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THE PUBLIC IMAGE OF THE ROMANIAN-SOVIET LEGAL FRAMEWORK OR ABOUT „THE TREATY OF COLLABORATION, GOOD NEIGHBORHOOD AND FRIENDSHIP ODYSSEY"

Abstract: Aligned to the axiomatic premise that the juridical framework of the Romanian-Soviet bilateral register has always represented the most significant element afferent to the bilateral dimension, in this present research attempt we have undertaken the bold engagement to examine the odyssey of the Treaty of collaboration, good neighborhood and friedship from the great public's grid of perception. In other words, the paper aims within an interdisciplinary research attempt, subsumed to an approach from the perspective of the historic semantics and hermeneutics, to highlight the public image of the Romanian-Soviet legal framework. Thus, in order to reveal the nodal vein of the paper, the present research attempt has a methodology configuration based on an interpretive and comparative technique. Integrally, the research paper aims to reveal the manner in which the Treaty of collaboration, good neighbordhood and friendship, namely the manner in which the juridical framework of the bilateral dimension has been perceived at the level of the entire Romanian society.

Keywords: public image, Treaty of collaboration, good neighborhood and friendship, Romanian-Soviet bilateral relations, juridical framework, Romanian society.

Undoubtedly and undeniably, for the Romanian-Soviet immediate universe the need to materialize the most representative diplomatic piece related to the bilateral register, respectevely the necessity to materialize the bilateral treaty, has represented an immutable reality as well as a permanence of the bilateral interference framework. Basically, since the early '90s, it has been agreed at the level of both sides involved in the bilateral process, that from the equation of resseting the bilateral relations as well as from the logic of activating the bilateral dialogue, could not miss, the legal instrument that represented, unquestionably, the basis foundation of the relations. Therefore, it appeared as natural as possible that once with the epilogue of the Romanian communism, the Romanian-Soviet bilateral relations would suffer, considerable changes at the level of their juridical substratum. In other words, at that moment, was imperative that the legal relations between the two states involved within the bilateral process, would comport a democratic and innovative portrait, a portrait attesting to the truthfulness that at the level of bilateral relations would crystallize a framework for good neighborhood, collaboration and amity. This was in fact the central objective on behalf of whom the new political elite has initiated hard steps towards the elaboration af a new bilateral agreement.

What made however the Treaty of collaboration, good neighborhood and friendship not to exercise its legal effects and no longer to achieve its desired objectives? Despite the salutary objectives which it has proposed, the Treaty of collaboration, good neighborhood and friendship has lost its meaning and essence of the message that it intended to convey, when it have been detected two ambiguous clauses that contradicted directly with the national interest of the Romanian state. The presence of a provision which deliberately paralyzed Romania's external action on the international arena and which restored Romania's status of vassalage in

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relation with Moscow, as well as the existence of a clause which legitimated the effects of the Ribbentrop-Molotov agreement, did nothing else but to discredit the image of a bilateral agreement which intended, at least at a declarative level, to reset the Romanian-Soviet relations on the foundation of a set of principles, among which, undoubtedly, the principle of respecting the national interest, prevailed. Simultaneously, the Treaty of collaboration, good neighborhood and friendship lost its meaning also when it has been remarked that the new bilateral agreement was symmetrical in content with the treaties already existing at the level of both states. Thus, although well intended through the central essence of its message, the Treaty of collaboration, good neighborhood and friendship, has lost its fundamental argumentation precisely because it has revealed the absence of a coherent approach regarding the pressing issues which colored the bilateral register but also because it has revealed a lack of clear vision related to the nature and the type of relations that profiled at that moment between Romania and the Soviet Union. In fact, the reality related to the existence of a situation that did not change anything in terms of bilateral relations but also the incapacity and inability to enter in the substance of the elements which still were in suspension at the level of the bilateral register, have significantly diminished the effects of a juridical initiative considered unprecedented.

Therefore and in such conditions, if it is true that the Treaty of collaboration, good neighborhood and friendship failed to reestablish a bilateral relation which would respond first of all to the interests of the Romanian state, it is also true that the bilateral treaty has been perceived in a distinct manner both at the level of the Romanian political elite as well as at the level of the Romanian civil society. Thus, for the main Romanian decision makers, the initiative of the bilateral treaty as well as its authentic implications, determined an acute polarization, the Romanian political scene thus transforming in the shortest possible time, in a theater of differences and major disagreements regarding the controversial treaty. As a matter of course but also as it has been predicted, for the artisans of the treaty as well as for the apologists of the new international document, the perception related to the Treaty of collaboration, good neighborhood and friendship, remained until the end, a total positive one, most of the politicians of the FSN group thus expressing their conviction that the treaty recently signed had been elaborated at the European and democratic standards, reflecting the essence of truthful friendship and cordial relations, relations which were evolving primarily on the basis of mutual respect, fairness and respect for the national interest of both states. Concomitantly, for a considerable part of the politicians who were leading the political destiny of the country at that time, the treaty continued to be perceived, despite the two inaccurate and bizarre clauses which have been detected, ,,extremely welcomed, the more so as the treaty represented a significant step towards normalizing the relations between the two neighboring countries, a step which would be preceded by other steps such as the Ribbentrop-Molotov treaty revision and the problem of the Romanian Treasure"[1].

Naturally and predictably, among the most ardent defenders of the treaty was also Ion Iliescu, the former president of the Romanian state representing the key character who has been directly involved in the process of elaborating the Treaty the collaboration, good neighborhood and friendship but also the person who did not denie from his convictions regarding the treaty, considering the bilateral agreement, until the end, a success in the bilateral dimension, with extremely favorable effects for the evolution of the Romanian-

[1] The opinions and convictions belong to the FSN deputy and vice-president of the Chamber of Deputies, Ionel Roman, the person who was among the political figures who pleaded systematically for the necessity to materialize the treaty with the Soviet Union, but also the politician who worked hard to rehabilitate the importance of the international document especially when the Treaty of collaboration, good neighborhood and friendship has been highly criticized. For more information regarding this issue, see,, *Jurnal Internațional*", 18 mai 1991.

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Soviet relations and beyond. Besides, according to the personal testimony provided by Ion Iliescu on the basis of an interview, it has been revealed concrete the fact that ,,the treaty did not have how to obstruct Romania's accession to the Euro-Atlantic structures since the new bilateral agreement expressed the essence of friendly and natural relations at the level of both states and did not pose the problem of adversity between Romania and the Soviet Union"[2].

Moreover, among the coryphaeus and the partisans of the treaty with the Soviet Union, was Adrian Năstase, respectively the artisan of the treaty and the political personage who during his mandate of foreign minister has concentrated its efforts in order to reorganize and reshape the legal format of the Romanian-Soviet relations but also around the necessity ,,to realize a treaty which would respond to the common concerns, respectively, around the need to elaborate a treaty which would have a general European character and even a universal one, and would not contain military clauses"[3]. Besides, Adrian Năstase was also the person who tried to give a different interpretation of the provision of article 4, appealing to an explanation which took into account first of all, the dialectics and the philosophy of the new European principles imposed by the CSCE process. The explanation most often cited in this regard, explanation that otherwise would have to respond to the need to eliminate a great deal of prejudice manifested in regards to the deficiencies detected in the document, had at its foundation the belief that ,,in terms of the Charter of Paris for a new Europe signed on 21 November 1990, the relations between the states of the continent would not be based from that moment on the existence of hostile alliances, the countries would no longer regard themselves enemies and the security in Europe would be based on a structure that would lead to greater confidence among states so that the reciprocal acceptance of the obligation not to participate in hostile alliances, would not affect in any way the sovereign right of a state to participate generally in alliances, giving instead expression only to the conception of eliminating the hostile alliances as well as to the division in Europe"[4]. This reasoning which has sizeable imprinted its whole perception regarding the treaty, represented actually the means but also the excuse under which the Romanian diplomat tried until the end to apologies the importance as well as the essence of the Treaty of collaboration, good neighborhood and friendship.

Thus, if it is generally accepted that a large part of the members of the FSN group have been the constant and fervent defenders of the treaty with the Soviet Union, their entire strategy focusing around the necessity to argue all the way for the importance and usefulness of the Treaty of collaboration, good neighborhood and friendship, -strategy which also made them particular on the Romanian political scene-, it is equally true that for the traditional party representatives as well as for the members of the opposition, the bilateral treaty initiative was perceived from the outset, with considerable reluctance, but also in a completely negative optics. Essentially, for the majority of the traditional parties, the bilateral treaty issue raised from the start both concern and anxiety, the leading policy makers of the structures which have been created since the interwar period, thus focusing their political actions towards blocking the treaty in order not to reach in the Romanian Parliament and to be ratified. Simultaneously, the primordial actions of the traditional parties focused both around the need to decant the stake and the true implications of the international document that had been recently signed in Moscow, as well as on the urge to draw attention to the risk to which the Romanian state was exposed if the Romanian people would have given course to such a

[2] Interview realized on 11 may 2011, with Ion Iliescu, former president of the Romanian state between 1990-1996/2000-2004.
[3] Adrian Năstase, "Naşterea lumii unipolare şi consecinţele ei, după Războiul Rece", în vol. Iulia Moţoc, Şerban Filip Cioculescu (coord.), *Manual de analiză a politicii externe*, Iaşi, Polirom, 2010, p.321.
[4] Idem, *România şi Noua Arhitectură Mondială*, Bucureşti, Regia Autonomă Monitorul Oficial, 1996, pp. 116-117.

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treaty. The main objectives and critics which had been invoked by the traditional parties regarding the treaty with the Soviet Union, have been those that focused primarily on the ,,rush and even the precipitation with which the treaty with the Soviet Union had been signed"[5] but also to the fact that the Treaty of collaboration, good neighborhood and friendship ,,constituted the first legal document that the Soviet Union had signed with one of its former allies from the socialist camp, an event which was considered detrimental to Romania"[6]. At the same time, for a great part of the politicians who did not see the treaty initiative in good terms, some of the questions which had been raised, focused mainly around the two clauses which endangered the Romanian national interest, the majority of the political forces within the Liberal Party and the Christian Democrats groups, thus expressing their beliefs that in the situation where there existed both a provision which restricted in a flagrant manner Romania's orientation in the international dimension as well as one which legitimized the loss of some old Romanian territories, such a treaty had to be categorically rejected at the official level.

Therefore, if it is true that the impact of the treaty with the Soviet Union created an unprecedented situation at the level of the Romanian political elite, polarizing the Romanian political scene according to two currents and antagonistic orientations, it is also true that the impact of the Treaty of collaboration, good neighborhood and friendship, has exercised at the level of the Romanian civil society, an unanimous reaction, of revolt and mass apostasy. Beyond the sharp criticism that the representatives of the opposition did not hesitate to display regarding the treaty with the Soviet Union, the Romanian civil society represented the most emblematic social segment who has taken an urgent attitude concerning the bilateral treaty issue, in other words, the Romanian civil society has voiced the most strongly against the Treaty of collaboration, good neighborhood and friendship, thus expressing their belief that such a bilateral agreement could only represent ,,the treaty of an unprecedented national disgrace"[7], with negative implications, unfavorable and gloomy for the Romanian state. In essence, the reaction of manifest disapproval but also of categorical denial regarding the bilateral treaty, a reaction detected at the level of the Romanian society has been primarily alimented by a strong psychological resort -that of the historical experience lived together with the Soviet Union-. At the same time also it is no less significant, that the shock generated by the episode of signing the treaty with the Soviet Union, was justified also by the fact that at that moment, the majority of the Romanian population was still blocked in the patterns of an obvious Russian-phobia. Scarcely because of these relevant considerations, it is not at all surprising the attitude of virulence with which the majority of the Romanian civil society has militated against a treaty that they considered totally abject and defective for the Romanian state.

Therefore and in such conditions, the treaty that has been designed to radically transform the nature of the relations between Romania and the Soviet Union as well as to reconfigure in a mutual favourable manner the bilateral interference framework, generated, however, a strong earthquake, propagating its waves to the deepest layer of the Romanian society. The impact of the treaty has been felt both at the level of the Romanian political class, there where the bilateral agreement has managed to fracture the main political parties in two diametrically opposed parties, but also at the level of the Romanian civil society, namely at the level of a social vein extremely important who has been virtually paralyzed by the priority which has been given to the Soviet Union in order to materialize a new treaty with Romania.

[5] ,, *Jurnal Internațional*", 9 octombrie 1991.
[6] Domnița Ștefănescu, *Cinci ani din istoria României. O cronologie a evenimentelor: decembrie 1989-decembrie 1994*, București, Mașina de Scris, 1995, p.138.
[7] ,,*România Liberă*", 3 mai 1991.

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Consequently, if it is widely recognized the fact that the treaty with the Soviet Union has generated an amalgam of reactions at the political level and has also jammed Romania's fundamental social vein, it is also true that the Treaty of collaboration, good neighborhood and friendship has not generated a state of impassivity at the level of the ordinary citizens and also did not pass unnoticed for the widest part of the Romanian society. On the contrary, for the majority of the ordinary citizens, the bilateral treaty issue, raised even from the start a certain kind of reaction and a certain typology of perceptions, the largest part of the Romanian society thus dissociating itself in relation to the bilateral treaty issue by a very wide range of opinions. Actually, according to a survey that has been carried out at that time regarding the views expressed by citizens of various social groups in the matter of the Treaty of collaboration, good neighborhood and friendship, it has been observed that a large proportion of respondents expressed their beliefs in favor of rejecting the treaty with the Soviet Union, ,,thus presenting the undeniable reasons for which they considered that such a treaty was simply inappropiate for Romania"[8].

At the same time it is no less significant, that the moment occasioned by the investigation carried out regarding the impact which the treaty with the Soviet Union generated at the level of the ordinary citizens, has revealed also favorable opinions concerning the treaty which had been recently signed at Moscow. In other words, with the occasion of the survey carried out, there have been notified also respondents who saw in the opportunity of materializing a treaty with the Soviet Union, an advantage as well as a success undertaken in the foreign dimension, ,,voices who subsequently justified their reasons for which they perceived in good terms the Treaty of collaboration, good neighborhood and friendship initiative"[9]. Therefore and in such conditions, also for the majority of Romania's ordinary citizens, the problem of the treaty with the Soviet Union has been perceived in a distinct optics, thus highlighting both positive voices as well as contesting echoes regarding a document of international law which has been considered unprecedented in post-communist Romania.

In conclusion, the initiative of elaborating a treaty with the Eastern neighbor but also the desire to confer substance to the juridical register of the bilateral dimension, has generated an atypical situation at the level of the Romanian society. The regulation of the juridical and legal statute between Romania and the Soviet Union, although it should have been a salutary initiative at that time, has generated, instead, an avalanche of reactions at least controversial. For the Romania's referential political segment, the Treaty of collaboration, good neighborhood and friendship managed to split the Romanian political class according to the

[8] Among the reasons for which some respondents placed themselves against the Treaty of collaboration, good neighborhood and friendship, the following aspects prevailed: 1). despite the fact that the treaty with the Soviet Union was fundamentally different in content with the previous one, signed in 1970, its central message highlighted also a concession made in favor of the great neighbor (an engineer from Suceava); 2).the Treaty of collaboration, good neighborhood and friendship made nothing else but to perpetuate a state of affairs, namely that of obedience to the Soviet empire (master from Suceava); 3). in the question regarding the treaty with the Soviet Union it has been exercised too much haste without even taking into account the fact that there still existed old unhealed wounds between Romania and the Soviet Union (teacher from Suceava). For more details related to this subject see, ,,*Jurnal Internațional*", 28 iunie 1991.

[9] From the corollary of reasons which justified some respondents to place themselves among the persons who saw in favorable terms the initiative of the treaty signed with the Soviet Union, the following issues have been highlighted: 1).through its content, the new treaty differed substantially from the old one, and the Treaty of collaboration, good neighborhood and friendship was welcomed because it was natural and right for the Romanian state to be in good relations with its neighbors (a retired person from Ialomița); 2). the treaty had been thought for the interest of the Romanian state and was quite favorable at that moment for Romania (deputy mayor from Ialomița); 3).the treaty was considered a success in economic terms because it would facilitate and allow the development of complex economic relations with the Soviet Union (director from Călărași). The source: *Ibidem*.

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positions that the main political parties had at that moment regarding the treaty issue. While most of the leading members of the FSN party made an apology for the necessity of elaborating a treaty with the Soviet Union, thus placing themselves until the end in the camp of the treaty partisans, the majority of the traditional parties and implicitly the members of the opposition oriented their main approaches in favor of rejecting the bilateral agreement. Instead, for the representatives of the Romanian civil society, the bilateral treaty initiative has been perceived from the very beginning until the end with obvious dissatisfaction, the members of the civil society thus vibrating and resonating in a deepest manner for the unanimous repudiation of the treaty. Finally, for Romania's ordinary citizens and implicitly for the largest part of the Romanian society, the treaty issue has generated a mixture of reactions and a wide range of attitudes, as a more conclusive proof of the fact that the problem of the bilateral treaty could not remain impassive to the most numerous part of the Romanian people. Undoubtedly, the issue of the Treaty of collaboration, good neighborhood and friendship reached each part of the Romanian social dimension, thus generating a cascade of contrasting reactions in relation to a foreign policy act, which at least from its provisions, did nothing else but to remove the Romanian state from its genuine international destiny.

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