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**POLISH-UKRAINIAN TREATIES IN 2005 - 2013:
A HISTORICAL ANALYSIS**

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ABSTRACT

This article showcases the changes in bilateral relations between Ukraine and the Republic of Poland after the “Orange Revolution” in the former and the accession to the European Union in the latter. It is suggested that the changes in foreign policies of two countries led to a progressive shift from direct bilateral relations that the two nations had since the fall of USSR to a new dimension of cooperation under the structures of the EU’s Eastern Partnership project and the European Neighborhood Policy, which can be taken from the treaties signed in these years.

Keywords: Ukrainian-Polish relations, bilateral treaties, European integration

Ukraine and the Republic of Poland have established relations as soon as Ukraine was granted independence from the Soviet Union. They have been improving since, to the level of a strategic partnership. On October 13, 1990 both countries agreed to the "Declaration on the foundations and general directions in the development of Polish-Ukrainian relations", which signified and re-affirmed the historic ties between Poland and Ukraine, referencing "ethnic and cultural kinship of the Polish and Ukrainian peoples" [1].

The primary sources for the research are bilateral treaties between Ukraine and the Republic of Poland (such as the Agreement between the Republic of Poland and Ukraine on Social Security, May 18, 2012), as well as one-sided documents, both Ukrainian and Polish (such as Foreign Minister Radosław Sikorski’s proclamation of the *Polish Foreign Policy Priorities 2012–2016*, March 29, 2012). The overviewed scientific literature include works of both Polish (such as J. Draus’s *Polish-Ukrainian relations after independence*, T. Kapuśniak’s *Polityka Polski wobec Ukrainy*, etc.) and Ukrainian (such as S. Hrabovsky’s *Яка Україна потрібна Польщі?*, В. Andrushkiv’s *Україна і Польща – економічні аспекти співпраці* etc.) historians, economists and journalists. Information from multiple news media was also used.

However, we believe that researchers still tend to overlook the dramatic changes in Polish-Ukrainian relations that have occurred in less than a decade, from 2005 to 2013, even outside the geopolitical triangle “Poland – Ukraine – Russia” (as described by Alla Krydon) [2]. Among the only, the director of the Institute for European Integration Lviv University, Professor Bohdan Hud identified three periods of Ukrainian-Polish relations: the "romantic" period (under Leonid Kravchuk and Lech Wałęsa), the "pragmatic" period (under President Leonid Kuchma and Alexander Kwaśniewski), and the "historical" one (Viktor Yushchenko and Lech Kaczyński) without, however, giving a characterization for the presidency of Viktor Yanukovich and Bronisław Komorowski [3]. During this period, the emphasis of Ukrainian-Polish relations have changed from the declarations of unquestioned support (regarding the unified opening of a new “window to Europe”) and the search of reconciliation on the basis of common history, to purely economic cooperation with complete disregard for anything “negative” about the aforementioned historical memory among the highest leadership (up to complete ignoring of Ukrainian history-related events in Poland by the Ukrainian government).

Based on the analysis of historiography and sources, we can determine that the purpose of the article - to analyze the changes in the relations between Ukraine and the CIS countries

during 2005 - 2013 period on the basis of official documents and to seek the answer to a question of what caused the aforementioned changes.

The chronological scope of the study covers the period from 2005 to 2013. The lower boundary, on the one hand, is characterized by the election of the opposition candidate Viktor Yushchenko as the President of Ukraine, and on the other, by the “first steps” of Poland as a member of the European Union; while the upper boundary is set due to the preparation of the commemoration of the 70th anniversary of the Volyn tragedy, the progress of which shows the conflicting points in Ukrainian-Polish relations even today.

From the beginning of his “revolutionary” campaign, Viktor Yushchenko had support among Polish politicians, including members of the Sejm and the government - among them the former President of Poland and leader of “Solidarity” Lech Wałęsa, and the future president Lech Kaczyński (mayor of Warsaw at that time).

Poland's accession to the European Union, which took place a bit earlier before Ukrainian election (May 1, 2004), has created a new reality for Ukraine: for the first time there was a country that would actively “lobby” the Ukrainian course for EU membership and partnership with NATO among the members of the European Union. The strengthening of the partnership with Poland not only provided new opportunities for Ukraine in the European politics, but would also strengthen Viktor Yushchenko’s credibility as the president.

During his several visits to the EU countries in January and February 2005, the new President of Ukraine stated that Ukraine is ready to break its “multivector foreign policy” and that pursuing the membership in the EU and NATO will be the main geopolitical goals from now on. He also asked for the “clear European perspective”: what exactly should be done for Ukraine to join these organizations [4]. The EU immediately responded with the “EU/Ukraine Action Plan” that set the level of strategic cooperation between two entities for the time period before the Association Agreement is settled [5].

Regarding specifically bilateral treaties, the year 2005 presents such at all levels. These began with March’s Treaty between the Cabinet of Ministers of Ukraine and the Government of the Republic of Poland on economic cooperation. Its most important point was declaring “the development of intra-regional economic cooperation” between the two countries [6]. This point was later continued and realized in the form of The Treaty on International - interregional cooperation between the Donetsk Oblast (Ukraine) and the Silesian Voivodeship (Republic Poland), which confirmed the exchange of delegations of representatives from regional authorities, executive cadres, management specialists and experts in all the jointly defined spheres of cooperation, noted the need to involve in all the interested institutions and economic structures from both sides in cooperation [7].

The year 2005 was proclaimed the Year of Ukraine in Poland at the solemn meeting in Warsaw in April 2005 with the participation of the President of Ukraine Victor Yushchenko and the President of the Republic of Poland Aleksander Kwasniewski. State leaders signed the Treaties on the Academic Recognition of Diplomas and Degrees and on the cooperation in the field of information. The purpose of these agreements was considered to be the “expansion of trade-economic and scientific-technical relations”. Once again Poland was declared to be the most important economic partner of Ukraine in Central Europe. Among other issues discussed during the meeting was the continuation of the Odessa-Brody oil pipeline to Plock and Gdansk, with the intention of its use for transporting Caspian oil in the future. Poland was also interested in purchasing the Turkmen gas from the Ukrainian market, instead of more expensive supplies from Russia; while Ukraine hoped to export its electricity not only to Poland but also to the countries of Central and Eastern Europe beyond the borders of the Republic of Poland. However, the end of Ukraine’s direct gas contracts with Turkmenistan in 2006 has weakened its position in this respect, and led to the loss of an additional leverage to further Poland’s cooperation, and to obtain more revenue from electricity exports further

west. The presidential level arrangements were confirmed by intergovernmental agreements later this year.

The situation somewhat changes in 2006, with Lech Kaczyński's coming to power as the President of the Republic of Poland and the formation of Prime Minister Viktor Yanukovich's government in Ukraine. In September 2006, Viktor Yanukovich made statements regarding Ukraine's foreign policy, saying that it's not ready for NATO membership, but declaring the intention to seek the European Union membership.

However, on March 1, 2006 Ukraine received an official visit from the newly elected President of the Republic of Poland, which confirmed the immutability of Polish policy towards Ukraine, regardless of whether Ukraine will continue its active pro-NATO course or not.

Thus, the period of 2005–2007 years can be characterized as the “demonstratingly supportive” one, full of declarations of absolute cooperation between the two countries; in which Poland took the role of the “engine” that will lead the Ukraine into the EU and NATO, while said cooperation mostly expanded in matters culture (“The Year of Ukraine”) and the development of economical relations between regions of two countries.

In autumn 2007, both in Poland and in Ukraine early parliamentary elections were held. These ended in the creation of a coalition government of Donald Tusk (his Civic Platform party and its rival, Law and Justice) in Poland and the coalition government of Yulia Tymoshenko (BYT collaborated with OU-PSD) in December 2007. Late on, the new Minister of Foreign Affairs of the Republic of Poland Radoslaw Sikorski, presented the new trends of foreign policy at the meeting of the Sejm in May. He explicitly expressed the idea described above: “Poland should continue to specialize in the development of a common foreign policy towards the East” [8].

Such a geopolitical project has seen many discussions in the research departments of Eastern European policy in Poland. Director of the Center for East European Studies Jan Malicki in his interview to “Polskie Radio” stated: “I want to emphasize that the strength of the Polish position in the European Union depends on what kind of support and power we have in the east” [9].

However, virtually all spheres of bilateral relations were affected by problems associated with the entry of Poland to the Schengen area since the end of 2007, which led to new procedures and rules for crossing the Ukrainian-Polish border and, accordingly, created additional challenges for the development and optimization of cooperation between the states.

On July 1, 2009 a new treaty on the control of cross-border traffic was signed during the March visit of Prime Minister of the Republic of Poland Donald Tusk to Kyiv [10]. Nevertheless, the Schengen Visa issue remained unresolved. Once again during the talks, despite the relative irrelevance to the main issues of the aforementioned treaty, the Minister of Foreign Affairs of the Republic of Poland Radoslaw Sikorski assured support for Ukraine “in its effort to join the European and Euro-Atlantic family” [11].

With the end of Viktor Yushchenko's presidency approaching, Poland starts to depart from the idea of “common history” and the forgiveness of “sins of our ancestors” from both sides, and instead starts (on official level) the condemnation of the actions of the Organization of Ukrainian Nationalists (who, on the other hand, were repeatedly characterized as heroes by the President of Ukraine – it is the context of the whole situation that caused a political resonance). On July 15, 2009 Polish Sejm adopted a resolution accusing the OUN and the UPA “in the massacres that have the characteristic of ethnic cleansing and the signs of genocide”. In addition, the resolution says that the parliament “honors the memory of the fighters of the Home Army, Self-Defense of East Lands and Peasants' Battalions who rose to wage dramatic struggle in defense of the Polish civilian population and remembers with pain victims among the Ukrainian civilian population” [12].

We believe that the year 2009 can be safely called the year of the "political review" of historical memory, probably more related to finding points of disagreement (rather than agreement), seeking "claims" for recessions, rather than any of the "unifying" events of shared Polish-Ukrainian history. An interesting document that characterizes that time as such is the Treaty on cooperation between the Security Service of Ukraine and the Institute of National Remembrance - Commission for the investigation of crimes against the Polish nation, signed on August, 2009. Its subject is cooperation in the field of archives, research and publications of the materials that are stored in the archives of the Security Service of Ukraine [13]. Such a seemingly harmless agreement regarding "access to archival documents relating to the political repression that took place on Ukrainian and Polish peoples in the 20th century", became a political statement in the context of the July resolutions of the Sejm.

As suggested in *Gazeta Wyborcza*: "Although Kaczyński made some significant gestures toward Ukraine, now he is primarily thinking about the next year's elections. And his electorate believes that the conflict between two peoples during the war was only Ukrainians' fault" [14].

Nevertheless, Viktor Yushchenko stated that the relations between Ukraine and Poland can be considered exemplary among the countries that have a difficult shared history [15].

Thus, the period of Ukrainian-Polish relations after accession of Poland to the Schengen area (which resulted in certain changes to the status of partnership between the two countries) can be characterized as transitional from bilateralism to cooperation within the Eastern Partnership of the EU structures. In addition, the economic and strategic pragmatism was gradually "replaced by" the problems "common historical memory" as the "main topic" of relations.

Ukrainian-Polish relations after the elections of the President of Ukraine Viktor Yanukovich and President Bronislaw Komorowski of Poland have undergone significant changes, which can be described as a return to "pragmatic" 2000–2004, when the leadership of both countries showed significantly less attention to the interpretation of historical events in the neighbor's territory. Foreign policy is built on the fact that the objective interests of both countries lead to partnership, which must be devoid of any negative "ideological conflict", even through banal neglect of it. As the new Ukrainian president himself said, "his" Ukrainian government wishes to, at first, develop economic cooperation with Poland, "but with a historical reconciliation by the formula 'Forgive and ask for forgiveness'". Instead of dwelling on the tragic past, the new president stated his intention to focus on any, even minor "positive" aspects, such as his own ancestors being ethnically Polish. [16]

Viktor Yanukovich's preference for more economy-related treaties and for the specific requirements of the EU membership, instead of the historical-cultural dialogue, completely satisfied the Polish leadership, which perfectly understood Polish electorate's rejection of the reconciliation (as presented by the Ukrainian side) regarding the Volhynian massacres of 1943, and also its unwillingness to recognize any of AK's responsibility for similar crimes against the Ukrainians. In the words of Bronislaw Komorowski during his visit to Kyiv, "in many controversial issues of Polish-Ukrainian relations it's easier to communicate with Ukrainians originating from Eastern Ukraine, rather than with the Western Ukrainians, who still have negative emotions about the Polish-Ukrainian past" [17].

However, with the reality of the 70th anniversary of the Volhynian Tragedy approaching, the Ukrainian side finally made some gestures regarding the reconciliation of two peoples regarding that dark page of history. On March 2013 Verkhovna Rada Speaker Volodymyr Rybak asked the leaders of both the Polish Sejm and the Senate to support the initiative to establish the Day of Memory and Reconciliation of the Poles and the Ukrainians [18].

The factors of a "decline", or alternatively, a "pause" in bilateral relations between Ukraine and Poland for the post-2012 period include the fact that in this year the two countries signed only four bilateral treaties:

1. Protocol on Amendments to the Protocol of the Agreement between the Ministry of Defense of Ukraine and the Ministry of National Defense of the Republic of Poland on military cooperation in the exchange of information and the flights of military aircraft in the airspace of both countries [19];
2. Agreement between the Government of Ukraine and the Government of the Republic of Poland to cancel the payment for the issuance of national visas [20];
3. Protocol between the Administration of the State Border Service of Ukraine and the General Commandant of the Border Guard of the Republic of Poland on the conditions of the counseling centers [21];
4. Bilateral Agreement between the Ministry of Defense of Ukraine and the Ministry of National Defense of the Republic of Poland on the codification [22].

None of the papers dealt with issues of national history. Neither presidents nor the prime ministers of two countries commented on the controversial bills that were being discussed in the Polish Sejm.

Thus, the 2010 - 2013 period brought new changes in Polish-Ukrainian cooperation. The office of the president strengthened its powerbase in both countries, which corresponded fact that the presidents themselves (with more power in their hands) began to concentrate less on the problems of shared history, and more on economical issues and European integration, effectively ignoring the controversy associated with historical events. Poland the Schengen state, Poland the leader of the Eastern Partnership has become less interested in signing a large number of bilateral agreements with Ukraine and, as can be seen in the number of bilateral documents (or lack thereof) in 2011 - 2012 transferred from bilateral relations with Ukraine to mediation of its status within the EU's structures. A number of processes, including those regarding the 70th anniversary of the Volyn tragedy are happening right now, which makes it impossible to make a final conclusion on the Ukrainian-Polish relations of 2013. Only time will tell what new developments of Ukrainian-Polish relations will come soon and whether Poland will continuously support Ukraine's EU-association ambitions.

РЕЗЮМЕ

У статті досліджуються зміни в українсько-польських відносинах у 2005 - 2013 рр. на основі офіційних документів - двосторонніх договорів між Україною та Республікою Польща. Автори пропонують характеристику окремих періодів в історії цих відносин.

Ключові слова: українсько-польські відносини, двосторонні угоди, Євроінтеграція.

РЕЗЮМЕ

Данная статья рассматривает изменения, произошедшие в отношениях Украины и Республики Польша в 2005 - 2013 гг. на основе официальных документов - двусторонних договоров между двумя странами. Авторы предлагают характеристику различных периодов в истории польско-украинских отношений на данном этапе.

Ключевые слова: украинско-польские отношения, двусторонние договоры, Евроинтеграция.

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