

The Ratification of the 1997 Romanian-Ukrainian Treaty: A Study of Procedural Irregularities and Diplomatic Consequences

Gabriel Axinte

Universitatea “Alexandru Ioan Cuza” Iași, Romania

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ABSTRACT

After the fall of The Soviet Union in 1991, diplomatic relations between post-Soviet nations remained undefined. Although Romania swiftly recognized Ukraine’s Independence, a formal framework for bilateral relations did not materialize until The Romanian-Ukrainian Treaty of 1997. This paper analyzes irregularities in the ratification procedure in the Romanian context. Drawing upon the texts of The Treaty, archived parliamentary transcripts, official government statements, The Vienna Convention on the Law of Treaties of 1969 and internal Romanian legislation regarding parliamentary procedure, this study makes the case that the ratification process was marred by significant procedural deficiencies. Whilst the case for a complete annulment based on The Vienna Accord Framework is debatable, this analysis underscores the importance of adhering to proper legislative procedures in ratifying international agreements. Furthermore, the paper analyses The Treaty’s provisions, reviewing the criticisms and defenses raised during the ratification procedure in 1997. The analysis concludes that whilst the treaty’s provisions are fundamentally sound, their enforcement over time has weakened due to increased nationalist pressure inside Ukraine and due to an exhibited reluctance from the Romanian state to enforce its provisions. Subsequent diplomatic developments are briefly examined to observe the trajectory of Romanian-Ukrainian relations.

1. Introduction

The 1997 Romanian-Ukrainian Treaty represents a fundamental foundation for Romanian-Ukrainian bilateral relations, with the stated aim of creating a framework for peaceful bilateral cooperation on contentious issues such as border disputes and the protection of minority rights within the two states. The Treaty was contested from its inception on both procedural and substantive grounds.

* Corresponding author's E-mail address: gabriel.axinte.rsch@proton.me, <https://orcid.org/0009-0007-7499-676X>

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This paper argues that the Treaty, despite its fundamental importance, its current validity can be put into question due to two principal reasons. First, there were manifest irregularities during its ratification procedure on the Romanian side. Second, substantive breaches of treaty terms can be observed on the Ukrainian side, particularly regarding minority rights protections.

In Section 2, the background context that led up to the period of ratification will be explored, offering a condensed overview of the relevant historical facts and attitudes that governed Romanian-Ukrainian Bilateral Relations from the establishment of the post-Russian-Civil-War Ukrainian SSR in 1922 until 1997.

In Section 3, a summary of the VCLT will be presented, with arguments regarding its relevance in the case of international law and Romanian national law. Then we will examine the specific clauses of the VCLT that could be plausibly invoked regarding procedural and substantive breaches in relation to the Romanian-Ukrainian Treaty of 1997.

In Section 4, the justification for the first argument, that of procedural breaches, will be presented, drawing primarily on the archive of parliamentary procedures of the parliamentary session of the 26th of June 1997. The governmental archive is freely available on the website of the Romanian Chamber of Deputies (cdep.ro).

In Section 5, the reasoning behind the second argument will be presented, that of the substantive breaches that Ukraine has committed, especially in regards with the rights of the Romanian minority in Ukraine. Its effect on the evolving bilateral relations will also be examined.

Finally, Section 6 provides a concluding synthesis and a forward-looking perspective. It first presents an analytical summary that consolidates the findings regarding procedural and substantive breaches, assessing their cumulative impact on the treaty's legitimacy. Based on this diagnosis, the section concludes with a set of concrete policy recommendations aimed at strengthening bilateral relations, proposing institutional mechanisms for enhanced oversight, dispute resolution, and civil society engagement to address the identified frailties of the current treaty framework.

This analysis ultimately finds that the 1997 Treaty rests on legally fragile grounds, arguing that the cumulative procedural defects in its Romanian ratification and Ukraine's subsequent material breaches of minority protections collectively challenge its legitimacy and binding force.

2. Fractious Foundations: The Road to the 1997 Romanian-Ukrainian Treaty

The official role of the 1997 Romanian-Ukrainian Treaty was that of creating a framework for peaceful diplomatic cooperation between Romania and Ukraine. The most important topics of the Treaty, as they were recognised both at the time and in present, are protection of minority rights and the denouncement of using military force to resolve territorial disputes (Camera Deputaţilor, 1997). Some opposition political actors at the time of ratification went as far as to argue that the Treaty did not merely denounce the use of force, but also renounce any possible present or future claim on territory between the two (Camera Deputaţilor, 1997). The road to a proper normalization of Romanian-Ukrainian relations was not an easy one, for most of Ukraine's proper existence, the Romanian government has been unfriendly and distant.

2.1 The Soviet Context: Ukrainian Class Warfare and Romanian Sovereignty

During the Soviet Period, between 1923 and 1929, the Ukrainian SSR pursued a policy of "Ukrainization" of national minorities on its territory, with the stated aim of increasing Soviet

control over problem areas via ensuring a common language for all the national minorities of Ukraine, along with appeasing the nationalist forces within Ukraine (Mazepa, 1934). This historical phenomenon along with general non-targeted soviet expropriations were brought up during the parliamentary debates as areas of concern (Camera Deputaților, 1997).

2.2 The Hesitant Post-Soviet Approach

Romania's approach towards the newly declared post-Soviet Ukraine was cautious, slow, and cold. As opposed to Hungary and Poland that immediately recognised its independence and quickly increased their diplomatic cooperation, with Bilateral Base Treaties being drafted and ratified relatively quickly, Romania merely recognised formally Ukraine's independence 3 weeks later than the rest, and it did not change its consular policy except for a small name change regarding the Consulate in Kiev. The document that initially formally recognised Ukrainian Independence was a joint parliamentary political declaration, of a non-binding legal status, published in *Monitorul Oficial* on the 29th of November 1991 (Parliament of Romania, 1991). Hungary's first step towards recognition of Ukraine was a declaration at the UN on the 31st of May 1991 (United Nations, 1969). Romania did not open additional consulates in Ukraine's Romanian minority oblasts until after the Treaty was signed in 1997, in May in 1999 (Ministerul Afacerilor Externe, 2025).

2.3 The Domestic Firestorm in Romania

The Treaty was met with fierce domestic opposition among the press and among the opposition parties. The question of reparations for the Romanian minority that suffered under the Soviet Regime in Ukraine was raised. The lack of denunciation of The Ribbentrop-Molotov Pact was seen as justifying a grave crime, that of a Soviet Dictate towards the permanent loss of Romanian territory. This critical view of the treaty was voiced by political actors, journalists and academics (Lădariu, 1997; Teodor, 1997; Vera, 1997). The wording of the treaty regarding renouncement of claims was seen as extremely problematic (Evenimentul Sibiian, 1997). Some opposition representatives during the parliamentary debate compared it to Article 9 of the Japanese Constitution. The Treaty was deemed controversial enough for both Diasporan Organizations and Academic Organizations to issue public statements against its ratification (Denghel, 1997; Evenimentul Zilei, 1997). Corneliu Vadim Tudor, the leader of the PRM opposition party, organized a public flash protest in Bucharest with attendance in the hundreds, with opposition claims of over a couple thousand people in attendance (Dumitrașcu, 1997; Pavel, 1997).

2.4 The Geopolitical Pressure and Media Divide

The push for ratification among the Romanian Press was mostly focused on perceived external geopolitical pressure, not on the content of the treaty itself. Several newspapers repeated Bill Clinton's statement regarding the importance of Romania having friendly relations with Hungary and Ukraine, and alleged sentiments within NATO leadership at the Madrid NATO Summit of 1997 (Tribuna, 1997). The opposition press countered such claims with statements made by the Romanian diaspora in The US that were clearly against any such Treaty (Denghel, 1997). Additionally, there were questions raised during the parliamentary procedures regarding the legitimacy of the alleged need of the Romanian diaspora in Ukraine for such a treaty, with alleged unproved support on both sides of the issue (Camera Deputaților, 1997). There was public dissatisfaction voiced by the academic community as well, with an official letter published in the press by Evenimentul Zilei, that urged parliament to not ratify the treaty (Denghel, 1997).

The perceived US and NATO pressure on the pro-ratification side was stated also during the parliamentary proceedings (Camera Deputaților, 1997). Whilst such a top-down external pressure could make the rushed and improper procedure for ratification justified, it calls into question the fundamental legitimacy of the Treaty, especially given the fierce opposition it faced in both the press and during the ratification process.

3. Establishing The Standard: The Vienna Convention on the Law of Treaties as Customary International Law

The legal analysis of the 1997 Romanian-Ukrainian Treaty operates within the framework of the 1969 Vienna Convention on the Law of Treaties (VCLT). Widely recognized as the authoritative codification of customary international law governing treaty relations, the VCLT's provisions provide the essential criteria for assessing both the validity of a state's consent to be bound and the consequences of failing to uphold treaty obligations (United Nations, 1969). For the purposes of this analysis, two articles are of paramount importance: Article 46, governing the invalidity of consent due to violations of internal law, and Article 60, concerning termination or suspension as a consequence of a material breach. Engaging with the nuanced scholarship surrounding these provisions is critical to moving beyond a superficial application of the law to a robust doctrinal analysis of the treaty's contested status.

3.1 Romania's Status and the Principle of Pacta Sunt Servanda

Whereas the status of the initial ratification of the VCLT is questionable given the lack of archival documents on ratified documents during the Cold War, the VCLT has become a part of Romanian customary law via court decisions. The Romanian Courts have invoked the VCLT in their judicial verdicts (Curtea Constituțională a României, 2010). This implies that all treaties that Romania has signed after 1989 are bound by the framework set up in the VCLT. The VCLT operates under the fundamental principle of "pacta sunt servanda", according to which agreements must be kept, as articulated in Article 26.

3.2 Article 46: The Exceptional Threshold for Invalidating State Consent

Article 46 of the VCLT establishes a deliberately restrictive gateway for challenging a treaty's validity based on domestic procedural flaws. It stipulates that a state may not invoke a violation of its internal law as invalidating its consent unless that violation was "manifest and concerned a rule of its internal law of fundamental importance" (United Nations, 1969, Art. 46). This formulation reflects a foundational policy choice in international law: to prioritize the stability and predictability of treaty relations over internal political disputes, thereby upholding the principle of "pacta sunt servanda" (agreements must be kept).

Legal scholarship emphasizes the exceptionally high bar this sets. The violation must be "manifest", meaning objectively evident to any state conducting itself in good faith and in accordance with normal practice (Schröder & Schwerdtfeger, 2015). Furthermore, the internal rule breached must be of "fundamental importance", typically pertaining to constitutional procedures for treaty-making that safeguard democratic consent. As noted in the Max Planck Encyclopedia of Public International Law, the provision is "conceived so restrictively that practical cases in which they could be invoked are rare" (Schröder & Schwerdtfeger, 2015). International jurisprudence, such as the Land and Maritime Boundary between Cameroon and Nigeria case, supports this strict interpretation, showing reluctance to look behind the ostensible authority of state representatives (International Law Commission (ILC), 2001). Therefore, an analysis under Article 46 cannot rest on minor procedural irregularities but must

demonstrate a clear, gross defect that strikes at the heart of the constitutional process for expressing sovereign will.

3.3 Article 60 and the Interface with State Responsibility: Material Breach and Lawful Responses

While Article 46 deals with defects at a treaty's inception, Article 60 addresses its potential unravelling due to non-performance after conclusion. It provides that a "material breach" of a bilateral treaty by one party entitles the other to invoke it as a ground for terminating the treaty or suspending its operation (United Nations, 1969, Article 60). A "material breach" is defined as either a repudiation of the treaty not sanctioned by the VCLT or the "violation of a provision essential to the accomplishment of the object or purpose of the treaty" (United Nations, 1969, Article 60 (3)). This concept is central to enforcing reciprocity, a cornerstone of bilateral treaty relations.

Crucially, the legal regime triggered by a material breach operates on two interconnected levels: the law of treaties and the law of state responsibility. As elucidated by Forlati (Forlati, 2012), these two sets of rules are complementary rather than exclusive. Invoking Article 60 is an option within the law of treaties, leading to the sanctioned suspension or termination of the treaty's legal effects. Simultaneously, the commission of a material breach constitutes an internationally wrongful act, engaging the law of state responsibility and potentially justifying countermeasures by the injured state aimed at inducing a return to compliance (Forlati, 2012; International Law Commission (ILC), 2001). This duality provides an injured state with a spectrum of responses.

Within this spectrum, scholars also discuss the related doctrine of the exception of non-performance, or "exceptio inadimpleti contractus.". Rooted in the principle "inadimplenti non est adimplendum", meaning "one need not perform if the other party does not", it can be understood as a specific defense permitting the temporary withholding of performance under a reciprocal treaty obligation in response to the other party's prior failure to perform (Forlati, 2012). While its dependency and overlap with Article 60 remains debated, it retains conceptual relevance for analysing the reciprocity at the heart of bilateral agreements like the 1997 Treaty (Zelenovskaya et al., 2023).

3.4 Jurisprudence Regarding Articles 46 and 60 of the VCLT

The abstract principles of Articles 46 and 60 of the VCLT are given concrete meaning through the jurisprudence of international courts and tribunals. An analysis of key cases reveals how the high thresholds for invocation are applied, the types of arguments that succeed or fail, and the practical relationship between treaty law and state responsibility. This jurisprudence provides essential context for evaluating the claims surrounding the 1997 Romanian-Ukrainian Treaty.

3.4.1 The High Bar for Invoking Internal Law: Land and Maritime Boundary between Cameroon and Nigeria

The International Court of Justice's (ICJ) decision in the Land and Maritime Boundary between Cameroon and Nigeria case offers the most direct judicial guidance on Article 46. Nigeria challenged the validity of the 1975 Maroua Declaration, a maritime boundary agreement, arguing it was invalid under international law because it had not been ratified by Nigeria's Supreme Military Council as required by its internal constitution (International Court of

Justice, 2002). Cameroon countered that the Declaration, signed by the two heads of state, was immediately binding.

The Court's analysis reinforced the restrictive nature of Article 46. It emphasized that a head of state is generally presumed to represent the state for all acts relating to the conclusion of a treaty (International Court of Justice, 2011). For a violation of internal law to invalidate consent, it must concern a rule of "fundamental importance" and be "manifest"—objectively evident to any other state conducting itself in good faith and in normal practice. The Court found Nigeria failed to prove that the alleged constitutional violation was "manifest" to Cameroon at the time (International Court of Justice, 2002). This ruling underscores that mere non-compliance with domestic ratification procedures is insufficient; the defect must be so egregious and obvious that it negates the apparent authority of the state's representative in the eyes of the international community.

3.4.2 Defining and Responding to Material Breach: Gabčíkovo-Nagymaros Project and Application of the Interim Accord

Two cases elucidate the scope of Article 60 and the interface between treaty termination and countermeasures. In the Gabčíkovo-Nagymaros Project case, Hungary sought to terminate a 1977 treaty with Czechoslovakia (later Slovakia) on grounds of "ecological necessity" and material breach, arguing Czechoslovakia's actions violated essential treaty provisions (International Court of Justice, 1997). The ICJ confirmed that the provisions of the VCLT, including Article 60, reflected customary international law (International Court of Justice, 1997). However, it found Hungary's termination premature, as Czechoslovakia's conduct did not yet constitute a repudiation or a violation of a provision essential to the treaty's object and purpose—the dual prongs of a "material breach" under Article 60(3) (International Court of Justice, 1997). The Court also addressed Czechoslovakia's subsequent unilateral diversion of the Danube ("Variant C"), which Slovakia argued was a lawful countermeasure. The ICJ found this action was not a proportionate response and itself constituted a wrongful act, highlighting the distinct yet related regimes of treaty law (Article 60) and state responsibility (countermeasures) (International Court of Justice, 1997).

The Application of the Interim Accord case further clarifies the rigorous standard for invoking a material breach as a justification for non-performance. Greece defended its objection to North Macedonia's NATO accession by arguing it was a response to North Macedonia's prior "material breach" of the 1995 Interim Accord (International Court of Justice, 2011). The ICJ acknowledged that a material breach could, in principle, justify such a reaction. However, it found that North Macedonia's violation—the improper display of a state symbol—was an isolated incident that had ceased years earlier and did not constitute a repudiation of the treaty or a violation of an essential provision (International Court of Justice, 2011). Consequently, Greece's action could not be justified under Article 60. This case illustrates that not every treaty breach qualifies as "material"; it must be of such gravity that it strikes at the core of the agreement.

3.5 Conclusion: A Framework for Analysis

In summary, the legal framework provided by the Vienna Convention on the Law of Treaties (VCLT), as interpreted through scholarly commentary and international jurisprudence, establishes two distinct but equally rigorous pathways for assessing the validity and continuing force of the 1997 Romanian-Ukrainian Treaty.

First, Article 46 presents a deliberately restrictive mechanism for challenging a treaty's validity at its origin. It requires a demonstration that procedural defects in a state's consent were not merely technical, but constituted a manifest violation of a rule of internal law of fundamental importance. This high threshold, reinforced by decisions such as the *Cameroon v. Nigeria* case, prioritizes the stability of international agreements and creates a strong presumption of validity, placing the burden of proof on the party alleging invalidity.

Second, Article 60 addresses the treaty's potential dissolution during its lifespan due to non-performance. It provides that a material breach—a repudiation of the treaty or the violation of a provision essential to its object and purpose—may empower the injured party to terminate or suspend the treaty. As illustrated in the *Gabčíkovo-Nagymaros* and *Interim Accord* cases, the breach must be of a grave and substantive nature, not a minor or isolated infraction. Furthermore, this legal response operates alongside the law of state responsibility, which may permit countermeasures to induce a return to compliance.

Therefore, a complete legal appraisal of the 1997 Treaty necessitates a dual examination informed by this framework. It must critically assess (1) whether procedural irregularities meet the high standard for invalidating consent under Article 46; and (2) whether Ukraine's actions constitute a material breach under Article 60, warranting termination or suspension. The principle of Article 27 operates independently of this analysis, ensuring that internal legal disputes cannot be used to excuse a failure to perform international obligations. The subsequent analysis will apply this structured, two-pronged legal test to the historical and documentary record of the Treaty's creation and implementation.

4. Invalidating Consent: Procedural Breaches in Ratification

4.1. Methodological Approach: Process-Tracing and Document Analysis

This study employs a hybrid methodological approach combining qualitative process-tracing with structured legal-documentary analysis. The aim is to reconstruct and evaluate the sequence of events and decisions during the treaty's ratification, while systematically assessing their legal significance against established international and domestic standards.

4.1.1 Process-tracing as An Analytical Tool

The purpose of using process-tracing in the context of this study is to identify the causal sequences and decision-making pathways during the Romanian ratification process (Collier, 2011), in order to trace how procedural actions (or omissions) may have resulted in a deficient expression of state consent, via tracing specific mechanisms such as: information withholding, procedural obstruction and exclusion of debate; that connect observable events to the outcome of contested ratification.

To structure this causal investigation, this study employs Stephen Van Evera's influential typology of process-tracing tests, which adjudicates theoretical expectations by distinguishing the probative weight of evidentiary clues (Evera, 1997). This framework clarifies the analytical purpose of examining specific sequences and documents.

Hoop Tests establish necessary conditions; failure of such a test can disqualify a theory or explanation. For instance, the absence of a formal parliamentary vote would serve as a disqualifying hoop for any claim of valid ratification (Evera, 1997).

Smoking Gun Tests provide sufficient evidence that strongly supports a theory if found, though their absence does not disprove it. The discovery of a document explicitly ordering the

suppression of debate would constitute such a decisive piece of evidence for procedural foul play (Evera, 1997).

Straw-in-the-Wind Tests offer preliminary, suggestive evidence that slightly strengthens or weakens a hypothesis without being conclusive. Widespread media reports of opaque procedures, while not definitive, serve as straw-in-the-wind indicators warranting closer scrutiny of official records (Evera, 1997).

Double-Decisive Tests uniquely affirm one causal pathway and disconfirm rivals. A piece of evidence that simultaneously confirms a deliberate strategy to bypass procedure and rules out alternative explanations of administrative error would meet this high standard (Evera, 1997).

Applying this typology allows for a more precise calibration of how specific procedural irregularities—such as withheld documents or truncated debates—serve as distinct types of tests against the hypothesis of a fundamentally flawed ratification process.

In terms of evidentiary standards, this analysis relies on primary sources in the form of: official parliamentary transcripts (Stenograma), treaty texts, Romanian constitutional and legislative documents, ICJ filings, and government publications. The secondary sources relied on are: peer-reviewed scholarship, reports from recognized international bodies (Venice Commission, OSCE), and contemporaneous media reports for contextualizing political discourse.

4.1.2 Legal Assessment Framework: Criteria for “manifest” and “fundamental” violations.

To evaluate whether procedural irregularities meet the high threshold of Article 46 of the Vienna Convention on the Law of Treaties (VCLT), this study adopts a couple of interpretative criteria, drawn from ICJ jurisprudence and legal scholarship.

A “manifest” violation represents a procedural defect that would be objectively evident to another state acting in good faith and following normal practice (ICJ, *Cameroon v. Nigeria*, 2002). The indicators of a “manifest” violation determined in this analysis were: (1) failure to disclose binding ancillary agreements, (2) systematic denial of parliamentary debate or expert input contrary to standard legislative practice, and (3) public and recorded objections raised during proceedings that are consistently overruled without substantive justification.

A “rule of internal law of fundamental importance” represents a domestic legal norm that is essential to the democratic legitimacy of treaty consent. Such rules referenced in the analysis are the following: (1) constitutional provisions guaranteeing parliamentary oversight and informed deliberation (Monitorul Oficial, 1991, Article 110), (2) legislative rules ensuring transparency and access to information in treaty ratification (Parlamentul României, 1991), and (3) parliamentary regulations upholding the right to debate and amend proposed laws, including international agreements (Parlamentul României, 1994).

4.1.3 Document Selection and Analysis

Documents were selected based on their official status, relevance to the ratification timeline, and capacity to illuminate procedural fairness. These documents include: the full parliamentary transcript of the parliamentary session on ratification, the 1997 Treaty text and the ancillary “Additional Agreement” filed with the ICJ in 2004, and relevant Romanian laws and constitutional provisions in force at the time. Media reports and academic commentary are not used as primary evidence of a legal violation, but to corroborate the political and public contention surrounding ratification, which may support the “manifest” nature of the irregularities.

4.2 Relevant Internal Law

As previously stated, for a treaty to be invalid under Article 46 of the VCLT a violation needs to be: (a) of an internal law, (b) of fundamental importance and (c) manifest. This section argues that Romania's irregularities in the ratification process of the Base Treaty cumulatively meet the threshold of Article 46, making Romania's consent to be invalid.

A transparent, informed and deliberative procedure is fundamental to ensuring proper democratic principles are followed during the ratification process. This could be considered a rule of internal law of fundamental importance.

During the ratification procedures in 1997, the relevant legislation that was in effect was the following: The Internal Code of Conduct of The Romanian Chamber of Deputies of 24th of February 1994, The Law Regarding Treaties of 1991 and The Romanian Constitution of 1991.

According to Point (4) Article 146, of The Internal Code of Conduct of The Romanian Chamber of Deputies, the quorum requirements must only be met at the exact moment before the final vote, so, despite opposition claims, the quorum requirements were indeed met (Parlamentul României, 1994). However, this is a mere strict adherence to the letter of the law, whilst the procedure itself was marked by violations of the principles of open debate that a quorum requirement is supposed to ensure.

According to Article 4 of The Law Regarding Treaties, any treaty that was ratified in a way that doesn't respect the international law norms regarding the validity of treaties can be declared to be null and void, using a similar procedure to the ratification procedure. Otherwise, the Treaty remains in place until it is declared null (Parlamentul României, 1991).

4.3 Uninformed Consent: Lack of Transparency and Access to Information

According to Article 110 of the 1991 Romanian Constitution, the government has the obligation to inform the parliament, via offering real access to the proper information and documents regarding proposed legislation (Monitorul Oficial, 1991). Such an obligation needs to be fulfilled ex officio for legislation regarding state budgets and social security. In any other cases, the government shall inform the parliament upon request (Monitorul Oficial, 1991). The opposition claimed that such requests were not fulfilled (Camera Deputaților, 1997).

The ruling party responded to such allegations, claiming that every MP was informed via Mail that they could consult the relevant documents at the foreign policy commission's chamber (Camera Deputaților, 1997). Several opposition members mentioned that such a document requesting their presence at the foreign policy commission never reached them (Camera Deputaților, 1997). The ruling party representative mentioned that interest in the content of The Treaty was low, given that only a few MPs were ever present at the foreign policy's chamber to consult the documents (Camera Deputaților, 1997). Whereas the ruling party framed this as a form of disinterest, it is likely that, in reality, the MPs were indeed not properly informed, given the intense public discussion in the press regarding the treaty (Camera Deputaților, 1997).

A component of the Treaty—an 'exchange of letters' between the Foreign Ministers—was not officially made public at the time (Guvernul României, 1997). Both in the press and during the parliamentary debate, the opposition brought up this fact as proof of uninformed consent. Despite opposition requests, the government did not make the contents of the exchange public or even accessible to members of parliament (Camera Deputaților, 1997). The deliberate nondisclosure of this binding ancillary text fails a basic hoop test for transparent ratification. During the debate, one of the ruling party representatives claimed that the contents of the

exchange were not relevant, which is why they were not made accessible (Camera Deputaților, 1997). This waving of valid concerns represents another instance of the government not fulfilling their obligations regarding information access to parliament.

Aurescu and Gălea emphasize that the ratification of a treaty "does not 'transform' the international norm into domestic law; rather it represents the act expressing the consent of the Romanian state and causing the international legal provision to be brought within the national legal order" (Aurescu & Gălea, 2016). This understanding presupposes that parliament, in exercising its consent function, does so with full knowledge of the treaty's complete content—including any ancillary agreements that form part of the international legal obligation.

According to Article 3, Point 2 of the 1997 Treaty, the parties shall ratify a separate treaty on the status of the Black Sea continental shelf and its exclusive economic zones, based on the principles laid out in the "exchange of letters" between the foreign ministers of the two countries, which was codified at the same time as the 1997 treaty itself. The "exchange of letters" came to be known semi-formally as the "Conex Accord", and in official documentation sent to the International Court of Justice in 2004 as the "Additional Agreement". The content of the "Additional Agreement" was allegedly leaked into the press at some point before the parliamentary debate on ratification in 1997.

Initiating proceedings before the International Court of Justice (ICJ) in 2004, Romania instituted a case against Ukraine concerning the delimitation of the continental shelf and exclusive economic zones in the Black Sea. As a part of the documents filed for the Application of Instituting Proceedings of the International Court of Justice in the Romania v. Ukraine case, the complete contents of the "Additional Agreement" were filed at Annex 2 (International Court of Justice, 2009).

According to these filings, the two governments were supposed to ratify a future treaty on the régime of the state border between the two states and on the status of Snake Island and the Black Sea exclusive economic zones and delimitation of its continental shell. The deadline for reaching a finalized agreement was set as two years after the ratification of the 1997 Treaty (International Court of Justice, 2009).

The agreement on the borders between the two states shall not, according to the text of the Additional Agreement, "affect the existing state border between Romania and Ukraine, as it was defined and described in the Treaty of 1961 on the régime of the Romanian-Soviet State border and in the appropriate demarcation documents" (International Court of Justice, 2009). The Additional Agreement thus acts as more than a mere straw-in-the-wind indicator of opaque dealings; it serves as potential smoking gun evidence that a material component of the agreement—specifically, its deference to the 1961 Soviet border treaty—was deliberately withheld from legislative scrutiny. Whereas the negotiations of the Additional Agreement regarding Snake Island and The Black Sea could be reasonably waived away by the government as "non-integral" and thus of no immediate parliamentary interest, the recognition of a Soviet agreement would have likely required properly informing all members of parliament, including the opposition that was rallying behind the claim that the 1997 Treaty acknowledges Soviet injustices.

4.4 Systematic Exclusion of Dissent

The deliberative function of Parliament was constrained during the ratification process, a fact underscored by the treaty's accelerated legislative journey. The 1997 Treaty with Ukraine stands as one of the fastest ratifications in Romanian history. The proposal was first registered on 11 June 1997, sent for parliamentary commission evaluation the next day (12 June), and

received approval from the commissions by 16 June—four days, well within but aggressively utilizing the formal two-week response window. The lower house vote was held on 26 June, with the treaty sent to the Senate the same day. The Senate vote followed on 7 July, and the President signed it into law on 12 July 1997 (Romanian Chamber of Deputies, 1997). This condensed timeline, spanning just over a month from registration to final signature, contrasts with standard parliamentary practice for consequential international agreements. For comparison, the Romanian-United States Extradition Treaty, signed in May 1999, underwent a longer-than-usual deliberative period and was ratified only in 2008 (Guvernul României, 1997; Romanian Chamber of Deputies, 2008). The speed of the 1997 procedure itself raises questions about adequate legislative scrutiny, establishing a context of haste that enabled subsequent procedural shortcuts.

This haste was politically framed as a geopolitical necessity. During the debate, Minister of Foreign Affairs Adrian Severin emphasized that Romania needed the treaty "as soon as possible", characterizing it as essential for the survival of the Romanian minority in Ukraine and implicitly linking it to the strategic goals of NATO and EU accession—a sentiment echoed by pro-ratification deputy Radu Budeanu (Camera Deputaților, 1997). This framing of urgent external imperative created a political environment where procedural objections were readily dismissed as obstructions to national interest.

Within this constrained frame, the principle of open debate and fair access to information was circumvented. Opposition deputy Petre Țulea highlighted a critical procedural failure, stating that MPs were given only 24 hours before the vote to consult the critical "Additional Agreement", a timeframe he condemned as contrary to proper procedure and which he claimed prevented his own review (Camera Deputaților, 1997). This specific complaint constitutes a failed hoop test for the fundamental requirement of informed consent. Instead of addressing this substantive procedural defect, the President of the Chamber, Ion Diaconescu, dismissed it as a "non-procedural" matter (Camera Deputaților, 1997).

This pattern of arbitrary gatekeeping is documented in the transcript. When deputy Sever Meșca requested that the dissenting opinion of the Foreign Policy Commission be presented to the plenum—a legitimate request given the lack of unanimous commission consent—it was similarly dismissed as non-procedural by Diaconescu (Camera Deputaților, 1997). Conversely, when deputy Miron Tudor Mitrea requested that the assenting statement of the same commission be read, the request was accepted without objection (Camera Deputaților, 1997). This asymmetrical treatment provides evidence suggestive of partisan bias in the application of procedural rules, actively amplifying supportive voices while silencing critical ones.

The exclusion extended to expert voices within the chamber's own structures. The Vice-President of the Foreign Policy Commission, representative Romulus Neagu, sought to contribute his expert assessment during the debate on the treaty's contents (Camera Deputaților, 1997). President Diaconescu repeatedly denied him the floor, citing grounds of disorderly conduct and deeming his interventions non-procedural, despite implying he would be allowed to speak later—a promise not fulfilled according to the transcript (Camera Deputaților, 1997). This suppression of a commission official offering a scrutinizing perspective suggests that the deliberative process was constrained.

Cumulatively, the rushed timeline, the failure to ensure adequate consultation time for key documents, and the documented asymmetry in applying procedural rules to exclude dissent move beyond straw-in-the-wind indicators of irregularity. However, it is important to note evidentiary limits: the parliamentary transcript does not contain direct evidence proving that the procedure was intentionally engineered (i.e. a memorandum or explicit instruction) to secure expedited approval rather than facilitate informed consent. The pattern observed is

consistent with such an inference, but this remains an inference based on circumstantial evidence. The available record demonstrates an absence of necessary conditions for robust democratic ratification, but the question of deliberate intent to subvert procedure is not definitively resolved by the documentary evidence presently available.

4.5 Ukrainian Perspective on Ratification Validity and Article 27 of the VCLT

Article 27 of the Vienna Convention on the Law of Treaties (VCLT) establishes a cornerstone principle of the international legal order: a state cannot rely on its own domestic laws to justify the non-performance of a treaty (United Nations, 1969, Article 27). This principle is critical for ensuring the stability and reliability of international agreements. If a sovereign state enters into a binding international commitment, it is responsible for aligning its internal legal and political processes to fulfil that obligation. As codified in Article 27, "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty." For instance, a state cannot defend a treaty breach by claiming that its parliament failed to pass implementing legislation, that a subsequent domestic law contradicts the treaty's terms, or that a constitutional court ruling created an internal obstacle. The provision protects the integrity of the international system by preventing a state from using its internal politics or legal complexities as a shield against its international responsibilities, thereby upholding the foundational *pacta sunt servanda* principle ("agreements must be kept") stated in VCLT Article 26. Article 27 is distinct from the provisions governing a party's response to the other's substantive non-performance, which are addressed under Article 60 of the VCLT.

From Ukraine's official standpoint, the procedural debates within the Romanian Parliament were a matter of internal Romanian politics that did not affect the treaty's international validity. Following the principle of the 1969 Vienna Convention on the Law of Treaties (VCLT) that a state may not invoke its internal law as a justification for failure to perform, as per article 27, the Ukrainian Government considered the treaty binding upon its formal signature and subsequent ratification by both states' competent authorities (United Nations, 1969, Article 27). According to expert surveys by the Razumkov Centre on Ukrainian Foreign Policy, the experts identify only Hungary's foreign policy as an active obstacle in the long-term policy goal of integration into Euro-Atlantic Structures, pointing to seeing the Romanian issue as settled (Razumkov Centre, 2025). Additionally, at the Treaty signing ceremony, Ukrainian President Leonid Kuchma framed the agreement as "the common path toward the European community" and a necessary step to "strengthen regional and European security" by recognizing the current borders (Radio Free Europe, 1997).

This official narrative, presented at the treaty's inception, underscores how Ukraine viewed the pact as a final settlement of historical issues and a strategic diplomatic achievement, thereby rendering subsequent internal Romanian disputes legally and diplomatically secondary from its perspective.

5. Substantive Breach: Ukraine's Failure to Uphold Minority Rights

5.1 Minority Rights and Native Language Schooling

Article 12 of the Romanian-Ukrainian Treaty stipulates that both parties shall cooperate and ensure the upholding of minority rights within their territory according to standards of international law. Article 13 elaborates on this duty, requiring parties to ensure proper legislation upholding the rights of national minorities to freely associate, including respecting their right to organize educational establishments according to their national character (Art.

13(6)). According to Article 13(11), neither national government shall limit minority rights via legislation or other means. More importantly, Article 13(5) states that educational institutions with instruction in the minority's native language shall be established and not infringed upon (Guvernul României, 1999).

On September 25, 2017, the Law "On Education" was signed by President Poroshenko, making Ukrainian-language instruction mandatory for all students from Grade 5 onward (Verkhovna Rada of Ukraine, 2017). This was seen by Hungarian, Romanian, and Russian state authorities as a breach of minority rights, with Romanian President Klaus Iohannis cancelling his official visit to Ukraine in protest on November 1, 2017 (Iohannis, 2017). The Council of Europe's Venice Commission found the law did not strike a fair balance between strengthening the state language and protecting minority rights (Venice Commission, 2017).

After the law passed the Ukrainian Rada but had not yet been signed, President Poroshenko declared that the law is the “key to the future of education in the country”, and the foreign minister of Ukraine at the time, Pavlo Klimtkin stated that the law in its current form would not hamper the free development of minority languages in Ukraine (Radio Svoboda, 2017). The Minister of Education, Lilia Hrynevych echoed the same sentiment, whilst noting that the official *raison d'être* of the education law is that minority schools in Ukraine do not pass minimum Ukrainian language proficiency tests (Radio Svoboda, 2017).

On the 8th of December 2023, the Ukrainian Rada voted to amend the education law, allowing instruction in languages of the European Union, including Romanian (Jędrysiak, 2023). Ukraine's position regarding the 2017 Education Law centres on the prerogative of a sovereign state to unify its national identity and strengthen its territorial integrity, particularly in a context of ongoing external aggression. The official justification from Kyiv is that the law's primary objective is to counter post-Soviet Russification and promote the Ukrainian language as a pillar of national cohesion (Radio Svoboda, 2017). Ukraine further contends that its subsequent 2023 amendment to the law—bringing it into alignment with European Commission recommendations as part of Ukraine's EU accession process—demonstrates good faith and a commitment to progressively implement its international obligations.

5.1.2 Material Breach Analysis under Article 60

Applying the framework established in Section 3, Ukraine's 2017 education law constitutes a material breach of the 1997 treaty under VCLT Article 60(3)(b), as it violated a provision essential to the treaty's object and purpose.

In order to establish the purpose of the Treaty, Article 13(1) is instructive. Article 13(1) states that “1. In order to protect the ethnic, cultural, linguistic and religious identity of the Romanian minority in Ukraine and Ukrainian minority in Romania, the Contracting Parties shall implement the international norms and standards defining the rights of persons belonging to national minorities [...]”, as per ICJ filings.

Article 13(5) states that “ The Contracting Parties shall create for the persons belonging to the Romanian minority in Ukraine and Ukrainian minority in Romania the same conditions for the study of their mother tongue. The Contracting Parties reaffirm that the above-mentioned persons have the right to be instructed in their mother tongue in an appropriate number of public schools and institutions for education and specialization, located accordingly to the geographic distribution of the respective minorities. They also have the right to use their mother tongue in relations with public authorities, according to national legislation and international commitments undertaken by the two Contracting Parties.”, as per ICJ filings.

Article 13(11) states that “None of the provisions of this article shall be interpreted as limiting or denying human rights, as recognized in accordance with the legislation of the Contracting Parties or the agreements concluded between them.”, as per ICJ filings.

The treaty's main purpose was to establish stable bilateral relations through reciprocal protection of minority rights, as reflected in Article 13(1). The 2017 law's mandatory Ukrainian-language instruction from Grade 5 undermined the Romanian minority's ability to receive native-language education, violating Article 13(5)'s “right to be instructed in their own maternal language” provision and secondarily violating Article 13(11)'s commitment towards not limiting human rights.

The breach persisted for approximately six years, from 2017 to 2023. Unlike the isolated incident in the “Interim Accord” case (ICJ, 2011), this was a systematic legislative change affecting all minority students across Ukraine, meeting the gravity threshold for material breach.

5.1.3 Ukrainian Defenses

The Ukrainian government's defense of the 2017 law rests upon two interrelated arguments: the constitutional necessity of replacing a prior, invalidated statute, and the principle of reciprocity in minority protections. Scholars such as Toronchuk and Markovskiy contend that the 2012 education law, which offered more extensive minority-language provisions, cannot serve as a baseline for evaluating the 2017 law, as it was declared unconstitutional by the Ukrainian Constitutional Court (Toronchuk & Markovskiy, 2018). They further argue that the recommendations of the Venice Commission created an imbalance, obligating Ukraine to standards allegedly exceeding those practiced by some EU member states (Toronchuk & Markovskiy, 2018). This reciprocity-based defense, however, is legally and factually deficient in the context of Romanian-Ukrainian relations.

First, the principle of reciprocity in treaty law does not operate as a race to the lowest common denominator, but instead as a mutual obligation to uphold the specific, agreed-upon standards codified in the bilateral instrument—in this case, Article 13 of the 1997 Treaty. The object and purpose of the Treaty was to establish a *sui generis* framework for good-neighbourly relations, not to mirror the exact contours of either state's domestic policies towards other minorities. Even if one accepts the premise of a reciprocity test, the argument fails on factual grounds. Romania's record in protecting the Ukrainian minority's linguistic rights is robust. The representative of the Ukrainian minority in the Romanian Parliament has described Romania as an international example regarding minority rights protections (Petrețchi, 2025). *De jure*, Romania provides for Ukrainian-language instruction in eight counties, with secondary education available in eight and high school education in three (Ministerul Educatiei, 2022). While *de facto* enrolment may fluctuate, this is widely attributed to demographic shifts and community choice rather than state repression; as representative Petrețchi notes, the maintenance of minority identity within Romania's extensive facilitative framework is ultimately a function of community demand (Bejan, 2022). Furthermore, three Romanian universities host dedicated Ukrainian-language sections (Uniunea Ucrainenilor din Romania, 2025). Consequently, the Toronchuk reciprocity argument fails to identify a material deficit in Romania's compliance that could justify Ukraine's unilateral diminution of the Romanian minority's treaty rights.

Second, the procedural invalidation of the 2012 law does not grant the state *carte blanche* to enact replacement legislation that contravenes its international obligations. Article 27 of the VCLT is unequivocal: “A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.” (United Nations, 1969). The 1997 Treaty obligates Ukraine,

under Article 13, to uphold the right of minorities to educational institutions in their native language. The 2017 law's imposition of mandatory Ukrainian-language instruction from Grade 5 onward constituted a direct violation of this obligation, irrespective of the status of prior domestic legislation. Therefore, Ukraine's defense based on constitutional reform is inadmissible under international law to excuse a breach of treaty.

The 2017 education law constituted a material breach of Articles 13(5) and 13(11) from its enactment until the 2023 amendment. The 2023 amendment, while a positive development, does not retroactively erase the six-year period of breach for purposes of state responsibility or potential responses under Article 60.

5.2 Religious Autonomy and Intimidation

Article 13(4) of the Treaty states the following: "The Contracting Parties reaffirm that the persons to whom this article refers have the right, exercised individually or together with other members of their group, to express freely, preserve and develop their ethnic, cultural, linguistic and religious identity, the right to preserve and develop culture, free from any attempt of assimilation against their will. They have the right to fully and effectively exercise their human rights and fundamental freedoms, without any discrimination and in conditions of equality before the law. The persons belonging to these minorities have the right to effectively take part in the public affairs, including through elected representatives in accordance with the law, as well as in the cultural, social and economic life.", as per ICJ filings.

According to Article 13(4) of The Treaty, the parties shall ensure unimpeded association on religious grounds for the national minorities on their own territory (Guvernul României, 1997).

Multiple instances of tension regarding the Romanian Orthodox Church in Ukraine have been documented. On July 2, 2025, the Romanian Holy Synod issued a statement describing Ukrainian refusal to recognize its authority over minority areas as an "abusive act" that was "wholly unjustified" (Cornea, 2025a). This represents an official claim by a religious authority, not an independent verified fact regarding state action.

There have been claims from inside the Romanian Orthodox Church in Ukraine, particularly among the clergy, of informal Ukrainian pressures for the local charter of the Romanian Orthodox Church in Cernăuți to defect to the state-affiliated Ukrainian Church, including claims of threats of physical violence. (Cornea, 2025b; Ukrainian Orthodox Church, 2019). These remain allegations; independent verification is limited. The present analysis treats them as reported claims requiring further evidentiary corroboration.

Tensions escalated further with the violent events of June 2025 at the Cernăuți Metropolitan Cathedral. Multiple media sources document a physical confrontation following the cathedral's administrative transfer to the Orthodox Church of Ukraine (Adevarul, 2025; Digi24, 2025). According to reports, groups of masked individuals entered the cathedral and beat Romanian priests. The mayor of Cernăuți described the day as "historic" for Ukrainian-language services (Oliinyk & Dmytriieva, 2025).

Ukrainian police secured the perimeter, but congregants alleged that officers prevented the Romanian community from accessing the site while enabling the new parish leadership to consolidate control (Popa, 2025). This allegation of partial state action requires differentiation from verified fact: the transcript contains no official admission of partiality, and independent confirmation remains ongoing. The mayor's characterization of events signals, at a minimum, a lack of sensitivity; some analysts interpret it as official endorsement of the jurisdiction change, though this remains an interpretive claim.

Regarding religious autonomy, Ukraine's legal stance is grounded in its sovereign right to regulate religious organizations within its territory to ensure national security and social harmony (Press Service of the Verkhovna Rada of Ukraine, 2024). While the Romanian Orthodox Church's appeals highlight specific administrative hurdles, Ukrainian authorities base their regulatory approach on broader legal principles aimed at preventing undue foreign influence in ecclesiastical affairs (Ministry of Foreign Affairs of Ukraine, 2025). Such measures, from Ukraine's viewpoint, are not targeted breaches of the 1997 Treaty but are general applications of domestic law designed to maintain public order—a right reserved to states under international law. This position frames the dispute not as a failure to uphold treaty-mandated "unimpeded association", but as a complex clash between minority rights protections and the state's legitimate regulatory authority, requiring diplomatic dialogue rather than a unilateral finding of breach.

The June 2025 Cernăuți incident, if the allegations of state partiality are substantiated, would constitute a material breach of Article 13(4). Under VCLT Article 60(3)(b), violation of a provision essential to the treaty's object and purpose qualifies as material breach. Article 13(4)'s guarantee of "unimpeded association on religious grounds" is essential to the treaty's minority protection framework.

At present, the evidentiary record regarding state responsibility for the June 2025 incident is incomplete. Direct evidence of Ukrainian government-ordered coercion is lacking; what exists are (a) documented physical violence by non-state actors; (b) allegations of police partiality; and (c) official statements that could be interpreted as endorsing the outcome. A finding of material breach under Article 60 would require clearer evidence that the state failed its duty to protect minority religious association or actively enabled its disruption.

The documented pattern—refusal to recognize the Romanian Orthodox Church's authority over minority areas and the June 2025 Cernăuți incident—indicates serious tensions. However, a definitive finding of material breach under Article 60 would require further evidentiary substantiation of state responsibility for religious coercion, particularly independent verification of the alleged police partiality. The episode does, at minimum, demonstrate a failure of the Ukrainian state to maintain an environment of "unimpeded association" as required by Article 13(4), warranting diplomatic engagement and potential invocation of dispute resolution mechanisms.

6. Conclusion

The 1997 Romanian-Ukrainian Treaty was intended to be a cornerstone of stable, post-Soviet bilateral relations. However, this analysis demonstrates that its legitimacy is compromised both from its inception via an irregular ratification process and through its subsequent implementation challenges. The procedural flaws that marred its ratification in the Romanian Parliament and Ukraine's material breaches of the core minority rights provisions collectively challenge the treaty's operational stability and moral authority.

As established, the ratification process was not a model of democratic deliberation but a rushed procedure that constrained parliamentary scrutiny. The government's failure to ensure MPs were fully informed, most egregiously by withholding a legally binding exchange of letters, combined with the systematic silencing of dissent and expert voices, constituted manifest violations of fundamental internal rules. Whilst the high bar of Article 46 of the VCLT makes a formal invalidation a complex legal battle, these irregularities irrevocably stain the legitimacy of Romania's consent regarding the Treaty.

Furthermore, Ukraine's actions, particularly the 2017 education law that dismantled native-language schooling for six years, constitute a material breach of the treaty under VCLT Article 60. The subsequent religious tensions, including the June 2025 Cernăuți incident, further indicate challenges in upholding the treaty's provisions for unimpeded religious association, though definitive findings of state-ordered religious coercion require further evidentiary substantiation. While the 2023 amendment to the education law was a positive step, it does not erase years of breach and highlights the treaty's fragility in the face of domestic political pressures.

6.1. Analytical Summary

This study has applied a structured, dual-pronged legal framework to assess the 1997 Romanian-Ukrainian Treaty, examining both the validity of its ratification and the integrity of its implementation. The analysis, grounded in the Vienna Convention on the Law of Treaties (VCLT), process-tracing of parliamentary procedures, and documentation of state practice, yields two principal, legally distinct findings that challenge the treaty's political legitimacy and stable implementation.

First, regarding the procedural integrity of ratification, the examination of the Romanian parliamentary process of June 1997 reveals significant deficiencies that undermine the democratic quality of Romania's consent. The process was characterized by a lack of transparency—most notably the government's failure to disclose a binding ancillary agreement—and the systematic curtailment of debate. However, the legal threshold for invalidating a treaty under Article 46 of the VCLT is exceptionally high, requiring a "manifest" violation of a rule of "fundamental importance." As established by ICJ jurisprudence, this standard prioritizes the stability of international agreements and creates a strong presumption of validity. While the documented irregularities are serious and erode the normative legitimacy of the ratification, they likely fall short of the stringent, objectively evident defect required for a successful Article 46 claim. Thus, the procedural flaws constitute a significant political and democratic vulnerability, rather than a straightforward legal path to invalidation.

Second, concerning substantive performance, the analysis identifies that the 2017 Law "On Education" constituted a material breach of Articles 13(5) and 13(11) for six years, directly violating essential obligations for minority protection. This breach is governed by VCLT Article 60 and exists independently of VCLT Article 27 (internal law cannot justify non-performance). The 2023 amendment does not retroactively erase the period of breach. Regarding religious autonomy, the June 2025 Cernăuți incident, while serious, requires further evidentiary substantiation for a definitive finding of state-ordered material breach; at minimum, it demonstrates a failure to maintain an environment of "unimpeded association" warranting diplomatic engagement.

In conclusion, the treaty rests on a foundation that is politically and operationally fragile. It is burdened by a procedurally contentious ratification that weakens its domestic legitimacy in Romania and has been challenged by material breaches that violate its core substantive bargain. This diagnosis of systemic frailty necessitates a discussion of remedial measures.

6.2. Policy Recommendations

To address the identified frailties and build a more resilient bilateral framework, the following concrete policy measures are recommended:

1. **Bilateral Oversight Protocol for Treaty Ratification:** Romania and Ukraine should negotiate a supplementary protocol establishing clear, transparent procedures for future

treaty ratifications. This should include mandatory disclosure of all ancillary documents (like exchanges of letters) to parliamentary bodies and minimum periods for expert review and debate, mitigating the risks of "uninformed consent."

2. **Standing Joint Intergovernmental Commission with Monitoring Mandate:** A high-level bilateral commission should be re-vitalized or established, tasked with continuously monitoring the implementation of the 1997 Treaty, especially minority rights provisions. This commission should have a mandate to receive reports, conduct field visits, and publish annual public assessments, moving enforcement from ad-hoc diplomatic protests to structured oversight.
3. **Invigoration of Dispute Settlement Mechanisms:** Both parties should proactively agree to utilize the dispute settlement mechanisms outlined in the treaty (Article 27) or seek advisory opinions from international legal bodies like the ICJ or the Venice Commission regarding specific implementation disputes. This would legalize conflicts, preventing them from festering as political grievances.
4. **Parliamentary Diplomacy Track:** The Romanian-Ukrainian Parliamentary Friendship Group should be retooled with a specific mandate to discuss treaty implementation. This track can complement governmental diplomacy, foster mutual understanding, and build political will across party lines to uphold the treaty's spirit.
5. **Civil Society Monitoring Fund:** Both governments, possibly with EU support, could establish a joint fund to support independent NGOs and academic institutions in both countries to monitor minority rights and bilateral relations. Grounding the relationship in societal dialogue and independent analysis can counterbalance nationalist pressures and provide early warnings of brewing issues.

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