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The Ukraine and the OSCE¹

Establishment of Relations

The first attempts of Ukraine's governmental institutions to establish contacts with the OSCE dates back to the final years of the USSR. On 16 July 1990 the Supreme Council of Ukraine adopted a Declaration on State Sovereignty which proclaimed the general foreign policy principles of the state: "The Ukrainian Soviet Socialist Republic as a subject of international law, maintains direct relations with other states, enters into treaties with them, exchanges diplomatic, consular and trade representatives, participates in the activities of international organizations to the extent required for adequate assurance of national interests of the Republic in the spheres of politics, economics, ecology, information, science, technology, culture and sports. The Ukrainian SSR is a full member of the international community which actively promotes the strengthening of universal peace and international security, and participates in the all-European process and European structures."² It is significant that this first official document, which marked the beginning of the formation of Ukraine foreign policy, accurately outlined its European orientation.

However, Ukraine acquisition of sovereignty was a protracted process. Thus, in autumn 1990 (19-21 November 1990) the delegation took part in the Paris CSCE Summit of Heads of State or Government as part of the USSR delegation, unlike the representatives of Estonia, Latvia and Lithuania who, notwithstanding the official protests of Soviet diplomacy, were permitted by the leading Western states to participate in the Paris Summit with the status of informal observers.

It is indicative that just at that time, on 19 November 1990, the Ukraine entered into its first inter-state treaty of the contemporary period - a treaty dealing with the basic principles of inter-state relations with the Russian Federation, officially valid until spring 1999.

Before the Ukrainian Independence Referendum of 1 December 1991, followed by the official demise of the USSR, the Ukrainian aspiration to be-

1 The author is grateful to the staff of the Ukraine Ministry of Foreign Affairs for useful discussions of Ukraine policy towards the OSCE. The views expressed in this article, however, do not necessarily represent the government position.

2 Deklaratsiya o gosudarstvennom suverenitete Ukrainskoi Radianskoi Sotsialistichnoi Respubliki [Declaration on the State Sovereignty of the Ukrainian Soviet Socialist Republic], in: Vidomosti Verkhovni Rady Ukrainskoi Radianskoi Sotsialistichnoi Respubliki 31/1990, p. 429 (henceforth quoted as: The Bulletin of the Supreme Council of the Ukraine; all quotations from the Bulletin of the Supreme Council of the Ukraine are translated by the author).

come a participant of the Helsinki process with equal rights did not have the support of most NATO and EU member states. Even following the official demise and abolishment of the USSR through the Minsk accords and the creation of the Commonwealth of Independent States on 8 December 1991, Ukraine was not automatically recognized as a legal successor with the international obligations of the former USSR. Its membership in international organizations (except for the United Nations, whose founder and full member Ukraine had been since 1945) required submission of special applications.

In a letter dated 28 January 1992, from Anatoli Zlenko, the then Minister for Foreign Affairs of the Ukraine, to Jiří Dienstbier, the Chairman-in-Office of the CSCE Council of Ministers, the Ukrainian government officially proclaimed its adoption of the Helsinki Final Act, the Charter of Paris for a New Europe, and all other documents of the CSCE. The letter contained the following notions: "Concerning the Vienna Document on Confidence and Security-building Measures, the Government of Ukraine agrees to apply all the provisions of the Vienna Document on CSBMs, and to an understanding that the geographic scope of its application should be revised as soon as possible in order to ensure full effect of the rules of transparency, predictability and conflict prevention on its territory. Specific provisions on the above matter will be negotiated in the CSBM Negotiations and included in the 1992 Vienna Document. The Government of the Ukraine recognizes the requirement for prompt entry into force of the Treaty on Conventional Armed Forces in Europe. To that end, the Government of the Ukraine underlines the need for States with territory in the CFE area of application to undertake to move forward promptly with the ratification of the CFE Treaty and to assume, in cooperation with other relevant newly independent States, all CFE obligations of the former Soviet Union."³

The Ukraine joined the CSCE on 30 January 1992 at the Second Meeting of the Council of Ministers in Prague (30-31 January 1992) simultaneously with Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan. In 1992 the Ukrainian President, Leonid Kravchuk, signed the Helsinki Final Act and the Charter of Paris for a New Europe.

The documents of Ukrainian national legislation reflected the legal approach presupposing direct adoption of international commitments of the former Soviet Union. As far back as late summer of 1991 the Supreme Council, then the highest authority of the Ukraine, formulated the principle of adoption of international treaties and OSCE documents signed by the USSR which "do not run counter to the Constitution of the Ukraine or the interests of the Republic" by the Ukraine.⁴ The Statement by the Presidium of the Supreme

3 Official letter by Anatoli Zlenko, Minister of Foreign Affairs of Ukraine, to Jiří Dienstbier, Chairman-in-Office of the CSCE Council, 28 January 1992.

4 Ukrainian Law "On succession to rights and obligations", 12 September 1991, in: The Bulletin of the Supreme Council of the Ukraine 51/1991, p. 748.

Council of Ukraine "On the 1990 Treaty on Conventional Armed Forces in Europe" (22 November 1991) contained a full recognition of the CFE Treaty's validity on the territory of the Ukraine. This recognition of the CFE Treaty's validity as well as the Ukraine's readiness to acknowledge the Helsinki Final Act, the Charter of Paris and other OSCE documents were declared in the address of the Supreme Council of Ukraine "To the Parliaments and Peoples of the World" of 5 December 1991.⁵

The Ukraine formally joined the CFE Treaty at the Meeting of the CIS Heads of State or Government held in Tashkent on 15 May 1992. The CFE Treaty together with the Agreement on the principles and procedures for its implementation was ratified by the Supreme Council of the Ukraine on 1 July 1992.

Taking into account the existence of territorial claims on the part of some neighbouring states and conflicts regarding the establishment of Ukrainian armed forces under the absence of clearly negotiated conditions for the division and subordination of the former Soviet Army on its territory, the Ukraine, being a newly independent state, was vitally interested in the fullest possible implementation of OSCE norms and principles guaranteeing its rights.

The difficulties in the Ukrainian international situation from 1992 until the beginning of 1994 - caused by complications in the nuclear disarmament process, the Ukrainian-Russian dispute over the Black Sea Fleet of the former Soviet Union and the uncertainty of its relations with Russia because of the Crimea and Sevastopol issues - meant that the Ukrainian presence in the OSCE and the UN was of vital importance because it would allow Ukrainian diplomacy to take part in the processes of multilateral international co-operation and to forestall any threat of international isolation of the state. This experience was decisive in the traditionally high evaluation of CSCE/OSCE activities by the Ministry of Foreign Relations of Ukraine and its striving for maximum application of multilateral diplomacy to protect the fundamental interests of the state. Consequently, Ukraine experience in participating in multilateral diplomacy has played an important role in the formation of its foreign policy.

Foreign Policy Concept

According to the Ukrainian Constitution, establishing the conceptual basis of its domestic and foreign policy lies under the jurisdiction of the national Parliament. The resolution of the Supreme Council "On the basic principles of the foreign policy of the Ukraine" which was adopted on 2 July 1993 and is still valid played a decisive role in establishing the principles of Ukrainian foreign policy. This conceptual document considered the CSCE to be "the

5 Reprinted in: The Bulletin of the Supreme Council of the Ukraine 8/1992.

main regional direction" in the Ukrainian foreign policy. It states that "the Ukraine speaks in favour of further extension of the scope of CSCE activities, strengthening and increasing the efficiency of the activities of this international forum's structures and organizations, establishment within its framework of new mechanisms to facilitate creation of an efficient international system of regional security, operational resolution of problems related to the maintenance of military and political stability on the European continent, and extension of constructive and fruitful inter-state co-operation in the spheres of economics, science, technology, culture and humanities."⁶

At the same time, the conceptual provisions of the parliamentary resolution "On the basic principles of the foreign policy of the Ukraine" reflected the objective features and vulnerability of the Ukrainian position in foreign affairs as a state with an intermediary role in the European international security set-up: the Ukraine is not and in the near future will not be a member of the leading Western institutions like NATO, the EU and the WEU. However, through persistent efforts which were frequently not very beneficial from the economic point of view, the Ukraine has managed to a considerable extent to leave Russia's zone of military and political influence. In particular, the Ukraine is not a full CIS member and its status within the Commonwealth can be described rather as that of a partial or associated member. National legislation forbids executive authorities to participate in supra-national CIS institutions and military or politico-military structures created within its framework.

However, Russia's military presence in the Ukraine in the form of a long-term deployment of the Russian Black Sea Fleet in the Crimea remained, even after the break-up of the USSR. On the other hand, since 1995 the Ukraine has been co-operating more and more actively with NATO and takes part in exercises within and outside of the Partnership for Peace programme.

In the early 1990s the CSCE was the only European international organization in which the Ukraine enjoyed full membership, and so it was not surprising that its 1993 foreign policy concept emphasized the upgrading of the CSCE's status in the European security system and turning it into one of the key elements of its architecture. The concept underlined that: "the Ukraine will extend its participation in the North Atlantic Cooperation Council and the North Atlantic Assembly. The Ukraine will promote gradual transformation of these institutions into elements of the new European security system in conjunction with the Helsinki process."⁷

Further extension of Ukraine participation in the European security system was made dependent upon realization of the current tasks and was linked to

6 Resolution No. 3360-XII of the Supreme Council of the Ukraine "On the basic principles of the foreign policy of the Ukraine", in: The Bulletin of the Supreme Council of the Ukraine 37/1993, p. 379.

7 Resolution No. 3360-XII of the Supreme Council of the Ukraine "On the basic principles of the foreign policy of the Ukraine", in: The Bulletin of the Supreme Council of the Ukraine 37/1993.

the prospective aim of becoming a member of "European Communities and other Western European and all-European structures provided that this did not affect its national interests". From this, the rather important conclusion was drawn that it was necessary to adapt the foreign policy principles and orientations of the Ukraine to changing conditions based on full-fledged participation in the new pan-European security system: "In view of the disappearance of bloc confrontation in Europe, the problem of establishing an all-European security system based on the existing international institutions such as the OSCE, NACC, NATO and the WEU is acquiring priority importance. Direct and full membership of the Ukraine in this structure will provide necessary external guarantees of its international security. Taking account of the fundamental changes that occurred during the break-up of the USSR which determined the present geopolitical position of the Ukraine, its previously declared intention to become a neutral and a non-bloc state in the future should be adapted to the new realities and cannot be considered as an obstacle to its full-scale participation in the all-European security structure (...) The military doctrine of Ukraine is defensive in character and envisages (...) the establishment of politico-military co-operation with others, first of all with the neighbouring states and international organizations, and in particular with NATO and the WEU (...) Creating its national armed forces, the Ukraine will use its best efforts to (...) the co-ordination of practical steps in realization of its defence doctrine, with the dynamics of the process reflecting the formation of European and universal security structures."⁸

The 1993 concept influenced the development of tasks and principles of foreign policy of the state up to the end of the decade. At the same time, many declarations by high state officials on European and Transatlantic affairs frequently reflected exaggerated expectations regarding the creation of a *collective security* system on the basis of existing international institutions - in particular the OSCE. Generally, Ukrainian foreign policy of the 1990s reflected the continuous process of adapting the country to its present-day role in European and world politics as a nation of moderate size and relatively limited potential, which does not participate in collective defence alliances and politico-military arrangements.

General Priorities of Activities

The position of Ukraine on the main OSCE activities was strongly influenced by the general development of European transformation processes after the Cold War and has been guided by OSCE decisions and discussions within the framework of this multilateral forum. The official Ukrainian position within the OSCE was aimed at developing the Helsinki process into a strong and, what was even more important, effective organization that could play a

8 Ibid.

central role in European security co-operation and would be able to defend and represent the common and particular interests of all participating States. The status of the Ukraine in the European security architecture could be defined as that of a non-nuclear state which does not participate in military alliances and collective defence arrangements. Its position within the context of multilateral security co-operation, however, cannot be described as "non-alignment". Since the 1990 Declaration on State Sovereignty, the governments and the Parliament of the Ukraine have never overestimated the option of neutrality, frequently regarding this principle as an anachronism in post-Cold War European and Transatlantic affairs.

During the 1990s Ukraine activities within OSCE were directed towards:

- perfecting the mechanisms and institutions of the Organization;
- supporting the institutionalization of the OSCE while preserving its nature as a unique structure based on principles of co-operative security; and
- increasing the preventive and peacekeeping potential of the Organization.

For these purposes, Ukrainian diplomacy, on procedural questions, pressed for:

- preservation of consensus as the basic decision-making principle (except for certain cases requiring decisions without the consent of the parties to a conflict);
- extension of mandates and powers for the Chairman-in-Office, the Secretary General, the Troika and the High Commissioner on National Minorities, and closer co-operation between the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Council of Europe;
- increased efficiency of the OSCE missions;
- preservation of the OSCE's non-hierarchical structure;
- extension of Ukrainian presence in OSCE structures and offices.

Through the expansion and correction of its functions, the institutionalization and variation of its activities on the basis of decisions approved by the Summits of Paris 1990, Helsinki 1992, Budapest 1994 and Lisbon 1996, the OSCE reinforced its status as the only security institution or organization in Europe that is considered a regional arrangement in the sense of Chapter VIII of the UN Charter. It is thus the primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its region.⁹

9 Cf. Secretariat of the Organization for Security and Co-operation in Europe (Ed.), OSCE Handbook, Third Edition, Vienna 1999, p. 3.

From a Ukraine standpoint, one of the predominant OSCE objectives and tasks lies in creating a uniform area of common and comprehensive security with no dividing lines. The importance of the OSCE for the Ukraine, which is a state that has no additional security guarantees through participation in defence alliances, lies in its equal rights status, which allows it to:

- introduce questions on the emergence of threats to international security to OSCE bodies for consideration;
- call for the investigation and discussion, in accordance with valid procedural norms, of cases in which OSCE principles and norms have been violated;
- obtain support from the OSCE in restraining the violating (i.e. infringing) state.

In defining conceptual scenarios for European security co-operation, one of the central problems in the multilateral diplomacy of the participating States since 1994 has been the discussion and clarification of the new Security Model for Europe for the twenty-first century. The Lisbon Summit (2-3 December 1996) adopted a general political declaration and endorsed the *Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century*, which outlined the security challenges facing the participating States and the possibilities for co-operative approaches in meeting them. It is quite obvious, that the active participation of the Ukraine in discussions on the Security Model and preparation of the OSCE Charter on European Security opened direct opportunities for the implementation of its national interests.

Within the discussion on this final document the most important issues were:

- (1) the design of a "Platform for Co-operative Security" as a part of the Security Model, and its main component - the "Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions" including the OSCE, NATO, the EU, the WEU and the Council of Europe under the appropriate role of the UN, and
- (2) an effective system to guarantee the implementation of OSCE principles, norms and commitments by the participating States through the application of advanced and newly established mechanisms and procedures of the Organization.

Ukrainian diplomacy believed that this system should also provide for general and co-ordinated measures and sanctions, to be applied in cases of evident, gross and lasting violations of OSCE principles and norms or in cases of the threat or use of force by any state against the sovereignty, territorial integrity and independence of another state. If these concerns are adequately reflected in the text of the Charter on European Security, its adoption and im-

plementation will substantially enhance the security of every participating State, including the Ukraine.

Current Views on OSCE Aims and Obligations

Certain principles related to the widening of co-operation and co-ordination of activities between European and Transatlantic security organizations, and on the definition of the terms of co-operation between the OSCE and other organizations and institutions backed by the Ukraine have found sufficient reflection in the *Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century*.

The Ukrainian delegation succeeded in introducing into the Lisbon Declaration on the Security Model the following provisions: the presence of foreign troops on the territory of an OSCE participating State is permissible only if it is based on international law, the freely expressed consent of the host state, or a relevant decision of the UN Security Council. Within the OSCE no state, organization or group of states can have superior responsibility for maintaining peace and stability in the OSCE region, or regard any part of the OSCE region as its sphere of influence.

Some other aspects of the Ukrainian position were also made part of the Declaration. They included:

- the recognition of the existence of serious challenges and threats to security and state sovereignty in the OSCE area;
- the necessity of strict observance of fundamental OSCE principles and norms and the need, in the event of non-compliance with OSCE commitments by a participating State, to enhance the instruments of joint co-operative action, including a joint decision on the involvement of the UN Security Council;
- the expediency of using such effective instruments of interaction as regional "round tables" in the interest of preventive diplomacy.

The Lisbon Summit decisions cleared the way for development of the essential foundations of the new European Security Model. According to the Ukrainian position the new security system should be constructed with a "co-operative approach" which means the co-operation of states and both interaction and co-operation of security organizations on the basis of equality, partnership and solidarity. The political foundations of "co-operative security" should be OSCE principles and norms, and also the adherence to such common values as democracy, respect for human rights and fundamental freedoms, the rule of law, market economy and social justice. The task of security co-operation lies in creating a common and comprehensive security

zone without dividing lines and is linked with the observance of such basic principles as common and indivisible security.

The *Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century* confirmed the right of each OSCE State to choose or freely change its way to protect its security, including treaties of alliance, and approved the commitment not to strengthen one's own security at the expense of the security of other states.

Though the Lisbon Summit did not support the Ukraine proposal on non-deployment of nuclear weapons on the territory of the countries of Central Eastern Europe, this idea was *de facto* accepted by NATO. The North Atlantic Council at the level of Foreign Ministers in a Final Communiqué of 10 December 1996 declared that their governments do not intend to deploy nuclear weapons on the territory of the new NATO members either now or in the future. This notion was also reflected in the Charter on a Distinctive Partnership between NATO and the Ukraine and in the Founding Act on Mutual Relations, Cooperation and Security between the Russian Federation and NATO signed in 1997.

The Ukraine's call for additional security guarantees on behalf of relevant "primary security organizations" for the states which do not participate in collective defence alliances didn't find support at the Lisbon Summit and was not reflected in its decisions. The only concept proposed on behalf of the EU at the preparatory meeting held on the eve of the Summit and included into the text of the Lisbon Declaration was the commitment of the OSCE Heads of State or Government to attach importance to security concerns of all participating States irrespective of whether they belong to military structures or agreements. However, the Charter on a Distinctive Partnership between NATO and the Ukraine included a provision that NATO member states "will continue to support Ukrainian sovereignty and independence, territorial integrity (...) and the principle of inviolability of frontiers, as key factors of stability and security in Central and Eastern Europe and in the continent as a whole". The Charter stipulated that the Ukraine and NATO develop "a crisis consultative mechanism to consult together whenever Ukraine perceives a direct threat to its territorial integrity, political independence, or security".¹⁰

NATO also declared its support of the fact that Ukraine, as a non-nuclear weapon state, received security assurances from all five of the nuclear-weapon states parties to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT).¹¹

Ukraine priorities in the OSCE after 1996 were determined by the agenda of the Lisbon Summit. The position of the Ukraine was focused on the need for strict observance of the ten main principles guiding relations between partici-

10 Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and the Ukraine. Issued in Madrid, Spain, on 9 July 1997, in: NATO review 4/1997, Special Insert - Documentation, pp. 5-6, here: p. 6.

11 Cf. *Ibid.*

pating States proclaimed in the 1975 Helsinki Final Act. The Ukrainian approach paid special attention - in comparison with other basic principles of the Final Act - to the necessity of complete and strict implementation of the principles of respect for sovereign equality and for the rights inherent in sovereignty, refraining from the threat or use of force, inviolability of frontiers and territorial integrity of states.

Ukrainian diplomacy considered that the document on the new Security Model should unambiguously confirm the principle of the inviolability of existing state borders in the OSCE area. As for the frequent attempts to use the principle of equality and the right of peoples to self-determination as justification for militant separatism, the executive authorities of the Ukraine consistently argued for the maintenance of territorial integrity of states in the OSCE area and viewed the principle of equality and the right of nations or peoples to self-determination as a condition which ought not to be opposed to the territorial integrity principle.

This position was based on an understanding that the notion of self-determination is not equivalent to secession or separation. Contemporary processes of self-determination, as a rule, occur within the framework of states which have undergone deep democratization of their domestic affairs and support human rights and fundamental freedoms along with real equality and free development of peoples and individuals belonging to national/ethnic minorities. Thus the intentional kindling of separatist aspirations among a population of well-defined peoples and national minorities for the purpose of doing damage to the state in which they live and of which they are citizens is absolutely inadmissible behaviour.

In the contemporary international situation, in which new states can emerge only on the territory of already existing states as a result of disintegration, association, or secession, such phenomena are of extreme complexity and can pose serious threats to the peace and safety of peoples. Proceeding from this it is evident that such state-building processes may be treated as admissible only if they take place on peaceful terms, in accordance with national legislation and international law, and under the control of the international community.

Now that the Lisbon Summit has recognized the indivisibility of European security and a commitment "to attach importance" to security concerns of all participating States irrespective whether they belong to military structures or agreements, a logical development of this thesis would be the establishment of appropriately negotiated mechanisms or procedures guaranteeing within the new security system the irreversibility of state borders and territorial integrity of those states that require it because they do not participate in the existing defensive alliances. Such mechanisms could provide for and regulate concrete measures, actions and conditions of their application against a state that seriously violated OSCE principles and commitments. In this connection, Ukrainian diplomacy concluded that the implementation of the Lisbon Sum-

mit decision on drawing up a catalogue of measures to strengthen confidence and security may also become an important step promoting regional stability. Taking into account the leading role of NATO and some other Euro-Atlantic and European organizations in maintaining all-European security, the Ukraine considered it expedient to include in the document on the European Security Model a provision calling for close interaction of the OSCE with NATO, the WEU, the EU, and the Council of Europe, with appropriate participation of the UN, as an important feature of the future European security system. According to the norms of domestic legislation, the Ukraine consistently opposed the inclusion of the CIS in this list.¹²

According to the foreign policy concept of the Ukrainian government, the OSCE can function as an international forum supporting development of cooperation and reinforcing mutual co-operative interaction between NATO, the WEU, the EU and the Council of Europe. Such co-operation should be based on partnership principles and be of a non-hierarchical nature. The continuation of uncertainty in OSCE relations with other security-related institutions was not considered a positive phenomenon. At the same time the idea of granting the OSCE a right to co-ordinate the activities of mutually reinforcing and co-operating organizations which could, however, contain a latent attempt to discharge NATO from playing the key role in the European security architecture, was considered unrealistic.

International Peacekeeping Issues

The problem of international peacekeeping activities in general and the conduct of peacekeeping operations in the post-Soviet area was an issue of special importance for Ukrainian diplomacy in connection with the attempts of Russian governmental circles to obtain international recognition of Russia's leading and supervisory role in the CIS area. As the Ukraine did not participate in the military and politico-military structures of the CIS such as the Tashkent Treaty on Collective Security, the CIS international peacemaking forces etc., the polemics and disputes on this matter took place within appropriate international organizations, especially the UN and the OSCE.

Ukrainian diplomacy strongly opposed Russia's claim to delegate to the CIS a UN or CSCE/OSCE mandate for peacekeeping operations in the post-Soviet area. In this connection, the Ukraine objected to proposals to include recognition of unilateral approaches towards peacekeeping activities in the text of the document "On further development of the CSCE's capacities in conflict pre-

12 Cf. Reservations of the Supreme Council of the Ukraine on the occasion of the ratification of the Agreement on the creation of the Commonwealth of Independent States, 10 December 1991, and the Statement of the Supreme Council of the Ukraine "On the participation of the Ukraine in the Agreement on the Commonwealth of Independent States", 20 December 1991, in: The Bulletin of the Supreme Council of the Ukraine 13/1992.

vention and crisis management", which was discussed within the CSCE in summer 1994.

In 1993/1994 the Ukraine's position towards "regional approaches" favoured the extension of responsibility of the CSCE and the development of its complementary collaboration with the NACC and the Partnership for Peace programme. Ukrainian diplomacy treated "regional approaches" to peacekeeping operations as a very sensitive issue. From its standpoint, care should be taken to ensure that "no individual State is given special responsibility for preserving peace and stability in a specific region. There is always the danger that unilateral efforts of a State in the field of peace-keeping might turn into a policy of regional domination because of the of State's military, strategic and economic potential."¹³

The principal position of the Ukrainian government towards CIS peacekeeping was summarized in a Memorandum of the Ukrainian Ministry of Foreign Affairs in February 1994. It stated that in connection with the problems of conflict management on the territory of the former Soviet Union under direct participation of the Russian Federation as a "third party", the Ukraine regarded such attempts as a reflection of the growing globalization of Russia's national interests.

The Memorandum commented, that "unilateral activity of Russia posed a threat not only to the Ukraine. Unilateral attempts of particular states in peacekeeping operations ultimately turn into a policy of regional domination and capturing a specific role in international relations as a result of their strategic, military and economic potential. Thus '*unilateral peacekeeping operations*' were a direct instrument of intervention in the internal affairs (of other states, S.T.)."¹⁴

The general approach of Ukrainian diplomacy, then, can be formulated in several precise provisions.

Firstly, UN and the OSCE multilateral peacekeeping is the principal basis for maintenance of peace and stability.

Secondly, the CIS should not in any way achieve a status of a legal person under international law, nor should it obtain supra-national or superior state functions comparable to the executive power of a confederation or a federation.

In 1993 the Ukraine was a co-author of an initiative discussed within the NACC which envisaged the creation, on the basis of NATO's Combined Joint Task Forces, of a multinational peacekeeping force acting under an OSCE mandate. Later on, in 1994/1995, the Ukraine proposed forming a "provisional working group" composed of representatives of the UN, NATO, NACC, the EU, the WEU and the Council of Europe. The task of this group

13 UN Doc. GA/PK/122 of 31 March 1994, pp. 3-4.

14 Ministry of Foreign Affairs of the Ukraine, Memorandum "On the position of the Ukraine concerning the execution of peacekeeping operations of the territory of the former USSR", Kyiv, February 1997, pp. 1-4.

could have been to enhance the CSCE/OSCE's preventive and peacekeeping potential and to extend its security co-operation with other European and Euro-Atlantic structures. Thus the Ukraine intended to promote the development of appropriate mechanisms for co-operation and to clarify the probable spheres for applying the specific potential of each of these structures and institutions.

In the eyes of the Ukrainian government, the "Partnership for Peace" programme will play an important role in the practical preparation of military detachments of the OSCE participating States for peacekeeping operations. After the Lisbon Summit, the Ukraine proposed sending an official request from the OSCE to NATO asking for the official inclusion of the PfP programme in the new Model of European Security as an original component.

In Ukraine's view, peacekeeping operations in the OSCE area should be carried out on a multinational basis and without prejudice, on the basis of a clear mandate and under the strict conditions of precise observance of the peacekeeping principles as formulated in the Helsinki Document of 1992, "The Challenges of Change", and later OSCE decisions. The Ukraine advocates enhancing the efficiency of OSCE activities aimed at strengthening stability and security in the region. This relates, in particular, to the political settlement of ongoing regional and local conflicts. The Ukrainian position is based on the indivisibility of European security and the application of uniform standards to various disputes and different parties involved in the conflicts. In this connection, Ukrainian diplomacy is strongly opposed to attempts to impose the assistance of "third parties" in the conduct of peacekeeping and suggestions to transfer OSCE powers to other regional or sub-regional international organizations.

While recognizing the importance of OSCE peacekeeping activities in the Balkans, the Ukrainian Ministry of Foreign Affairs seeks in every possible way to draw attention to the urgency and priority character of conflict resolution in the post-Soviet area, where the states caught up in these conflicts have become vulnerable actors in the European security architecture. This is why the Ukraine aspires to pursuing a line aimed at expanding OSCE peacekeeping activities, and also at increasing its own presence in sub-regional mechanisms of multilateral interaction whose purpose is to supervise the conditions of armistices, cease-fires, and reconciliation between the parties to conflicts as well as working out effective conditions for the final settlement. This position is typical of the Ukrainian government with regard to the conflicts in the Transdniestrian region (Republic of Moldova) and in Abkhazia (Georgia); activation of Ukraine participation in the Minsk Conference on Nagorno-Karabakh and in the Kosovo Verification Mission of 1998/1999 etc. was also envisaged.

One might say that the long-term position of the Ukraine towards the OSCE is based on the expectation that its role in the European security system has prospects of being strengthened. This expectation assumes that gradually,

within the framework of the OSCE, significant practical experience can be gained in a co-operative approach to conflict prevention, peaceful management of disputes and the mutually advantageous resolution of humanitarian and economic problems. In that case, the OSCE, providing a general framework or "umbrella" for European and Euro-Atlantic structures, might expand its competence and provide general legal supervision over the activities of other institutions, including those of a politico-military character. The OSCE's ability to control the running of peacekeeping operations executed under an OSCE or a UN mandate will be of primary importance.

Clarification of provisions for OSCE peacekeeping operations in the new Security Model will also help to reinforce their multilateral, impartial and unprejudiced character.

Implementation of OSCE Principles

The Ukrainian position is based on the belief that complete and strict implementation of basic OSCE principles and commitments by the participating States is highly relevant to its national security. This position assumes that the development of a new European Security Model will help to perfect the Organization's functional mechanisms and procedures.

This demands the development of a system of *permanent control* over the implementation of the principles and commitments, approved by the OSCE participating States, as well as an appropriate and adequate reaction to their infringement. The evaluation of the implementation process on a regular basis should be carried out by the Conflict Prevention Centre (military and political dimensions of security), the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, the OSCE Representative on Freedom of the Media (human dimension of security) and the Co-ordinator of OSCE Economic and Environmental Activities (economic and ecological dimensions of security). The effective functioning of the OSCE negotiating and decision-making bodies assumes that the OSCE Chairman-in-Office will be kept informed on the current state of affairs and the emergence of challenges and threats.

In the debates on the improvement of OSCE operational instruments, Ukraine stressed the importance of:

- (1) developing confidence-building measures;
- (2) adopting a "Code of Conduct" in economic relationships between the OSCE participating States; and
- (3) a thorough evaluation of the events experienced by OSCE long-term missions and development of precise criteria for their use as the key instruments of the OSCE's involvement in conflict prevention, crisis management, conflict resolution and post-conflict rehabilitation.

The necessity of increasing the OSCE's peacekeeping potential is the reason why the Ukraine wants to speed up the development of a concept to regulate the management of OSCE peacekeeping operations and to create an appropriate and effective mechanism within the Security Model. Ukraine insisted on including a provision in the Security Model that all peacekeeping operations in the OSCE area should be carried out only under OSCE's aegis or mandate. This reservation does not apply to the UN Security Council, which assumes the main responsibility for the maintenance of world peace and security. According to the Helsinki Document of 1992, "The Challenges of Change", it would be expedient for the OSCE, in preparing and conducting peacekeeping operations, to rely on the special knowledge, experience and institutional resources of international organizations and institutions co-operating in the creation of a new security system, including NATO, the WEU and the EU. This would call for appropriate decisions and the conclusion of special agreements on the mechanisms of interaction between the OSCE and other security-related organizations.

Procedures to Warn against Threats and Challenges to Security

Since its inception, the OSCE has worked out a set of rather efficient mechanisms in response to the threats which arise in the human and military dimensions of security. However, the response mechanisms to threats in the political and economic dimensions of security require further development. The steps proposed for this purpose should prevent the participating States from violating OSCE principles and ensure early warning in order to avoid disasters similar to the 1999 crisis in Kosovo.

The Ukrainian diplomatic concept considered that OSCE measures to achieve these goals might include the following stages:

a) At an early stage of violations:

- active contacts between official representatives - the Chairman-in-Office, the Secretary General and the OSCE institutions - and a violating state, both directly and through various missions; these contacts could include consultations, advice, recommendations and other assistance, including proposals on intermediary services, and other mechanisms of affirmative action and peaceful settlement of disputes;
- granting a right to any OSCE participating State to demand explanations from a violating state directly or within the framework of regular sessions of the Permanent Council or the Forum for Security Co-operation, and if necessary, arranging bilateral consultations with a possibility of using the services of the OSCE Chairman-in-Office as intermediary.

b) If violations continue, notwithstanding the application of these measures:

- convocation at the request of the OSCE Chairman-in-Office or any OSCE participating State of an extraordinary session of the Permanent Council or the Forum for Security Co-operation to make necessary decisions with respect to the violations and to give appropriate notice and a statement of requirements to the violating state. These steps could be carried out according to the formula "consensus minus the violating state".

c) If there are crude violations of fundamental OSCE principles, a danger of the use of force between states, a threat to the inviolability of borders and the territorial integrity of states, serious violations of human rights and fundamental freedoms, and threats to the democratic foundations of states:

- convocation of an extraordinary session of the Permanent Council or the Forum for Security Co-operation to make decisions about political and material support to the victim-state, the possibility of carrying out peacekeeping operations, and - when all peaceful measures to adjust the political crisis or conflict are exhausted - to turn to the UN Security Council with a proposal for applying coercive measures to the violating state (the decision could be made according to the formula "consensus minus the violating state").¹⁵

In case of an armed attack on an OSCE participating State, it, along with the other OSCE participating States in accordance with Article 51 of the UN Charter, can resort to either individual or collective self-defence before measures have been undertaken by the UN Security Council. It is clear that once the OSCE, as a regional arrangement in the sense of Chapter VIII of the UN Charter, has received permission from the UN Security Council to take compulsory action, it will need a set of concrete measures appropriate to conflict situations which it can propose to the UN Security Council. During discussions within the framework of the OSCE similar arguments were also put forward by the representatives of Poland.

Position on Politico-Military Co-operation

Ukraine initiatives related to politico-military problems focused on the implementation of corresponding provisions of the two key decisions - "A Framework for Arms Control" and "Development of the Agenda of the Forum for Security Co-operation", included in the Lisbon Document 1996.

¹⁵ Cf. Ministry of Foreign Affairs of the Ukraine, *The Concept and Programme of Ukraine's Activity in the OSCE for 1997-98*, Kyiv 1997.

In this context the most important thing for the Ukraine was improving the efficiency of multilateral accords related to the military dimension, such as the 1990 CFE Treaty, the 1992 Treaty on Open Skies, and the Vienna Document of 1994.

The interests of the Ukraine were to actively participate in negotiations on adaptation of the CFE Treaty so that the adapted document would reflect as fully as possible the new European politico-military realities and the national security interests of the Ukraine, especially with regard to its current non-bloc status.

Ratification of the Open Skies Treaty is important for the Ukraine, not only for the sake of transparency and openness in the military sphere within the OSCE, but owing to the security requirements of a state which does not participate in collective defence alliances.

Ukrainian diplomacy regards adaptation of the Vienna Document of 1994 on Confidence- and Security-Building Measures to contemporary European conditions as a key conceptual politico-military component of the new Security Model. Despite numerous amendments to the Vienna Document of 1994, it is still based on the notion of a two-bloc division of Europe. In this connection Ukrainian diplomacy believes that the following aspects are particularly important:

- (1) further development of the Vienna Document of 1994 by expanding and making clearer the provisions related to bilateral and regional confidence-building measures;
- (2) perfection of the mechanism and diversification of inspection activities;
- (3) development of a mechanism for applying the measures foreseen in the Vienna Document of 1994 in case of bilateral or regional crises, so as to prevent their escalation into large-scale conflicts;
- (4) elaboration of new commitments by participating States on additional confidence-building measures and the extension of existing measures to other types of armed forces, in particular naval forces;
- (5) perfection of a mechanism to regulate the annual exchange of military information between the OSCE participating States.

Debates on the Powers of Decision-Making Bodies

Since 1996 the OSCE States have debated on ways of improving decision-making mechanisms. Several participating States (Russia, Germany and some others) supported by the 1996 Chairman-in-Office (then, the Foreign Minister of Switzerland) proposed to establish a "Committee on Security Affairs" as a new decision-making body similar to the UN Security Council. It was suggested that it might be made up of permanent and non-permanent members and be based on a rotation mechanism. Though the proposal to establish a co-

ordinating structure with limited membership never got the approval of a majority of the participating States, this question was never removed from the agenda. From a Ukrainian point of view, the creation of such a body would have a negative impact and could be considered as a violation of consensus principle.

In the debates on the OSCE Charter on European Security the Ukraine spoke in favour of its politically binding character, as approved by the Sixth Meeting of the Ministerial Council (Copenhagen, 18-19 December 1997).¹⁶

On this issue Ukrainian views were closer to the position of the USA, the UK and the majority of participating States - which objected to granting the OSCE legal powers to co-ordinate activities of other security-related structures - and not to the proposals of France and Russia.

At the Lisbon Summit and thereafter the Ukraine supported the "Platform for Co-operative Security" proposed by Britain and backed by the EU countries, which argued that this politically binding document would constitute the basis of the new Security Model for the twenty-first century. In this context Ukrainian diplomacy, supporting the EU's ideas of "co-operative security", insisted on unambiguous acknowledgement of the basic principles proclaimed in the Helsinki Final Act, the Paris Charter, the Budapest Code of Conduct and other OSCE decisions related to politico-military aspects in the text of the basic final document on the new European security system.

Concluding Remarks

During the Kosovo crisis in 1999 the Ukrainian Parliament, which was sharply critical of NATO's military operations against the Federal Republic of Yugoslavia, nevertheless did not, in its foreign policy resolutions and statements, vote for the breaking of Ukraine-NATO relations. Recognition of the fact that NATO is the most influential and effective military and security organization in the OSCE area turned attempts of leftist factions in the Parliament to initiate debates on anti-NATO principles of foreign policy into a noisy demarche rather than a serious and realistic conceptual approach. Thus the gap between the two possible options of Ukrainian foreign policy in post-Cold War Europe is too narrow. Accordingly the Ukrainian position may vary between closer co-operation with NATO, aimed at future membership, and a policy of "non-alignment" or, to be more exact, a "non-bloc" policy, in the sense of non-participation in defence alliances and politico-military agreements, like that of Sweden, Austria, Finland or the Irish Republic.

16 Cf. Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, in: Institute for Peace Research and Security Policy/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 431-457, here: p. 431; see also: Guidelines on an OSCE Document-Charter on European Security, *ibid.*, pp. 444-448, here: p. 445.

In this connection Ukraine's activities and initiatives in the OSCE institutions frequently reflect real contradictions arising out of the specific position of the state in contemporary European geopolitics and international relations.