



Making the Glass of Ukraine's Bilateral Security Agreements Half Full

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Executive Summary

The bilateral security agreements signed by Ukraine and, so far, 17 partner states (hereafter the Bilateral Security Agreement, or BSA, states) could be seen as the first step towards forming a new approach to European security architecture that includes Ukraine and is designed to deter Russia rather than integrate it. Viewed with scepticism in Ukraine for not being legally binding and falling short of NATO Article 5 guarantees, the agreements do contain commitments from Ukraine's partners to provide long-term security assistance as Ukraine fights to restore its sovereignty and 1991 borders. Current military and political dynamics, however, indicate that the approach developed at the height of Ukraine's military success is not adequate to meet the unrelenting Russian threat. A key question is whether the implementation of the agreements will be conducted and coordinated jointly by a coalition of the BSA states or bilaterally. Finally, it is important to define the relationship between the security framework formed by the bilateral agreements and the goal of Ukraine's NATO membership.

Introduction

The issue of Ukraine's security, unresolved since it proclaimed independence in 1991, has become central to European security after Russia's full-scale invasion of Ukraine, in 2022. Following the July 12, 2023, G7 Joint Declaration of Support for Ukraine,¹ made public on the margins of the NATO Vilnius summit, Ukraine has signed a series of long-term bilateral security cooperation agreements. In Vilnius, the G7 declaration was meant to compensate for NATO's refusal to extend an invitation to Ukraine. As of June 13th, 2024, agreements have been signed with all G7 members, as well as with Denmark, the Netherlands, Finland, Latvia, Spain, Belgium, Portugal, Iceland, Sweden and Norway. Ukraine President Volodymyr Zelenskyy said that negotiations with several other countries were under way. Overall, as of January 30, 2024, when the latest number was reported publicly, 32 countries supported the G7 declaration² and could potentially sign a bilateral security cooperation agreement with Ukraine. What do the agreements stipulate? Are they sufficient to ensure Ukraine's and, by extension, Europe's security, and what is the way forward?

1 G7: Joint declaration of support for Ukraine, July 12, 2023, <https://www.consilium.europa.eu/en/press/press-releases/2023/07/12/g7-joint-declaration-of-support-for-ukraine/>.

2 Віра Перун, «32 держави приєдналися до декларації G7 щодо гарантії безпеки для України, - Зеленський», Лівий Берег, 30 січня 2024, https://lb.ua/society/2024/01/30/596193_32_derzhavi_priiednalisya_deklaratsii.html.

Agreements

The idea behind the agreements originally dates back to the Kyiv Security Compact³ presented in Kyiv in September 2022 by the International Working Group on Security Guarantees co-chaired by the Head of the Office of the President, Andriy Yermak, and former NATO Secretary General Anders Fogh Rasmussen. It states that the guarantees provided to Ukraine should enable its self-defence, both to deter an armed attack or act of aggression and, in the event of an attack, to protect its sovereignty, territorial integrity, and security. At that time, Ukraine's battlefield success provided hope that with Western support it would soon be able to defeat Russia militarily. The document acknowledged Ukraine's desire and the right to join NATO but contained no promise because of the ongoing war.

The bilateral agreements reaffirm that Ukraine's security is integral to Euro-Atlantic security, affirm Ukraine's territorial integrity within its 1991 internationally recognised borders, and explicitly name Russian aggression against Ukraine as a threat that needs to be countered and deterred. Moreover, the BSA states pledge to help Ukraine achieve its territorial integrity, something Ukraine could not count on before. Most signatories express support for Ukraine's Peace Formula for ending the war with Russia. Importantly, the agreements are valid for 10 years to stress the long-term nature of support needed to thwart Russian expectations that it can defeat Ukraine in the war of attrition.

Despite their slightly different structures, the agreements share a broad scope that mirrors the current security environment. First and foremost, the BSA states pledge to increase Ukraine's combat readiness by providing military equipment and ammunition, training Ukrainian troops, building up the Ukrainian defense industry, sharing intelligence, and so on. The development of the Ukrainian Future Force is a long-term goal. Strengthening Ukraine's resilience in the face of cyber attacks; critical infrastructure protection; helping Ukraine counter hybrid and information warfare; combatting serious organised crime; and countering chemical, biological, radiological, and nuclear threats are among the non-military spheres of cooperation.

The agreements formalise the "Capability Coalitions" formed by Ukraine's partner countries within the framework of the Ukraine Defense Contact Group, the so-called Ramstein Group, to provide both urgent and long-term military support. Most signatories assume leadership and co-leadership roles in one or several of the 8 coalitions formed so far. Sweden supports plans and governance structures for Capability Coalitions and takes part in Air Force Capability, Armor, Maritime Security, De-mining, and Drones coalitions. The BSA states also pledge to continue supporting Ukraine in the existing multilateral formats, such as the EU Advisory Mission, EU's European Peace Facility, NATO's Ukraine Comprehensive Assistance Package, etc.

While countries pledge long-term support, a specific financial pledge is mostly made for the first years of the agreements' validity. Some countries depart from the pattern. Latvia, for example, set the target for 2024–2026 of providing military support in the amount of 0.25% of GDP annually, provided it has available funds. Sweden pledged a total amount of approximately EUR 6.5 billion over the period of 2024–2026. Norway is providing

³ "The Kyiv Security Compact," Official website of the President of Ukraine, 13 September 2022 https://www.president.gov.ua/storage/j-files-storage/01/15/89/41fd0ec2d72259a561313370cee1be6e_1663050954.pdf.

approximately EUR 6.4 billion for the five-year period 2023–2027. According to President Zelenskyy, Ukraine secured more than USD 23 billion in military and financial support in 2024 through the first 12 security agreements.

The BSA states pledge to help with curtailing Russian aggression via sanctions, which includes tackling all forms of sanctions circumvention and holding the aggressor country accountable for war crimes, including the crime of aggression. Rebuilding Ukraine and clearing the consequences of the Russian aggression, such as humanitarian de-mining, and providing development and reconstruction aid, as well as humanitarian relief, are also part of the agreements.

In return for the support, Ukraine pledges to implement a wide spectrum of reforms related to its governance and military. Most of them have been on the agenda for many years and are also among the reforms Ukraine has pledged to implement as part of its EU and NATO membership bids. Some agreements (for example, with France, Canada, and the United States) contain the mutual clause, where Ukraine pledges to develop its forces to the degree that will enable it to aid its partners in case they find themselves under attack.

The agreement with Sweden is as broad in scope as the others but is more specific and builds on existing cooperation. As mentioned above, Sweden commits to providing longer-term financial support through 2026. It also pledges that Ukraine will remain “the largest recipient of Swedish foreign aid for years to come.” In the military domain, the agreement avoids generic formulations, names specific equipment to be donated (the combat vehicle 90, the Archer artillery system, ASC 890 aircraft) and lists specific measures Sweden will implement to help Ukraine develop “NATO interoperable modern Defence Forces.” Sweden pledges to work with Ukraine to develop mutually beneficial defence-industry cooperation, exchange information and develop new solutions, encourage its business “to work with Ukraine on localisation, repairs, maintenance, and production of Swedish defence products in Ukraine.” The agreement stresses inclusive reforms and well-adapted institutions and sets priority reform areas that Ukraine commits to pursuing on the way to its EU and NATO memberships. As with the other agreements, it is valid for 10 years, but unlike the others, it does not have the provision allowing parties to unilaterally break it at any point.

According to the scenario that Ukraine would defeat Russia and then build up its forces to deter a possible future attack, the agreements fail to provide for an adequate response to continued Russian aggression. They stipulate that Ukraine will hold bilateral consultations in case there is “a future Russian armed attack.” Agreements signed later add a “significant escalation.” Upon consultation, the signatories pledge to provide swift assistance for Ukraine to repel the attack. Given the unabated Russian aggression and the daily occurrence of armed attacks, the relevance of the provision remains unclear.

Since a large share of military support comes to Ukraine from the United States, signing a bilateral security agreement was very important, and even more important was making it legally binding. The agreement with the United States is the only one that the Parties intend to register with the United Nations. However, it is a legally binding executive agreement that will not be ratified by Congress. This means that any future US president will be able to cancel it, which President Zelenskyy is very much aware of.⁴ In addition, there is no guarantee of

4 David E. Sanger, “Will Biden’s Help for Ukraine Come Fast Enough and Last Long Enough?”, New York Times, June 13, 2024, <https://www.nytimes.com/2024/06/13/world/europe/g7-biden-ukraine-agreements.html>

funding. The United States “intends to seek from the United States Congress appropriation of funds to help sustain a Ukrainian credible defense and deterrent capability, in war and peace.” This does not appear to be a solid commitment in light of the 2024 difficulties in the US Congress.

Overall, there is little enthusiasm in Ukraine about the agreements. Their guarantees, as the Ukrainian government tends to call them, are viewed as very weak due to the lack of legally binding commitments, which, among other things, makes them vulnerable to political change in the BSA states. They are often compared to the 1994 Budapest Memorandum, which required Ukraine to relinquish the strategic nuclear weapons it had inherited from the USSR. The view that the Memorandum’s signatories were supposed to come to Ukraine’s aid in case of an attack is widely spread in Ukraine. Ukrainians overwhelmingly believed that they were given security guarantees, rather than assurances. In reality, Ukraine was given negative assurances, in other words, that it would not be pressured or attacked by the Memorandum’s signatories. As a result, the word “assurances” has acquired a very negative connotation, and the Budapest memorandum is seen as worthless, casting negative expectations on the bilateral agreements.

Implementation

Contrary to what the authors of the Kyiv Security Compact envisioned, Russia is continuing and intensifying its aggression without pause. It is ensuring that its historical narrative is entrenched, building coalitions with other authoritarian states, committing increasingly violent, though still below the threshold, attacks on Western countries, and allocating RUB 10,775 billion (about EUR 115,282 million) or about 29% of its budget to national defence in 2024, with the number projected to decrease to RUB 7,409 billion (about EUR 79,254 million) in 2026.⁵ In the series of Russian attacks on Ukraine’s critical infrastructure in the last three months, 9.2 GW of Ukrainian generation capacity has been destroyed. Even in the absence of new attacks on power plants, the energy system is guaranteed to persist over the next two to three years, leaving no means to fully compensate for it.⁶ This development necessitates an urgent response, increases the cost of reconstruction, and may put in question some of the plans related to the Ukrainian military industrial base as defence production tends to be energy-intensive.

Russian aggression has also highlighted the fact that economic superiority does not easily translate into military capabilities. Agreements with several countries, namely Great Britain, Germany, France, and Italy contain the identical pledge to prioritise “air defense, artillery and long-range firepower, armoured vehicles, and other key capabilities as required, such as combat air.” When the urgent need arose, it turned out that Western countries, especially Europeans, were not able to deliver.⁷ In a recent keynote speech at the conference, “75 Years

5 Martin Kragh, “The Russian State Budget at War”, SCEEUS, 7 March 2024, <https://www.ui.se/globalassets/ui.se-eng/publications/sceeu/the-russian-state-budget-at-war.pdf>

6 Микола Топалов, Микола Максимчук, «Скільки будемо без світла? Усе, що треба знати про відключення електроенергії», Економічна правда, 4 червня, 2024, <https://www.epravda.com.ua/publications/2024/06/4/714678/>.

7 See: Elisabeth Gosselin-Malo, “Ukraine’s air defense pleas spotlight Patriot bottleneck,” DefenseNews, 16 April, 2024, <https://www.defensenews.com/global/europe/2024/04/16/ukraines-air-defense-pleas-spotlight-patriot-bottleneck/>; Joshua Posaner, Laura Kayali, “Europe’s arms production is in ‘deep shit,’ says Belgian

of NATO: How to keep it on track?" NATO Secretary General Jens Stoltenberg admitted that neither Western armies nor the Western defence production base are prepared for a war of such intensity.⁸

Several practical steps in bilateral security cooperation with BSA states have been taken, but with the number of redundancies and overlap of different arrangements, it is not clear whether cooperation after the signing of the agreements is relevant to their implementation. As an example, a new defence agreement between Ukraine and the United Kingdom to encourage cooperation on defence and industrial issues was signed in early April. The official UK government website describes it as "the latest sign of the UK's unwavering support for Ukraine's defence efforts and long-term recovery."⁹ Similarly, the first joint project of Ukrainian arms producer *Ukroboronprom* and the German concern *Rheinmetall*, a workshop for the repair and production of armoured vehicles, was launched in June 2024. There are other projects. At the Ukrainian Ambassador Conference in August 2023, President Zelenskyy tasked Ukrainian diplomats to develop defence-production cooperation. Are these projects a part of implementing the agreements or just a continuation of the policy?

Generally, the agreements stipulate bilateral implementation. However, there is a provision that to ensure the "widest and most effective collective response" to a future attack, the mechanism may be amended "in order to align with any mechanism that Ukraine may subsequently agree with its other international partners." There are already 17 agreements, and more are on the way. Consulting with many partners simultaneously on a bilateral basis is inefficient and will likely overburden Ukrainian decision-makers. Developing a multilateral consultation mechanism and combining the agreements into a single framework will make implementation more efficient. The Ukrainian government has made the first, although half-hearted, step in this direction.

On February 22, 2024, President Zelenskyy issued a regulation regarding the Special Representative of the President of Ukraine for the Implementation of International Security Guarantees and the Development of Ukraine's Defence Forces.¹⁰ The Representative has analytical, monitoring, and consultative functions; reports to the President via the Head of the Office of the President and is appointed based on the nomination of the Head of the Office. Lieutenant General Yevhen Moysiuk was appointed to the position the week before. General Moysiuk has no background in international relations. Prior to his appointment, he served as the deputy to the former Chief of the General Staff, Valeriy Zaluzhny, and, before that, as commander of the Ukrainian Airborne Forces.

ex-general". Politico, 8 February, 2024, <https://www.politico.eu/article/europes-arms-production-is-in-deep-shit-says-belgian-ex-general/>; Lara Seligman, Erin Banco, Paul McLeary, "Ukraine frustrated with US over F-16 pilot training," Politico, 6 June, 2024 <https://www.politico.com/news/2024/06/05/ukraine-f-16-pilot-training-00161742>.

8 NATO Secretary General at "75 Years of NATO: How to keep it on track?" conference, 30 May 2024, NATO News YouTube Channel, https://www.youtube.com/watch?v=gajq6ODv69o&ab_channel=NATONews.

9 "UK and Ukraine sign new defence pact," UK Government press release, 10 April 2024, <https://www.gov.uk/government/news/uk-and-ukraine-sign-new-defence-pact>.

10 Указ Президента України "Про Спеціального уповноваженого Президента України з питань реалізації міжнародних безпекових гарантій та розвитку сил оборони України", 22 лютого 2024 року, № 88/2024, <https://zakon.rada.gov.ua/laws/show/88/2024#Text>.

The Agreements and NATO Membership

NATO membership remains Ukraine's goal, enshrined in its Constitution and overwhelmingly supported by its residents (77% as of November 2023). President Volodymyr Zelenskyy emphasised on multiple occasions that the guarantees in the agreements should not be "instead of NATO," but rather on the path towards it. Some of the agreements, for example, the one with Canada, directly emphasise that "bilateral security commitments are not a replacement for Ukraine's future membership in NATO but complement and support Ukraine's future membership." Others stipulate that if Ukraine becomes a NATO member before the agreement expires, "the Participants will decide on its future status" and highlight that the agreement is made with no prejudice for Ukraine's NATO aspirations.

Consistent with the country's position at the NATO Vilnius Summit, the agreement with Germany does not mention Ukraine's future NATO membership, but stresses that Ukraine's future is in the EU. The agreement with the United States twice reaffirms that Ukraine's future is in NATO but repeats the formulation of the Vilnius Summit, that Ukraine will receive an invitation "when Allies agree, and conditions are met." It does call the bilateral agreement a "bridge" to NATO membership and lists reforms Ukraine needs to implement on its way there. An important goal is to ensure the interoperability of the Ukrainian Armed Forces with NATO militaries. This point is stressed in all the agreements, including the one with Germany.

Although Ukraine's membership in NATO is the way to eliminate Europe's grey zones, thus removing incentives for Russian aggression, Ukraine is highly unlikely to become a member before the end of the war, as the Alliance's policy is to avoid direct confrontation with the Russian Federation. Preserving NATO unity is essential since the Article 5 commitment serves as a deterrent to a major kinetic attack. Ukrainian insistence on being invited to the Alliance in a situation where not all members agree may harm NATO unity. In addition, an immediate NATO invitation does not guarantee expedited NATO membership, much less NATO's willingness to deploy its troops on the ground in Ukraine, potentially making Ukraine even more vulnerable. As a result, the agreements appear to be what Ukraine will have to live with, although they leave Ukraine with the task of defeating and deterring Russia on its own, a task that hardly seems realistic given the disparity of Russian and Ukrainian military potential.

Conclusions and Recommendations

Russia's aggression against Ukraine is taking place at a time of major shifts in both the global and European security order. The United States still plays an important role, but its multiple international commitments stretch its ability to deliver on all of them, especially in the face of proliferating domestic and international crises. Consequently, Europe, including Ukraine, will have to play a more active role in defending and building a deterrent against the persistent multidomain Russian threat that will define the European security environment for many years to come.

The bilateral agreements are the first step in this direction, as their signatories not only recognise that it is important for European security to ensure Ukraine's security and deter Russia but also make a long-term commitment to help achieve it. The help currently provided, however, is insufficient because the Russian threat has been misjudged and underestimated for many years, including the first year of Russia's full-scale invasion of Ukraine. As a result,

the policy that underpins the agreements, which is both reactive and potentially insufficient to deter Russia, places an unrealistic expectation on Ukraine. The war has also shown that both Ukraine's partners and Ukraine need to develop new capabilities and build up their existing ones to stand up to the Russian threat.

While Ukraine does need to reform and to develop interoperability with NATO to lay the ground for its Alliance membership, realistic Article 5 commitments involve more than that. They call for joint defence planning. NATO countries are not presently willing to provide the needed guarantees; however, the promise that Ukraine will become a member of the Alliance in the future has been made. Positioned by Ukraine and most of the BSA states as a bridge to NATO, the bilateral agreements could serve as a basis for a coalition of the willing who will work with Ukraine not only to help it build up its capabilities but also to develop a vision of future European security and Ukraine's place in it. To this end, a multilateral implementation framework should be built, with Ukraine taking a leading role. Complementing other security arrangements that help meet Ukraine's short-term security needs (such as the NATO-Ukraine Council and the NATO Comprehensive Assistance Package), the coalition can assume the role of strategic leadership within NATO, designing and promoting steps to prepare for extending Article 5 commitment to Ukraine.

Despite all their shortcomings, the bilateral agreements do provide a framework for long-term security cooperation and, if properly implemented, have the potential to bring Ukraine closer to both victory and NATO membership. Although conceived as a consolation prize, they can and should be turned into a success story. Pressing on with Ukraine's goal to join the West despite Russian bullying is a way to fight the aggressor in one of the current war's domains: information and psychological confrontation. This can be achieved by both the implementation and communication of the agreements as the stepping stones to membership while understanding that they are a piece of the entire puzzle. However, Ukraine should stop viewing these agreements as another Budapest Memorandum and take them seriously.

Recommendations

- European leaders should communicate the change in the security environment to their citizens to secure popular understanding and support for increased and sustained military spending.
- Ukraine should prioritise interoperability with NATO and the buildup of Ukraine's capabilities and organisational capacity over demands to be invited to join NATO.
- Ukraine and NATO members should make signs of Ukraine's practical integration one of the deliverables at the NATO Washington summit.
- Ukraine and the BSA states should build a multilateral implementation framework for the agreements. Ukraine should ensure that the person in charge of implementation on the Ukrainian side has the appropriate resources and authority to coordinate the process.
- One of the tasks within the BSA implementation framework should be to develop and promote specific steps to be taken to build a European deterrence architecture without grey zones.

- To mitigate Ukraine's perception that the agreements are another Budapest Memorandum as well as the effects of potential political change, the BSA states and Ukraine should launch specific joint projects to implement the agreements.

- In its communication, the Ukrainian government should emphasise opportunities created by the agreements rather than their shortcomings. Specific projects launched with the industries of the BSA states should be positioned as a part of the agreements' implementation to raise their profile and build confidence. The narrative could be strengthened by citing the Swedish example of close cooperation and gradual integration with NATO as the way to final accession.



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