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Foreign Policy Interests of Ukraine and Problems of European Security

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Abstract

This Essay touches upon only the most sensitive problems of ensuring Ukraine's foreign policy and national security interests in the new geopolitical environment on the European continent. Obviously, the spectrum of issues related to the subject of this Essay is much more complex and has especially complex solutions. The European component of Ukraine's foreign policy, while extremely important, is not a substitute for Ukraine's other foreign and domestic policy measures regarding the strengthening of national security, the successful implementation of socio-economic reforms, and the building of a market oriented democratic model of national development.

FOREIGN POLICY INTERESTS OF UKRAINE AND PROBLEMS OF EUROPEAN SECURITY

*Anatoliy M. Zlenko**

INTRODUCTION

As the twenty-first century approaches, the world is in the midst of dramatic change. Perhaps the most profound transformations have been taking place on the European continent. Radical social and political movements in Central and Eastern Europe during the late 1980s and early 1990s (heralding the end of the Cold War), the emergence on the political landscape of several independent states each striving to obtain its own model of social development, and the collapse of the Soviet Union have all drastically altered the geopolitical balance in Europe. Indeed, the present-day political map of this part of the world is clearly at its most mosaic-like in recent history.

The dramatic events taking place in Europe have raised a number of new issues, the most significant of which are the need to maintain further political balance in the region and the need to ensure the security of the newly independent countries by creating an effective security system throughout the entire Euro-Atlantic region. It was quite obvious to the majority of both political analysts and statesmen that the so-called "security vacuum" in Central and Eastern Europe could not exist for long and that the problems arising from it required immediate resolution.

For several centuries, the political destiny of Ukraine has largely been determined by historical cataclysms brought on by the continuous "re-shaping" of the geopolitical space in Central and Eastern Europe. These events have long complicated the process of building genuine Ukraine statehood within her ethnic boundaries, and have molded the historical pattern of behavior of Ukraine's neighbors.

Studying the path toward Ukraine's independence, we can assert with certainty that genuine independence is possible only if Ukraine's national interests, including those in the sphere of

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foreign policy, are effectively protected. As the preamble to the Concept of the National Security of Ukraine states, "[t]he existence, self-preservation and progressive development of Ukraine as a sovereign state is contingent upon a consistent policy of defending national interests." During the first years of independence, however, the issue of how to determine and prioritize Ukraine's national interests was the subject of hot political and scientific debate within the country. Determining national interests and providing effective means for their defense are of utmost importance to any state. These determinations eventually define the level of security, not only of the society as a whole, but of each individual living in it. Furthermore, they are crucial for the preservation and growth of the nation's spiritual and material values.

Even the very concept of national security is being influenced by the rapid revolutionary changes taking place in Europe. With the accelerated development of science and technology, the dramatic increase in trade, the world's transition to a state of political, economic, and social information interdependence, it is no wonder that a number of political analysts have begun speaking of a new phenomenon known as the "virtual state." Professor Richard Rosecrance says, for example, that "[t]he virtual state - a state that has downsized its territorially based production capability - is the logical consequence of this emancipation from the land In economies where capital, labor and information are mobile and have risen to predominance, no land fetish remains."¹ We can not go so far, however, as to assert that states are ready to put aside their military, political, and territorial ambitions as they struggle for a greater share of world output, but there is, at least, some evidence that such a tendency is emerging. As a result, the traditional notion of national security as solely providing a defense against external military threats becomes inadequate and obsolete.

For a long time, the main ingredient in national security was the need for states to maintain armed forces at substantial quantitative and qualitative levels, and the creation of military political blocs and coalitions. Other factors, such as economic and technological potential, the capability to advance, and the moral

1. See Vidomosti Verhovnoi Rady Ukrainy, No. 10, 149 (1997).

condition of the society were all primarily considered to be preconditions to maintaining adequate military might.

Under present circumstances, however, national security is a multidimensional and complex idea. In addition to military and economic components, it now encompasses the subject of democratization, the establishment of friendly, mutually beneficial relations among states, and the collective ability of these states to counter new challenges and threats. Typical national security concerns now include the proliferation of weapons of mass destruction, the trafficking of narcotic drugs, international terrorism, organized crime, uncontrolled migration, grave violations of human rights, and a variety of man-made catastrophes.

This complex and multidimensional notion of national security is particularly illustrative of the way a young state such as Ukraine must approach its security concerns. We are also certain that Ukraine's national security problems are closely related to the prevailing geopolitical situation in Europe and cannot be removed from the context of the general global evolution.

I. *STRUCTURE OF EUROPEAN SECURITY*

Ukraine's geopolitical position is one of the most important factors to consider in analyzing its national security needs. As a natural part of Central and Eastern Europe, Ukraine is focused both on creating a stable, friendly external environment, which will enable it to adequately react to political and economic national security threats, and implementing a crucial internal program designed to transform the country into an open, democratic, prosperous society with a market-oriented economy.

Ensuring that the external factors affecting national security remain stable is a major priority of Ukraine's foreign policy. Ukraine occupies a crucial, yet often still unacknowledged, place in Europe. It is the second largest, and fifth most populous, European country, and contains within it the geographical center of Europe. It is situated in the so-called "belt of instability" that stretches from the Balkans through Transdniester to Transcaucasia. Ukraine is Russia's largest European neighbor and separates it from Central Europe — a region in which Russia, due to its immense resources and economic potential, will always play an important role in shaping the political climate. Meanwhile, Ukrainian Russian relations will, for a long time, determine

whether or not Russia is reconciled to its current borders and to exerting its influence in a way that is compatible with the stability and independence of its new neighbors. Therefore, any changes in or around Ukraine are bound to seriously impact the political climate throughout Europe.

The need to create a special European system of security, while addressed in a practical way between the Second World War and the end of the 1980s, had not been as urgent as it has become lately. New political alliances and international structures that emerged immediately after the war, generally provided adequate maintenance of stability on the continent. Some of them even today play an important role in establishing the foundation for a new system. One such notable organization is the United Nations. It was in fact created with the realization that it was necessary to establish a principally new mechanism that would make the prevention of future conflicts possible, not only in Europe but also around the world.

By its mere existence, the United Nations possesses a unique capability to establish agreed upon international standards and to reach a global consensus on the common destiny of mankind. It embodies a unique mechanism to reach agreements and treaties on urgent and painful questions, most of which have escaped solutions for centuries.

There are, of course, different assessments of the activities of the United Nations, but no one can deny that it is currently the only universal mechanism that can maintain international peace and security. Its system of collective security has, during times of ideological confrontation, been able to prevent the world from slipping into a third world war. It is indeed difficult to imagine the modern world without the United Nations. In fact, it has been said that if the United Nations did not exist, it would need to be created.

Ukraine's participation in U.N. activities represents an important direction in its foreign policy. We see the United Nations as one of the guarantors of the territorial integrity and the independence of our state. It is worth mentioning here the well-known statement by the President of the Security Council, issued in July 1993, regarding the decision by Russia's State Duma con-

cerning the status of Sevastopol.² This was an unprecedented event, especially considering that the respective European organizations were, at that time, unable to give an adequate response to this encroachment of the territory of Ukraine.

This brief excursion into the recent past demonstrates that the processes of regionalization, and the creation of corresponding security structures and mechanisms, in no way diminish the need for a comprehensive universal approach to existing problems. The creation of a new security system on the European continent must be based on the universally recognized principles and norms of international law (particularly those of the U.N. Charter), and cannot be used at the expense of any country in the region.

Unfortunately, for a long time, Ukraine had to build its statehood and its own system of national security in a relatively unstable international environment, created by its close proximity to various ethnic and territorial conflicts and new emerging regional power centers.

The international situation in the regions of Central and Eastern Europe is characterized by the absence of structured mechanisms of stability and security. In fact, it is difficult to even speak of such a system when there is no clear, common understanding of what is meant by "Central" and "Eastern Europe." The notion of a "Central Europe" arose after the Warsaw Treaty Organization collapsed and the Union of Soviet Socialist Republics ("USSR") ceased to exist and usually includes the former member states of the so-called "Soviet bloc." In contrast, "Eastern Europe" generally encompasses the newly independent states and Russia.

As of today, numerous political analysts, scholars, and statesmen continue to argue about what countries should be included in each of the regions of Central and Eastern Europe. The answer to this question probably lies in the understanding of the geopolitical circumstances in the area; and the gravitation of any particular country toward a corresponding power center. A further criterion helping to determine which states belong to which region is the nature of the interests states have in common with other states. Any other approach to this problem would have

2. Richard Rosecrance, *The Rise of the Virtual State*, 75 FOREIGN AFF. 4, at 45-46 (1996).

unclear results and could separate a country from its natural geopolitical space. How could we, in such a case, characterize the predominant orientation of Baltic states to Scandinavia, or, say, Belarus's focus on closer ties with Russia and the CIS states?

Ukraine agrees with the approach that is based on the presumption that the eastern borders of Central Europe are the western frontiers of the former USSR. In addition, all countries of the region, except for Belarus, declared as their strategic objective integration with the European and Euro-Atlantic structures. Specific steps recently taken in this direction once again prove the expediency of integration of all the post socialist countries, as well as the Baltic States, Moldova, and Ukraine, within the conceptual framework of "Central and Eastern Europe."

Ukraine's European orientation, "its need to integrate into Europe," reflected in the public opinion, should not be regarded as dictated by the current political situation, but rather as one of a strategic nature. Valuable Ukrainian achievements in the areas of science, education, religion, and art are inseparable from the European cultural traditions.

Furthermore, Ukraine's western neighbors have recognized Ukraine as a Central European nation because of its full-fledged membership in the Central European Initiative ("CEI").³ There are clear indications that the mentality of European politicians is gradually changing, that they understand that European orientation of Ukraine is imminent, and that they recognize Ukraine as an integral part of the Central European region. Some of the most remarkable examples of this are the President of Ukraine's participation in the meeting of the Heads of States of Central European and Baltic countries; joint political actions by the Presidents of Ukraine, Poland, and Lithuania; the Prime Minister of Ukraine's invitation to the regular meeting of the Heads of States of CEFTA;⁴ the development of cooperation among Ukraine, Poland, and Germany; and active cooperation with the Central European States in creating "euroregions."

In the context of Ukraine's participation in "European affairs," it is worthwhile to mention that, *inter alia*, Ukraine has

3. See *U.N. Criticizes Russia Claim to Sevastopol*, U.P.I., July 20, 1993, available in LEXIS Nexis Library VPI File.

4. See *European Forum Admits 5 Eastern Members*, U.P.I., June 1, 1996, available in LEXIS Nexis Library VPI File.

been a contributor of troops to the U.N. peace-keeping operations in the former Yugoslavia, it has provided military staff to the multinational Implementation Forces in Bosnia and Herzegovina, and has taken part in resolving the conflict in Moldova where it is one of the guarantors of the related memorandum's implementation.⁵

It is now commonplace to speak of the importance of an independent, democratic Ukraine playing a stabilizing role not only in the Central and Eastern European regions but in Europe as a whole. Ukraine's location and its great scientific and industrial potential inevitably give it the role of a natural linchpin in the European security environment.

Any other arrangement would not only bring about a whole gamut of new problems in defending Ukraine's interests but most likely would also create a real danger of undermining its capacity to adequately respond to challenges to its national security. At the same time, we understand that there are no easy solutions in international politics, and that there does not exist a single mechanism that alone could provide solutions to all of the key questions of a state's existence or absolute security guarantees to that state.

Since Ukraine prefers political and diplomatic means to solve security problems, its efforts in the area of foreign policy are focused on promoting the establishment and development of reliable international security mechanisms. The creation of a Euro-Atlantic security zone is a complex process in which both individual countries and multilateral structures, such as OCSE,⁶ the European Union ("EU"), NATO, the Western European Union ("WEU"), the Council of Europe, and others play an important role.

Having chosen European orientation as one of its priorities, Ukraine cannot remove itself from the main developments in this region. Ukraine's strategy for achieving integration into the European and trans-Atlantic structures emanates not only from

5. 1995 American Society of International Law, *Czech Republic-Hungary-Poland-Slovak Republic: Central European Free Trade Agreement (CEFTA)*, 34 I.L.M. 3, 3 (1995).

6. The Organization for Security and Cooperation in Europe ("OSCE") was formerly named Conference on Security and Cooperation in Europe ("CSCE"). The Memorandum on the Settlement of Transdniester problem signed on May 8, 1997 by the Presidents of Moldova, the Russian Federation and Ukraine, and by the leadership of Transdniester.

the fact that Ukraine is drawn to Europe for political, historical, and cultural reasons, but also from its pragmatic need to meet the existing economic requirements of our country.

Ukraine's active participation in the building of a new security system in Europe involves the development and strengthening of its relations within several contexts. It must consider NATO's transformation and enlargement, the evolution of the Security Model for the twenty-first century under the OCSE framework, the EU's future enlargement, new WEU functions, and the development of regional and subregional processes.

Today, it is universally recognized that the future security structure in Europe is to be based on the principles of indivisibility, comprehensiveness, and partnership. In other words, it is to be based on collective, rather than individual, actions. The effectiveness of the interaction between these elements would result from a state of mutual complementarity and a meaningful distribution of functions. In Ukraine's view, this method is the only way to secure the vitality and efficiency of the future European security architecture.

As has already been mentioned, the development of a new European security architecture has probably become the most important and acute issue in the post-Cold War period. Its significance has further increased because of the fact that practical steps were taken to solve the problems surrounding NATO's enlargement. It is clear that this reality requires Ukraine to determine its own clear-cut strategy for participation in a new collective security system.

II. *UKRAINE - NATO RELATIONSHIP*

The development of Ukraine's relation with NATO should be considered in light of the fact that NATO itself is not a rigid and unchangeable entity. Having taken the lead in the development of a new Euro-Atlantic security system, and having put forward the proposal to establish cooperation among all the countries of the region for the sake of creating a safe Europe, NATO has vividly demonstrated its potential for transformation, and for gradual adaptation to new realities.

Today, one can confidently state that we have witnessed the transformation of this Alliance from a closed military and political bloc into a union of democratic states and that this union is

an important element of the Pan-European security structure whose declared objectives are to maintain stability and to promote democratic ideas on the continent. Proceeding from this very understanding, Ukraine has repeatedly stated that it does not consider NATO to be an organization that poses a threat to its national interests. Rather, as President Leonid Kuchma of Ukraine stated in an interview, NATO was "the only real guarantor of security on the continent."⁷

Ukraine has readily responded to NATO's suggestion to the countries of Central and Eastern Europe that partnership relations be established and Ukraine was the first of the former Soviet Republics to express its approval of NATO's transformation. In addition, it first joined the North Atlantic Council for Cooperation ("NACC") in 1992 and then the Partnership for Peace ("PFP") Program in 1994. By establishing active contacts, Ukraine has demonstrated its view that these organizations are important vehicles for regular political consultation between NATO and both the former members of the Warsaw Pact, and the newly independent States. It has further shown that it considers them to be important elements of the common structure of stability and security in Europe whose aim is to further develop a deepening cooperation in the region. The creation of NACC and the inauguration of PFP were, at that time, steps in the right direction, that helped to avoid new "lines of division" in Europe, and helped to strengthen stability and security in the OCSE region as a whole.

Meanwhile, Ukraine did not overestimate the importance of its participation in NACC and PFP and was constantly looking for new ways to improve existing forms of cooperation and to initiate new ones. Recently, in view of the changes that have taken place in Europe since the creation of NACC, including the significant development and deepening cooperation with respect to security, the military cooperation within PFP, and NATO's plans to increase its membership, it was quite natural that the idea to integrate all existing forms of NACC-PFP cooperation within the new structure would generate broad support. Indeed, the foreign ministers of the North-Atlantic Council and the NACC who met in the City of Sintra in Portugal agreed on the establishment of a Council of Euro-Atlantic Partnership

7. See ABC-Clio, Inc., 1995. The CSCE was formally created on July 3, 1973. *Id*

("CEAP") which would be a single cooperation mechanism providing the framework for the considerable deepening and strengthening of the political component of the PFP Program.⁸

Ukraine regards the establishment of this new structure as a continuation of the process of strengthening partnership relations among the European countries. It also views it as another step toward intensified cooperation between NATO members and other partner countries. At the same time, it is quite obvious that the success of CEAP will, to a great extent, depend not only on CEAP's ability to preserve and build upon what has been achieved within NACC and PFP, but also on CEAP's ability to formulate new levers in adopting collective decisions on issues that are of interest to both NATO and non- NATO members. This condition is crucial to CEAP's ability to become a solid component of the emerging system of entities such as Euro-Atlantic security alongside the OCSE, EU, WEU, Council of Europe, and NATO.

While analyzing NATO's enlargement within this context, one must be surprised by the approach of numerous political analysts and public figures who regard the issue only as the introduction of a procedure for negotiations between NATO and the individual countries of Central and Eastern Europe. These commentators ignore the structural changes that have taken place within the Alliance that establish partnership relations with all the interested countries of the region. This question, viewed from a geopolitical perspective, is really part of a more general issue: the need to create an effective collective security system on the continent. Even now one may confidently predict that the meeting in Madrid⁹ will be historically significant to the further development of the security system on the European continent, and that it will help to shape the external conditions making consideration of the national interests of the countries in the region, including Ukraine, possible.

Naturally, under these circumstances, generating Ukraine's position on the expansion of NATO and providing a framework

8. See Juliusz Urbanowicz, *Oleksy's Moscow Visit: The Nagging Doubts About NATO*, *WARSAW VOICE*, May 21, 1995.

9. The American Society of International Law, *NATO-Russia: Founding Act on Mutual Relations, Cooperation and Security Between NATO and The Russian Federation*, 36 I.L.M. 1006, 1006 (1997).

for its relations with the organization required a balanced yet flexible approach.

Ukraine's foreign policy developed when there existed various views within the society about the orientation of an independent state, and various ideas for improving its status in the world. Under the influence of domestic and international developments, however, Ukraine's foreign policy has since undergone an evolution. Over a relatively short period of time, Ukraine has traveled a path from its original intention to become a permanently neutral state, as proclaimed in the Declaration on the State Sovereignty of Ukraine,¹⁰ to its current state of having entered into relations of distinctive partnership with NATO.¹¹

Today, despite different opinions regarding Ukraine's proclaimed intention to become a neutral state, one can hardly underestimate the importance of such a proclamation to the formation of a new state, and to the protection of its foreign interests in the existing political environment. It is clear that the proclaimed intention to become a permanently neutral state played a positive role in the first years of independence when Ukraine was under pressure to join a new military alliance formed on the territory of the former Soviet Union. However, in July 1993, Ukraine's neutrality underwent significant changes. The foreign policy guidelines adopted by Ukraine's Verkhovna Rada clearly state that its proclaimed intention should not interfere with its full-scale participation in the All-European security system.¹² The guidelines indicated Ukraine's readiness to adapt its foreign policy to the new realities in Europe and its ability to adequately respond to geopolitical changes in the region.

Moreover, Ukraine's Constitution, adopted on June 28, 1996, has no provision proclaiming neutrality or non-participation in military alliances either as a means of ensuring national security or as a condition to its existence.

A provision of the National Security Framework which concerns Ukraine's participation in multilateral security arrangements, including regional arrangements, is a major guideline of

10. Declaration on the State Sovereignty of Ukraine, July 16, 1990, Section IX.

11. NATO, Charter on a Distinctive Partnership between NATO and Ukraine (July 9, 1997) <<http://www.nato.int/docu/basic/txt/ukrchrt.htm>> [hereinafter NATO-Ukraine Charter].

12. Guidelines of Ukraine's Foreign Policy, Reports of Ukraine's Verkhovna Rada (1993).

the State policy in this area and reflects the significant changes that have taken place in the military and geopolitical status of Ukraine.¹³

Ukraine, itself, did not raise the issue of its participation in NATO, in part, because neither it nor NATO was prepared to take such a step. Ukraine also had to deal with the realities of NATO's expansion to the East. The major tasks of Ukraine were to prevent potential negative consequences of this process, to avoid letting Ukraine turn into a buffer state, and to maximally ensure its own national security interests. Ukraine, in general, did not oppose NATO enlargement, but believed that its own security interests had to be accommodated in that process.

As mentioned above, a simplified analysis of the decision to expand NATO could not adequately portray the evolving security issue on the European continent. I believe that the main questions regarding NATO's expansion should not be "who should join?," "when?" and "in what sequence?," but rather "how can an efficient instrument guaranteeing the security of nations that remain outside NATO be created?" Ukraine is confident that NATO's expansion can have a positive effect on the overall security in Europe only if the principles of its expansion, agreed upon by the Alliance, are observed. These principles of expansion include:

- preserving NATO's openness in the future;
- ensuring that a process of expansion is accompanied by strengthening cooperation between NATO, other structures, and all concerned nations of the regions;
- ensuring that NATO moves toward a collective security system; and
- respecting the interests and concerns of all the states of the region in the process of expansion, based on the principle of indivisible security.

To unconditionally comply with the universally accepted principle of indivisible security, and to prevent the emergence of new "lines of division" in Europe or "gray zones" during the practical implementation of NATO's expansion, it is necessary to adequately guarantee Ukraine's national security interests, including the refusal to recognize any claims to Ukrainian territory from any other country. Another principal issue for Ukraine is

13. *Id.*

that of non-deployment of nuclear arms on the territories of new NATO members.

The establishment of distinctive partnership relations with NATO is therefore viewed by Ukraine as one of the most important guarantees of its interests in the face of NATO's expansion. Intensive consultations, which have been held on this issue over the last year and a half, have finally led to the adoption of the Charter on distinctive relations between Ukraine and NATO.¹⁴ This document outlines the parties' political obligations regarding their relations, determines the areas for consultations and cooperation, and defines practical mechanisms of interaction on the most vital issues of European security.

Particularly important is the Charter's provision recognizing the roles of Ukraine and NATO in creating the Euro-Atlantic security system. Also important is its acknowledgement of the need to develop "distinctive and effective" partnership relations that would promote stability and common democratic values in Central and Eastern Europe.¹⁵ NATO, for its part, has expressed support for Ukraine's sovereignty and independence, for its territorial integrity, for the inviolability of its borders, and for its democratic and economic development.¹⁶

A concrete mechanism for the implementation of the Charter provisions, including that which contemplates consultations between the parties, will become a principally innovative element in Ukraine-NATO relations. Specifically, the Charter would initiate the work of the Ukraine-NATO Commission, and would require the Commission to meet at the North Atlantic Council level no less than twice a year.¹⁷ A crisis consultative mechanism would also be set up to conduct joint consultations should Ukraine perceive an immediate threat to its territorial integrity, its political independence, or its security. The Charter further envisions, for example, a Ukrainian military liaison mission to NATO (in Brussels) and a NATO mission in Kyiv.¹⁸ In fact, the Commission is the first mechanism of its kind for consultations and cooperation between NATO and a Central-Eastern European country.

14. NATO-Ukraine Charter, *supra* note 11.

15. *Id.*

16. *Id.* at para. I.1.

17. *Id.* at para. IV.12.

18. *Id.* at para. IV.11.

The importance of signing the Charter on distinctive partnership relations between Ukraine and NATO goes beyond the framework of merely bilateral relations. The Charter is one of elements essential for securing Ukraine's national interests in the midst of NATO expansion. It is furthermore an extremely important component of the general development of the European security structure because it facilitates the creation of a more stable environment to achieve the ambitious goal of a single and comprehensive security system in Europe. Because of this agreement, it is therefore clear that Ukraine is among the leading countries in the development of the system.

III. *UKRAINE'S DEVELOPMENT OF AMICABLE RELATIONS WITH ITS NEIGHBORING COUNTRIES*

Naturally, it is crucial for any nation to develop friendly, mutually advantageous relations with its neighbors if it is to protect its own national security interests. Clearly, therefore, while the politically elite of some of Ukraine's neighbors have territorial claims against Ukraine, the fostering of such amicable relations will long remain a high-priority in Ukraine's foreign policy.

There are, however, other reasons why Ukraine has a profound interest in developing good relations with its neighboring countries. Common interests in ensuring market reforms and continued production growth, in making technological advances, in improving competitiveness in the world market, in combating crime and corruption, in controlling migration processes, in halting drug and arms trafficking, and in minimizing the consequences of technological and natural disasters, all require the efficient cooperation among neighbors. Today, it is also evident that the emergence of local hot-beds of instability in one country can have political and economic effects in other countries, potentially threatening those other countries' national security interests.

Within this context, it must be emphasized that the relations must not only be friendly but also mutually advantageous. Ukraine has never intended to strengthen its own security or obtain economic advantages by either diminishing the security of its neighbors or consciously limiting their interests. However, Ukraine also will not allow itself to be threatened, blackmailed, or intimidated. Mutually beneficial relations require the under-

standing of common interests in maintaining the region's stability, the unacceptability of isolated approaches toward problem solving, the readiness to reasonably compromise, and due respect for both historical and present day realities.

I have already mentioned Ukraine's participation in resolving the situation in the Transdnister region. I could also recount other events that were extremely important to the development of bilateral relations between Ukraine and its neighboring countries, and to the strengthening of Ukraine's international positions in general. A specific example is the signing of the Treaty on the State Border between Ukraine and the Republic of Belarus.¹⁹ This treaty sets a precedent for successfully resolving issues relating to the legal boundaries between the subjects of the former Soviet Union. Other examples include the signing of the Joint Declaration Towards Understanding and Unity, achieved during a visit to Ukraine by Polish President A. Kwasniewski, and the signing of the Treaty on Good Neighbourly Relations and Cooperation between Ukraine and Romania.

Strengthening the principle of strategic partnership between Ukraine and Poland was a major success coming out of the Polish President's visit to Ukraine. According to many analysts and diplomats, the signing of the Joint Declaration, which testified to the willingness of Ukraine and Poland to constructively tackle serious problems they each inherited from their long common history, was a courageous and extraordinary step. The Joint Declaration also ensures continuity in protecting the interests of Polish citizens of Ukrainian descent who suffered from the forced deportation in April 1947 known as "Operation Wisla."

By signing the political treaty with Romania, Ukraine virtually concluded the process of establishing the legal basis for relations with its neighboring states. The provisions included in the treaty not only reflect both countries' belief in the common international legal principles that neither existing national borders nor the rights of national minorities shall be violated, but also set forth civilized mechanisms for solving other problems still existing in the bilateral relation. Of particular importance is the provision within the treaty that transfers to the International

19. *Id.* at para. III. 10.

Court of Justice the issues of delimitation of the borders of the continental shelves and of the exclusive economic zones. This transfer occurs automatically if the two sides have not reached a mutually acceptable solution within two years after the treaty's entry into force.²⁰

The events mentioned above have not only facilitated a final solution to the issue of international legal recognition of Ukraine's existing borders, but have also made an important contribution to ensuring stability and security in Europe. It is obvious, however, that Ukraine's relations with Russia, its largest neighbor, occupy a special place in the foreign relations arena. It is hard to overestimate the important role that this relationship plays not only in Ukraine's own foreign policy but also in the creation of an effective collective security system on the European continent.

Ukraine has consistently pursued a course of normalized relations with Russia. However, this pursuit was not always met with understanding from the other side. Frequently, the development of bilateral relations became a hostage to the influential political forces within Russia which preached toughness in both domestic and foreign policy. This ideology was aimed at restoring the "Great Russia" as a world power and regaining its domination within the framework of the geopolitical space of the former Soviet Union. One sign of such a policy was Russia's proclamation that it was ready to interfere in the internal affairs of the neighboring states that have emerged in the post-Soviet space in order to protect the so called "Russian speaking population."

Until recently, Russia had also been reluctant to define its borders with Ukraine, leaving a dangerous question mark over the status of Crimea. A confrontational approach to this matter, however, would only have had an opposite effect.

There is no doubt that Russia remains one of Ukraine's priority partners, not merely in the area of politics. Ukraine is still tied to the economic complex of the former members of the USSR, whose infrastructure was almost entirely built around cheap Russian energy sources that had provoked high energy consumption by industry, particularly in Ukraine. Russia also continues to be Ukraine's main economic partner, the major

20. American Society of International Law, *Treaty on Understanding, Cooperation and Good Neighborliness*, 36 I.L.M. 340, 340 (1997).

supplier of necessary energy sources and an important purchaser of the products of Ukraine's heavy industry.

The situation, to a great extent, is being complicated because of Russia's own internal instability, which could result in the country's retreat from its current move toward democracy. It is obvious that such a turn of events would be undesirable and even threatening to both the security of Ukraine and to the world community as a whole.

It is quite understandable that the relationship between the two largest countries in Central and Eastern Europe could not forever remain unregulated and characterized by a mix of contradictions and confrontation. We are satisfied that the need to develop good neighborly relations with Ukraine is slowly becoming the prevailing opinion among the pragmatic politicians in Russia. In addition, although it is obvious that it will take several generations before such a view becomes the dominant one, the latest events do provide hope that the era of Russia's non-acceptance of an independent Ukraine and the attempts to return it to within the orbit of Russia's dominating influence is over. The documents that were signed during President Boris Yeltsin's state visit to Ukraine, most importantly the Treaty of Friendship, Cooperation and Partnership, opened a new era in Ukraine-Russia relations, and bring the expectation that bilateral cooperation will reach a new level.

Ukraine welcomes the normalization of relations between NATO and Russia, and particularly, the signing of the Founding Act.²¹ In Ukraine, the establishment of a dialogue between NATO and Russia has always been considered important to the stability and security on the European continent. To a great extent, it would define the development of the Euro-Atlantic partnership for the foreseeable future. As Ukrainian President Leonid D. Kuchma said during an interview: "You cannot build a security system in Europe without Russia. Cooperation with Russia is currently the largest challenge for Europe and the world."²² The Founding Act in fact symbolizes the trend toward cooperation among all nations of the region as well as establishment of a unified and comprehensive twenty-first century system of secur-

21. American Society of International Law, *Treaty on Understanding, Cooperation and Good Neighborliness*, 36 I.L.M. 340 (1997).

22. POLITYKA, June 15, 1996, at 15.

ity and stability in the Euro-Atlantic space. It furthermore defines a new dimension to this cooperation.

While analyzing the issues of European security, it is impossible to ignore the specific role of the United States, which, during the post war period, played a key role in maintaining stability on the continent. Maintaining good relations with the United States is among the top priorities of Ukraine's foreign policy. Proclaiming the intention to upgrade these relations to the level of a strategic partnership, and the subsequent practical measures already undertaken in this direction, have, undoubtedly, been an important factor in strengthening the political and economic independence of Ukraine.

The intensity of bilateral relations between Ukraine and the United States have reached a level so great that there now appears to be a need to search for non-standard approaches to several issues. Among these are the need to maintain the high numbers and effective implementation of existing agreements, as well as adequately coordinate cooperation on a broad range of problems that have long since expanded beyond the framework of a traditional bilateral relations agenda.

A next logical step was the establishment of the Ukrainian-American Inter-Governmental Commission, co-chaired by Ukrainian President Leonid D. Kuchma and U.S. Vice President Albert Gore. The Commission's first meeting, held on May 16, 1997, showcased the United States' willingness to continue developing a strategic partnership with Ukraine as a Central-European nation.

It should also be noted that Ukrainian-American relations have been marked by different social and political dynamics. The concentration of attention on Russia and the application of the so-called "collective approach" toward other countries that emerged on the post-Soviet space, had negatively affected these relations at their initial stage. Another complication arose with the issue of the future of the nuclear weapons remaining on the Ukrainian territory after the disintegration of the former Soviet Union.

Nuclear policy issues, particularly with respect to nuclear missiles, were long seen as the most important matters within the Ukraine-United States-Russia triangle. These issues had

greatly influenced both the definition and practical implementation methods of Ukraine's national security strategy.

Unfortunately, the space constraints of this Essay do not permit detailed coverage of all the aspects of a Ukraine nuclear policy. Rather, the gist of its approach is the realization that problems exist in this area. Ukraine was the first nation in the world to voluntarily abandon its nuclear weapons arsenal and, thus, set an example for other states to follow, concerning the possibility of moving to a nuclear-free world. The important steps in this direction were Ukraine's signing of the Lisbon Protocol on May 23, 1992,²³ the ratification of the Treaty on Strategic Offensive Weapons and the Lisbon Protocol on November 18, 1993, the signing of the Tripartite statement by the Presidents of Ukraine, the United States and Russia on January 14, 1994,²⁴ Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons on November 16, 1994,²⁵ and finally, the signing of the Treaty on the Comprehensive Ban on Nuclear Tests on October 27, 1996.²⁶

The principal moment, in my view, however, was providing Ukraine with international security guarantees. The pertinent memorandum ("Memorandum") was signed in Budapest during the OSCE summit by the Presidents of Ukraine, Russia, the United Kingdom, and the United States.²⁷ Separate assurances were also given by China and France. This Memorandum set an important precedent in international relations by facilitating the solution to the issue of Ukraine's nuclear status, the fading of suspicions concerning Ukraine's "nuclear ambitions," and the beginning of honest and open dialogue with our partners. This event became an important piece of the political and legal rec-

23. The Protocol to the Treaty on the Reduction and Limitation of Strategic Offensive Arms, May 23, 1992, U.S.-Russia-Ukraine-Belarus-Kazakhstan, S. TREATY DOC. No. 32, 102d Cong., 2d Sess. (1992) [hereinafter Lisbon Protocol].

24. Trilateral Statement, issued in Moscow, Jan. 14, 1994, by President Clinton of the United States, Yeltzin of the Russian Federation and Kravchuk of Ukraine, 5 U.S. Dep't St. Dispatch, 19-20 (Supp. 1, 1994).

25. 7 I.L.M. 809 (1968).

26. The Comprehensive Nuclear-Test-Ban Treaty, U.N. Document A/RES/50/245, September 17, 1996, 35 I.L.M. 1439 (1996).

27. The full name is: the Memorandum on the Guarantees of Security in Connection with the Accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons.

ognition of Ukraine's territorial integrity and inviolability of its borders. Both are vital to our national security.

Today, as in the past, legal experts actively debate whether this document is legally binding on the participating states. Leaving aside the theoretical aspects of this issue, Ukraine has always viewed the Memorandum as an international legally binding instrument. The Memorandum's provisions, in essence, undoubtedly constitute international legal obligations reflecting generally recognized norms and principles of international law.

Time will eventually reveal the fate of this Memorandum. A provision of the Charter on the Distinctive Partnership between Ukraine and NATO contains NATO's express support for the guarantees of security that were given to Ukraine by the five nuclear powers in the NPT. This demonstrates that the agreement was not merely a past achievement. Indeed, some time in the future, the principles incorporated in this Memorandum might be used as the basis for a new structure of European security, since guaranteeing Ukraine's security means guaranteeing the security of one of the largest nations in Europe.

CONCLUSION

In conclusion, one should realize that this Essay touches upon only the most sensitive problems of ensuring Ukraine's foreign policy and national security interests in the new geopolitical environment on the European continent. Obviously, the spectrum of issues related to the subject of this Essay is much more complex and has especially complex solutions. The European component of Ukraine's foreign policy, while extremely important, is not a substitute for Ukraine's other foreign and domestic policy measures regarding the strengthening of national security, the successful implementation of socio-economic reforms, and the building of a market oriented democratic model of national development.

It is the successful resolution of the whole complex of problems referred to above, along with other factors such as the geographical location, historic experiences, and powerful scientific and industrial potential that will ensure the necessary conditions that will enable Ukraine to become one of the major guarantors of political and economic stability in Europe. This will, to a great extent, determine the configuration of the new architecture of European security in the twenty-first century.