NATO Summit makes it clear Ukraine will become a member (once the conditions have been met)

President Zelenskyy and NATO Secretary General Stoltenberg at the Summit yesterday.

On Tuesday, the heads of state and government of the 31 member states of NATO convened in Vilnius, Lithuania for their annual two-day Summit. In his "doorstep statement" at the start of the Summit, Secretary General Jens Stoltenberg noted that it's an historic Summit because an agreement had been reached the day before between Turkey and Sweden that ensures that Sweden will become a full-fledged member of the Alliance. But as important as that agreement was, the most important issue facing the leaders concerned the future relationship between NATO and Ukraine.

Soon after it became independent following the referendum of Dec. 1, 1991 that overwhelmingly endorsed the parliament's Act of Declaration of Independence of Aug. 24, 1991, Ukraine joined the North Atlantic Cooperation Council and then in 1994 the Partnership for Peace program. In 1997, it signed the Charter on a Distinctive Partnership which established the NATO-Ukraine Commission in order to increase cooperation between them, and in 2002 the Commission adopted a Ukraine-NATO Action Plan. After the Orange Revolution of 2004 that resulted in the election of Viktor Yushchenko as president, in early 2008 Ukraine proposed that it participate in NATO's Membership Action Plan (MAP) and asked NATO to consider the proposal at its April 2008 Summit in Bucharest. At the meeting, NATO decided not to begin an MAP but the Secretary-General said that both Ukraine and Georgia would eventually join, and in December 2008, NATO decided it would prepare an Annual National Programme for Ukraine to assist it in implementing the reforms needed in join without referring to an

MAP. The 2009 Declaration to Complement the 1997 Charter directed the NATO-Ukraine Commission to make progress on the reforms needed if Ukraine was to become a member.

The election of President Viktor Yanukovych in 2010 reversed Ukraine's progress in the long preparatory process that might eventually result in NATO membership. Yanukovych, from eastern Ukraine and with close ties to President Putin, said the current level of cooperation with NATO was sufficient and that accession was unnecessary. And to ensure that it wouldn't happen, legislation was enacted that excluded the goal of integration into Euro-Atlantic security arrangements in general and membership in NATO specifically. Yanukovych fled in the midst of the Maidan uprising in February 2014 and was removed from office and Petro Poroshenko was elected president in May 2014. Several months later, Prime Minister Arseniy Yatsenyuk announced he would ask the parliament to put Ukraine on a path to NATO membership, and after the October 2014 election the parliament renounced Ukraine's non-aligned status and endorsed greater cooperation with NATO in order to meet the criteria for membership. At the 2016 NATO summit in Warsaw, NATO established a Comprehensive Assistance Package for Ukraine and in 2017, the parliament passed legislation reinstating membership in NATO as a foreign policy priority and Poroshenko announced he was opening negotiations with NATO on a new MAP. In March 2018, NATO added Ukraine to the list of aspiring members along with Bosnia and Georgia; in September 2018, the constitution was amended to make accession to the EU and NATO the main objectives of Ukraine's foreign policy; and in February 2019, the constitution was amended to enable Ukraine to join both. In April 2019, Volodymyr Zelenskyy was elected president, defeating Poroshenko, and in September 2020, he approved Ukraine's new National Security strategy, said Ukraine needed a new MAP, and expressed his hope that Ukraine would receive one at the meeting of the heads of state and government of the NATO member states in Brussels in June 2021.

At their 2021 meeting in Brussels, the NATO leaders reached an historic decision. In paragraph 69 of the Summit Communiqué, they said, "We reiterate the decision made at the 2008 Bucharest Summit that Ukraine will become a member of the Alliance with the Membership Action Plan (MAP) as an integral part of the process; we reaffirm all elements of that decision, as well as subsequent decisions, including that each partner will be judged on its own merits. We stand firm in our support for Ukraine's right to decide its own future and foreign policy course free from outside interference. The Annual National Programmes under the NATO-Ukraine Commission (NUC) remain the mechanism by which Ukraine takes forward the reforms pertaining to its aspiration for NATO membership. Ukraine should make full use of all instruments available under the NUC to reach its objective of implementing NATO principles and standards. The success of wide-ranging, sustainable, and irreversible reforms, including combating corruption, promoting an inclusive political process, and decentralization reform, based on democratic values, respect for human rights, minorities, and the rule of law, will be crucial in laying the groundwork for a prosperous and peaceful Ukraine. Further

reforms in the security sector, including the reform of the Security Services of Ukraine, are particularly important. We welcome significant reforms already made by Ukraine and strongly encourage further progress in line with Ukraine's international obligations and commitments. We will continue to provide practical support to reform in the security and defense sector, including through the Comprehensive Assistance Package. We will also continue to support Ukraine's efforts to strengthen its resilience against hybrid threats, including through intensifying activities under the NATO - Ukraine Platform on Countering Hybrid Warfare. We welcome the cooperation between NATO and Ukraine with regard to security in the Black Sea region. The Enhanced Opportunities Partner status granted last year provides further impetus to our already ambitious cooperation and will promote greater interoperability, with the option of more joint exercises, training, and enhanced situational awareness. Military cooperation and capacity building initiatives between Allies and Ukraine, including the Lithuanian-Polish-Ukrainian Brigade, further reinforce this effort. We highly value Ukraine's significant contributions to Allied operations, the NATO Response Force, and NATO exercises."

In his press conference last Thursday, Stoltenberg made it clear that the NATO members would address the question of Ukraine's future relationship with NATO: "At the Summit, we will make Ukraine even more stronger, and set out a vision for its future. I expect Allied leaders will agree a package with three elements, to bring Ukraine closer to NATO. First, we will agree a multi-year programme of assistance. To ensure full interoperability between the Ukrainian armed forces and NATO. Second, we will upgrade our political ties. By establishing the NATO-Ukraine Council. And third, I expect Allied leaders will reaffirm that Ukraine will become a member of NATO. And unite on how to bring Ukraine closer to its goal. Allies have already pledged 500 million euros for critical needs, including fuel, medical supplies, demining equipment and pontoon bridges. We will also help build Ukraine's security and defense sector, including with military hospitals. And we will help Ukraine transition from Soviet-era to NATO equipment and standards. President Zelenskyy will join us for the inaugural meeting of the new NATO-Ukraine Council. This will be a platform for crisis consultation and decision-making. Where we all sit as equals to address shared security concerns."

As Stoltenberg set out the issues facing the NATO leaders in Vilnius, Zelenskyy travelled last week to several NATO member states to present Ukraine's case for rapid accession to NATO. Last Thursday, he met with Bulgarian Prime Minister Nikolai Denkov in Sofia and on Friday he met with Czech Prime Minister Petr Fiala in Prague and Slovak President Zuzana Čaputová in Bratislava. As the head of the Ukrainian presidential office said, Zelenskyy's message, in all his meetings, was direct and blunt: "Ukraine expects a clear signal of membership in the Alliance, as well as security guarantees until the moment of accession." On Saturday, Zelenskyy met with President Erdoğan of Turkey and no doubt discussed not only the issues of NATO membership and security guarantees prior to membership but also the Black Sea grain deal that has

provided, since last July, a safe maritime corridor for more than 1,000 ships to carry Ukrainian-grown grain to the world and is set to expire on July 17.

In his press conference Tuesday evening following the first day of the Summit, Stoltenberg said the Allies had agreed a package of three elements to bring Ukraine closer to NATO: "First, a new multi-year assistance programme for Ukraine. To enable the transition from Soviet-era to NATO standards, training and doctrines. To help rebuild Ukraine's security and defense sector. And to cover critical needs like fuel, demining equipment, and medical supplies. Second, a new NATO-Ukraine Council. A forum for crisis consultations and decision-making. Where we will meet as equals. And I look forward to having the inaugural meeting of the Council tomorrow with President Zelenskyy. Third, we reaffirmed that Ukraine will become a member of NATO. And agreed to remove the requirement for a Membership Action Plan. This will change Ukraine's membership path from a two-step process to a one-step process. We also made it clear that we will issue an invitation for Ukraine to join NATO when Allies agree and conditions are met."

Stoltenberg's last sentence not surprisingly provoked an angry response from Zelenskyy, who had been pressing for a formal invitation for Ukraine to join NATO. On twitter, he said, "We value our allies. But Ukraine also deserves respect. It's unprecedented and absurd when time frame is not set neither for the invitation nor for Ukraine's membership. While at the same time vague wording about 'conditions' is added even for inviting Ukraine…It seems there is no readiness neither to invite Ukraine to NATO nor to make it a member of the Alliance. This means that a window of opportunity is being left to bargain Ukraine's membership in NATO in negotiations with Russia. And for Russia, this means motivation to continue its terror." While a number of member states – most notably, Poland and the three Baltic states, which are (with Finland) closest to Russia – strongly supported immediate issuance of an invitation to join, others – most notably, the U.S. and Germany – worried that issuing an invitation would open the possibility that Ukraine might join while the war was still going on, which would, by Article 5, mean that NATO members were at war with Russia. They continued to insist that termination of the war, presumably through not only a ceasefire but a peace treaty, remain a necessary precondition not only for membership in NATO but also for extending an invitation to apply for membership.

In its Summit Communiqué issued on Tuesday, NATO stated in paragraph 11, "We fully support Ukraine's right to choose its own security arrangements. Ukraine's future is in NATO. We reaffirm the commitment we made at the 2008 Summit in Bucharest that Ukraine will become a member of NATO, and today we recognize that Ukraine's path to full Euro-Atlantic integration has moved beyond the need for the Membership Action Plan. Ukraine has become increasingly interoperable and politically integrated with the Alliance and has made substantial progress on its reform path. In line with the 1997 Charter on a Distinctive Partnership between NATO and Ukraine and the 2009 Complement, Allies will continue to support and review Ukraine's progress on

interoperability as well as additional democratic and security sector reforms that are required. NATO Foreign Ministers will regularly assess progress through the adapted Annual National Programme. The Alliance will support Ukraine in making these reforms on its path towards future membership. We will be in a position to extend an invitation to Ukraine to join the Alliance when Allies agree and conditions are met."

Continuing in paragraph 12, the Communiqué said, "The security of Ukraine is of great importance to Allies and the Alliance. To support Ukraine's further integration with NATO, today we have agreed a substantial package of expanded political and practical support. We have decided to establish the NATO-Ukraine Council, a new joint body where Allies and Ukraine sit as equal members to advance political dialogue, engagement, cooperation, and Ukraine's Euro-Atlantic aspirations for membership in NATO. It will provide for joint consultations, decision-making, and activities, and will also serve as a crisis consultation mechanism between NATO and Ukraine."

In a joint press conference with Zelenskyy yesterday, Stoltenberg reiterated the features of the three-part package agreed yesterday, perhaps in an effort to reassure Zelenskyy about Ukraine's future membership in NATO: "NATO Allies have provided tens of billions of dollars in support over the past year. And now we have agreed a three-part package brining Ukraine closer to NATO. A multi-year programme of practical assistance, establishing a new NATO-Ukraine council, and the reaffirming that Ukraine will become a member of NATO and removing the requirement for the Membership Action Plan. Our new multi-year programme of assistance for Ukraine will help you transition from Soviet era to NATO equipment and standards. And will make Ukraine's forces fully interoperable within NATO. The inaugural meeting of the NATO-Ukraine council will start in a few minutes. This is a forum where Ukraine and NATO Allies will meet as equals, hold crisis consultations and jointly take decisions. Ukraine is now closer to NATO than ever before. Allies reaffirmed that Ukraine will become a member of the Alliance and agreed to remove the requirement for a Membership Action Plan. This will change Ukraine's membership path from a two-step process to a one-step process. And we will issue an invitation for Ukraine to join NATO when Allies agree that conditions are met."

The most important condition, of course, is an end to the war, which continued without interruption as the NATO leaders met.

David R. Cameron
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