NO ALTERNATIVE: UKRAINE'S FULL FLEDGED NATO MEMBERSHIP IS THE ONLY EFFICIENT SECURITY GUARANTEE

Maria Kucherenko, Mykola Bielieskov

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The attempts not to "irritate" the Russian Federation by discussing the possibility of non-expansion of NATO, the attempts to pacify the aggressor with the Minsk agreements process, futile efforts to start the dialogue built on non-functioning mechanism that was incorporated in the Budapest Memorandum; these are the steps towards the abnormally high price Ukraine pays now for maintaining the illusion of the world order existence. We can talk now only about maintaining the illusion, as the right of the strong that replaced the right of the law was being asserted by Russia in Ukraine for the last 8 years. This led to the catastrophe Ukraine is experiencing since 24th of February 2022.

Russia's war against Ukraine as a challenge to the global security

Isolated wars are impossible in the modern world. This can be proven in humanitarian, economic, politically-diplomatic and military fields. For example, the humanitarian field includes not only refugee crisis, typical for almost every conflict, but also grain crisis that has proven that Russia's war against Ukraine is a complication for both Europe and the rest of the world. Global food security directly depends on Ukrainian grain. Any half measures such as the so-called grain deal won't resolve the problem. Ukrainian ports approved for grain discharging and shipment are repeatedly shelled by Russia. The first shelling occurred directly after signing the grain deal (it is important to note that the grain deal comprises two documents signed by Ukraine, Turkey, and UN; and — separately — by the Russian Federation, Turkey, and UN). Despite numerous extensions made by Russia, the grain deal is de facto paralyzed as of May 2023. Separate decisions won't solve the food problem in a medium-term perspective as a major part of Ukrainian agricultural lands is occupied, while even bigger area is mined. At the same time, people who work in the agricultural sector are in the constant danger because of the Russian shelling of the whole Ukrainian territory or directly engaged in repelling Russian aggression serving in Ukrainian Defense Forces.

Politically-diplomatic area includes unseen before 2014 case: member state of UN Security Council that has nuclear weapons, commits act of aggression against the state that gave up its nuclear arsenal in exchange for the security guarantees from the country that later became an aggressor. This act of aggression not only challenges the UN, but also makes us look closely at the violations of UN Charter that were allowed since Russia's admission as a member of UN, which de jure didn't happen, up to Russian consistent aggressive actions and human rights violations in the Russian Federation and beyond.

Review of key impotent agreements and guarantees

The Budapest Memorandum

The Budapest Memorandum is a document that actually became an outcome of Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons. The memorandum was supposed to provide security guaranties to Ukraine in exchange for giving up its nuclear weapons. The English-language version of the Budapest Memorandum contains the term "assurances", not "guarantees". This wording was a subject for discussion from the very beginning: Ukrainian side insisted on using the term "guarantees". But the parties were able only to agree upon using the term "assurances" in the English-language copy of the document, while Ukrainian and Russian copies contain the term "guarantees".

The Budapest Memorandum wasn't ratified by any of its signatories, including Ukraine. This argument can be bypassed because of the text of the document itself, where it is stated that it enters into force from the moment of its signature. According to Vienna Convention, ratification is just one of the mechanisms of the obtaining the consent for the adherence of the treaty. The Budapest Memorandum was incorporated into the documents of UN General Assembly, UN Security Council and permanently active Conference of Disarmament.

Ukraine repeatedly tried to make the Budapest Memorandum and its guarantees to work. In spring 2014 the first attempt to hold the consultations was made ("Budapest minus Russia"). In 2018 the second attempt was made due to the Russian attack on the Ukrainian artillery gunboats "Berdyansk" and "Nikopol", and tugboat "Yany Kapu". Before 24th of February 2022 three previous Presidents of Ukraine had tried to step up the work in the Budapest format. During the Munich Security Conference in February 2022 the President of Ukraine Volodymyr Zelenskyy made a fourth attempt to hold the consultations stipulated by the Budapest Memorandum.[1]

The Minsk Agreements

The series of the documents (Minsk Protocol,[2] Minsk Memorandum,[3] Package of Measures for the Implementation of the Minsk Agreements[4]) were the attempts to counteract the continuation of the Russian aggression in the east of Ukraine after the annexation of Crimea. But the clauses of the Agreements didn't acknowledge the annexation of the Crimea. This approach has demonstrated its ineffectiveness as the consolidation of the separating one conflict into the different components legitimized partial deoccupation of the Ukrainian territories as the way of the conflict resolution. For the practical solutions of the implementations of the Minsk Agreements two contact groups were created: the Trilateral Contact Group (TCG included the representatives of Ukraine, Russia and OSCE as a mediators) and Normandy Format (also known as Normandy Four or N4, which consisted of Ukraine, Germany, France and Russia).

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[1] Ukraine initiates consultations in the framework of the Budapest Memorandum: https://www.president.gov.ua/news/ukrayina-iniciyuye-provedennya-konsultacij-u-mezhah-budapesh-73001

[2] Minsk Protocol: https://www.osce.org/files/f/documents/a/a/123258.pdf

[3] Minsk Memorandum: https://www.osce.org/files/f/documents/a/1/123807.pdf

[4] Package of Measures for the Implementation of the Minsk Agreements: https://www.osce.org/files/f/documents/5/b/140221.pdf

Throughout the engagement of these two formats Russia actively tried to present itself as a mere mediator, not a party of the conflict, constantly repeating that all the issues should be resolved by the real parties of the conflict — Ukraine and illegal armed groups in the separate parts of Donetsk and Luhansk regions (ORDLO). Russia also tried to make Ukraine carry out the political component of the agreements while ignoring its own commitments to the security component.

Essentially, these agreements driven by the need to cease fire were only partially successful and didn't give any security guarantees to Ukraine and its citizens that lived on the demarcation line. The conflict that had been festering for 8 years up to 24th of February 2022 allowed Russia to prepare all the needed resources for the further aggression towards Ukraine and — what's more important — conveyed the impression for Russia that the chosen configuration of the war it had waged against Ukraine from 2014 to 2022 is something acceptable. The Russian Federation continued to test the limits of its actions against Ukraine set by the international community.

Istanbul proposals made at the beginning of 2022

The beginning the phase of fighting from 24th of February 2022 put the final nail in the coffin of the Minsk Agreements. Both sides tried to find another negotiation format. The result of the negotiations that started on 28th of February 2022, immediately after the beginning of the new phase of Russian hostilities, was the Istanbul Proposals of Ukraine and the Russian Federation. It is important to note that both sides saw the outlines of the agreements differently, that's why the potential agreement would have repeated the fate of the Minsk Agreements in any case.

The proposals declared by Ukrainian party were brutally imposed by the circumstances of the Russian aggression, but they still contained the element of *pacifying the aggressor* logic.

Ukrainian proposals included the demand for Russia to leave the Ukrainian territories it has occupied since 24th of February 2022, the legally binding security guarantees for Ukraine, including the demand for closing the sky over Ukraine without preconditions, and a ceasefire. At the same time, Ukraine de facto agreed to negotiate the status of the Crimea and Sevastopol for the next 15 years, and articulated the readiness to coordinate the non-nuclear, non-aligned, and neutral status of the state in exchange for the Security Guarantees Agreement for Ukraine.

These proposals weren't meant to be. With the liberation of the territories of Kyiv region occupied by Russia, the world has seen Ukrainian civilians executed by the Russian forces and a shocking war crimes committed by the Russian army against the civilian population. The crimes stimulated the reaction of the Ukrainian partners, sped up the further aid, and made the further attempts to pacify the aggressor impossible. But the concept of the security guarantees weren't abandoned by Ukraine, though it took positive transformations comparing to the Istanbul Proposals.

Kyiv Security Compact Proposals

Kyiv Security Compact is a system of security guarantees proposed by a working group on international security guarantees for Ukraine. A group of countries such as the USA, the Great Britain, Canada, Poland, Italy, Germany, France, Australia, Turkey, and Nordic, Baltic, Central and Eastern European countries could join the Compact (the list is not exhaustive). The security guarantees should be secured by bilateral agreements with the guarantor countries and unified by the joint strategic partnership document — Kyiv Security Compact itself.

Kyiv Security Compact is positioned as a proposal of the security guarantees for Ukraine on our way to NATO. It is articulated that Ukraine's aspiration to join NATO is safeguarded in the Constitution of Ukraine. At the moment of preparation of the Compact Ukraine had no intention to abandon this aspiration; however, the country needs the security guarantees here and now. Such an approach contains a threat of obtaining a security guarantees that will allow a number of actors (including some of the potential guarantors) to declare the sufficiency of these guarantees and thus further distance our NATO membership perspective. This could eventually transform into the diplomatic refusal. The authors of the document point out that the guarantees should not be drawn at the exchange for the neutrality status. However, such configuration will allow not to say "yes" without saying "no".

Proposal on resolving the situation

All the above-mentioned varied security guarantees proposed to Ukraine, all the agreements Ukraine was a part of, prove that none of the half measures work and won't work in the future. The attempts to "keep Russia in check", "not to bait the aggressor", to look for various "interim solutions" for Ukraine only encourage the Russian Federation to further attack Ukraine in all available levels. The only efficient security guarantee for Ukraine can be full-fledged NATO membership. Taking into consideration all the events that have been happening since 2014 up to now, it is worth considering that the North Atlantic Treaty Organization needs Ukraine no less than Ukraine needs NATO membership.

2. Ukraine-NATO: Prejudices and Perspectives

Russian aggression against Ukraine as a failure of European security architecture built after 1991

Full-scale Russian aggression against Ukraine has become a final negative judgment for one of the core elements of European security architecture established after 1991 — Ukraine's position in a gray zone between enlarged NATO and the Russian Federation that has partially restored its military potential after the collapse of the USSR. Such status was determined by the perception of Russia dominating in the NATO countries. In the 2000s, NATO countries were apprehensive that Ukraine's NATO membership would lead to an ultimate loss of Russia and, as a result, inability to develop mutually beneficial relations in a wide range of affairs. Thus, the wording of the 2008 Bucharest NATO Summit communique was rather declarative in the part of Ukrainian perspectives of joining NATO. In the 2010s, the Russian Federation had successfully created an image of a regional military juggernaut built on threats of conventional and non-conventional escalation in the event of Ukraine's approaching on NATO membership, thus thwarting the development of Ukraine-NATO cooperation. Therefore, NATO has continued to adhere to the model of restrained partnership with Ukraine.

The problem with this restrained approach of NATO countries towards the Ukrainian membership was that Russia had never had Ukrainian non-aligned/neutral status as a final goal. Securing Ukraine's position in a gray security zone was only a premise for a transition towards the next stage — reasserting a physical control over Ukraine and restoration of the Russian Empire. This plan was presented by the President of the Russian Federation in the keynote article "On the Historical Unity of Russians and Ukrainians" that became the political cornerstone of the plan for the future full-scale aggression towards Ukraine.

The concept of price and risks of admitting Ukraine into NATO overweights price and risks of not admitting Ukraine into NATO has demonstrated its total incapacity. Events that occurred at the beginning of 2022 has shown that the cost of preserving Ukraine status as a grey-zone state appeared to be tenfold bigger than the cost of a brave strategic step towards expansion of European security perimeter by admitting Ukraine into NATO. The cost of such a careful approach keeps growing every day since 24th of February 2022. This is not only a matter of military, economic and humanitarian cost of aid NATO countries provide for Ukraine here and now. In a broader sense, it is about multiple negative effects on the global economy and geopolitics.

Changes after 24th of February 2022

Realization made by NATO states that without security guarantees for Ukraine the security and stability in Europe and with it — world's global security — is impossible, became a key change that occurred after 24th of February 2022 amid full scale Russian aggression against Ukraine. Corresponding formulae were part of the documents such as Charter on a Distinctive Partnership between NATO and Ukraine, and US-Ukraine Charter on Strategic Partnership. However, the practical actions have demonstrated the unwillingness of the partners to successively follow the accordant declarations. As of today, this realization led to the political consensus among ruling elites of NATO countries that a military security of Ukraine should be strengthened.

Furthermore, the events that occurred after 24th of February 2022 refuted a number of generally accepted views that blocked Ukraine's admission into NATO. One of the key miscomprehension was the argument that Ukraine's admission into NATO will lead to an immediate deployment hundreds of thousands of joint military NATO forces to Ukraine in order to implement 5th Article of Washington Treaty if needed — as it happened in Federal Republic of Germany during the Cold War. The course of the events has shown that the Defense Forces of Ukraine are capable of effectively conducting defensive and offensive actions on the ground and preventing the Russian military from force projecting in the air and at sea. Therefore, with a rather limited injection of military equipment and technology Ukraine as NATO state could effectively counteract Russia's efforts in force projecting at the first stages of the possible aggression. Consequently, Ukraine's admission into NATO doesn't automatically lead to the deployment and subsequent use of the conventional forces by the member states in Ukraine. In fact, Ukraine has demonstrated the ability to implement a range of measures that in perspective could create the effect of deterrence by denial, which decreases the necessity of deploying NATO joint forces here and now.

In other words, relying on its own capabilities, Ukrainian Defense Forces can withstand Russian military aggression for a certain time without necessity of deployment and use of joint coalition NATO forces, unlike other NATO member states.

Similarly, the threat of a conventional escalation that the Russian Federation had been using effectively before 24th of February 2022 has lost its credibility. The course of events has shown total incapability of the Russian forces to conduct modern military campaigns and, as a result, to create a new reality for NATO countries to reckon with. Moreover, as of today, Russian Armed Forces have suffered such heavy losses in equipment and manpower, that they are forced to rely on the threats of non-conventional escalation. These threats, however, were criticized by such countries as China and India and thus should not be perceived as an obstacle on Ukraine's way towards NATO membership.

Current discussions

Regardless the consensus among politicians and experts from NATO countries on the need for strengthening Ukraine's security, there is no agreement on whether it should be accomplished by Ukraine's immediate admission into NATO. The official position comes down to the concept that Ukraine's admission will be possible only after the end of the high intensity warfare. At the same time, some of the experts hint that Ukraine can join NATO only in case of Ukraine's renunciation of some of its temporary lost territories, if our country won't succeed in deoccupiyng them in the nearest future.

The probability of transformation Russo-Ukrainian war into a war between Russia and NATO in the case of Ukraine's admission into the North Atlantic Alliance deters western politicians from supporting the invitation of Ukraine into NATO here and now. As a result, our Western partners prefer to prolong the current model of partnership for repelling Russian aggression by providing aid in the form of hardware, intelligence, training and wargaming. Such model, in the opinion of NATO countries, in the perspective will focus on deterring new rounds of Russian aggression. This policy is known as "Israeli security model" or "porcupine strategy".

It is expected that the configuration of the potential model will be determined during Vilnius NATO Summit in July 2023. In particular, the establishment of Ukraine-NATO Council with Ukraine's right to assemble this council in case of growing threat and the ability to raise the

issue of needed help is discussed. The signing of a framework document that institutionalizes the mechanisms of aiding Ukraine that were enabled since 24th of February 2022 is also planned.

Ukraine's expectancies from Vilnius NATO Summit underwent some modifications — from expecting clear positive decision about Ukraine's admission into NATO to accepting as a significant progress the endorsement of time framework for Ukraine's admission into NATO and the beginning of the accession process. Yet, the propositions to apply Israeli security model are considered by the majority of the Ukrainian expert community as attempts to divert from the membership course. The uncompromised position on the fastest possible admission of Ukraine into NATO is preserved, considering that any framework agreement could repeat the fate of the 1994 Budapest Memorandum. On the other hand, Ukraine hasn't given up on Kyiv Security Compact as a way to strengthen Ukraine's security on the course of joining NATO. This idea isn't globally viewed as a substitution for NATO membership, but could be interpreted in that way.

Besides, some of the experts and Ukrainian authorities try to present the interpretation of the article 5 of the Washington Treaty that doesn't cover the immediate military interference on Ukraine's side. According to this interpretation, the aid can come exclusively in the form of hardware, ammunition, intelligence, training, and ops planning. That is, not going beyond all the aid that is being given since 24th of February 2022. There is a perception that this interpretation will increase the willingness of NATO countries to accept Ukraine in NATO and decrease the risks of direct confrontation between the USA/NATO and the Russian Federation.

In reality, such interpretation could make more convincing the idea of the framework document as an alternative to Ukraine's immediate admission to NATO, as NATO countries see it. It will be difficult for Ukraine to object to the framework document that will codify cooperation forms and mechanisms accumulated since 24th of February 2022. Moreover, diluting the interpretation of Article 5 of the Washington Treaty is not beneficial for Ukraine. Despite rather broad framework, the mutual defense of the Alliance is based on implicit readiness of the US to use its force. Furthermore, diluting the essence of Article 5 of the Washington Treaty probably won't find a lot of support among Central and Eastern European countries that build their defense policy on the assumption that the abovementioned article includes the deployment of the American forces.

At the same time, deterrence by denial approach only delays the moment of joint NATO forces deployment according to article 5 based on the de facto real capabilities of Ukraine's Defense Forces to repel full-scale aggression, unlike most NATO member states. The approach doesn't cancel the deployment and application of joint NATO forces on the territory of Ukraine when or if it is needed.

Plans for the future

The key problem for Ukraine's argumentation on NATO membership is a shift in partners' perception. As for today, from the American point of view, the current modus operandi looks acceptable. Ukraine inflict heavy losses to Russian Armed Forces, decreasing the level of military threat to Europe and undermining the Russian image as a major power, while operating within the framework of the current aid mechanisms that are about to be institutionalized. Meanwhile, the risk of direct confrontation with the Russian Federation remains minimal while Ukraine stays outside of NATO. From the Ukrainian point of view, this situation of buck passing is unacceptable.

Ukraine's key argumentation on the necessity of joining NATO can be narrowed down to the following points. Firstly, the accumulated experience on waging high-intensity war that will be useful during the modernization of NATO member states. Secondly, the overall security strengthening in the region through involving Ukrainian Defense Forces in joint planning and hypothetical application of force. The transformation of Central and Eastern European countries into the bastion of Russia's deterrence, with Ukraine as an integral part, could release significant American forces for the strategic confrontation with China in the Indo-Pacific region. Another point was added to this argument recently: admitting Ukraine into NATO will allow the member states to have more influence on development and application of the Ukrainian Defense Forces. The issue of safe environment guarantees for the future reconstruction and development of Ukraine is also very important. Ukraine's NATO membership will be seen by the investors as a more sufficient security guarantee than the Israeli security model.

Therefore, Ukraine's argumentation in favor of joining NATO comes down to the combination of the number of military advantages and the possible risks for the reconstruction. The problem of such approach lies in the perception of the decision makers, who believe that the price for admitting Ukraine outweighs the added value. It is important to constantly remind about the negative consequences of not admitting Ukraine into NATO.

There are some significant moments that usually remain unnoticed. The Russian Federation in its current configuration and accordant imperial great-power identity most likely will never recognize Ukraine as a sovereign state, even in the ideal event of the total deoccupation of currently occupied Ukrainian territories. The inability to implement its maximalist plans for Ukraine shouldn't be perceived as their abandonment. The only possible option to push Russia towards the post-imperial transition would be the admission of Ukraine into NATO, as this would deprive Russia of a space to project its imperial ambitions. This exact scenario could be also a real sign of a strategic failure for the Russian Federation that with its aggressive actions has in fact declared the total annihilation of Ukraine and prevention of a further eastward enlargement of NATO.