarodni dohovory, konventsiï, uhody ta insi dokumenty, iaki skladeni za uchastiu Ukrainskoi RSR abo do iakyykh voina pryjednalasia (1945–1957)*, Kyiv 1959, pp. 118.

⁶ *Pro ratyfikatsiiu Myrnoho dohovoru z Rumuniiieiu. Ukaz Prezydii Verkhovnoi Rady URSR*, in: *Ukrainska RSR na mizhnarodnii areni. Zbirka dokumentiv i materialiv, 1944–1961 rr.*, Kyiv 1963, p. 415.

⁷ *Ukrainsko-rumunskii kordon: ikhnie bachennia i nasi argumenty*, in: *Holos Ukrainy*, 1996, 18 January.

Transdnistrian-conflict escalation in Moldova, and which were also unfriendly in relation to the Ukraine.

II. Ukraine–Romania disputes over borders

Without considering speculative aspects of the idea of restoration of Greater Romania, we would like to examine in more detail the steps which significantly complicated development of the Ukrainian-Romanian relations. Thus, on 24 June 1991 the Romanian Parliament approved the Declaration of the Romanian Parliament as to the Ribbentrop–Molotov Pact and its Consequences for the Country.⁸ That declaration was an appeal to the president, government, and all the political forces of the country to return the Romanian lands annexed as a result of the Ribbentrop–Molotov Pact, which included Romanian South Bessarabia, Hertsa district, and North Bukovina.⁹ The Romanian president I. Iliescu stated, “We will insist on negotiations concerning sovereignty over the ‘ethnic’ Romanian lands, of North Bukovina in particular which was received by the Ukraine as a result of the Soviet-German pact of 1940”¹⁰.

The response of the Ukrainian party to such ambiguous appeals and claims was quick. On 5 July 1991 the Supreme Rada of the UkrSSR evaluated in its statement the actions by the Romanian party as making territorial claims against Ukraine and stressed that it was contrary to the generally accepted norms of international law.

Having ignored that criticism and reaction of Ukraine, Bucharest continued its course to reconsider the legal bases for the existing border. On 28 November 1991 that was confirmed by the Romanian parliament’s approval of the statement against participation of the population of the so called “Romanian territories,” the northern part of Bukovina and the southern part of Bessarabia, in the All-Ukrainian referendum on independence. Moreover, the Parliament of Romania appealed to the neighboring parliaments and governments of other countries not to extend future recognition of the Ukraine to those territories. The Parliament’s position was immediately supported by the Romanian government which published a similar statement in which the demands were detailed.

Such an approach, openly instigating tensions, was in pronounced contrast to the current norms of international law, and threatened South-East Europe with the appearance of instability and conflict in the region laden with potential conflicts. That is why the expectedly negative reaction of Ukraine as well as even more negative international resonance forced Bucharest to reject such a radical position and to opt for at least externally milder tone on the issue. However, even later the influence of radical forces on the official position of the Romanian government stimulated a continuation of the elected revanchist course. For instance the president of the country I. Iliescu again wished to overcome “the consequences of the Ribbentrop–Molotov Pact” and offered the Ukraine to create “common cultural space” for the territories in question in 1992¹¹.

⁸ *Declarația Parlamentului României privind Pactul Ribbentrop-Molotov și consecințele acestuia pentru țara noastră*, in: *Monitorul Oficial*, 1991, nr. 136, 27 iunie.

⁹ *Ukrainsko-rumunskii kordon: ikhnie bachennia...*, op. cit.

¹⁰ Y. Porokhniavy, *Problema kordoniv Ukrainy*, in: *Nova polityka*, 1996, nr. 1, p. 25

¹¹ M. Khauslaiter, *Znachennia rumunsko-ukrainskoho dohovora dla respubliky Moldova*, in: *Politica externa a Republicii Moldova: Aspecte ale securitatii si colaborarii Regionale: Materiale ale simpozionului stiintific international (Chisinau, 16–17 octombrie 1997)*, Chisinau 1997, p. 108–109.

For Iliescu, overcoming of Ribbentrop–Molotov pact's legacy meant Ukrainian recognition of "illegality" as well as groundlessness of the Ukrainian state's sovereignty over territories which were part of Romania between 1918 and 1940, as well as their abandonment in favor of Romania. The Ukrainian party responded thereto with explanations that the international law system which determined territorial integrity of Romania and the Ukraine as well as the borders between them was not based on those infamous documents but was grounded on the valid acts of the post-war settlement. With regard to Stalin's actions at the beginning of World War II, Ukraine could not be held politically and morally liable for them and was itself a victim of his activity. On its part, the Ukrainian government demanded the Romanian counterpart to condemn occupation of the Ukrainian lands by Romanian troops in 1918, and the agreement between Antonescu and Hitler which caused occupation of significant territories of the Ukraine during World War II¹².

At the beginning of 1992 Romania nevertheless recognized independence of the Ukraine. On 1 February 1992 presidents and ministers for foreign affairs of the Ukraine and Romania met at Davos (Switzerland) and signed a Joint Communiqué on Establishment of Diplomatic Relations.

However, territorial issues remained on the agenda of the bilateral relations. The Romanian diplomacy elected the line of constant reminding about existence of the territorial issue with the Ukraine, addressing those messages to the Ukraine itself as well as to the international community. Such behavior strained relations between the two countries. During 1993–1995 Romania sent a number of notes to the Ukrainian Ministry of Foreign Affairs, and declared (unilaterally and with violation of the norms of international law and relevant procedure) the Treaty on the Regime of the Soviet-Romanian Border of 1961 and Protocol on Clarification of the Soviet-Romanian State Border of 1948 null and void.¹³ Bucharest attempted to unilaterally denounce the treaty as the legal basis of the Ukrainian-Romanian state border.

In the first half of the 1990s Romanian nationalist political parties and organizations, some senators and other MPs, and artists of Romania and Moldova willingly turned to the issue of borders with the Ukraine. They expected to gain the relevant symbolic capital by demonstrating their ultrapatriotic position. Consequently, in the mid-1990s the Ukrainian-Romanian relations strained even further. The issue of the Snake Island became a new object of contention. Among other things, increased attention to this tiny island was prompted by information about significant deposits of oil and gas in this region of the Black Sea. There was oil and gas on the shelf near the island, which was confirmed by exploration by the Ukrainian-American group of Odesmorgeologiya and Western Geophysical which performed an exploration in the area. In the opinion of the experts, 1/3 of the unproved Ukrainian oil deposits and 1/4 of gas deposits may be found there.¹⁴

Expectations of politicians in Bucharest were related to the possibility of placing a question mark over legitimacy of border lines in general by reconsidera-

¹² V. Petrov, *Ukrainskii vektor zovnishnoi polityky Rumunii na suchasnomu etapi: Historyko-politychni problem suchasnoho svitu: Zbirnyk naukovykhj statei*, Chernivtsi 2007, vol. 15–16, p. 56.

¹³ V. Petrov, *Ukrainskii vektor u rishenniakh ta zaiavakh parlamentiv Rumunii*, in: *Materialy V Bukovynskoi istoryko-kraieznavchoi konferentsii, prysviachenoi 130-richchii zasnuvannia Chernovetskoho natsionalnoho universytetu imeni Iuriiia Fedkovycha*, Chernivtsi 2006, vol. 2, p. 282.

¹⁴ H. Vorotniuk, *Ostriv Zmiinyi — zemla zaselena*, in: *Holos Ukrainy*, 1996, 10 February.

tion of legitimacy of the Ukraine's sovereignty over a certain specific territory, and then, to create a relevant precedent as grounds for further reconsideration of the border. In December 1995 the Romania issued a statement protesting Ukraine's sovereignty over Snake Island. Minister for Foreign Affairs of Romania T. Melescanu made a speech about this new issue at a parliamentary meeting, and notifying the Romanian deputies about Ukraine's refusal to return that territory to the Romania, he promised to pursue international legal action against Ukraine. Thus, the issue was evolving from a purely territorial one to an economic dispute especially important in the context of problems with energy dependence in the both countries. The Romanian diplomacy demonstrated extreme consistency in promotion of Bucharest's interests concerning the Snake Island and, especially, territorial waters around it. In 1996 Romania denounced the 1948 Protocol which had provided for transfer of the Snake Island to the USSR.¹⁵ Rising of the issue contradicted the Helsinki Final Act of 1975 and slowed down the process of drawing up and signing of Ukrainian-Romanian Treaty on Friendship and Co-operation.

At the same time, priorities of the Romanian party concerning the Ukraine began changing. Gradually the political ideal of restoration of Greater Romania started losing its magnetism in the opinion of the pragmatic part of the national elite which understood well its unreliability as well as negative consequences for the country's status and prestige in case of continuation of the course on "reintegration" of certain territories. Such a course was inconsistent with Euro-Atlantic and European aspirations of the Romanian elite and society, and Romanian's partners from the NATO and the EU reminded Romania representatives about this inconsistency on numerous occasions. Romania made reciprocal steps to reanimate the Ukrainian-Romanian co-operation which manifested itself in the statements of high-level officials of Romania concerning friendship and co-operation with the Ukraine, and avoidance of open statements concerning sovereignty over and return of territory. According to requirements of NATO membership a candidate country may not be admitted if it has ongoing territorial disputes with other countries. This was confirmed in a speech by the US ambassador to Romania A. Moses at the University of Cluj-Napoca, in which he declared that the issue of Romania's entering the NATO was dependant on whether basic treaties would be signed with its neighbors, Hungary and Ukraine¹⁶. Besides, settling of territorial issues was required by the French initiative on development of the European Stability Pact which aimed at European countries' recognizing the existing borders between states and abiding by the rights of national minorities according to the current European standards.

In spite of the new circumstances, the Romanian diplomacy strived to attain strategic as well as tactical goals of official Bucharest. On the one hand, it was important for Romania to sign up a basic treaty with the Ukraine while that was one of the conditions of Romania's entering the NATO, on the other hand, it was also important to preserve the right to make territorial claims with respect to Snake Island. That is why the negotiation process between the Ukraine and Romania was extremely difficult. Finally, on 2 June 1997 the Ukrainian-Romanian Treaty on Friendship and Co-operation was signed. On 8 July 1997 it was ratified by the Romania and on 17 July the same year by Ukraine. The Treaty became valid on 22 October 1997. Article 2 of the Treaty on Friendship and Co-operation between the Ukraine and Romania stated that "the High Contracting Parties shall acknowledge

¹⁵ *Rozshyrennia Ievropeiskoho Soiuzu: vplyv na vidnosyny Ukrainy z tsentralnoievropeiskymy susidamy*, Kyiv 2004, p. 224.

¹⁶ *Ukraina ne namerena delat kakie-libo ustupki v teritorialnom voprosie*, in: *Holos Ukrainy*, 1995, 19 December.

the border existing between them unchangeable and shall refrain henceforth and in the future from any demands and actions aimed at the conquest and usurpation of part or whole of the territory of the other High Contracting Party.” In the second part of the same article it was stressed that “the High Contracting Parties shall enter into a treaty on border regime between the two countries and shall resolve the issue of delimiting their continental shelf and special economic zones in the Black Sea”¹⁷.

Thus, on the one hand, Romania formally confirmed the “inviolability” principle of the present borders with the Ukraine, while, on the other hand, the precise delimitation of the borders remained still legally dubious. The Snake Island was not the only problem due to which the present Ukrainian-Romanian border was not completely legally secured. Another less known issue arose in Rakhiv and Tyachiv districts of the Transcarpathia Region (Ukraine). One of the border sectors there was modified due to changes of the natural landscape. According to the Treaty of 1961, denounced by Romania unilaterally, the border line goes there in the middle of the bed of the Tisza river which changes over time due to natural reasons, high floods, like the bed of any river. While it happened geographically that the Ukrainian bank is lower, it gradually withdraws deep into the territory of the Ukraine. Starting from 1961 the Ukrainian party has lost more than 270 ha of land¹⁸. This issue could be resolved if Romania agreed to sign demarcation documents making the state border permanent (treaties of the Ukraine with Hungary, Poland, and Slovakia may serve as an example of such documents).

The Romania also continued to claim five Ukrainian islands located at the Danube estuary. The Ukraine maintained that their transfer to the Romanian jurisdiction would contradict the principle of the border inviolability upheld in the Ukrainian-Romanian basic treaty.

Although the parties undertook to resolve the issue of the border regime in the basic Treaty on Friendship and Co-operation, the issue of the border demarcation was not finally resolved between the two countries until 2000s. The Treaty on Regime of the Ukrainian-Romanian Border Co-operation, and Mutual Assistance in Border Issues in Chernivtsi on 17 June 2003 became another important step in this direction. The treaty signed confirms the line of the Ukrainian-Romanian border defined by the 1961 Treaty as the Soviet-Romanian border. The treaty also stated that the border line shall be permanent (unless otherwise is agreed upon by Ukraine and Romania) and that chapters 1 and 4 in which the provisions of the border inviolability are stipulated “will be tacitly prolonged for further five-year periods and shall not be subject to renunciation.”¹⁹

Signing of the Treaty was subject to a close scrutiny by Romanian as well as the Ukrainian mass media which simultaneously paid attention to its interim nature. Although the parties undertook to finish the negotiations on delimitation of the continental shelf until 2004, this issue has remained unresolved.

On 16 September 2004 Romania officially petitioned the UN International Court of Justice to resolve territorial disputes with the Ukraine related to delimitation of the continental shelf and exclusive economic zones in the Black Sea area. Taking into consideration the fact that pursuant to the 2003 Treaty Romania ack-

¹⁷ *Dohovir pro vidnosyny dobrosusidstva i spivrobotnytstva mizh Ukrainoiu i Rumuniieiu*, in: *Uriadovyi kurier*, 1997, 5 June.

¹⁸ V. Kozak, 270 hektariv uzhe vtracheno na kordoni z Rumuniieiu, in: *Dzherkalo tyzhnia*, 2001, 27 October.

¹⁹ V. Kravchenko, *I vtoroi taim my uzhe otygrali*, in: *Zerkalo nediel*, 2003, 21 June.

acknowledges sovereignty of the Ukraine over the Snake Island, the issue was about a division of water and (underwater) resources around it.²⁰ The case of Maritime Delimitation in the Black Sea (Romania v. the Ukraine) was finalized in The Hague court. The judgment of the UN International Court of Justice was final and shall not be subject to appeal.²¹

The judgment did not meet the demands of either party if we consider their initial expressed positions as the basis. E.g., the Romanian party could not confirm its claims that Snake Island is just a rock and not an island. However, the judgment mandated Ukraine to share a part of its sea shelf with Romania.

Overall, we see that the legal status of the Ukrainian-Romanian border was largely secured by the bilateral treaties of 1997 and 2003.

At the same time, certain territorial issues still remain unresolved, which negatively influences the relations between the two countries. In particular, this is related to the parties' different interpretation of the ways of resolving the problem of the Danube-Black Sea canal. With resumption of navigation along the Danube-Black Sea deep navigation canal in the Ukrainian part of the lower Danube the list of the Ukrainian-Romanian border issues was increased by another contentious point. The issue of delimitation of the state boundaries in the Danube delta has been complicated. The generally accepted international principle is that river borders between countries pass in the middle of the river principal navigation channel. However, the borders in the lower area of the Danube were determined following other principles, namely the principle of the three-meter isobar. Restoration of the canal in the Kiliya entry to the Danube caused various interpretations of the issue as to where the state border between the both neighboring countries should pass. The Ukrainian party holds that its territorial water begin at the depth of three meters. The water area which is deeper than three meters is considered to be common-use navigation part. Upon restoration of the canal the Ukrainian party had to label its borders with the relevant navigation marks.

The Romanian party stipulates that the marks were placed just 4–10 meters off its bank, i.e. in the Romanian territorial waters. In general, Bucharest claims that the canal was constructed in an environmentally protected area in violation of international environmental protection laws. Ukrainians are sticking to their interpretation of the law — especially, given that based on evaluations by the Ukrainian Ministry of Transportation, it is expected that navigation in the Danube-Black Sea canal would attract up to 60% of the freight traffic to the Ukrainian part of the river delta. The conflict has not been resolved yet, and a series of negotiation rounds has not brought significant results. Romanian government insists that “the canal and Bystroye delta are not Ukrainian”, and the Romanian government is ready to block the canal operation by decreasing the water level in it.

In spite of a number of problem issues remaining in the relations of the both parties concerning the border and territories issues, it could be stated that the confrontational stage of their relations of the 1991 to 1995 period gradually changed to the period of search for understanding and dialogue which culminated in the treaty and legal formalization of the present borders in the period 1997–2003. The following stage of resolving the remaining issues has not taken them off the agenda completely yet but mostly diminished to local issues connected to the Snake Island and the Danube delta. However, there are grounds to believe that the disputes are mostly economic and not political in nature.

²⁰ T. Silina, *Do zustrichi v sudi*, in: *Dzerkalo tyzhnia*, 2006, 11–17 February.

²¹ *Ibid.*

Romania's entering the NATO and the EU essentially and positively influenced the policy of its elite, by allowing normalization of Kyiv–Bucharest relations. The Ukraine may gain more from a good relationship with Romania if it gets ready to enter NATO and prepares to integrate into EU. The potential Ukrainian entry into these two organizations will possible lead to final normalization of relations between the two countries at the level of permanent co-operation, sympathetic and mutually beneficial policy. It is encouraging that the Romanian political elite state repeatedly its interest in and readiness to favor both strategic goals of Ukraine's policy in this way, albeit with some reservations.²² It's critically important for both parties to fulfill these commitments with more practical steps.

Unfortunately for Ukraine, in 2010 its newly elected leadership renounced the goal of entering NATO. However, new President of Ukraine V. Yanukovich continues to show his allegiance towards European integration course of Ukraine. Unfortunately, this strategic goal of Ukraine seems to be far from being reached in the near future.

A pitiful fact is that President of Romania Traian Besescu time and again makes dubious statements about "territorial issues" and historical events. These statements prove that at very least a part of Romanian establishment does not deny the very possibility to reclaim all of Moldavia and some Ukrainian territories. It means that the revisionist course still remains alive as a form of manipulating right-wings voter's sympathies in Romania. This makes neighboring countries wary with regard to their bilateral and multilateral relationship with Romania.²³

Conclusions

The Ukrainian-Romanian border still remains a problem area with regard to Ukraine external boundaries. Important issues such as delimitation of the continental shelf around the Snake Island, demarcation and economic use of the Danube estuary, and issues in the basin of the Tisza river have accumulated and have not had an appropriate resolution until recently.

At the same time, with Romania's accession to NATO and the EU Bucharest began to maintain a more balanced policy concerning resolution of disputable border issues with Ukraine. The intensity of bilateral contacts at the national and regional levels has increased visibly since 2004; cross-border co-operation is reviving and diversifying. However, this positive tendency is not so obvious in bilateral relations of two countries since the reelection of T. Basescu and election of V. Yanukovich.

Development of the institutional structure and socio-economic as well as humanitarian project creation in the territory of the Lower Danube and Upper Prut Euroregions remains a prospective beneficial direction for bilateral cooperation. As business, research and education, and cultural exchanges intensify between the two countries; cross-border activity of local government institutions, of self-government bodies, of civic-community organizations keeps increasing too. Both countries begin to co-ordinate their efforts more actively in the field of the Black Sea co-

²² *Ukraine's foreign minister visits Romania. Eastern Partnership Community*, <http://www.easternpartnership.org/daily-news/2011-05-19/ukraine-s-foreign-minister-visits-romania>. Accessed at 1.07.2011. *President of Romania does not see Ukraine in EU next seven years*, <http://newsforall.org/archives/3539>, accessed at 1.07.2011

²³ S. Trifkovich, *Pritiazaniia Rumynii na vostok ot Pruta: problema, perspektyvy, otviet Ukrainy*, in: *The Lord Byron Foundation for Balkan Studies* <<http://www.balkan-studies.org/articles/greater-romania-redux-problem-prospects>> Accessed at 26.03. 2011.

operation, overcoming of threats to regional security, in particular in the field of fighting drug trade, illegal migration, settlement of the Transdnistrian conflict etc.

Further resolution of those issues would contribute significantly to appropriate stabilization of the bilateral relations. In the end one can hope that co-operation between the both countries will become a normal, stable European partnership within the framework of Ukraine's implementation of its European and Euro-Atlantic intentions. The latter depends on Romanian friendly attitude towards and support for Ukrainian westward aspirations.