

*The study used the historical–system method, logical–analytical, analysis and synthesis and other generalization methods.*

**Keywords:** *native Ukraine, state official, educational official, legal restrictions, criminal punishment.*

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УДК 327(447:73)

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### THE USA–UKRAINE: PROSPECTS OF SECURITY ALLIANCE

*Author tends to analyze the possibility of the cooperation between the US and Ukraine in the security sphere. The interest is based on the decree adopted by the Parliament of Ukraine to the Congress of the United States about the security assurances. The objective of this article is to examine the differences between the Major Non–NATO ally status and the Treaty of Mutual Cooperation. As well as what is better for Ukraine in a current state of affairs.*

**Keywords:** *major Non–NATO Ally, Treatment of mutual cooperation, declaration, law, NATO, Department of Defense.*

*(стаття друкується мовою оригіналу)*

Two distinctive lines are visible in Ukrainian foreign policy. The one is economic, the other – defense and security. The government’s declaration of strong EU aspirations was made some time ago and now; Ukraine finally received the visa-free regime. The security aspect cannot be covered by the economic Union, so Ukraine approaches this issue from a different prospective. The Budapest Memorandum did not work the way Ukraine considered it would, but there are other options on the table. That is why the Parliament of Ukraine adopted the decree to the Congress of the United States about the security assurances it wanted.

The objective of this article is to examine the differences between the Major Non–NATO ally status and the Treaty of Mutual Cooperation. As well as what is better for Ukraine in a current state of affairs.

On March 22 of the following year, the Parliament of Ukraine adopted the decree to the Congress of the United States about the security assurances they sought:

«According to the letter and the spirit of the Budapest Memorandum, and to develop the strategic partnership among our countries, we address to the United States to consider the possibility to sign The Treaty of Mutual Cooperation and Security and to give Ukraine a status of Major Non–NATO ally.

The status of Major Non–NATO ally and the Treaty of Mutual Cooperation may have an impact and will help to stop the Russian aggression against Ukraine, restrain the aggressor and prevent the lighting of the war in Europe. This is in the interest of the US, Ukraine, Europe and the entire world.

We are sure that the security and the success of Ukraine, reassured by the support of the United States of America, will reflect the glory of those values, which are the fundament of the historical success of the American society and inspire the millions of Ukrainians till nowadays» [15].

The Treaty of Mutual cooperation may become the logical step after the failure of Budapest memorandum, on

which Ukraine put a lot of expectations. This document was violated by Russia and there is no wonder that Ukraine is looking for protection from one of the signing counterparts – the USA.

Before Ukraine might become a NATO member, which can happen only in a very long perspective or even–be postponed for an indefinite time, this Treaty would be the insurance for Ukraine’s independence.

To understand what is better for Ukraine, we need to analyze the differences and the benefits between a Major Non–NATO Ally and the Treaty of Mutual Cooperation.

History lessons

The Major Non–NATO Ally (MNNA) designation is usually given to those countries which will militarily cooperate with the U.S., but are not and will not become a NATO member (Australia, Egypt, Israel, Japan, Jordan, New Zealand, Argentine, Bahrain, Thailand, Philippines, Kuwait, Morocco, Pakistan, Afghanistan) and gives far lower security guarantees than the North Atlantic Treaty.

A Major Non–NATO Ally is any country, not a member of the North Atlantic Treaty Organization, but is designated as a major non–NATO ally under Section 2350a(f)(2) of Title 10, United States Code. The MNNA is a designation given by the U.S. government to exceptionally close allies who have strong strategic working relationships with American forces but are not members of the North Atlantic Treaty Organization. «Major Non–NATO Ally», is a title of uncertain distinction; they have become eligible for certain kinds of military assistance, including purchasing excess defense articles and participating in cooperative defense research and development projects [5].

Major Non–NATO Ally (MNNA) Status does not entail the same mutual defense and security guarantees afforded to North Atlantic Treaty Organization (NATO) members. However, designation as an MNNA represents an affirmation of the importance the US places on the relationship [5].

Title 10 U.S. Code Section 2350a authorizes the Secretary of Defense, with the concurrence of the Secretary of State, to designate MNNAs for purposes of participating with the Department of Defense (DOD) in cooperative research and development programs. So, the goal of this [no comma] mechanism has been about mutual cooperation in the military sphere, using technologies and money that may be made available by the United States. Israel, Egypt, Japan, Australia, and the Republic of Korea were given MNNA designation under Title 10 in 1987, followed by Jordan (1996), Argentina (1998), New Zealand and Bahrain (2002), and the Philippines and Thailand (2003). The Departments of State and Defense had notified Congress of the intent to designate Thailand in early October 2003. In June 2004 the U.S. President officially notified the designation of Pakistan as a Major non–NATO Ally (MNNA) [5].

Besides, the MNNA shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program [11], as may be convenient for the U.S., since the country has had almost a third of its forces deployed overseas in the past.

This status is often given, based not on a strategic evaluation, but purely for political reasons. For example,

underscoring Jordan's stable relations with Israel and the U.S.'s long protective approach to the country, the State Department announced on Thursday, November 16, 1996, that Jordan had been designated as a «major non-NATO ally» [12]. Bahrain was granted MNNA status, not only because the headquarters of the 5th fleet of the U.S. Navy is based in Manama, but also for the support of Bahrain in the war against terrorism [2]. Well known fact, that 70 percent of Bahrainis are Shia, and the headquarters is located in Shia neighborhood. The United States have long been troubled by the Sunni government's suppression of the Shias, but it does not affect the bilateral relations.

Philippines in 2003 got MNNA status too for supporting the U.S. campaign in Iraq, but the other very pressing issue is the fight against terrorism along with the U.S. on its own territory, and being the ally gives more instruments to fight for this cause [6].

Thailand was granted this status primarily for supporting the U.S. war on terror and for sending noncombatant troops to support U.S.-led operations in Afghanistan and Iraq [3].

Kuwait played a distinguished and vital role in the U.S. operation in Iraq, so, obviously, this country received the MNNA status [7].

Afghanistan obtained the «Major non-NATO ally» status, because, according to Hillary Clinton, it is a «powerful symbol of our commitment to Afghanistan's future». «We are not even imagining abandoning Afghanistan», she said [14].

Aside from increased military cooperation with the United States, Afghanistan will now have priority to receive surplus American military hardware under its Major Non-NATO ally status [14].

Afghanistan will also be able to stockpile American military surplus weapons and equipment outside the United States without having to adhere to U.S. mandates governing foreign military sales [14].

This cooperation is within the framework of cooperation between Washington and Kabul to strengthen Afghanistan against the Islamic State and the Taliban.

Last, but not least, Tunisia became a «Major Non-NATO Ally» in 2015. The main reason to grant this status [no comma] was Tunisia's decision to «join the world's democracies» [10]. Tunisia has proven to be the only successful democracy among the Arab Spring countries.

The MNNA is really all about arms sales and other forms of military cooperation. And with a number of those countries, the U.S. has more formal treaties of mutual defense (e.g., Japan and The Philippines) or were members of other mutual defense treaties, like ANZUS. The U.S. do not have any such treaty with Israel – it is just an informal agreement to supply them with whatever they needed if they were attacked – and Israel has a massive financing agreement to buy arms from the U.S.

The status of «Major Non-NATO ally» is not an agreement of mutual defense, i.e., U.S. forces coming to join with the country in whatever battle or war that breaks out, but an agreement that the U.S. will provide arms and other military supplies to that country (either through sales or with some U.S. financing).

Therefore, the MNNA status, according to history lessons and examples, has nothing in common with particular current strategic issues. First of all, good relations with the country are the determinants. Second, this status

doesn't give any security assurances, as the Article 5 of the Treaty of Washington, which established the North-Atlantic Treaty. There those countries which gain this status do not gain any further security assurances.

A treaty of mutual cooperation, unlike the MNNA, has been granted by the U.S. to only a few key countries (e.g. Philippines, Japan, and the Republic of Korea). These treaties were concluded during the Cold War to prevent Communism from spreading in the Far East and, of course, for the U.S.'s own protection. Japan and Philippines provided bases for U.S. power projection and South Korea is constantly threatened by Communist North Korea. These kinds of treaty repeat Article 5 of NATO, meaning the attack on one counterpart is the equivalent of an attack on the U.S. But to fulfill this commitment the U.S. must have military bases on the territory of protected country. Japan has the biggest U.S. presence – 54,000 military personnel [1]. The U.S. protection of Japan includes also disputed territories, such as Senkaku islands [4]. Besides, the U.S. guarantee to Japan and South Korea implies the use of every means possible, including the «nuclear umbrella» option, even though no U.S. nuclear weapons are currently stored in either country [13; 8].

Analyzing the Treaties of Mutual Cooperation, a unique case cannot be omitted – Taiwan. The U.S. has no diplomatic relationship with and does not recognize officially Taiwan, but Beijing has long been discouraged from attacking Taiwan because of the risk that capable U.S. armed forces might intervene to protect Taiwan [9]. Washington does not, however, explicitly commit itself to Taiwan's defense. To do so would only unnecessarily complicate relations with China. Instead U.S. officials cite the Taiwan Relations Act, speaking in general terms about Washington's «abiding interest» in peace and stability across the Taiwan Strait, and reiterating opposition to either side's unilaterally changing the status quo – without saying how the United States would respond to such an attempt [9]. The other element of the U.S. commitment to Taiwan's security is the sales of advanced military equipment despite having established diplomatic relations with Beijing. This example may be used by Ukrainian leadership to pursue its agenda and persuade the U.S. to be the security guarantor for Ukraine.

What is for Ukraine?

The idea is not new. For a few years already, especially after the beginning of Russian aggression towards Ukraine, it became very popular. The President of Ukraine during his speech in front of Congress in 2014 was speaking about the U.S. giving Ukraine MNNA status. And, not to forget, before the Ukraine Freedom Support Act was signed by President Obama, there was a line about possibly designating Ukraine a Major Non-NATO ally. But, probably, to ensure the signing, Congress had to exclude this line, even though MNNA status would include no military obligations for the U.S. to come to the defense of Ukraine.

But the question is the following: would MNNA status change the current balance in Ukraine? More likely it would not.

The big issue for the U.S. is arms sales and other military assistance to Ukraine. The U.S. is providing some advisory assistance to Ukraine, including military vehicles, but not the provision of arms. If the President of the United States were to agree to sell arms to Ukraine, whether or

not with the status of «Major Non-NATO ally», it would be a dramatic change in the U.S. policy. And, to obtain military assistance such as weapons, etc., Ukraine would not necessarily need MNNA status. Rather, there would have to be a strong political will of the current Administration to do so in defiance of a strong Russian reaction. The possible necessity to get this status might be explained by the need to institutionalize the support of the US. But this is not the right way to manage this issue. For better results and outcomes for Ukraine and the U.S., there must be a separate agreement between the two countries—for example a Treaty of mutual cooperation, because the MNNA does not provide the required and expected level of support. Rather, MNNA is a very symbolic move that has nothing to do with the security assurances Ukraine is looking for.

That is the issue the U.S. – under the Obama Administration – wrestled with and did not resolve. And there has been no promise made by the new Administration about arms sales to Ukraine.

In the decree enacted by the Parliament of Ukraine, there is also a mention about a Treaty of Mutual cooperation between the U.S. and Ukraine. This kind of document would be able to fulfill Ukrainian expectations about security assurances – in other words – the U.S. commitment to defend Ukraine. But, let be more realistic in comparing the risks and benefits for the U.S. in case this deal would be considered. It does not mean that Ukraine has to stop the steps towards gaining such an agreement, but for now what can be done [no comma] is to maintain the current level of the US policy towards strengthening the defense capability of Ukraine through training, non-lethal assistance, and the increase of the US presence in the central-eastern Europe.

But the new Administration may re-examine the existent U.S. system of formal unions and its strategies towards different regions. Ukraine is a key country in Europe, being part of the Central-Eastern and Black Sea regions, as well as being part of the post-Soviet space. The Minsk Agreement is not working very well so far to secure peace and independence for Ukraine. How it is to be improved is not clear. And whether the U.S. joining the Minsk process would help is not clear either, especially given the tenuous relations between the U.S. and Russia now.

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#### США–Україна: перспективи безпеки альянсу

*Автор аналізує можливість співпраці України та США в сфері безпеки. Характеризуються можливі механізми, такі як отримання союзника поза НАТО та укладення двосторонньої безпекової угоди, на кшталт із Японією. Зацікавленість такою можливістю зумовлена зверненням Верховної ради України до Конгресу США із відповідною пропозицією. Ціллю автора є дослідження різниці між вищезазначеними можливостями та аналіз, що найкраще сприятиме національним інтересам України в контексті безпекових реалій.*

**Ключові слова:** союзник поза НАТО, двостороння безпекова угода, декларація, закон, НАТО, Міністерство оборони.

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УДК 32.01(477)–05+94(477)–05

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#### С. ПЕТЛЮРА – СИМВОЛ НАЦІОНАЛЬНОГО ВІДРОДЖЕННЯ

*Однією з найсуттєвіших ознак діяльності української еліти в ХХ ст. стало прагнення до самостійності й незалежності України. Як показала історія, незалежність глибоко позитивно впливає на розвиток національної політичної еліти. Саме перед нею і національно свідомими людьми стоїть завдання вирішення основних загальнонаціональних проблем та створення стабільної національної держави. Виходячи із специфіки сучасних українських реалій, можна стверджувати, що еліта була і залишається невід'ємною частиною українського суспільства, а її активність і вияв політичних позицій виступають умовою політичної й економічної незалежності держави. Симон Васильович Петлюра займає чільне місце як у плеяді видатних діячів української історії, так і в історії національно-визвольних змагань українського народу. Чимало зусиль він докладав, щоб згуртувати інтереси всіх українських верств населення для національного відродження.*

**Ключові слова:** С. Петлюра, самоорганізація, контроверсійність, нація, соціальна солідарність, соціально-інтеграційні процеси, ідеологія, еліта, національна еліта, антиелітаризм, революція, інтелекція, особистість, національна ідея.