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THE TREATY ON THE UNION OF BESSARABIA WITH ROMANIA

(Paris, October 28, 1920)¹

Abstract

Presenting his study, the author underlined and illustrated the decisive role played – together with the other treaties signed during The Peace Conference, when was also signed *The Treaty for the union of Bessarabia with Romania* (28 March 1920), as being the most significant fulfilment of the secular dream of Romanians – The Greater Romania. It was for the first time, when Romania participated and signed for regulating its Eastern border. But, unfortunately, *The Treaty* was not ratified in keeping with the applicable rules of the International Law and consequently, this did not come into force and did not be applicable. Nevertheless, *The Treaty* was approved by The Conference and was expressly or tacitly accepted by the States – entire international community.

After that, comparing the former status of Bessarabia – as a part of Romania and the present one – Republic of Moldova, he expressed his disappointment that Romanian nation is still divided. But, terrible and antinational is the fact that instead of regain, Romania capitulated by excessive concessions made in favor of Ukraine, giving legitimacy to the criminal occupant. So, the cruel destiny of the Romanian communities that are leaving in Ukraine is already decided forever.

Key Words: Romania – Bessarabia; Conference Paris Treaty; Ukraine; capitulation; *statu-quo ante*.

1 Ion M. Anghel, *Politica externă și diplomația României pe parcursul unui secol de la înfăptuirea României Mari*, Vol. I - *Momentele cruciale*, Edit. Academiei Române, București. 2018, p. 71-73; *Tratatetele de la Trianon și Paris din 1920 – Documentele prin care s-a consfințit înfăptuirea României Mari*, Edit. Academiei Oamenilor de Știință din România, București, 2018, p.10-15; *Politica externă a României cu privire la Basarabia, reflectată în activitatea diplomaților săi*, Edit. Universul Juridic, București, 2016, p.334-343 și *Basarabia – pământ românesc*, Rev. Geopolitica, Edit. Top Form, București, 2016, p.217-228; Aurel Preda, *Neither Bessarabia, nor Transylvania, în Quo vadis Romania*, Edit. Universul Juridic, București, 2013, p.177-190

**I. Is there such a solid reason - irrefutable in legitimacy and fairness,
so that the union of Bessarabia with Romania cannot be blocked?**

- The signing of the *Treaty* - an act of overwhelming importance, a favorable and decisive chance for us to reach the long-awaited achievement of the Great Union - is and remains unique, inscribed in our history as a crossroads event - legitimate, triumphant and worthy, which the Romanian nation fully deserved - unprecedented, but also one that has remained unrepeatable, unfortunately, even for the future. It was the first time, that at the Peace Conference - of such magnitude and impact in history, we were recognized, worldwide and in the form of a binding document, the legitimacy of the aspirations we Romanians had, for Bessarabia to be within the same nations and to be part of this state structure - the respective document bearing the signature of Romania, along with those of the Great Powers of the time. History then ruled in favor of the Romanians, and as Petre P. Carp stated, "Romania is so lucky that it no longer needs politicians to deal with the country's fate."

It remains unforgettable and unacceptable that, in the entire history of Romania, the country remarkably imposed, namely - its eastern border, to have been the most haunted, it being subjected to 12 Russian invasions², as were the barbarian or to the Tartar hordes, when its borders were imposed, as a deadly execution, dictated with a cruelty that remained their own. In fact, Mihai Eminescu called Russia "a consuming power" and that "the Russian Empire is not a state ... it is a whole world." But that is why the signing in Paris, on the 28th of October 1920, of the *Treaty of Union of Bessarabia with Romania*, was the miraculous millennial and unexpected event, which put an end to an era, with its ominous suite of tragic situations, unfortunately fallen upon the Romanians in Bessarabia - a time when Romania ceased to be an object to be divided and finally had the quality of party to the treaty by which it established its eastern border.

It was the first time in our history that Romania's border on the Dniester was established by a treaty to which Romania was a party; but it remained the only one, because the suite of actions - *the Ribbentrop – Molotov Pact*, the 1940 *ultimatum*, the Yalta "fair" of 1945, and *the Peace Treaty* of 1947 - all these were imposed by force on Romania, and *The Ribbentrop-Molotov Pact* and the 1940 *ultimatum* are the basis for establishing the border between Romania and Ukraine, but also between Romania and the Republic of Moldova.

The accomplishment of Greater Romania took place through the act of unwavering will of the Romanians, first of all, but also based on the principles and rules of international law and equity, as well as with the support of the public opinion of that time. The Romanian provinces decided their fate,

2 I. Arnăutu, *12 invazii rusești în România*, Edit. Saeculum I.O., București, 1996.

uniting with the Country, since 1918, while through the peace treaties signed by Romania in 1919-1920 and entered into force in the following years, these great acts were recognized and the decision was enshrined as well as their history, at the level of all mankind.

It should be noted that, along with the other treaties signed at the Peace Conference (1919-1920) - from Saint-Germain, Trianon, Neuilly sur Seine and Sèvres, the *Treaty of Union of Bessarabia with Romania* is, equally, the basis for the recognition and consecration of the legitimate secular desire of the Romanians, which had been expressed in a courageous way, with authority and dignity, through the decisions adopted by the *Country Council* in Chisinau (March 27, 1918), by the *General Congress of Bukovina* (November 28, 1918) and the *Great Assembly in Alba Iulia* (December 1, 1918), thus closing the process of unification of Romanians. The three unions represent, together, the *alpha and omega* of the entire Romanian nation.

As it is known, the great problem of Romania, in 1916, was not whether or not to enter the war - because otherwise, it would not have even had the quality of a belligerent State, to be able to participate in the Peace Conference, but which party to join; if it joined the Allied and Associated Powers, Romania had a chance to regain Transylvania and Northern Bukovina, but instead perpetuated Russian rule over Bessarabia; if otherwise it allied with the Central Powers, the union of Transylvania with Romania was excluded, but it would have had the opportunity to annex Bessarabia, in case of victory; eventually opting for the Allied and Associated Powers, Romania resigned itself to the pathetic precept *sauve qui peut* in Bessarabia³ (and it would not be for the last time, except in 1918 and 1941)⁴. However, destiny promoted what did not seem imaginable, so that the overthrow of the initial situation created the ideal chance for the union of Bessarabia with Romania.

Therefore, the signing of the *Treaty* meant, firstly as an echo, but then also as an impact, an unexpected and surprising achievement and continued to be so for a long time for Romania and especially for the Romanians between the Prut and Dniester, a fantastic event, unprecedented in our history; no one could have imagined, nor was it to be hoped for at the time, such a favorable development as to put an end to this age-old ordeal.

The situation created after the signing and application of the *Treaty*, seen as a hope offered to us by destiny, did not seem to be crazy and created the indescribable enthusiasm that encompassed all Romanians - animated by new hopes, but did not generate the caution and the clairvoyance required to

3 V. Lucian Boia, *Primul Război Mondial – Controverse, paradoxuri, reinterpretări*, Edit Humanitas, București, 2014, p.67.

4 Regarding the Bucharest governors position towards Bessarabia, see Ion M. Anghel, *Politica externă a României cu privire la Basarabia, reflectată în activitatea diplomaților săi*, Edit. Universul Juridic, București, 2016, p.347-349.

maintain this grandiose conquest, by which Bessarabia had joined Romania⁵. *Hélas*, the event remained the only one, because the documents subsequently signed by Romania in connection with the territory and the border, were imposed by force, as well as for reasons attributable to them, only to our decision makers⁶. What could be sadder, unworthy and even shameful - unforgivable, than the fact that Romania remained the only victim of the *Ribbentrop-Molotov Pact*⁷, failing to condemn this act, located outside the law and morality (in the treaties concluded by Romania in the years' 90, with the Russian Federation and Ukraine), thus agreeing to what, only after a Peace Conference, is imposed on the loser.

All this surprise, unexpected at first, was later diminished - as unfortunately could be seen - to an illusion (which, however, mattered to some extent, as I will show later), because the *Treaty* was not the document in good and proper form drawn up, which was inexorably required to accomplish what the Romanians had thought had happened.

- The Peace Conference had the gift of ending the conflict, with its immense loss of life⁸ and material damages, which had made Europe a real ruin; consecrating the peace that was intended to be an eternal one - based on *collective security*⁹ and establishing the conditions - principles and mechanisms on the basis of which to organize and conduct relations between the states of the new Europe - purpose for which the *League of Nations* (when the belligerents were given to justice)¹⁰, it based all its decisions on the *principle of nationalities*¹¹, with the fast and urgent consequence of the

5 With an area of almost 300,000 km² (as much as Italy), on the 10th place in Europe and with a population of 16 million inhabitants, of which 80% were Romanians and a smaller number of minorities than those from Czechoslovakia or Poland; Ion M. Anghel, *The borders of Greater Romania*, în „Annals of Academy of Romania Scientists”, Series on History and Archaeology, no. 1/2016, p. 31-49.

6 Ion M. Anghel, *Tratate...și tratate*, în *Pagini din Diplomația României*, Vol. II, Edit Junimea, Iași, 2010, p.135-175.

7 Ion M. Anghel, *România și Pactul Ribbentrop-Molotov: un caz de sechelă eternizată*, în Vol. *Panorama comunismului în România*, Edit. Polirom, 2020, p. 983-995; Ioan C. Popa, *Fața nevăzută a agresorului. Pactul Ribbentrop-Molotov și urmările lui pentru România*, Editura SemnE, București, 2017, p.190-206.

8 The loss of human lives of approx. 8 million, of which France 1.4 million, Germany 1.8 million, and Romania 700 thousand.

9 "A general association of nations will be formed on the basis of a special convention, in order to give mutual guarantees of political independence and territorial integrity to both large and small states" - Point 14 of the *Basic Principles of Peace* - Woodrow Wilson.

10 Under the Treaty of Versailles (art. 227), Wilhelm II of Germany was indicted for insulting the authority of international treaties.

11 About the principle of nationalities, the great revolution that took place in international life by proclaiming it, how important it was for our country, see George Sofronie, *Principiul naționalităților în Tratatetele de pace din 1919-1920*, Edit Albatros, București, 1999, p. 182-240.

disintegration of empires and the emergence of new sovereign nation-states, the restoration of others or the reunification of existing sovereign states¹².

- Given that, at the basis of peace and the establishment of the new order in Europe, the Peace Conference laid down the *principle of nationalities*, but also the *principle of self-determination until the separation of nations*¹³ been proclaimed - a concept consistent with this, after it declared an *independent Romanian state* (out of Russian rule) on January 24, 1918, and the *Country Council*¹⁴ - the representative body of the Republic of Moldova had voted (with 86 votes in favor and 3 against), on March 27, 1918, *the union with Romania*, so that Romanians escaped under the yoke of tsarist barbarian oppression, Bessarabia exercised, in the most explicit way and without the slightest ambiguity, *its right to join* the nation of which it was a part - but arbitrarily, separate from Romania, the conditions being met as clearly as possible and nothing could stand in the way of this wish of the Romanians from Bessarabia¹⁵.

Therefore, the only issue in question was to verify whether, for the will to unite Bessarabia with Romania, there was also the international document - the *Treaty*, which certifies - consecrating this decision at the level of the international community - the acceptance by the international community of this act, which was ensured by the Treaty¹⁶.

- The reasons why the parties to the *Treaty* - the Allied and Associated Powers decided that Bessarabia is fully entitled to unite with Romania, were rigorously formulated in the preamble to the *Treaty*, as they are as explicitly stated and indisputable as possible, in view of the legal rules applicable in the field, including in harmony with the concepts adopted by the Peace Conference. Namely, it is about these goals - pillars: the interest of maintaining and ensuring general peace in Europe; maintaining Bessarabia under a sovereignty that corresponds to the aspirations of its population; from a geographical, ethnographic, historical and economic point of view, the reunification of Bessarabia with Romania was fully justified, and its population expressed its desire to unite with Romania. In our opinion, the stated considerations correspond exactly to the principles of law, they being convincing

12 Regarding the impact on Romania, see *Diplomația României după Marea Unire din 1918*, coord. Ion M. Anghel, Edit. Academiei Române, București, 2020, p. 21-37 și 43-47.

13 *The Declaration of the Rights of the Peoples of Russia* (November 2/15, 1917), recognizing the Right of Peoples to Self-Determination, to the Separation and Formation of Independent States - proclaimed by Lenin.

14 The Decision of the Country Council in Chișinău, vol. *Basarabia 1912-2012 (documente și cercetări)*, Edit. SemnE, București, 2012, p. 93-109.

15 See *Mémoire sur les revendications territoriales de la Roumanie présenté devant de la Conférence de Paix de Paris* (1 feb. 1919), *Istorie-Diplomație*, Ministerul Afacerilor Externe al României, 1992, p. 39-48.

16 Regarding the role of diplomacy in achieving the Great Union, v. Ion M. Anghel, *Tratatul de la Trianon. Document esențial care stă la baza Marii Uniri*, Edit. ProUniversitaria, București, 2021, p. 13-14.

and irrefutable; it should be noted that such a reasoning, thoroughly and solidly argued, is not to be found in the other treaties signed in Paris.

As a result, the operative part of the *Treaty* mentions, *inter alia*, that the Contracting Parties recognize Romania's sovereignty over the territory of Bessarabia, identifying it by describing its borders (art. 1); it is provided that the establishment of the Commission that was to fix on the field the new border line of Romania (art. 2); in art. 3-6, are regulated the issues related to the non-discriminatory treatment of the population, regarding the Romanian citizenship, etc.; establishing the control of the European Danube Commission over the Chilia arm (art. 7); the assumption by Romania of the part that belonged to Bessarabia of the public debt of Russia (art. 8). In a word, all issues that arise in the event of a transfer of territory and the transfer of the population concerned are regulated by the *Treaty*.

But the essential provision, without which the *Treaty* would not have made sense - depriving it of any effect and which it is worth mentioning in a special way, is in art. 9: "The High Contracting Parties shall invite Russia to accede to this Treaty as soon as there is a Russian Government recognized by them. They reserve the right to submit to the arbitration of the Council of the League of Nations all matters which may be raised by the Russian Government concerning the details of this Treaty, it being well established that the frontiers defined by this Treaty, as well as Romania's sovereignty over its territories, cannot be discussed."

It was finally foreseen, and this aspect is inexorable, from the point of view of the interest of approaching this issue, namely that *the Treaty* "will be ratified by the signatory Powers. It will not enter into force until the deposit of these instruments of ratification"¹⁷ (the rigor of this provision is explained by the fact that the object of the regulation is the territorial changes and the populations that pass from one state to another). Nothing was provided for the *guarantee of the execution of the Treaty*¹⁸ (as in the case of *the Treaty of Versailles*), because any issue that arose was to be submitted to the arbitration of the Council of the League of Nations (see also Article 10 - 12 of the *Covenant of the League of Nations*).

Of paramount importance, are art. 1 and 9 of the *Treaty*, because they consecrate, *in terminis*, removing any obstacle and without a shadow of a doubt, the reunification, finally, of Bessarabia with Romania.

In the *Treaty*, although concisely drawn up (9 articles on 4 pages, compared to 364 articles on 105 pages, as far as the *Treaty of Trianon* is concerned), it does take into account, however, what is

¹⁷ The treaty was ratified by Great Britain (April 14, 1922), Romania (May 19, 1922), France (April 24, 1924) and Italy (May 22, 1927).

¹⁸ Ion M. Anghel, *Dreptul tratatelor*, rev. , Vol. II, Edit. Lumina Lex, București, 2000, p. 905-914.

required in the case of assignments of territory, and in comparison to the other treaties that were signed at the Peace Conference, it is extraordinary in what is decided, as well as in the way in which such a delicate issue is regulated.

The criticisms brought by Nicolae Titulescu¹⁹ to the text of this *Treaty* had in view the extension of the jurisdiction of the European Danube Commission (art. 7) - a division of powers that did not exist, Russia having full sovereignty over this area (so Bessarabia intact did not pass to Romania) and that the Russian Government had “the right to submit to the arbitration of the Council of the League of Nations, all matters raised by the Russian Government concerning the details of this Treaty” (art. 9); However, we believe that the delimitation, *expressis verbis*, imposed by specifying “the details of this Treaty” and not any other issue, is sufficient and categorical, being established *ad litteram* that “the borders defined by this Treaty, as well as Romania's sovereignty over the territories they cannot be questioned”.

Sed, dies fasta – miraculum est! The insurmountable situation created by the collapse and disintegration of the Tsarist Empire as a result of the Socialist Revolution of October 1917 - when Russia left the Alliance and thus the war, following the *Armistice* of December 2, 1918 and then signing the *Brest-Litovsk Peace Treaty* with the Central Powers²⁰, with a theater of war extended to the whole of Russia and not having a government recognized by the Conference, was nevertheless avoided by the Peace Conference, by its decision and the ingenious and beneficial wording of the *Treaty* text; respecting exactly the rules in the field of concluding treaties and in the spirit of the idea of justice, the Conference offered an ideal solution for Romania; from Russia's ally, Romania became the beneficiary of its centuries-old claim, and Bessarabia reunited with the Country. The issues to be raised were not particularly related to the text of the *Treaty*, but rather to the fact that Soviet Russia demanded that *Bessarabia be returned to it at all costs*, as if there were no regulations (completely ignoring the *Treaty*).

The *Treaty* remains the cardinal document in our entire history, because it is the basis for the union of Bessarabia with Romania. Unquestionably constituted as the fundamental basis of a single action in history, the *Treaty* logically and necessarily flowed from the legitimacy and imperative urgency of the abnormal and abusive situation that had been imposed in 1812.

- However, Romania did not regain Bessarabia²¹ without any obstructions (the partner was missing, Russia was in instability due to its Bolshevism; it was claimed that Russia would not have snatched Bessarabia from Romania, but would have liberated from the Ottomans - when it was

¹⁹ *Basarabia pământ românesc, Edit. Rum - Irina, București, 1992, p. 55-58.*

²⁰ When the division of Romania was decided between Russia and Germany.

notorious that Russia had taken control of Bessarabia, following a fraudulent agreement, by bribing the representative of the Ottoman Empire, who had negotiated in 1812 at the Manuc Inn in Bucharest and therefore he was executed for felony; there were all sorts of campaigns, carried out in Paris, against Romania)²².

Nonetheless, through the *Treaty on the Union of Bessarabia with Romania* (Paris, October 28, 1920)²³, the reunification of the Romanians was achieved, it being not only legitimate - in accordance with the rules of international law, but also with the rules of fairness - *ex aequo et bono*; this approval of the union also counted as a legal act, connected at the level of the international legal order, based on an international treaty, signed at the Paris Peace Conference (to which even the participating states - with "general interests" – France, Great Britain, Italy and Japan, meaning those who had the authority to decide) - "considering that [...] the reunification of Bessarabia with Romania is fully justified" and that "the people of Bessarabia have expressed their desire to see Bessarabia united with Romania ". "The High Contracting Parties declare that they recognize Romania's sovereignty over the territory of Bessarabia", so that there was nothing more to add.

The fact that Soviet Russia did not sign or approve the treaty, or that it did not accede to it - because it was simply not necessary to produce its effects (for the reasons mentioned - see art. 9), had no relevance in terms of value - *the legal force of the Treaty* (not because Romania was not allowed to participate in the treaties concluded by Russia on its behalf, by which territory was taken from it), given that it was about one of the important decisions taken at the Conference, so one that was opposable to him anyway. In fact, when Romania was granted sovereignty over Bessarabia (1920), it was also required to apply the provisions of the *Treaty on Minorities* in Bessarabia as well.

The *Treaty* is based on the same reasons and contains the same principles that exist in all other treaties signed at the Peace Conference - namely, to ensure in this way a solid basis for the peacekeeping system, that is to provide legal constraint based on the *Treaty*. As a result, when the

21 Regarding the Union of Bessarabia with Romania, see Constatin Kirişescu , *Istoria războiului pentru întregirea României* (vol. II), Edit. Ştiinţifică şi Enciclopedică, 1989, p. 491–492; Ion Constantin, *România, Marile Puteri şi problema Basarabiei*, Edit. Enciclopedică, Bucureşti, 1995, p. 22–27; Ion Agrigoroaie, *Basarabia – pamânt românesc*, şi Catinca Agache, *Eminescu şi chestiunea Basarabiei*, în vol. *Basarabia 1812–2012* (documente şi cercetări), Edit. Semne, 2012, p. 170–189 şi 156–169.

22 See on giving up of Bessarabia and North of Bucovina as well as their liberation, Pavel Muraru, *Bucovina în anii celui de-Al Doilea Război Mondial*, în Vol. *Politica externă a României cu privire a Basarabia reflectată în activitatea diplomaţilor săi*, Edit. Universul juridic, Bucureşti, 2016, p. 148-153.

23 About the history of Bessarabia, from its abduction to its liberation (proclamation and ratification of the act of unconditional Union), see Ion Nistor, *Istoria Bucovinei*, Edit. Humanitas, Bucureşti, 1991. About the circumstances in which the abduction of Bessarabia took place (the nefarious role played by Napoleon in this merchandise and the procession of endless suffering to which the Romanians were subjected by the insatiable lusts of Russia see A.D. Xenopol, *Centenarul răpirii Basarabiei*, în *Naţiunea română*, Edit. Albatros, Bucureşti, 1999, p. 252–303; Nicolae Ceachir, *Basarabia sub stăpânire ţaristă (1812–1917)*, Edit. Didactică şi Pedagogică, Bucureşti, 1992.

Treaty was implemented, Bessarabia was *de iure and de facto* part of Romania's territory. Russia would be invited to accede to the *Treaty* as soon as a new government was recognized (this was one of the reasons why the Romanian-Russian dialogue was resumed later - the Romanian-Soviet Conference in Warsaw, 1921), and in the series of Romanian-Soviet negotiations, which took place in the following period, a connection was made between the *recognition* of the reunification of Bessarabia with Romania and the *recognition* by Russia of the effects of the *Treaty*.

By virtue of the fundamental principle of law – *pacta sunt servanda* that applies to it, the *Treaty* itself was extraordinary, as a binding legal instrument - with unquestionable authority and hard to ignore, as well as a special chance to be done justice and at the same time, unexpectedly favorable, if we consider the evolutions, as well as the unimaginable impact that led to its conclusion. Starting an alliance, fighting alongside Russia - a hypothesis by which we definitely, could not get Bessarabia, when the goal was to recover Transylvania, and then, after the fall of tsarism, to get Bessarabia - such an extraordinary evolution really represented a heavenly manna for Romanians²⁴; apart from removing the danger that had arisen - the spread of Bolshevism in Europe, the adversary being no longer able to oppose, so that the Peace Conference could embark and decide on this issue, with such a favorable solution for Romania, it was indeed a great chance, one we did not dare to imagine.

We note that over time, however, there has not been a sharp attitude in promoting the regulation established by the *Treaty*, but rather one of complacency - if not indifference, on the part of some States Parties, which had encouraged the U.R.S.S. to challenge this act in the period that followed (however, the Moscow *ultimatum* of 1940 did not provoke any reaction in favor of Romania), even if we understand well that the Russian tanks would not have stopped in 1944 - when Marshal Zhukov had intended to stop only at the English Channel from the existence of this *Treaty*, which, having not *entered into force*, had no such support, in order for our request to be admitted. If we add another fact, which did not seem at all shocking at the time, but which was essential for us - the U.S.A. refusal²⁵ to participate, along with the other major Powers, *in the Treaty* (which triggered U.S. and Russian pressure on Japan²⁶ not to ratify it), we realize how bold, but at the same time, how fragile this important decision taken at the Paris Conference was and how illusory the *Treaty* later proved to be.

24 V. Lucian Boia, *op. cit.*, p. 66–67.

25 In point 6 of the 14 points, Wilson only considered the evacuation of foreign troops so that Russia would be free and unhindered (point 6) and not the union of Bessarabia with Romania.

26 In 1925, with an agreement between Russia and Japan on the island of Sakhalin, the latter undertook not to ratify the *Treaty* – see Alexandru Boldur, *Istoria Basarabiei*, Edit. Victor Frunză, București 1992, p.514.

- Referring to the legal framework - the set of regulations in international law applied to the *Treaty*, in order to formulate some considerations about the merits - what is positive or decreases - the shortcomings of the *Treaty*, we stop in this legal analysis on the following ideas.

The great joy, the ecstasy and the hopes were unlimited, but unfortunately what was essential-nodal and inexorable - namely, a treaty concluded in good and due form, and from this unavoidable deficiency, it passed, in a certain measure, the ordeal over the following decades; there is a *signed* document, but not a *completed* one - an indispensable requirement for it to produce the expected effect.

Ratification, like *the entry into force* of a treaty, is essential and remains inexorable as such, because it is only from this moment of ratification that the existence and application of this binding international act is ensured, becoming operative; only then does it have the expected value - the very reason why any treaty is concluded; as a rule, the final clauses of any treaty must specify how and when it enters into force and from what date it applies; from the moment of entry into force, the obligations of the parties to the treaty must be fulfilled in good faith - *bona fide serviens*, under penalty of incurring liability, in accordance with the rules of international law, of which any State is bound²⁷.

The *Treaty* did provide that Russia was invited to accede to it, but it did not have the right to call into question "the borders defined by this *Treaty* and Romania's sovereignty over its territory". Everything seemed - and indeed, there was a reason, to a certain extent, for it to be extraordinary, at least at first sight; but as not all Allied and Associated Powers were parties to the *Treaty*, the value of this document was affected and questionable, as the non-participating States were third parties and were not bound by the obligation to take into account it had been agreed and was to be made that the *Treaty* would become legally ineffective; moreover, not all States parties to the *Treaty* had ratified it.

In order to reach the conclusion of a treaty, the following steps had to be completed: *negotiation* - for the parties to reach an agreement on a text, *initialing*, *signing* the text (as a means of proving the document on which the parties agreed), *ratification* of the document by the parties - which is the very manifestation of the contracted parties' consent to engage and then the *exchange of instruments* of ratification to make it known to each other that the ratification of the treaty has taken place; only at the end of this procedural chain - when the wills of the contracting parties meet, we would be in the phase of the existence of an international document in good and due form, which would bind the contracting parties - legally sanctioned.

²⁷ Regarding the rules in the matter, see Ch. Rousseau, *Droit International Public*, 3-ème édition, Edit. Dalloz, 1965, p. 25-52; *International Law, A Treatise by L. Oppenheim*, vol. I – *Peace*, Eight Edition, edit. By H. Lauterpacht, Longmans, p.903-923; Ion M. Anghel, *Dreptul tratatelor*, Vol. I, Edit. Lumina Lex, București, 2000, p. 181-560, precum și Vol. III/2005.

As a result, the *Treaty* did not exist as such - a binding act *vinculum iuris*, because it did not follow the rules governing the conclusion of the treaties, it was reduced to a *signed* document, but not *concluded* in good standing and proper form²⁸, as required.

We also point out that in the document under discussion, the essential statement "the Treaty ... will be ratified by the signatory Powers. It will not enter into force until after the deposition of these ratifications" - nothing clearer and more rigorously predetermined; As such, without going through exactly this circuit of procedures, which being imperative, one could not deviate from them - without *ratification* and the *deposit of the instrument of ratification*, there was only one instrument that did not yet have the gift to produce the expected effects - all reducing to the decision of the Peace Conference and the mention of what has been done and should have been done, in order for the document to have legal force – *vinculum iuris*.

As such, Romania did not have a treaty in force - without which it could not implement it or oppose it to Russia - which had not even acceded to it, as expected.

It should also be noted that the entry into force of the *Treaty* was explicitly and strictly, conditioned on the ratification of this document only by the *signatory parties to the Treaty*, which did not include Russia; the entry into force of the *Treaty* did not depend at all, on Russia's attitude towards the document, because only after its accession would it become a party to the *Treaty*, which meant that Russia would only join and commit, accepting this document *tale quale*, and not that it could call into question.

If it had been ratified - as it was foreseen and consequently, existed and entered into force, the *Treaty* would have produced its effects regardless of Russia's attitude. This also explains Russia's tactics - procrastination through lengthy and uncompromising talks, as well as pressure jointly exercised with the United States on Japan not to ratify the *Treaty* (including refusing to return the *treasure* that had been deposited in 1916, and 1917); all the while, Soviet Russia was waiting for the dispute to be resolved in another way - which happened on the basis of the *Ribbentrop-Molotov Pact* (August 23, 1939) and the 1940 *ultimatum*.

Under normal circumstances, we believe that the *Treaty* being a well-conceived and worded, even ingenious text - if we take into account the context existing at that time, the situation would have been completely different, even ideal for Romania. However, there remains a question mark, namely that this argument - the invocation of the *Treaty*, as well as the regulations in force at that time (the

²⁸ The conclusion of a treaty means "the completion of a whole series of steps to be followed, the set of activities to be carried out, as well as the set of procedures and rules to be followed in order for the treaty to enter into force" (art. 1 of L. 590/2003).

Briand-Kellogg Pact or the *London Convention on the Definition of Aggression*) are not in any way mentioned in the discussions that took place on the occasion of the 1940 *ultimatum*.

- But, going beyond the ongoing discussion on the *legal force of the Treaty* - as a result of its non-ratification, the capital issue - that of its *opposability* - inevitably arose as to which states the document could be relied on in general²⁹, and compared to Russia in particular.

We point out, from the very beginning, that although Russia did not have the status of a party to the *Treaty*, it was still bound by its provisions, its predetermined position on the *Treaty* being atypical - *sui generis*; or, as it was not yet a party to this document - which was to take place only by acceding to it, it had to be applied to it, by virtue of the decision of the Conference - exactly as stated in the *Treaty*, without ask for consent; as soon as it became a subject of International Law, Soviet Russia could raise any issue other than the union of Bessarabia with Romania.

The question of principle was whether the *Treaty* affected only the Contracting Parties, in general, or Russia specifically. As is well known, *pacta non obligant nisi gentes inter quas inita*, because the principle *res inter alios acta nec nocent nec prodest* - having a counterpart in international law, *pacta tertiis non nocent nec prosunt*, obliges only the parties to that treaty - "a treaty creates neither obligations nor rights for a third State without its consent "(art. 34)³⁰. However, "an obligation arises for a third State if the third State expressly and in writing accepts those obligations" (art. 35)³¹.

Therefore, there are some exceptions to the rule that a treaty produces effects (rights and obligations) only between the contracting parties. Because this is a fundamental principle of law - it is not conceivable that an obligation on another state would arise without its consent, if the *Treaty* had existed as a valid document (if it had been ratified and entered into force), Russia could also have invoked this *principle of relativity of the effects of the Treaty*; in this case, however, there were the provisions of art. 9 of the *Treaty*, by which such an obligation could be imposed, because Russia was only invited to accede to the *Treaty*, without being able to question the decision regarding the union of Bessarabia with Romania.

It should be emphasized, therefore, that it was not necessary and not even permitted for Russia to be required to accept the agreement - to accept the *Treaty* in order for it to enter into force, nor to produce the effects envisaged by that regulation, should the document have entered into force; but even if it had not yet entered into force, it did not mean that this document remained irrelevant to the

29 L. Oppenheim , *op.cit.*, p. 925-929; the Decision of the International Court in the German interests in polish upper Silesia case.

30 Vienna Convention on the Law of Treaties (1969).

31 *Ibidem*.

position of the Peace Conference, which had established a new legal order regarding the legitimacy of the union of Bessarabia with Romania, as Russia itself had proclaimed the right of a nation to get out of its composition.

On the other hand, it should be noted that only the belligerent and associated states participate in the Peace Conferences and that, as a rule, the imposed decisions concern only the defeated belligerents and not the states that were not in that conflict. The rules of International Law admit³², and in the jurisprudence of the International Courts of Justice³³, it is considered, however, that certain obligations under the treaties must be taken into account not only by the States parties to the document by which they were established, but also by other States, even if they were not a party to the treaty. Thus, in some cases, the direct application of the provisions of a treaty takes place (without having been notified by an act other than the ratification of that treaty); the possibility for a state to accede to a treaty without the need for the parties to approve it or to make reservations to a treaty which it ratifies; some treaties expressly stipulate that the benefit of the provisions extends to other States not party to the treaty; also, if an objective situation is created - when a new state appears and it is treated as such, in the international community (the *case of the Aaland Islands, the Statute of Antarctica*, etc.); whether it is a political treaty or a matter of state territory - as is our case.

In international practice, there are known cases in which states other than the parties to the treaty have been involved - either in the position of obtaining rights and benefits (*stipulation for another*) or in the position of *imposing obligations - pacta in odium tertiorum*, although these States had not been a party to the dispute over the settlement. In this order of ideas, we mention the fact that at the Congress of Berlin (1878), when Romania was recognized as independent, obligations were imposed on it at the same time - *inter alia*, including the surrender of the three counties in southern Bessarabia to Russia, keeping in mind that Romania did not participate in the Congress and was not a party to that treaty³⁴. By the *Peace Treaty* (1947), in art. 28 (4), Romania was required to waive all claims against Germany, which had not been settled until May 8, 1945³⁵. However, the *Additional Secret Protocol* (point 3) to the *Treaty of Non-Aggression between Nazi Germany and Bolshevik*

32 L. Delbez, *Les principes généraux du Droit International Public*, IIIe éd., Paris, 1964, p. 313-331.

33 The opinion of the International Court in the International Status of South – West African case.

34 Ion M. Anghel, *Tratatetele încheiate de România ca ultim criteriu de apreciere a politicii sale externe*, Edit. Junimea, Iași, 2013, p. 43-46.

35 Ion M. Anghel, *Un caz de posibilă aplicare a principiului echității în relațiile dintre două state membre ale Uniunii Europene*, în vol. *Reglementări ale Uniunii Europene de o importanță deosebită sui-generis pentru România*, Edit. Universul Juridic, București, 2016, p. 308-332.

Russia (Moscow, 23 August 1939) went even further than the employment of a state which was not a party to a treaty, namely, it was decided to liquidate them by the ensuing aggression.

It should not be ignored that, until the Peace Conference, the *principle of balance of power and compensation* prevailed, when everything was dictated by the Great Powers, but even after that, when it was replaced by the *principle of nationalities*, the practice of dictation by the Great Powers did not cease.

The solution in art. 9 of the *Treaty* was fully justified - having full authority and in the conditions of that time; the *principle of nationalities*, which was the basis for the decisions of the Conference, was naturally applied in the case of Bessarabia as well; given the situation - the lack of a recognized government to represent Russia, the Conference was forced to decide in the sense of confirming the desire to unite Bessarabia with Romania; it was not the first time that what was decided at a peace conference was imposed on all mankind.

- *Summatim*, we mention the following:

If the *Treaty*, like any other international political and legal document, had been *ratified* - as indisputably required under its final clauses and thus *entered into force*, the *factual situation* - the union of Bessarabia with Romania, as it was achieved, would have been in the due concordance with the *legal* one - that is recognition and its legal force, which would have given us the ideal formula as authority, as far as the legitimacy of our aspirations and would have been, unbeatably effective, for rejecting USSR claims to question the validity of the act of union of Bessarabia with Romania. The union would have lasted as such, only if that historic accident had not occurred - when the developments that followed could not remain normal, they became hostile to the *Versailles system*. The *Treaty* was indeed different - a special case, when one of the Great Powers of the world did not take part in the act of decision, by which a measure was imposed on him which, under normal conditions, was to predict how he would react.

Remaining unratified, the *Treaty* presented itself almost as an act of intent that was required to be carried forward with the procedure, in order to be able to have an impact - legal effects and sanctioned as such; because the document had not yet been brought to the stage of application of the relevant rules - not being ratified, it did not exist, in the sense that it could not represent a sufficient legal basis to lead to the application of the rules it contained. In this respect, the requirement was as precise and unavoidable as possible - "it shall not enter into force until such ratifications have been deposited"; such a rigorous formula was not used in the case of the other treaties signed at the Conference (the *Treaty of Trianon* stipulates curtly that "it will be ratified").

At the same time, it should be noted that, although the *Treaty* did not enter into force (due to its non-ratification by Japan), the importance and consistency of this act remain remarkable, and its

effects - as many as product, were extraordinary and in no way challenged or rejected, even in this case. Although it stopped at the stage of its signing, the *Treaty* - as it was, not ratified -, was nevertheless the basis of the reunion - a very special and unprecedented situation. The *Treaty* was not rejected by any state (ignoring it is not the same as rejecting it). France, together with the United Kingdom (the first state to recognize the union of Bessarabia with Romania), supported the union at the Peace Conference, being parties to the *Treaty* and ratified it. Georges Clemenceau, President of the Conference, had the same favorable attitude; after the hesitations explained by its economic interests with Soviet Russia, Italy also joined, in favor of Romania, ratifying the *Treaty*. Eventually, in 1933, the United States recognized the union of Bessarabia with Romania. Not only did none of the signatory states retreat off the *Treaty*, but neither did the other states, including Soviet Russia, which was in the process of negotiating; the document and its effects were accepted, either expressly or tacitly, by all mankind - the world public opinion perceiving it as an act of justice that was done to Bessarabia, as long as the solutions adopted in this case were and on the basis of the other treaties signed at the Conference. Moreover, the very re-establishment of diplomatic relations between Romania and Soviet Russia suggests to us the reasonable assumption that the *Treaty* was not simply rejected, but rather tacitly accepted. It should be mentioned, moreover, that when signing the *Convention on the Definition of Aggression*, Litvinov declared to Nicolae Titulescu that "by signing this Convention, I gave you Bessarabia as a gift"; although hesitant and inconsistent, Litvinov expressed or tried to attest to a state of affairs that supported a dialogue and not a confrontation. However, the duplicity of Soviet Russia could not be hidden, as it was seen when the *Treaty of Assistance* was to be signed, because it was mentioned in the document "border on the Dniester" and it was not going to accept, waiting for another opportunity, favorable to its interests.

The union of Bessarabia with Romania was based on the rules of International Law and equity – *ex aequo et bono*, which gave it legitimacy; in a way, in the case of the *Treaty*, the rule of domestic law *error communis facit ius* was transposed at international level; therefore, the union of Bessarabia with Romania was not in question. Soviet Russia, although did not agree with it, complied with the *Treaty*, because the entire international community would have disapproved of it; Russia refrained, waiting for the right moment - namely, when Romania in isolation could no longer defend its interests.

Unfortunately, only a few of the member states of the Alliance participated in the *Treaty*, a fact that reduced them from the authority that Romania desperately needed, given that, in all the other treaties, most of them participated. Even less favorable was the lack in the *Treaty*, of the most influential power in the Conference - the USA, which did not want to dismember Soviet Russia, which was symptomatic of the chance of concluding the *Treaty* and of authority; even the favorable influence of some states participating in the *Treaty* had gradually diminished, including the assurance and

reaction expected of them, in the ensuing evolution - when some were themselves in a desperate situation.

It remains debatable that even if the procedure had been satisfied and the *Treaty* had entered into force, there would have been certainty that Russia - in the face of its expansion of land grabbing and national subjugation and disregarding any rules, would have accepted this document. But the foreseeable obstacle was the US attitude, when the Senate voted against the US entry into the *League of Nations* and not ratifying the treaties signed at the Peace Conference (including those with Romania), concluded other treaties with Austria, Germany and Hungary (1921), exactly the states that reclaimed territories. It should also be noted that it was the United States, which unhindered the conduct of the Peace Conference, decisively influencing it, that was not among the states parties to the treaty; it refused to be a party on the grounds that it had friendly relations with the USSR; apart from the fact that, at the Peace Conference, it did not recognize the treaties concluded by Romania with the Powers of the Alliance (France, Great Britain, Russia, etc.), under the pretext that they were secret treaties and challenged the quality of Romania's as a belligerent (because it had concluded the *Treaty of Buftea*), the USA had even proposed the exclusion of Romania from the Peace Conference, because the Romanian armies, expelling Béla Kun, had occupied Budapest, and Wilson considered only the autonomy of Transylvania and not the union with Romania.

- However, the change in the balance of power in Europe, with the regrouping of states and the formation of alliances according to their position, *for* and *against* the Versailles system, have overturned this order³⁶, with the disappearance of some states or the demise of others, Romania being one of the victims³⁷, and the sad fate of Bessarabia was decided by the international crime set up on the basis of the *Additional Secret Protocol* to the *Ribbentrop-Molotov Pact*, and after that, followed by the *ultimatum* of the USSR, from 1940.

Given that France had capitulated (1940), Great Britain was under German V-2 ballistic missile fire, and the *League of Nations* had become inactive, the dominant powers in Europe were the retaliators - Nazi Germany and fascist Italy; together with the USSR, they controlled Europe and decided the fate of other peoples. The cracks in the Versailles system were caused by a series of *diplomatic actions* in *Genoa* (1920) - when the Western states regrouped, *Rapallo* (1922) - where diplomatic relations between Germany and Soviet Russia were established, *Locarno* (1925) - when

³⁶ Regarding the failure of the common security policy, see Ioan Scurtu, *România în Europa secolului al XX-lea*, în *Studii de istorie*, Edit. Ars Docendi, Bucureşti, 2002, p. 258-260.

³⁷ Regarding the critical situation for Romania after the Peace Conference, see *Politica externă și diplomația României pe parcursul unui secol de la înfăptuirea României Mari*, Vol. I - *Momentele cruciale*, coord. Ion M. Anghel, Edit. Academiei Române, Bucureşti, 2018, p. 119-148.

they grouped the western states into the *Rhine Pact*, then the policy of *appeasement*, until the capitulation of Munich (1938). After that, those who started the bloody confrontation entered the scene³⁸. Romania was the victim of these disturbing factors, and the fate of Bessarabia was sealed in this context.

- Following the *rupture of diplomatic relations* by Soviet Russia (January 1918), on the grounds that Romania had intervened militarily in Bessarabia (after the arrest of Romania's plenipotentiary minister in Petrograd, Constantin Diamandy - who was released only following the vehement protest of the diplomatic corps in the Russian capital, sealing the fate of Romania's treasury), the series of actions attempted to normalize Romanian-Soviet relations - at least apparently, stretched over two decades³⁹.

The course of Romanian-Soviet relations, throughout the period following the signing of the *Treaty*, was marked and terribly distorted - aggravated, moving from the position of allies initially, to the position of belligerent states later, due to the obsession-based dispute vindictive "return, at any cost"; it was a truly unequal and destructive position between Romania - a state whose destiny smiled, giving it an enormous chance by legitimizing its struggle for the unification of Romanians, so that it could also maintain itself as an independent and sovereign state - as the Peace Conference had been accepted, on the one hand, and the Russian empire, spread over two continents, a hoarder and a stacker - a prison of tyrannical peoples. During all this time, the position of Soviet Russia consisted in the deafening pressure and threat, waiting for the moment when, without scruples, it would be able to give the coup de grace to Romania.

The normalization - as far as possible, of the relations between Romania and Soviet Russia⁴⁰ - a continuous zig-zag, took place much later, after the Peace Conference (1918-1920), through the *Exchange of Letters* of June 9, 1934 between N. Titulescu and M. Litvinov, as a result of the restoration of diplomatic relations between them, after almost decades; during this time, a series of meetings took place between N. Titulescu with Gh. Cicerin and M. Litvinov; but the establishment of diplomatic relations did not immediately and easily lead to the settlement of the dispute - the recognition of the *Treaty* and the union of Bessarabia with Romania. The period that followed is characterized by a series of meetings (Copenhagen - 1920, Warsaw - 1921, Genoa - 1923, etc.) and by the agreement of some encouraging but unsatisfactory actions as a result (the implementation, in

38 Constantin Vlad, *Diplomația Secolului XX*, Fundația Europeană Titulescu, București, 2006, p. 81-183.

39 V. Vasile Buga, *Evoluția relațiilor româno-sovietice (1918-1991)*, Vol. *Politica Externă și diplomația româniei pe parcurs de un secol de la înfăptuirea României Mari*, Edit. ...p. 134-140.

40 V. N. Titulescu, *Basarabia pământ românesc*, 1992 și Ion M. Anghel, *Tratate încheiate de România ca ultim criteriu de apreciere a politicii sale externe*, Edit. Junimea, Iași, 2013, p. 88-89.

advance, of *Briand-Kellogg Pact* - 1929). The procrastination was caused by the refusal, when in a brutal way - explicitly made (in Genoa, in 1921, Cicerin made for the first time, a distinction between respecting the territorial *statu quo* and recognizing this *statu quo*, but also not recognizing the territorial *statu quo* on Bessarabia; nor by the *London Convention on the Definition of Aggression* (1933), was it considered obligatory to renounce the rejection of the *Treaty*), when of course the USSR recognized the *Treaty*, and the meetings did not lead at all, in resolving the dispute.

During the *Montreux Conference* (1936), Nicolae Titulescu had finally agreed with Litvinov and initialed the text of the *Treaty on Mutual Assistance between Romania and the Soviet Union* (July 21, 1936)⁴¹, but this document was not signed by Litvinov because the Dniester was mentioned as the border between the two states - which proved that the regulation had been delayed so that the dispute could be settled in another way.

It remains incomprehensible why, especially in the third decade of the last century, when Russia, shaken by the revolution, disintegrated as a state and as a society, as a result of internal struggles, with the intervention of foreign armies during the war with Poland, was concerned about a possible attack by Romania, but at the same time sought to normalize its relations with other states, Romania also did not use the favorable context offered to resolve the dispute over the recognition of the union of Bessarabia with Romania, as well as the recovery of the treasure that had been given to Russia in storage. *De auditu*, but also from the existing documents regarding the Romanian-Soviet discussions that took place in Warsaw, it results that the representatives of Soviet Russia, although reserved in recognizing the *Treaty*, nevertheless showed a certain flexibility for resolving the dispute. As such, an opportunity for Romania was missed, by a misjudgment or misunderstanding of the situation and because the Romanian diplomacy was engaged in the tactics of procrastination, until 1940. And more than that, as some researchers say⁴², Romanian diplomacy would have preferred to support, rather, Poland - which was at war with Russia, instead of taking advantage of the fact that Russia seemed more willing or forced to recognize the union of Bessarabia with Romania.

Since the *Treaty* was not bilateral, but appeared as a decision of the Conference and represented the fruit of the attitude adopted by several states in the Entente, given the value of the *Treaty*, its effects occurring independently of the position of Soviet Russia, I consider that the tactic of bilateral discussions between Romania and Russia, which took place, was a trap; it was a Romanian-Russian discussion between two unequals, as if the cause had nothing to do with the states that had signed the *Treaty*.

41 V. textul și discuțiile în N. Titulescu, *op.cit.*, p. 25-34 și 36-42.

42 Florin Constantiniu, *O istorie sinceră a poporului român*, Ediția IV, Edit. Univers Enciclopedic, București, 2008, p. 343.

During all this time, Soviet Russia did not consider or show any *good faith* in the normalization of its relations with Romania; the obsessive goal of the USSR was to take revenge by "returning, at all costs", Bessarabia and Northern Bukovina.

But not only that, not recognizing the *Treaty*, it did not reach the actual normalization of relations for a long time (almost 16 years) - as it should have been, with its neighboring state - Romania; Soviet Russia laid in wait to act as soon as the opportunity arose (the *Ribbentrop-Molotov Pact* and then the 1940 *ultimatum*); its predatory and discretionary action was to acquire in addition, as compensation, Northern Bukovina, which had legitimately reverted to Romania, under the *Treaty of Saint Germain*, concluded with Austria, to which Soviet Russia was not a party and did not abstain at all to violate (but Romania also had reason to claim compensation for the two centuries in which part of Romania's territory - Bessarabia, had been occupied by Russia); even worse, Russia did not shy away from taking possession of Hertza County, part of the Danube Delta and the Snake Island, which had never belonged to it (in the Congress of Berlin, in 1878, it was decided that they belonged to Romania) ; but even in the *Joint Border Commission* in which we participated, it did not stop rounding up its territory, which was illegally already owning, from Romania⁴³. All this was because Hitler's Nazi Germany and Stalin's Bolshevik Russia were making the law - *vae victis*, in Europe at the time. *Quod erat demonstrandum!?*

In justifying the *ultimatum* of June 26, 1940, Molotov, ignoring the *Treaty*, claimed that Russia had suffered because of Romania's aggression that occupied Bessarabia in 1918, although the union had been decided by the *Country Council* (in reality, the Romanians from Bessarabia and not the Ukrainians - one of the minorities, had been those who had finally managed to exercise their indisputable right to self-determination, joining the other Romanians - a principle that, hypocritically and in great commotion, even Russia had declared, but not applied it); cheekily asserted, claiming that the inhabitants of Bessarabia - mostly Romanians, were related to Ukraine (as a national language and component)⁴⁴; in fact, the Romanians were the majority in Bessarabia, and across the Dniester there was a Romanian minority, hard to ignore; a brazen bravado of one who does not account for his outrageous aberrations.

- By their uniqueness in the history of international relations, the typology, as well as the singularized fate – the *unius* of the *Treaty*, in the form in which this document has been applied for two decades, may appear at first sight, as an inadvertence or anomaly, if we relate them to the requirements of the procedure that had to be taken into account in the field of employment of the states by treaties,

⁴³ Ion M. Anghel, *Tratate și...tratate*, *op.cit.* p. 154-157.

⁴⁴ Regarding the text of the soviet ultimatum of June 26, 1940 and the discussion of min. Gh. Davidescu, see Ion Șișcanu, *Basarabia în contextul relațiilor româno-sovietice 1940*, Edit. Civitas, Chișinău, 2007, p. 85-88.

so that they could benefit from the regime imposed by virtue of the principle *pacta sunt servanda*. Avoidance of rigors - ratification and entry into force, sharply imposed, could have been removed, by a clause included in the *Treaty*, by virtue of which the document would enter into force and apply from the date of its signature; we mention, however, that this was not the case, because the importance of the field required a much stricter regulation.

- Following the national liberation struggle of the peoples against the oppressive empires in order to secure eternal peace, the Peace Conference recognized their freedom and right to form national sovereign states, based on the new legal order; in the same vein was the public opinion of the time. This new international political and legal order, as enshrined in the decisions of the Peace Conference and the treaties signed on that occasion, was imperative and of general application, as it was based on the decisions of the Peace Conference and the commitments made, especially by the Great Powers. As such, this order, being binding on all states, was not intended to imply the exclusion of Bessarabia from this benefit. The document, although *not ratified* or *entered into force*, was treated by the states existing at the time and considered as such - a decision of the Peace Conference, they acknowledged, however - some expressly by signing and ratifying and others tacitly accepted it, despite the shortcomings I pointed out above.

- In conclusion, in view of the cardinal and decisive role played by the Conference in imposing peace and security, as well as in establishing a new political and legal order in Europe, with its unquestionable authority in the world, a century - remaining the landmark in relation to which were defined and are defined today, the relations between states, with the permanence that is confirmed by the entire organization of mankind, in nation states (except in special cases), the *principle of nationalities* - then became, *the right of peoples to self-determination* - a fundamental principle of International Law, we cannot fail to see the positive influence it has on the *Treaty*. We add to these the fact that there has been a flexibility, as a result of the theory in the doctrine about the *appearances in law* and the value of *putative acts*. In the light of the above, the value of the *Treaty* must also be appreciated, namely that even its mere signing was *eo tempore*, sufficient to give it full notoriety regarding the *legitimacy* of the act of uniting Bessarabia with Romania. As such, the *Treaty* was accepted and recognized by the entire international community as valid and binding, because the act of union of Bessarabia with Romania was circumscribed exactly, within the limits of the rules that were applied, based on the *principle of nationalities*. The same principles and regulations were found and applied as well, in the case of the other treaties signed at the Peace Conference. As we have already shown, by virtue of this principle, unanimously recognized and applied, new states have been reconstituted, or some have been reunited.

II. The irony of the fate – accidental prediction or due implacable consequences of lack and narrow vision in foreign policy; selfishness and cunning approach; indifference and lack of our governors dignity and absence and disrespect of Romanian nation

(sine ira et studio atque bona fide; at the same time, straight forward – sharp, correct and unsparing analyses)

- If we compare the two positions of Bessarabia (the *one* in which *it was* and then the *one* in which *it is* now), we will find, with regret and concern, that from its position of beneficiary, based on the provisions of the *Treaty* - when the decision of the *Country Council*, being recognized and consecrated, reached the great achievement of Greater Romania, so that by completing the country, the Romanians could also return, in the state structure of the nation from which they had been abducted (1812) - Romania, while a representative of Bessarabia to be part (until 1940), as a minister, of the Romanian Government. On the contrary, in the second position, the Republic of Moldova, following the exercise of its *right to self-determination*⁴⁵, is reduced only to a state consisting of the few counties in Bessarabia, leaving instead the other Romanians in Bessarabia, at destiny's will, under the rule of Ukraine⁴⁶; Unfortunately, its return – or union with the *Country*⁴⁷ did not apply, but *hélas* stopped at an intermediate solution, materialized in its separation from Romania; in other words, there was a *secession* - the rupture of a part of the nation by the creation of a second state in parallel with Romania, so that Bessarabia moved away instead of joining it (a situation that had been tried in the case of Catalonia, when the clear attitude of Spain put an end to this heresy).

The surrender of Bessarabia and Northern Bukovina is a breach of territory - a *raptus*, which was imposed on Romania by a qualified *ultimatum* – "a declaration of conditional war" from 1940, when Molotov threatened to use armed force (to which he resorted, in order to hasten their occupation), in the most categorical terms possible and without waiting, dictating "return, at any cost", even on June 26; such a threat of use of force was also at that time a *crime of aggression*⁴⁸ which, obviously, could not give legitimacy to a null act, *ab initio*, not being valid *ex tunc*, but on the contrary, involved the responsibility of the aggressor - USSR; Consequently, the legal principle *quod*

45 Having no common border with the Russian Federation, but with Romania and Ukraine, which had been the Soviet Socialist Republic of Moldova, established in 1940 - consisting of several counties in Bessarabia, together with the Autonomous Socialist Republic of Moldova, established in 1920 (from whose territory were organized terrorist attacks in southern Bessarabia, as well as in the Romanian Senate), by occupying Northern Bukovina and parts of Bessarabia, to which was added a segment on the left bank of the Dniester, established on May 23, 1921, the name of the Soviet Socialist Republic of Moldova, and on August 20, 1991, following the declaration of independence, it was renamed the Republic of Moldova.

46 Ioan Popa și Luiza Popa, *Români, Basarabia și Transnistria*, Fundația Europeană Titulescu, București, 2009, p. 173-179.

47 From the reports of some representatives at the Assembly in Chisinau, from 1991, it results that there was an atmosphere favorable to the decision to unite, but it did not go further, stopping at self-determination.

nullum est, nullum producit effectum applies. In this case, the situation returned to its original state - *status quo ante* and *restitutio in integrum* had to take place. If, from the point of view of the rules of International Law, the USSR could not have the status of sovereign over Bessarabia, being *a non dominus*, it was no longer entitled to transmit to Ukraine what it had illegally held, through repeated abductions, violating the rules of international law.

Such a hybrid solution - with two state entities that was reached, because, in 1991, the decision of the *Country Council* of 1918 was ignored, and while Romania was preparing and entering the Euro-Atlantic structures, the Republic of Moldova revolved around Moscow⁴⁹, it is also a blow, but in a different form and in another historical epoch, which is given to the Romanian nation - an opportunity for instability, conflict and distancing, and then, for the possible intervention of Russia in the area. In the sense of the adage *amicus Plato, sed magis amica veritas*, we should not ignore that the military presence of the Russian Federation in Tiraspol, the control of the entire economy of the Republic of Moldova, as well as the devotion of some presidents to Moscow, thus creating a space for maneuver for the Russian Federation, so that it, treating us as a government, will challenge our sacred right to ensure our security by joining NATO. Instead of reuniting Romania, Bessarabia, in turn, was sectioned by the Kalinin line, so that some Romanians came under the rule of Ukraine. In reality, it is an action that coincides with Moscow's approach to maintaining its influence in the area, separating Bessarabia from Romania. Russia's justification is based on Molotov's approach, namely that the people of Bessarabia represent the "Moldovan nation."

- Victims of the political *divide et impera*, Romania, as it is today (without parts of Bessarabia and Northern Bukovina and with an incisive and monopolistic neighbor - Ukraine), with the Republic of Moldova (consisting of several counties, under double pressure - suffocated by the grip of Ukraine and under the threat of the Russian army in Tiraspol), while Romanians are now abandoned, under the domination and persecution of Ukraine (repressed, because they no longer have the right to education in Romanian, Romanians are forced to risk their lives to defend the territory of Ukraine from Russian aggression), together, they form a not at all optimistic image of the destiny of the Romanian nation, which puts us in an awkward position and as critical as possible - between *Scylla and Caribda*, and this should have given those who lead us something to think about regarding our relations with

48 For the responsibility in case of threat of force or use of force see UN Charter (art. 2.4) și *Rome Statute of the International Criminal Court* (art. 5) și Ion M. Anghel, Viorel I. Anghel, *Răspunderea în dreptul internațional*, Edit. Lumina Lex, București, 1998, p. 27-116.

49 Protocol to the Agreement Establishing the Commonwealth of Independent States (Minsk, 1991).

Ukraine. In this situation, the assertion in the international community and the promotion of national interests are substantially reduced; *cui prodest?*

- It should be noted, however, that Bessarabia, in the form in which it is succeeded by the Republic of Moldova, no longer with Romania, currently has fixed borders with Ukraine, but also with Romania, in strict accordance with the predatory *Ribbentrop-Molotov pact* (so that it bases its statehood on it and does not question its constitution, separately from Romania) and in the terrible terms of the 1940 USSR *ultimatum*; at the same time, the arbitrary *Kalinin line* was strictly taken into account (through which Bessarabia was sectioned and joined to the territories of Ukraine, so as to prevent its restoration forever and to speed up the process of Russification of the Romanians); so he connected with the order he claimed he wanted to break. Therefore, while all mankind - the states (including the Russian Federation) and the Council of Europe have condemned, in the harshest terms they deserve, this criminal pact, only Romania and the Republic of Moldova - the victims of this act, have preserved it, accepting it without hesitation and they perpetuated it⁵⁰. Shouldn't those who signed those treaties give some explanations?

- But the unpopular - anti-Romanian contribution of some Bucharest rulers, who were in a hurry to get rid of this problem - the union of Bessarabia with Romania (an attitude confirmed by the fact that at the in Chisinau Assembly, of 1991, no Romanian official has participated; in the negotiating mandate, I had proposed the coordination between Romania and the Republic of Moldova of the talks with Ukraine on the border issue, but it was not approved). Manifesting itself ostentatiously, in order to prove that it has nothing to do with this evolution in Chisinau, the Romanian Government immediately recognized the (first) Republic of Moldova. Thus, it got rid of a delicate problem, namely that, once liberated, Bessarabia should join us, ignoring the fact that it had been an integral part of Romania until the *ultimatum* of 1940. It is also significant that the President of Romania at that time refused to receive a delegation from Chisinau, which had arrived in Bucharest to address the union's problem⁵¹. Later, another President refused to receive a delegation of youth from the Republic of Moldova.

- Abandoned forever, restoring the unity of the nation was no longer a goal of Romania - there was no country plan; it was ignored that at that time, other nations were recovering and without a

50 V. Ion M. Anghel, *România și Pactul Ribbentrop-Molotov; un caz de sechelă eternizată*, în Vol. *Panorama comunismului în România*, Edit. Polirom, Iași, 2020, p. 983-995.

51 Aurel Preda – participant and coauthor of Declaration for Independence (1991) said that Mircea Snegur confessed that two delegations were sent to Bucharest to negotiate of the Union of Bessarabia with Romania, *Secvențe din activitatea mea ca diplomat al României*, în *Pagini din diplomația României*, Vol. II, Edit. Junimea, Iași, p. 47-81; Ion M. Anghel, *Politica externă a României cu privire la Basarabia, reflectată în activitatea diplomaților săi*, Edit. Universul Juridic, București, 2016, p. 120-121.

consultation of the Romanians (by referendum), the rulers went on to transactions⁵²; responsibility and dignity are qualities that not everyone achieves. What was against Romania was made official, without hesitation, but for the benefit of Ukraine (a state which, being also part of the Russian domination, could not be exonerated for the oppression of the Romanians).

Building Romania's foreign policy on the goal of accessing it, as urgently as possible and at any cost, almost obsessively, which to a certain extent, was explicable, but not prudent and wise, in the Euro-Atlantic structures, implicitly, the ideal of Romania's reunification was also abandoned forever, when, in the new conditions, such a matter of national interest could and should be raised in the proper terms. Surprisingly and unworthily, the *syndrome of obedience* to the East - the Russian Federation and Ukraine⁵³ - reappeared in the 1990s (although it was notorious that for half a century, Romania challenged Moscow's hegemony and fought for an equal treatment). Adopting, unfortunately, the damaging slogan "let's leave the past", or being inspired by the defeatist philosophy "historical sacrifices", we reached amazing and unforgivable concessions, the consequences of which are and remain difficult to remove (through the *Treaty of Friendship* with the Federation Russia, Romania, half a century after the *1947 Peace Treaty*, acknowledged that it had committed an act of aggression, although the Romanians had tried to retake Bessarabia, and no progress had been made on the treasury deposited in Moscow; with the consent of Romania, the Russian Federation, although no longer a riparian state on the Danube, controls, in connivance with Germany, the Danube Commission, although 2/3 of the navigable Danube is on Romanian territory, through treaties with Ukraine , Romania has forever accepted the crushing consequences of Russia's rule of Bessarabia).

- Following the disintegration of the USSR and the establishment of independent states, as its successors, including Ukraine, a new context was finally created, this time favorable to Romania, for the removal of injustices and the reunification of Romanians from Bessarabia with the country.

Ukraine as well as Russia are in my opinion, both of them, as far as the unfavorable for the Romanians' destiny having such a hostile and greedy neighbors. Our new neighbors in the East, Ukraine - a segment of what had been Russia and a full-fledged opportunist - had the same approach and appetite as Russia - even more strident than this (non-compliance with treaties being notorious - see case Bistroe Canal); it claimed that it would be entitled to take over, simply, what Russia had held, through the annexation that had taken place over the centuries. Compared to the *Declaration of the*

52 *Ibidem*; it is thus explained why neighbouring states – except Czechoslovakia, took upon the territories of Romania.

53 Aurel Preda-Mătăsar, *Concesii periculoase. Renunțări inutile*, Edit. Sylvi, București, 2000, p. 67-81. Ion M. Anghel, *De ce Federația Rusă mai face parte din Comisia Dunării*, în *Pagini din diplomația României*, Vol. IV, Edit. Junimea, Iași, 2012, p. 319-347.

Romanian Parliament (24.06.1991)⁵⁴ and of the Government (09.11.1991), by which Romania welcomes the independence of Ukraine, expressing its desire to develop friendly relations, it was also specified that this declaration did not imply the recognition of incorporation in the new state, northern Bukovina, Herta Krai, Hotin Land and the counties in southern Bessarabia - areas that were forcibly annexed by the USSR and then included in the territorial structure of Ukraine under the *Ribbentrop-Molotov Pact*, Ukraine reacted as expected.

- In order to resolve such an issue as soon as possible and to consolidate without long discussion, the takeover of Bessarabia (except the Republic of Moldova and the Transnistrian area) and Northern Bukovina - inherited from the USSR, Ukraine led negotiations with Romania, since 1992, on the border between the two Countries. But, given that the positions of the two states were diametrically opposed, taking into account the fact that Ukraine had refused to condemn the *Ribbentrop-Molotov pact* - which was not surprising at all, and as long as Romania's position in the negotiations remained in line with *Parliament's Declaration*, negotiations stalled. In this situation, Ukraine changed its tactics, first proposing the conclusion of the *Treaty on relations of cooperation and good neighborliness between Romania and Ukraine* (1997) in which, in art. 1, the provision “states that the existing border between them is inviolable ...”. As such, through this maneuver - accepted by Romania, the border problem was implicitly resolved and the Object of the *Romania – Ukraine Border Treaty*, was limited to copying the text of the *Romania-USSR Border Treaty* (1961). But much more gravely is the fact that this document is summarizing all unilateral imposed interpretation of the Russia – *inter alia*, that the principle of mobility of the water course of the border is not applicable to their islands – a kind of Trojan Horse.

The Romania was not obliged to recognize the borders imposed by force, but this had to be negotiated. The fact that Ukraine had seceded from the USSR in no way conferred it, in principle and unconditionally, the quality which it claimed, as the holder of the territory which it had received from it, all the more so as the title of which the USSR had owned was at least debatable. In accordance with international rules - art. 28 of the *Convention on the Succession of States to International Treaties* (1978)⁵⁵, the successor state - Ukraine had to have the consent of Romania, in order to become a party to the *Treaty on the border between Romania and the USSR*, because Ukraine's transition to the *Treaty* that had existed between Romania and the USSR did not occur automatically. In the same sense is the doctrine where the prevailing opinion is that these treaties are not subject to succession, but are agreed

54 That Declaration was proposed by Ion Ratiu in the Commission of Foreign Affairs; I worked on the text and then it was approved by the Parliament.

55 „A bilateral treaty which at the date of a succession of States was in force... is considered as applying provisionally between the newly independent state and the other state concerned when: a) They expressly so agree...”

between the successor state and the state party to that treaty. In the present case, as the principle of automatic law succession to the treaties did not work, there was no taking over of the *Border treaty* that the USSR had with Romania.

- Claiming that it would serve Romania's interests and overriding the position expressed by its Parliament, our temporary rulers, ignoring the national interest - to restore the country, solemnly agreed, through treaties, to sanctify the break-up of Bessarabia from Romania; as a result, they rushed, starting negotiations, only to meet Ukraine's outspoken demands; Romania received absolutely nothing, but ceded to Ukraine what it deserved, so that even the Danube Delta was divided with Ukraine; it also came into possession of Snake Island. The treaty is not *synallagmatic* - it does not create equal rights and obligations for both parties, regardless of mutual interest. In order to perpetuate this surrender and put an end forever to the hope of uniting the Romanians in Bessarabia, the *Treaty* was concluded, which excludes, forever, any other discussion on this issue.

For the negotiating mandate of the *Treaty on the border with Ukraine*, several options were discussed, but in the end the negotiation was in fact on the watchword "unconditional and final surrender" - as if there was no other alternative other than surrender.

- Although there were then (because Romania can no longer raise this issue - extinguishing the dispute forever) enough and strong enough - irrefutable arguments to eliminate or at least reduce the size of these terrible injustices, made at the expense of Romania and for the benefit of Ukraine, in order to reject, with vigor and the dignity we expected, Ukraine's claims, the result was - following the unfortunate decision and the deficiencies in the negotiation, for Romania to give in on all levels. By concluding the *Border Treaty*, Romania legalized the entire series of abductions to which it was subjected (*the surrender*, in 1812, of Bessarabia by Turkey, which had no such right; the *dictation* of Otto Bismarck at the Congress of Berlin in 1878, the 1940 *ultimatum* and the *Yalta Conference*, as well as the *Peace Treaty* of 1947). Apart from these iniquities, which left traces on the destiny of the Romanians, even worse is that the destiny of the Romanians under the control of Ukraine had been sealed. Not to mention the defilement - the contempt for the memory of those who never returned from Steppe Calmucă and Cotul Donului. The fatal consequence - unjust, unworthy and shameful, is that such terrible acts have become legitimate; from crimes that attract punishments, they have become valid acts. What is really illogical and aberrant is the fact that they have been overlooked and accepted as valid acts, in terms of international rules, which accuse them and should be held liable of, thus covering those who had broken parts of the territory of Romania.

It is no longer surprising that, in order to speed up the planned settlement of the border issue with Ukraine - as it was approached, the Romanian negotiator (who insisted on condemning the *Ribbentrop-Molotov Pact*) was replaced by another, more flexible and easier to influence (formed in

the area of multilateral diplomacy) so that in the *Border Treaty with Ukraine* were simply reproduced regulations that had been imposed on us by the USSR, although we were not at the end of a military conflict with it; an irreversible situation was created, perpetuating a wound that dates back centuries, at the expense of Romania⁵⁶. It is noteworthy that, although in statements Romania condemned the injustice of the past, in fact, it joined it. Furthermore, it should not be omitted what is stated – *de auditu*, the effort made by an ambassador accredited in Bucharest, through his advice to the Romanian negotiator, in order to speed up the conclusion of the *Treaty with Ukraine*.

- A discomfit and loser metamorphose politico-judicial; the suite of rapt from Romanian territories by military forces, aggression, greedy barbarian acts of Russia - as predecessor state and such illegal, null and void for Ukraine as successor, because such a succession cannot be rehabilitated what was and it is an unjust, while the victim is entitled to the restitution of stolen territory. But the abandonment, forever, by the Romanian Government of the hope of centuries, that of the return of all Romanians in one state, is an *unprecedented case* in history (passing over the case of the signing by Alexandru Marghiloman of the *Peace Treaty with the Central Powers* (1918), when Romania left the Alliance, becoming a colony of Germany), but also *unique*, at the same time, destructive and disastrous, by the blow given to its own nation, which can no longer go in the direction of its assertion and development, but it is sealed with a different destiny than the one it deserves. It is about a surprising and radical change of attitude - a reversal of the situation on the part of Romania. If for two centuries (in the case of Bessarabia - since 1812, and in the case of Northern Bukovina - since 1940), Romania strongly opposed and rejected the ruptures in its territory, as well as the subjugation of a part of the Romanian nation, trying, with great risks - losses and sacrifices (1941), to regain them now, when there was, in peacetime, a chance to try to reduce at least the proportions of injustice, Romania abandons this ideal, through the *Treaty of Good Neighborhood*, leaving Ukraine, for eternity, the territory that had been taken from it by the USSR.

As a result of this solemnly assumed commitment - an embarrassing act of capitulation - damaging, Romania implicitly withdrew - *ipso facto*, forever and embarrassingly, any claim - an attempt to remove, within the rules international, to some extent, from the injustices that have been imposed on it for centuries. But even more than that, the Romanian-Ukrainian border is drawn exactly on the line imposed by the USSR, based on the *Ribbentrop-Molotov Pact*⁵⁷ - condemned by all mankind following the 1940 *ultimatum*, and in the *Treaty of Good Neighborhood* (art. 1), it is confirmed that “the existing border... is inviolable... will refrain, now and in the future, from any

56 Ion M. Anghel, *Tratate și... tratate*, în *Pagini din diplomația României*, Vol.II, Edit. Junimea, Iași, 2010, p. 135-175.

57 The text of the Border Treaty between Romania and the USSR is reproduced in the Border Treaty (art. 1).

attack... and from any request or action... of usurpation of part or all of the territory"; it is clear in favor of which of the parties this Treaty has been concluded. Therefore, it is about giving up Bessarabia and Northern Bukovina, with an apology, in an explicit way and without the slightest ambiguity, but in a damaging and humiliating way. Exempt from any liability and rehabilitated, with the confirmation of the right to control what was forcibly broken from the territory of Romania, Ukraine feels encouraged to do exactly the same thing, at the expense of the Romanians, who continue to remain victims. Ukraine – as a simple segment of the former Soviet Union (a raw aggressive empire) and swallowing its neighboring countries is the whole beneficiary of the criminal act, is constituted of the territorial fragments that having ravished by brutal force – that is illegitimately; is not in the least an innocent and *bona fide* a neighboring country and without velleity of a rapacious appetite.

Ukraine, with its imperial allure (detached from the Baltic Sea and Vladivostok), with its megalomaniacal ambition to be among the great children of the time (it was the third largest nuclear power in the world), overly greedy and anyway, to remain in control of the territory and the population enslaved by Russia, from its victim - Romania, but also in a hurry to legitimize itself as soon as possible and without discussion, which was left to it by the one who initially, in turn, did not own it legitimately approached the issue of the territory taken from Romania as a mere formality, especially since Romania had not raised the issue in any form; with the impertinence of the one who is sure of the result - the transformation of an illegal act into a valid one, Ukraine demanded, and Romania executed.

Romania - the victim for centuries, instead of maintaining and promoting its right to reparations, so as to eliminate injustices, now renounces, accepting that there would be nothing to return. Caressed and capricious, Ukraine was satisfied on Romania sacrifice. Condemnation by the *Treaty* "of unjust acts of totalitarian regimes and military dictatorship that have negatively affected relations" - a refrain from acknowledging aggression in the *Treaty with the Russian Federation*, sharing responsibility with Ukraine, Romania agreed to be condemned even by its representative. Far worse, the unfulfillment of the Romania territories is not the final gesture appeasement offer to Ukraine by Romania. As it is well known, Romania as a peaceful country tried traditionally, to maintain neighboring relations; greeting for a such attitude, I cannot be worried, noting the uninspired, ill-fated and immoral gesture of rewarding Ukraine for unjust tearing from the territory of Romania; an imprudent act to contribute to the rearming our historical enemy successor of Russia – *tel maître, tel valet*, such an aggressive neighboring entity that could be encouraged him; a very dangerous allied – a possible revenge reprisal target of Russia.

- The conclusion of the *Good Neighborhood Treaty* was made exclusively in the interest of Ukraine, in order to legitimize, through a binding political-legal document, the cruel result of the

rupture and domination of a part of our territory, while for Romania, the maintenance of litigation would have provided a possible opportunity to replace this illegitimate act of seizure and to keep Ukraine away from the addition of other acts contrary to Romania. Now a days, half million of Ukrainian citizens are Romanians and due to the peculiar generosity of our Governors, they are under barbarian tyranny – suppression and russification process as well. Romania is abstaining to protect them; more than this, Romania concluded a military treaty to defend such oppressive state. If in history there have been territorial surrenders as a result of a conflict or by force or dictation, in our case the same has not happened, because this shameful capitulation occurred as a result of the immeasurable availability, manifested irresponsibly and irreparably of our temporary decision makers, indifferent to the fate of the Romanians. This position of the Romanian Government cannot be qualified as an act of promoting the national interest, unless the meaning of the phrase “of national interest” changes.

- Regarding the field of international treaties, through my profession and my preoccupations for over 62 years (participating in the negotiation of over 50 treaties⁵⁸ - signing some of them and in the ratification procedures⁵⁹), I confess that I do not know such a precedent in history and I was amazed at the way the negotiations were conducted, but most of all, disappointed that the hopes of the Romanians for centuries were buried forever. After failing to regain the territory taken by force, Romania has vowed never to raise this issue - a treaty as damaging as the *Buftea Peace Treaty* (1918), or a kind of humiliation that reminds us of the atonement of Canossa.

Regarding the expeditious and irresponsible manner manifested in the conclusion of this *Treaty*, I remind you that our great historian and thinker, Nicolae Iorga, considers that no sovereign state can go "to incessant concessions with the sacrifice of its own rights" and "sovereign prerogatives", so that “the existence of the Romanian nationality is sacrificed”⁶⁰.

- Rejecting the inclusion of Bessarabia in Romania - under the pretext of exercising the *right to self-determination* of peoples, as well as restoring the Romanian nation in one state, but stimulating the appetite for separation, between the two sides of the same nation; convinced by the allegations - the absurd and insignificant accusations made by Molotov on the occasion of the 1940 *ultimatum*; given that the representatives of the Republic of Moldova do not renounce, but on the contrary, base their statehood on the *Ribbentrop-Molotov Pact* and that is why they did not even agree to conclude a *treaty*

58 Among them are negotiations with Ukraine for the conclusion of the Convention on the Management of Border Waters.

59 I have drafted over 2000 opinions of the Legislative Council on draft laws for the ratification of treaties, including the satisfaction of the *acquis communautaire* for Romania's accession to the EU.

60 V. Ion M. Anghel, *Tratatele încheiate de România ca ultim criteriu de apreciere a politicii sale externe*, Edit. Junimea, Iași, 2013, p. 221-222.

of fraternity with Romania (which I negotiated in 1990s); with the presence of Russia, through its army and using the Dniester Republic, to keep the Republic of Moldova under pressure; to which is added the extension of Ukraine on the territory of a part of Bessarabia, to the mouth of the Danube, including the Island of Snakes, Northern Bukovina and Hertsa Land - taken from the USSR - a *non dominus*; when the Republic of Moldova limited its self-determination to only one segment of Bessarabia, together with Romania's attitude of complacency - *à la legère*, all this created an extremely dangerous situation, not only for the Republic of Moldova, but for the whole area.

- So the two positions of Bessarabia find themselves in a sad and regrettable relationship - a difference as from day to night; the first position was related to the greatness of Greater Romania, while the second position was related to the fragmentation and disintegration of the Romanian nation - the worst situation for any nation.

The conclusion is disappointing and outrageous at the same time, an anomaly - an involution from good to bad. This is the posture - the odyssey lived by Romania and Bessarabia.

Dumque,

Servum pecus (Horatiu)

aut

Faber est suae quisque fortunae (Salustius)?

P.S.

Esteeming and admiring the Ukrainiens for their heroism, demnity and proved sacrifices in defending their country against to Russia invasion, the Romaniens need – are forced to know or at least have to remember, carefully *how* and *why*, generously, their decidents abandoned and in an irresponsability and antinational way offered to Ukraine, the Romanian territory, watered by the blood of our ancestors and Romanians under foreign gouvernement that inslaved them. Additionally, Romania is shearing with Ukraine the disastrous consequences of the Russian army aggression – Ukrainian refugees and others misfortunes.

Is that a flat of Divinity or a sanction punishment of history?

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