

Ukraine's Neutrality: A Myth or Reality?

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VIKTORIA POTAPKINA, NOV 30 2010

Ukraine has been searching for its political and security identity ever since its independence in August 1991. Although policies and declarations have been written down on paper and officially passed, the real situation in the country is quite different, as implementation is always slow to follow and, more often than not, the legislation becomes questioned and challenged. Situated on a crossroad between Russia and the European Union (EU), Ukraine was never able to cohesively decide and act with a foreign policy that was not chaotic or unsynchronized. On the one hand, Ukraine has set out clear priorities in its interest in European integration and becoming a more cooperative and close partner with the Euro-Atlantic community, with further prospects of joining the North Atlantic Treaty Organization (NATO). At the same time, Ukraine has close historical, cultural and economic ties with Russia, which impact a nostalgic urge to maintain this long and close association. Formulating and maintaining a strategic focus becomes even more problematic when given the fact that this divide is not restricted to purely political elites but the general public as well. Ukraine is linguistically, however not ethnically, divided between the west and east, Ukrainian and Russian speakers, respectively. The Russian-speaking East-Ukrainian population is geographically situated closer to Russia, thus there exists closer ties and larger cross-border regional economic cooperation. Naturally, jeopardizing a good relationship would hurt Eastern Ukraine in many aspects; consequently the population meets NATO and EU membership with slight apprehension. Western Ukraine, which engages in minimal contact with Russia, does not see any benefit in closer cooperation, and thus is willing to cut all ties to its old neighbor and fully integrate into all political, economic and military institutions that the Euro-Atlantic community has to offer. Hence, Ukraine's progress in its foreign policy presents numerous domestic obstacles, as politicians skid back and forth, further contributing to instability and confusion.

However, a third often overlooked yet constitutionally and legislatively acceptable option exists for Ukraine; the option of neutrality. This issue has been briefly discussed in the previous years without much ado, and once again no action followed. Nevertheless, the issue has resurfaced again, this time followed by much debate and discussion, as it originated from the newly elected Ukrainian president, Viktor Yanukovich, who has been repeatedly urging the Parliament to vote on the needed legislation and fully reaffirm the country's neutrality. Unfortunately, the situation has more questions than available answers, and furthermore, not one politician has provided a coherent model for Ukraine to follow.

It thus becomes the purpose of this article to analyze the given situation in Ukraine and answer the question as to whether Ukraine's neutrality is another political myth or a real possibility. First, the existing legal basis will be discussed as a foundation for a further analysis, alongside brief comparisons to existing neutral European countries, such as Moldova, Sweden, Finland, Austria, Ireland and Switzerland. Focusing on the drawn conclusions, the possibility of implementing such a policy and its repercussions on the regional situation will be analyzed.

Legislative Basis

Currently, there are only two countries left in the European post-Soviet space that do not belong to any political block – Ukraine and Moldova. Article 11 of the Moldovan Constitution proclaimed the permanent neutrality of the Republic of Moldova along with stipulating that the Republic of Moldova does not permit the presence of foreign armed forces on its territory. In this case, it can be said that the country intended to use permanent neutrality as a defence mechanism and as the cheapest way of guaranteeing its sovereignty, being positioned between two stronger

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neighbours. However, Moldova's neutrality is rather debated, as it is not recognized internationally. Furthermore, Russian support for the military forces of the unrecognised Republic of Transnistria show clear disregard for the policy of neutrality and Moldova's participation in NATO's Partnership for Peace is further highly criticized. (Marandici 2007).

Ukraine, on the other hand, has proclaimed a non-block status, which it has, due to various reasons, maintained since its independence. The basis for neutrality can be found in the Declaration of State Sovereignty of Ukraine, passed on July 1, 1990, which declares that the country has the "intention of becoming a permanently neutral state that does not participate in military blocs and adheres to three nuclear free principles..." (Declaration of State Sovereignty 1990: Art. IX). Furthermore, the Ukrainian Constitution, which bases itself on the Declaration of Independence of August 24, 1991, contains these basic principles of non-coalition and future neutrality. However, the questions of how and when these are to be implemented remain unanswered and are subject to much debate. (Spillmann, Wenger and Müller 1999: 36).

Passing legislation to precisely determine Ukraine's foreign policy direction has always been a complicated issue for the Ukrainian Parliament (Verkhovna Rada), as proposals are constantly stalled and amended. Currently, an existing proposal on a future direction of foreign and domestic policies is being discussed in the Verkhovna Rada; meanwhile, the official legislation in this regard dates back to July of 1993, which states that given the dramatic changes that occurred after the collapse of the Soviet Union, and which further defined the geopolitical situation of Ukraine, the earlier proclamation of future neutrality should not present itself as an obstacle to the country's participation in European security structures and should, in fact, be adapted to the new conditions (Постанова Верховної Ради 1993). In principle, the two key issues of the resolution are not conflicting with the notions of neutrality. When considering internationally recognized neutral European countries, it becomes apparent that all, except Switzerland, participate in a European collective defense system, and prior to the adoption of the Lisbon Treaty, were members of the Western European Union (EUROPA). The problem, however, came in 2003 with the adoption of a law concerning principles of national security which sets as the country's priority the complete and rightful participation in European and regional systems of collective security further indicating the goals of accession into the European Union and NATO (Закон України 2003-2006). From a legislative point of view, the two discussed laws contradict each other. Theoretically, during the adoption of the former law it was necessary to cancel the earlier one; this, however, did not happen. Consequently, Ukraine is still heading in two, quite different directions simultaneously.

To fully understand the situation it is necessary to further consider Ukraine's military doctrine which was initially adopted in 1993 by the Verkhovna Rada when the Constitution was already in place. It was amended and reworked throughout the years. In 2001 a new policy project regarding the military doctrine was initiated and awaiting adoption by the Verkhovna Rada, which was leading the procedure. The process continued until the end of 2002. However, in 2003 a new law emerged. In contradiction to the Constitution, through Law #39 the Verkhovna Rada gave up its powers to formulate and pass the national security strategies and military doctrine in favor of the President. This right was further integrated into the previously mentioned law concerning security principles (Закон України 2003-2006). Thus the existing legislation and the new project were effectively forgotten and suddenly replaced by a new law placing the highly prioritized and crucial national issues in the hands of the President.

In June of 2004, President Leonid Kuchma issued a new presidential decree concerning the military doctrine, based on the new law. In July of the same year he officially proclaimed that the statement about Ukraine's definitive preparation for accession into NATO was removed from the military and security doctrines and policies. However, following the Orange Revolution and the election of a new president, the situation changed once again, with President Viktor Yushchenko amending the doctrine further and stating that the country's final security goal is accession into NATO. (Pavlenko 2006). This leads to obvious problems for the country and further projects an outward image of incoherent and unstable policies.

Neutrality as a Solution – drawing parallels to other states

As Ukraine approaches its nineteenth Independence Anniversary this year, it seems timely to consider these years of incoherent policies which managed to maintain the notion of non-coalition regardless of the ever-changing opinions of

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politicians. The principle of Ukraine's neutrality, as established in the Constitution, corresponds to the interests of the country from a security perspective; it further seems to be the logical compromise for the society. However, it is important to draw analogies and parallels to neutral countries and their experiences to comprehend if this, indeed, would work for a country as Ukraine.

Since Ukraine proclaimed integration into the EU as one of its main priorities, it seems appropriate to consider the situations of European neutral states – Austria, Finland, Ireland and Sweden. Furthermore, as both Austria and Finland were both part of other states in recent history – of Germany and Russia, respectively – it becomes possible to make an even more precise comparison to these countries. Of course, neutrality cannot be considered a universal solution; however these members of the EU took steps toward being neutral as a necessity.

When considering the case of Austria, there existed two main concerns for the state. The first was the issue of statehood; should or should not Austria be a sovereign state. The second issue concerned the removal of troops from the territory. Following World War II (WWII), Austria intensively negotiated and throughout two years engaged in signing contracts with thirty-six major countries around the world which recognized and respected its neutrality. However, the key country to Austria's situation was the Soviet Union (USSR) toward which it had to pledge not only military, but also ideological neutrality. (Pavlenko 2006).

The situation was similar in Finland. The country had to extensively negotiate with the USSR to remove the military naval base located in close proximity to Helsinki. After this was achieved in 1955, the main barrier to Finnish neutrality was effectively removed. Thus by the early 1960s, both the West and East recognized its neutral status and the country was able to enter a more confident period of international relations and practice what came to be termed an "active and peaceful policy of neutrality". (Finland – Neutrality).

Ireland's main reasons for neutrality lay in their relations with the United Kingdom and the integrity of the country; in the case of Switzerland, the issue was raised mainly due to the extensive influences of three external actors – Italy, Germany and France. Just like in Switzerland at the beginning of the nineteenth century, Ukraine faces the problem of national integrity at the beginning of the twenty-first century. The issues that arose in Switzerland can easily be compared to the East-West situation in Ukraine. (Pavlenko 2006).

It can be said that Ukraine has accumulated problems similar in many aspects to those of the countries which chose neutrality to solve them. For example, the Finnish ascertain that firstly, the extensive border with the USSR of approximately 1 400 kilometers as well as two wars, in 1939-1940 and 1941-1944, forced them to seek a solution and compromise with the other country. As one can conclude from the present day peaceful and cooperative Russo-Finnish relations the path of "active and peaceful" neutrality proved effective. Ukraine too has an extensive land border with present day Russia of approximately 2 000 kilometers; since its independence Ukraine has numerous times been involved in trade and verbal wars with Russia. Furthermore, just like Finland, eighty percent of Ukraine's energy supply depends on Russia. Historical analogies can further be drawn with regard to prior integration into the Russian Empire. Ukraine's problems of languages, ethnicities and religions find parallels with neutral European countries which have achieved success in their foreign and domestic policies, adding further credibility and reasoning for Ukraine's path in the same direction. (Ibid.).

However, neutrality is a situation that needs to suit not only Ukraine; to be internationally accepted and legally recognized Ukraine's neutrality needs to suit its immediate neighbors – Russia and the EU.

Regional Considerations

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Relations with Russia were worsening following the political events of the Orange Revolution. Approving statements of Ukraine's neutrality were at first nonexistent, later to become extremely rare and not fully approving. However, after Viktor Yanukovich won the presidential election earlier this year, relations between Moscow and Kyiv began considerably warming-up. This could, in part, be due to the fact that the newly elected President rejected the idea of Ukraine's accession into NATO. According to a recent statement by the Russian President Dmitry Medvedev, during his latest visit to Kyiv in mid-May of this year, although he would like to see Ukraine join the *Collective Security Treaty Organization*, *Russia is not opposed to Ukraine choosing a path of neutrality. He further pointed out that* "if it would be an absolutely neutral, independent state, we would be quite satisfied". (Baranovskaya 2010). It is possible to interpret such a decision on the basis that it completely excludes the possibility of Ukraine's accession into NATO, an option highly endorsed by Russia. In such a scenario, both sides are able to reach a compromise and achieve certain goals.

The position of the EU is slightly different. The EU found the possibility reasonable and acceptable a few years ago due to needed assurances of stability in the issue of energy supply, wanting a stable, non-conflict prone area at its borders to guarantee this. Even though there is no official recent statement with regard to the issue, in March of this year the former European High Representative for Common Foreign and Security Policy Javier Solana said that he considered the concept of neutrality in foreign policy to be a concept of the past, not present. He further pointed out his skepticism toward the ongoing debate with regard to the issue in Ukraine, referring to it as "artificial" and concluding that with time the concept of neutrality is starting to lose its topicality. (Kyiv Post 2010).

Furthermore, France has on numerous occasions expressed its opposition to Ukraine's accession into the EU as a NATO member. As Ukraine is territorially the largest European country, its consequent accession into NATO and then the EU will place it into a similar position as Poland, which is viewed as a lobbyist for the United States. Thus having an even larger territory with such a purpose is obviously not in the interest of the Union. However, this does not mean Ukraine must exclude itself from any security guarantees; in fact, European structures for defense seem to be a suitable replacement for the opinion of NATO accession. (Pavlenko 2006).

Conclusion

During his inauguration, Viktor Yanukovich stated that it was his goal to make Ukraine a neutral country, urging the Verkhovna Rada to finally pass the needed legislation on the matter. Comparing Ukraine to a bridge between the East and West, he pointed out that the "challenges that the international community face mean we have to join together in a larger format. We are ready to participate in this process as a European, non-aligned state," (Inform 2010)

However, the notion of neutrality has as many opponents as supporters. Some scholars consider neutrality to be a rather academic notion. Further pointing out that Switzerland, Finland, Austria, Sweden and Ireland each have their own defined concept of neutrality, quite different from the other. Whether this is a drawback or an advantage is rather debatable, as neutrality has proven able to solve a series of initial problems for each of the countries. (Marandici 2007).

In the context of Ukraine, critics further emphasize the fact that neutrality is an outdated concept as well as pointing out the need of extensive, strong and stable regional cooperation to make it work. When this is unavailable, neutrality becomes a dangerous concept. Furthermore, "neutral states under bipolarity require far more resources to provide their own security" (Kapitonenko 2009: 444). Ukraine, however, does not have such resources readily available.

Applying neutrality in practice to the case of Ukraine implies a serious step in foreign policy, for the country itself as well as for the region. Passing and implementing the needed legislation would imply finally taking a decisive step towards a much needed coherent foreign policy. Such a step has the potential to bring an end to debates within society about the country's direction on the international stage as well as stability to at least one of the political aspects of Ukraine.

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In this case, the model provided by Finland seems to be the closest to the state of affairs in Ukraine, due to historical, geopolitical and national similarities. It is also worth mentioning that Finland was able to achieve Ukraine's current foreign policy goals after proclaiming and firmly establishing its neutrality. Thus neutrality can be considered as one of the main feasible solutions to certain ongoing problems in Ukraine.

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