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## Historical significance of Germany, France and Belgium in the creation of the European Union

**Abstract.** The relevance of the study is conditioned by the need to analyse the positive experience of European countries for its use in Ukraine's foreign policy when participating in international associations, in relations with the member states of the European Union. The purpose of the study is to investigate the role of the foreign policies of Germany, France, and Belgium in the development of the European Union, and to conduct a thorough assessment of the results of such policies. To achieve this goal, such methods as dialectical materialism, factor discourse analysis, deduction and induction, analysis and synthesis, system analysis, structural and functional analysis, and the comparative method were used. The paper examines the goals and objectives, the role and place of three states: Germany, France, and Belgium in the history of the creation of the European Union. The interests of each of the states are characterised, the specifics of their national policy and its impact on the deepening of European integration are determined. The approaches of countries to the organisation of the European Union, their common and distinctive features are analysed. The specifics of relations between Germany, France, and Belgium in the process of their cooperation are determined. It is stated that these countries have become the leading initiators of deepening integration in Europe. The study shows that relations between France and Germany in the late 20th century became an example of cooperation in European security issues. It is established that France is the author of successfully implemented projects and approved laws and regulations in the European Union. It is noted that despite the small territory, Belgium exerted significant political influence, and the Benelux Union became an example of economic unification in the process of creating the European Union. The conclusions obtained contribute to solving practical issues related to the development of Ukraine's own integration processes and the protection of its own interests in building foreign policy. The material can serve as a basis for the educational process in the training of political scientists, international specialists, and in the work on scientific literature

**Keywords:** union, foreign policy, European integration, international organisations, influence

### Introduction

The idea of a "united Europe", the unification of European countries into one organisation aimed at building not only financial and economic relations, but also close relations in virtually all spheres of life, has a long history. At the same time, its dissemination and processing by researchers, philosophers, and politicians has caused a different vision of the integration process on the part of European states. The only one among the countries that supported the creation of the union was a common goal – to increase the influence of European countries in the political and economic spheres not only in Europe, but also around the world (Pichler, 2020).

Currently, the European Union is a powerful, influential association that includes 27 states. In particular,

countries such as Germany, France, and Belgium played a special role in the initial stages of its establishment, which makes it necessary to turn to their policy on European integration issues in the historical aspect (Sánchez, 2020).

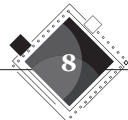
The vision of French, German, and Belgian politicians regarding the model of interaction between states, the totality of constituent documents, and their content marked the beginning of the implementation of the idea of a "united Europe". It was at the initiative of France and Germany that 12 states signed the Maastricht Treaty (Agreement No. 994\_017..., 1992), which founded the European Union, making Europe a stable and strong political player, and the example of Belgium's participation in the Benelux Union allowed building a strong economic union. Considering the above, a deep study of the history of the

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creation of the European Union and the role of the states that founded it is also caused by the need to investigate the prospects for Ukraine's entry into the European Union, integration into the European community, and attracting support from the founding countries of this association.

Some issues of historical significance of Germany, France, and Belgium in the organisation of the European Union were considered by researchers (Becherucci, 2020; Patel, 2020; Emigh et al., 2022). Thus, A.O. Boyar comprehensively considered the main stages of European integration, identified the main interests of Germany and France in creating the Union, coming to the conclusion that now the European Union is one of the most successful European integration associations (Boyar et al, 2020). The history of participation of France and Germany in the transformation processes of Europe and the process of creating powerful international associations was studied by O.P. Valion (2019). The role of individual countries in European integration was described by I.I. Hrushko (2020). Problematic issues of participation in integration processes were considered in the dissertation of V.Ya. Savka (2021), which investigated the political interests of France, Germany, and the Benelux countries in the creation of the EU, their common and distinctive features; in the dissertation of A.Yu. Poltorakov (2004), which identified the reasons for the active European policies of France and Germany, and their impact on European integration. At the same time, the topic of the historical role of Germany, France, and Belgium in the creation of the European Union has not yet been the subject of a separate, in-depth study. In the above-mentioned research papers related to the topic under study, this issue was considered only in fragments.

At the same time, the processes of globalisation, the development of a single European policy determined the relevance of the chosen research topic. An in-depth investigation of European integration processes is of great importance for the development of a successful foreign policy of Ukraine. Identifying the specific features of the establishment of the European Union, the historical significance of the countries that have become the locomotives of European integration, showed a significant initiative in its creation will contribute to a thorough investigation of the experience of European countries in the development of a successful international association, the establishment of a holistic view of the detailed features of the process of creating the European Union, which, in general, will provide an opportunity to use this knowledge of Ukraine in the process of participating in various integration processes.

The purpose of this study is to comprehensively define the historical role of Germany, France, and Belgium in the creation of the European Union, their direct influence on the emergence of a common European policy, which resulted in the establishment of this international organisation. The task is to characterise the course of European integration under the influence of the foreign policy of these states and assess the impact of their actions and cooperation in the creation of the European Union.

## Materials and Methods

Guided by the purpose of the study, the author used both general scientific and special scientific methods, in particular, political science. Thus, dialectical materialism contributed to the analysis of the establishment of the European Union in the historical aspect and helped investigate international unification at the stage of its initial development. In the course of the study, the political processes that took place in Europe in the second half of the 20<sup>th</sup> century were considered through the prism of dialectics of the relationship between the economic, social, and ideological spheres of life in Germany, France, and Belgium, considering their contradictions and development.

Moreover, when preparing this material, a systematic approach was used, which provided an opportunity to fully and comprehensively study the cooperation of the above-mentioned states in various areas. The analysis of the speeches of political figures was carried out on the basis of a discursive approach. The comparative method contributed to the comparison of the goals and role of European states in the establishment of a new international organisation.

The study of legal documents of the European Union, the formulation of the main scientific provisions was carried out using general scientific methods of logic: deduction and induction, analysis and synthesis. Thus, in the study of political phenomena that gradually emerged in the second half of the 20<sup>th</sup> century in Germany, France, and Belgium, the method of analysis was used by dividing the phenomenon into separate elements in order to study it more deeply. The author analysed scientific articles, speeches of political figures, legal acts, and concluded agreements in the field of European integration.

The synthesis helped identify the interrelationships of these phenomena that occurred both in one country and in three states as a whole, and to investigate in detail the aspects of their interaction in the political, economic, military, cultural, and other spheres, which allowed forming a complete picture of the political reality of the above-mentioned period. The methods of analysis and synthesis were used in their combination, as a result of which the roles of Germany, France, and Belgium in the history of the European Union were established. The description reflects historical events, among which the European Union was established, and describes the results of scientific research and the results achieved.

The method of generalisation helped identify common features in relation to the European integration of various Western European countries, and the reasons that led to the slowdown in the course of this integration. In addition, the comparison revealed different approaches of states to the issues of integration processes, their similar features and differences. The comparative historical method identified three stages of European integration, features at each stage, and the influence of Germany, France, and Belgium at each historical period.

Using the induction method, the results of the study were summarised and the corresponding conclusions were

drawn. The individual contributions of Germany, France, and Belgium to European integration, and their interaction and joint contribution, were also considered, as a result of which the international associations established by them were studied in the chronology of their creation. Moreover, this method was also used to study certain concepts of European integration and their impact on the European Union, and the reflection of the developed theories in the mechanism of functioning of the international association.

Using the method of deduction, the author identifies the prerequisites for integration processes, the factors that slowed down integration, and the historical conditions in which close interaction between Western European states was established. The study examines the specific actions of political figures in Germany, France, and Belgium who have contributed to the deepening of international cooperation. The method of analogy helped identify similar trends in the conduct of foreign policy of different states and draw appropriate conclusions. The systematic approach revealed the reasons for the dependence of Western European states on one another, the reasons for the beginning of their greater cohesion, helped identify different aspects of their interaction, and provide a generalised description of it. With the help of a systematic approach, the political processes of Europe in the mid-20<sup>th</sup> century were considered as an integral system, in its multidimensional nature, and in the dynamics of the development of historical processes. European integration processes were also considered using a systematic approach in terms of the influence of the United States and the USSR on Europe.

## Results

Attempts to implement theories about the creation of a united Europe were made in the middle of the 19<sup>th</sup> century. However, it was only after the end of the Second World War that ideas about the unification of Europe, such as the United States of America, began to spread actively. Every year this movement became even more active. The period of the "Cold War", the partial failure of the Council of Europe to perform its functions, the fear of Europeans before the idea of spreading Soviet communism, and the propaganda of the military threat from Germany led to a clear identification of the strategic interests of European countries. Jean Monnet, one of the brightest supporters of the establishment of the Union of European states, pointed out that Europe was periodically gripped by the "psychosis" of the inevitable war and the presence of danger from Germany (Palahniuk, 2021).

The interest of European countries in security led to the search for a way to avoid new conflicts – it should be an organisation where the most important decisions would be made together. In addition, the union would aim to counter both threats such as the spread of communism and the economic influence of the United States. The establishment of a common market and the implementation of policies aimed at improving trade were in line with the European dream of stability and economic well-being. Europeans began to dream of their continent as a significant

centre that could influence the course of world events, which would also be able to protect itself and dictate its own values. In fact, it was about creating a powerful international organisation as a separate influential subject of political activity. France, Germany, and Belgium at one time made considerable efforts to implement this project and, being at the centre of historical events, made a huge contribution to such a political structure as the European Union, which was the result of their dialectical interaction in Chile (Ferens, 2019).

Integration provided for the construction of many ties between different nations in Europe, including a single policy, unified legal acts, primarily in the economic sphere. The country that already had such experience and a long history of participating in international associations was Belgium. Thus, back in 1921, the Belgian-Luxembourg Economic Union was established. Since then, this state has gradually participated in European integration, and Benelux has become a prime example of it. In 1944, its participants: Belgium, the Netherlands, Luxembourg abolished mutual customs payments on imports and introduced a single customs tariff for other states. Thus, in 1948, the Benelux customs union was established, uniting Belgium, the Netherlands, and Luxembourg and becoming evidence of active processes of economic integration. This association – Benelux – became an example of an economic union already during the establishment of the European Union.

After the Second World War, the country experienced a decline that affected all spheres of life, including the economy. J. Arnason (2019) noted that Belgium has been and is a source of tremendous strength in the integration process, especially given that it is one of the main courses of its foreign policy. Given its small territory, European integration has become an effective way for it to influence other countries. Belgium joined the European Coal and Steel Association in 1951 and the European Economic Community in 1957. In 1968, Belgium initiated the extension of cooperation between European states on a number of issues, such as defence, currency, technology, and foreign policy. In addition, Belgium became one of six countries, including Germany and France, to establish the EU (Ferens, 2019).

Germany, on the other hand, had virtually no political power in the second half of the 20<sup>th</sup> century. Its economy was in decline, its territory was under occupation for a long time, and since 1949 two separate hostile states began to exist here at once – the Federal Republic of Germany (hereinafter – Germany) and the German Democratic Republic (GDR). Therefore, the decision to actively participate in European integration was made by all political figures who came to power in Germany. The study suggests that it was precisely the circumstance of Germany's loss in the Second World War that led to its activity on the world stage regarding joining a new powerful international organisation. Regardless of which party came to power in Germany, the trend of expanding the country's participation in integration processes continued in the future. German politicians have actively advocated the creation of an EU

armed force to participate in peacekeeping operations (Arnason, 2019).

Thus, as indicated by A.V. Hrubinko, even after the unification of Germany in 1990, its policy of creating unions in Europe remained unchanged, as did the support of the idea of European unity by its citizens. It is characteristic that France reacted to the unification of Germany as its own threat due to the growth of the economic potential and population of the latter. Therefore, the establishment of the European Union has become a guarantee for the two countries of their security and the avoidance of wars in the future (Hrubinko & Martynov, 2021).

In France, ideas about European integration were formed over many centuries, but in practice, they began to be implemented in the second half of the 20<sup>th</sup> century. Initially, they were based on the idea of establishing a supranational organisation on the European continent, to which states would transfer some of their powers. Subsequently, two main concepts were actually developed – “supranational power” and “Europe of Fatherlands”. The first provided for the gradual development of a supranational federation with the establishment of appropriate institutions that would make binding decisions, which were subsequently implemented during the creation of the European Union. At the same time, the second concept, which received detailed development, provided for the creation of a European confederation, and because of the idea of the inviolability of national sovereignty, it was more successful. Moreover, at the end of the 20<sup>th</sup> century, the concept of the “three pillars” developed by the French, which later became the basis for the functioning of the European Union, became known in Europe.

The second half of the 20<sup>th</sup> century revealed the need for a radical change in relations between France and Germany. A.O. Boyar came to the conclusion that after the two World Wars, the existence of nationalist power in the governments of these countries began to feel the need for close economic cooperation, which also became a guarantee of the dominance of peace in Europe. France began to build relations with Germany with the goal of achieving reconciliation, but as a result, their contractual relations laid the foundations of the European Union (Boyar et al., 2020).

Thus, since the mid-20<sup>th</sup> century, France began to adhere to the plan developed by it for a united Europe and at the same time develop cooperation with Germany. Thus, the Monnet Declaration of 1950 provided for joint French-German management of the metallurgical and mining industries with their exemption from customs duties. Notably, the active cooperation between Germany and France in the field of integration began in 1950, as a result of which, on the initiative of these two states, the European Coal and Steel Association was established (Agreement..., 1951). This treaty created guarantees to avoid wars between France and Germany, and later four more countries joined it.

In 1957, the European Coal and Steel Association was transformed into the European Economic Community (Agreement no. 994\_017..., 1957), which at one time became a significant subject of political relations. In addition, on 04/08/1965, by entering into a merger agreement, the above-mentioned communities together with the European

Atomic Energy Community were merged into one organisation that had joint management bodies and a budget (Savka, 2021). Members of the above-mentioned community – France, Germany, Italy, Holland, Belgium, and Luxembourg – established a customs union in 1968, eliminated customs tariffs in individual states, and introduced a single customs tariff (Boyar et al., 2020). As noted by O.I. Shapovalova (2020), integration has covered even more areas of economic activity. In fact, a common market was created by the member states of the community. From now on, as enterprises began to be actively located in foreign countries, the war against them simply became unprofitable, which contributed to ensuring security on the continent. Further rapprochement between the French and German relations took place in 1963 after the signing of the Elysee Treaty, which provided for periodic meetings, consultations of heads of state, and their joint actions in the field of politics, defence, and culture.

Despite the close cooperation, there were still contradictions between France and Germany. Thus, Germany saw the United States as its ally and did everything possible to help the state increase its military influence in Europe, while France was against such a policy. In addition, France tried to build relations with the Soviet Union against Germany, which was its rival. It is also worth paying attention to the different vision of each of the states regarding the role of the EU in the field of politics, economy, and security. As noted by V. Lypov (2019), there were factors that slowed down integration. Among them: the variety of resources and technologies used in individual states; different approach to conducting economic activities; differences in the structure of the economy; territorial conditions; different levels of economic development. It is seen that these factors also caused contradictions that arose during the interaction of countries such as Germany, France, and Belgium.

Summing up the above, it is worth noting that France had the goal of establishing peace with Germany, and strengthening the influence of Europe against the United States, increasing its potential in the field of finance, industry, and defence through the established international organisation. Its goal was also to increase the competitiveness of French enterprises on the world stage.

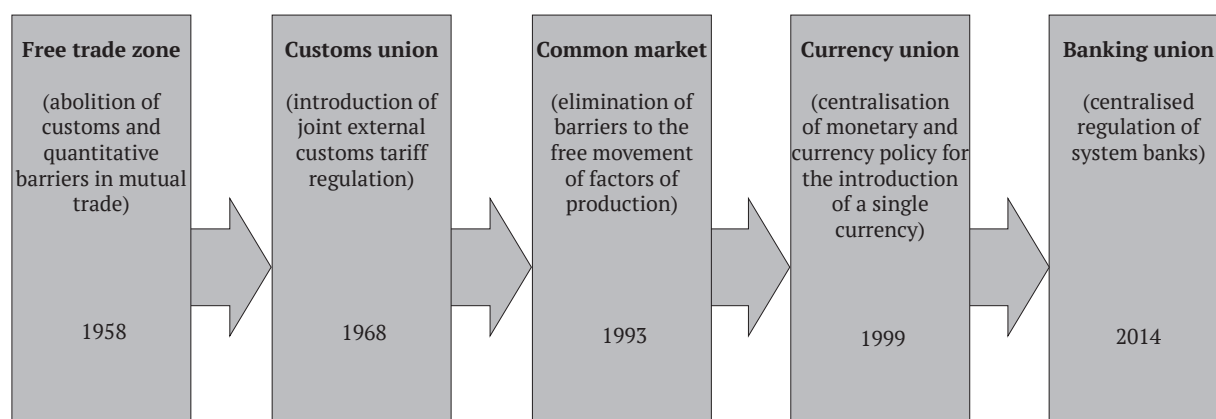
It is characteristic that France has become the author of many projects on European integration and the development of its basic principles. For example, French politicians promoted the idea of creating a European army, a “European defence community”, the Treaty of which France, however, did not ratify. After these two initiatives failed, France’s public policy focused mainly on economic integration. Many of the projects developed by the French remained at the level of theory, also due to the lack of support from allies and agreement within the country.

A significant role in strengthening France’s position on the European continent belonged to its president Charles de Gaulle, who made efforts to create a nuclear power out of it, strengthen the country’s influence in Europe and on a global scale. In the future, subsequent French presidents also held the position of the need to unite Western European states for the security and prosperity of their country. For example, F. Mitterrand made the main efforts in the

field of integration in the sphere of economy and social life, hoping that at some stage the interaction of European states will lead to the issue of foreign policy and security strengthening.

The efforts of France's political leaders were aimed at ensuring the security of the state, consolidating a single economic and monetary policy of Europe, which would bring prosperity to its citizens. France's foreign policy has remained the same at the present time, with one of its

areas of increasing political convergence, including to ensure its security. Economic crises and strained relations with the United States have accelerated the process of unification of states. As a result, the European identity policy was adopted in 1970, and the declaration on European identity was adopted in 1973 (Hrubinko, & Martynov, 2021). In view of the above, it can be concluded that European integration was gradual, went through separate stages, and included both political and economic aspects.



**Figure 1.** Gradual economic integration in the European Union

*Source:* Agreement..., 1951

However, as noted by A.O. Boyar, when the European Union was founded, it was the political aspect of integration that was paramount, and only later it was economic reasons that began to strengthen it (Boyar et al, 2020). The unification of European states accelerated the process of creating a united Germany and the collapse of the Soviet Union. At the initiative of German Foreign Minister Hans-Dietrich Genscher, a draft was developed, according to which the states signed the "Solemn Declaration on European Union" in June 1983 (Savka, 2021).

It was at the suggestion of Belgium, made in 1990, that a conference was held, the purpose of which was to develop principles for even greater political rapprochement of countries and the adoption of a single currency. This conference ended on February 7, 1992, with the approval of the Treaty establishing the European Union. The terms of this document were developed as a result of the adoption of the Amsterdam Treaty in 1997 (Boyar et al, 2020). Due to the efforts of such states as Germany, France, and Belgium, the foundations of a new order in Europe were laid and an influential, strong superpower was actually established. For example, in 2021, the EU's GDP was EUR 14.45 trillion (Good Distribution Practice of...). According to studies conducted on its territory, both the standard of living of Europeans and economic indicators are gradually increasing (Key figures..., 2019).

## Discussion

Based on the analysis of scientific studies and the contractual framework of the European Union, it can be concluded that the active participation of Germany, France, and Belgium in the integration processes began in the middle of

the 20<sup>th</sup> century and successfully ended with the establishment of an influential international organisation. The impetus for it was the end of the Second World War, the economic crisis, decline, and disillusionment with nationalist ideologies. Based on the analysis of these historical conditions, they became a prerequisite for the development of new ideas about mutual assistance of European states, ensuring their unity against two influential superpowers – the USSR and the United States.

A.O. Boyar expressed the opinion that the driving force at this stage was political figures (Boyar et al., 2020). For example, Jean Monnet, an active figure in the field of gradual economic integration and the creation of supranational institutions, who is also called the "Father of Europe" for a reason.

The analysis of scientific sources allows shows that the strongest influence at the initial stage of European integration was exerted by French-German relations. The study suggests that the success of their cooperation is confirmed by the entry of other states into the European Coal and Steel Community as well. It has also become a form for testing new ways of interstate interaction. Successful integration in the selected sector of the economy has created the foundation for expanding European integration processes. Already with the participation of Belgium, the creation of the European Economic Community was recognised as appropriate and necessary, which actually continued the implementation of the policy of creating a common market.

The organisation of the customs union, the gradual creation of a single market, the development of a common trade policy towards third countries, the unification



of legislation, and the introduction of a single currency – these measures, including on the initiative of the three countries under study, were successfully implemented step by step to introduce a single economic space.

Although the policy of Germany, France, and Belgium was aimed at rapprochement in many spheres of life, none of the countries sought final unification. The goal of their union was to develop an effective mechanism for resolving key national issues. The unity of Western European states has turned Europe into a strong opponent in the international arena.

Based on the conducted research, it can be concluded that one of the greatest needs of France, which prompted it to participate in European integration, was the maintenance of security in the world and the creation of the European Union as a strong and independent entity. Some researchers, such as O.I. Shapovalova (2020), pointed out the impact of concepts developed in France on the content of European integration. According to the researcher, this influence cannot be overestimated. Thus, the study suggests that it was the vision of French politicians on the main issues that should be resolved in the unification that was included in the content of the main provisions of both the Maastricht and Amsterdam treaties.

The authors disagree with K. Fraser (2007), who noted that in 1970-1992, the goal of national policy was only to avoid contradictions, and not to develop a single policy. Based on the analysis of scientific sources and legal acts, it can be concluded that German-French relations in this period were also aimed at establishing a common foreign policy, joint settlement of economic issues, trade and security issues.

Based on the above, it can also be concluded that the process of European integration has passed through three stages:

1. Initial stage, 1948-1970. This period was characterised by the economic rapprochement of Western European states, the emergence of a clear understanding of the need to create international organisations and, as a result, the establishment of a number of associations, in particular, the Benelux, the European Coal and Steel Association, and the European Economic Community. The main concepts of European integration are being formed, the main authors of which are French politicians, in particular Charles de Gaulle, Jean Monnet. The close economic cooperation between France and Germany had a huge impact on this period, which indirectly laid the foundations for security guarantees on the European continent.

2. Stage of the emergence of a unified foreign policy, 1970-1992. The period of economic crises, the emergence of globalisation processes, and the confrontation with the United States and the USSR became a catalyst for the unification of European states. Since the 1970s, the stage of establishing common trade rules for third countries begins, which included the consolidation of a single customs tariff, a common currency policy, a single contractual regulation, the creation of common export instruments and mechanisms of responsibility in the trade sphere. The European Commission was authorised to deal with this policy. The interaction of states now covered various sectors of the economy. During the Cold War, French politicians

question the US promise to provide assistance in the event of an attack by the Soviet Union, and therefore the ideas of a “European army” appear.

3. Stage that covered 1992 and continues in our time is marked by the formation of a single political and economic environment. It was marked by the conclusion of the Maastricht Treaty in 1992 and the establishment of the European Union. A unified foreign and security policy was developed, and supranational bodies were created. As noted by A.O. Boyar, after the conclusion of the founding treaty, France unexpectedly began to slow down the integration process, given the UK’s desire to join the European Union and its expressed position against the abolition of limits on imports of French agricultural goods (Boyar et al., 2020). According to the researchers, this once again shows that the national interests of European states have always taken precedence over supranational interests. Moreover, after the creation of the European Union, important work began to unify legal norms and create conditions for the free movement of persons, goods, and services.

The European Union has become a reflection of more than one concept developed in France, but the concept of “three pillars” has become the defining one among them. The first pillar of the European Union is the existing European international organisations, the second pillar is the established coordinated policy in the field of security and international relations. The third pillar of the European Union is the economic and monetary association of states, and the policy on the administration of justice and the solution of internal issues.

In addition, in 1997, the adoption of the Amsterdam Treaty marked the establishment of an influential player in the field of security and defence from the European Union. The result of these processes is also the emergence of integration in the field of culture and at the mental level between citizens of different states. Thus, according to statistics, 72% of people living in the European Union feel like citizens of this association (European Citizenship, 2021).

It is the fact that the positions of the founding countries of the European Union are coordinated that has become the key to successful integration. A common understanding of the defining issues of foreign policy, reducing their inconsistencies, and coordinating their actions contributed to the establishment of a stable and effective union. Active integration processes began with the establishment of the European Coal and Steel Association back in 1950, which was a turning point in the development of a unified European foreign policy. In fact, the European Union has become the last step in the integration processes initiated by six countries, including the states whose policies are the subject of this study (Archick, 2022).

The policy of France, Germany, and Belgium, which was carried out in the second half of the 20<sup>th</sup> century, became an impetus for the future establishment of the EU, created conditions for further European integration and the gradual significant expansion of the international organisation. These states have proved by their example that crises, existing contradictions and new challenges of a difficult era are new opportunities for the growth of a united Europe in all spheres.

## Conclusions

Summing up the above, the European Union is the result of the most successful attempt to create an international association. The founding of the European Union was at one time a historic turning point. The establishment of the European Union is largely conditioned by the national interests of Germany, France, and Belgium, which determined their foreign policy and the transition of the development of their cooperation to the supranational level. These countries initiated the implementation of the idea of a “united Europe” and the locomotives of European integration.

Integration processes were largely caused by the post-war development of Germany. Its inclusion in international organisations was aimed, among other things, at ensuring the security of European states. The activities carried out by Germany – an active supporter of deepening European integration in order to strengthen Europe in the most important areas: political, economic, military, resulted in an increase in the political weight in the world of both the European Union and Germany itself.

France exerted the greatest ideological influence on European integration processes. The concept of “three pillars” developed in France was implemented in the organisation of the mechanism of functioning of the European Union. French-German relations became a catalyst for European integration, which included the development

of theories, concepts, common positions in the field of foreign policy, and the implementation of joint projects in Europe to create international associations. France and Germany had different views on integration processes in the military sphere, which was also conditioned by the influence of US foreign policy. At the same time, France was the author of the idea of creating a European army, and Germany was an active supporter of it. Belgium’s participation in the Benelux Economic Union was an example of an economic union and was taken as a model in the initial stages of the development of the European Union.

This study examines a topic that was not previously given much attention and achieved the goal and tasks set for it – the role of the three leading European countries in the creation of the European Union is considered and their policies are evaluated, and the tasks set for the study are solved. The findings can be used by employees of state authorities of Ukraine in implementing policies in relations with EU countries. This study will also contribute to further in-depth investigation of European international associations, and can also be used in the preparation of lectures on the problems of the European Union. Questions about the innovations brought by the treaties signed by the member states of the European Union and the problems of their application in practice can become the subject of the following scientific research.

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## Історична значимість Німеччини, Франції та Бельгії у створенні Європейського Союзу

**Анотація.** Актуальність статті зумовлена необхідністю вивчення позитивного досвіду європейських країн задля його використання у зовнішній політиці України при участі у міжнародних об'єднаннях, у відносинах з країнами-учасниками Європейського Союзу. Метою статті є дослідження ролі зовнішньої політики Німеччини, Франції, Бельгії у формуванні Європейського Союзу, а також проведення ґрунтовної оцінки результатів такої політики. Для реалізації цієї мети використовувались зокрема такі методи, як: діалектичний матеріалізм, факторний дискурс-аналіз, метод дедукції та індукції, аналізу та синтезу, метод системного та структурно-функціонального аналізу, компаративний метод. У статті досліджуються цілі та завдання, роль та місце трьох держав: Німеччини, Франції та Бельгії в історії створення Європейського Союзу. Охарактеризовані інтереси кожної з держав, визначені особливості їх державної політики та її впливу на поглиблення європейської інтеграції. Аналізуються підходи країн до організації Європейського Союзу, їх спільні та відмінні риси. Визначаються особливості відносин Німеччини, Франції, Бельгії у процесі їхньої співпраці. Констатується, що дані країни стали ведучими ініціаторами поглиблення інтеграції в Європі. Досліджено, що відносини Франції та Німеччини в кінці ХХ ст. стали прикладом співробітництва у питаннях європейської безпеки. Встановлено, що Франція є автором успішно втілених у Європейському союзі проєктів та затверджених правових актів. Відзначається, що не зважаючи на невелику територію, значний політичний вплив здійснила Бельгія, а союз Бенілюксу став прикладом економічного об'єднання в процесі створення Європейського Союзу. Отримані у статті висновки розвивають політичну науку і сприяють вирішенню практичних питань щодо розвитку Україною власних інтеграційних процесів, а також захисту власних інтересів при побудові зовнішньої політики. Матеріал може слугувати базою щодо навчального процесу при підготовці політологів, фахівців-міжнародників, а також в роботі над науковою літературою

**Ключові слова:** союз, зовнішня політика, європейська інтеграція, міжнародні організації, вплив

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## Restoration of Ukraine's foreign policy activities in the context of the founding of the United Nations

**Abstract.** The relevance of the subject matter is conditioned primarily by the desire to achieve the national interests of Ukraine and the need to fight russian military aggression for the right to pursue an independent foreign policy. In this regard, the purpose of the study is to reveal the issue of the restoration of Ukraine's activities in the political sphere as a result of the establishment of the United Nations. The main methods of research of this problem are: analysis, induction, deduction, and synthesis, which allow describing and highlighting the most important aspects of the development of Ukraine's foreign policy, as well as diagnostic, comparative, system and structural methods. The paper examines the process of resumption of Ukraine's foreign policy after the establishment of the United Nations. The role of Ukraine in the founding of the United Nations is considered, and its activities in the organisation are evaluated. The prerequisites and historical traditions of Ukrainian diplomacy are revealed. The activities of the Ukrainian Soviet Socialist Republic and independent Ukraine in the United Nations bodies are investigated. The main modern achievements of Ukraine's foreign policy are considered. It is determined that one of the main goals of Ukraine's work in the UN Security Council was to inform council members and the international community about any attempts to escalate the situation in the temporarily occupied Crimea and Eastern Ukraine by russia. The main ways of the modern foreign policy of Ukraine were described, namely: preserving the supremacy of the state on its territory, independence in international relations, territorial integrity, and Euro-Atlantic integration. The materials of the study are of practical and theoretical value for political scientists, historians, other representatives of the scientific community, and researchers of the topic of restoring Ukraine's foreign policy, who are interested in the features and aspects of this state activity, and study the role of Ukraine in the process of founding the United Nations

**Keywords:** diplomacy, international law, international relations, history, Foreign Policy

### Introduction

The acquisition of Ukraine's membership in the UN is a special page of the foreign policy activity of the Ukrainian state, the accumulation of experience in international communication, which later played a positive role in the development of the international policy of a sovereign Ukraine.

An integral part of the foreign policy of independent Ukraine is its activity in international structures that work on countering global threats, including security, environmental, economic, demographic, food, etc. Such a policy is determined by the strategic national interests in the field of security and in the process of the country's transition to sustainable development. The security system at the global level, the effective unit of which is the Ukrainian state, is based on the activities of the United

Nations (UN), which is recognised as the core in the universal configuration of countering global threats. The relevance of the stated problem is conditioned by the need for the Ukrainian state to implement a foreign policy that will help implement the country's national interests, and above all, the fight against russian aggression.

It is important to note the papers by researchers who have studied issues of international relations. Thus, Yu.P. Mateleshko defined international relations as a set of political, economic, social, cultural, ideological, and other ties and relationships between participants (subjects, actors) operating in the international arena (states, unions of states, transnational corporations, ethnic and national groups, political parties, public organisations,

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social movements, individuals, etc.) (Mateleshko, 2020). A. Stojanovska-Stefanova, Kh.R. Tasev and M. Magdinceva-Sopova added that international relations are possible only if all actors recognise the norms of international law and universal values (Stojanovska-Stefanova, Runcheva, Magdinceva-Sopova, 2021).

The activities of the UN, like every international organisation, have a specific purpose. B. Conforti and K. Focarelli formulate it as follows:

- Preservation of international peace and security.
- Development of friendly relations between states based on the principles of mutual respect and the right to self-determination.
- Ensuring human rights and freedoms in the world (Conforti, Focarelli, 2016).

An equally important aspect of Ukraine's foreign policy was the fact that Ukraine was a co-founding member of the UN and had its own representation in the Organisation (Rich, 2001). Yu.Z. Blum drew attention to this in his study, where he argued that this does not make any sense from a legal standpoint, because the USSR itself was a member of the UN, even more – a permanent member of the UN Security Council (Blum, 1992). Nevertheless, the leadership of the Soviet Union justified this decision by saying that it was the Ukrainian SSR (Ukrainian Soviet Socialist Republic) and the BSSR (Belarusian Soviet Socialist Republic) that suffered the greatest destruction during the Second World War, since they were completely under occupation. No less important was the legal basis for this decision: after amendments were made to the Constitution of the USSR, Ukraine was granted the right to pursue its own foreign policy.

It is important that Ukraine was able to use this provision to implement its own foreign policy interests. Thus, M.P. Scharf noted that after the collapse of the USSR, its former republics signed the CIS agreement (Commonwealth of Independent States), in one of the points of which Ukraine and the Republic of Belarus pledged to provide all possible support to other republics on their way to recognition by the international community and obtaining membership in the UN (Scharf, 1995). However, Ukraine has not signed the CIS charter, focusing on its own national security.

After analysing the findings of other researchers, it can be concluded that the topic of Ukraine's foreign policy is rather neglected, so in the future, this issue should be considered in more detail. Special attention should be paid to the investigation of problems related to the functioning of Ukraine in the UN bodies.

The purpose of this study is to reveal the historical background and investigate the policy of independent Ukraine, and its participation in the work of UN bodies.

### Materials and Methods

In the course of the study, the following methods were used: theoretical method of analysis and synthesis, which was applied in the course of studying and analysing political and historical literature and articles on the process of restoring political activity of Ukraine in the UN; analysis of the features of the development of Ukrainian foreign policy, determining its main goal; generalisation of theoretical material on the problem under study. The logistics

method was used in a systematic approach to the investigation of this historical phenomenon. Deduction and classification methods were also used, and in conclusion, the main strategic areas of Ukraine in the field of foreign policy necessary to achieve its national interests were identified. The system and structural method revealed the process of historical development of Ukrainian foreign policy and what impact it had on the Organisation's activities. The comparison was used to approach the theoretical understanding of the essence of the problem of further activity of the Ukrainian state as a participant in international relations. A comparison and systematisation of research on this issue was also presented. The diagnostic method was used in the process of studying the works of researchers, analysing, collecting research results, and comparing them. The findings were grouped and presented.

The study provides for the theoretical collection and analysis of existing approaches in history, political science, economics, and the system of international relations on the issue of prerequisites and historical development of Ukraine's activities in the field of foreign policy. The studies devoted to this problem, its components, reveal the features and approaches to its explanation, namely: information data from books, electronic articles, monographs, conferences, and dissertations, which in detail and comprehensively reveal aspects and problems of restoring Ukraine's foreign policy activities, especially in the context of the establishment of the UN. By the method of analysis and comparison, short reviews of the works of other scientists and researchers were presented, in the process of analysis of which still unexplored issues related to the stated topic and requiring further research were identified, such as Yu.P. Mateleshko (2020), A. Stojanovska-Stefanova, T.G. Runcheva, M. Magdintseva-Sopova (2021), V. Rich (2001). Also, materials from I. Matiyash (2021) and D.V. Tabachnyk (2006) were applied to analyze the issue of Ukrainian diplomacy. Based on the specified author's materials, the research and design of the toolkit for studying the problem of restoration and development of the political activity of the Ukrainian state was carried out. Research by L.D. Chekalenko and S.G. Fedunyak (2010) helped to consider the historical prerequisites of Ukraine's foreign policy activities, namely the process of development, signing, and implementation of international agreements concluded by Ukraine. At the same time, information was presented on the modern foreign policy of Ukraine, its achievements, and the most priority national interests of the state were described. The active participation of Ukraine in the international process regarding the implementation of the policy of stable development of the general growth of humanity at the global level is described. Thanks to the works of J. Roberts (2019), the bodies through which Ukrainian diplomacy is implemented were revealed in the results of the study, which helped to reveal the specifics of the problem, and also determined the role of the Ukrainian Soviet Socialist Republic in the process of forming the United Nations. Thanks to the diagnostic method, the activities of already independent Ukraine in UN bodies and missions were described. With the help of synthesis at the final stage of the scientific work, the conclusions obtained during the research work

were systematized. There was also a classification of the material obtained during the analysis and study of scientific and theoretical research of other scientists. Based on the results of the work performed, the conclusions of the study were formulated, which act as a final presentation of these materials and generally determine the main trends of the process of restoring Ukraine's activity as an actor in international relations.

## Results

### *History of Ukraine's foreign policy activity*

Ukraine's foreign policy activities have a long history and traditions, based primarily on the experience of Kievan Rus regarding diplomatic relations with the then-major countries. The ancient Russian state maintained close contacts with Byzantium, the Holy See, the German Empire, Poland, Hungary, France, and the states of the Scandinavian Peninsula.

After the Kievan Rus fell into decline and disintegration, Ukrainian diplomacy reached a significant rise only in the Cossack era. Having begun its development in the first half of the 16<sup>th</sup> century, the Ukrainian Cossacks gradually emerged as the backbone of the Ukrainian entity as a state. At the beginning of the 17<sup>th</sup> century, the Cossack Hetmanate became a subject of international relations and an influential military and political factor in Eastern and South-Eastern Europe (Kucher, 2019). Nevertheless, after the liquidation of the Zaporizhian Cossack Host in 1775, Ukraine ceased to exist as a subject of international law, and thus its foreign policy activities.

The next chance for Ukraine to regain its independence came only during the liberation struggle of 1917-1921. It was during the time of the UPR (Ukrainian People's Republic) that Ukrainian diplomacy was established as a state institution in the form closest to the modern one. After the declaration of independence, representatives of the Entente countries (France, Great Britain, Romania) arrived in the UPR, thus recognising the independence of Ukraine. At the same time, after the signing of the Treaty of Brest-Litovsk with the countries of the Quadruple Alliance (the German Empire, the Austro-Hungarian Empire, the Ottoman Empire, and the Kingdom of Bulgaria), their representatives were sent to Kyiv, thus recognising the independence of the UPR. Soon the UPR's consular offices were opened in many European countries, in particular, in Switzerland. It was the Treaty of Brest-Litovsk that was the first international act concluded by the UPR with other states (Matias, 2021). Diplomatic activity continued and increased both after Hetman Pavlo Skoropadskyi came to power, and during the time of the Directorate that replaced him.

At the same time, starting in 1917, the state administration structures of the Ukrainian SSR (Ukrainian Soviet Socialist Republic) were established. In the period from 1914-1922, the Ukrainian SSR had relative independence, because the Soviet republics had the right to develop and implement their own both domestic and foreign policies.

During this period, the Ukrainian SSR was a subject of international law in the international arena. Due to the foreign policy activities of the leadership of the Ukrainian SSR, during 1920-1923 diplomatic relations were established with 15 states, the Ukrainian SSR became a party to

more than 80 international agreements (Chekalenko and Fedunyak, 2010).

But after the establishment of the USSR in 1922, Ukraine was deprived of this right, since the Constitution of the USSR of 1924 assigned the central government in Moscow the duty to represent all Soviet republics in the international arena.

At the end of the Second World War, the USSR adopted some amendments to the Constitution that consolidated the sovereignty of the Ukrainian SSR and gave it some international subjectivity (the establishment of the People's Commissariat of Foreign Affairs). These changes resulted in visits to Ukraine by foreign representatives, in particular, representatives of the Czechoslovak Republic, Poland, Hungary, USA (United States of America), and Yugoslavia.

It was at this time that the UN was created – an organisation that was supposed to replace the League of Nations, which could not prevent the incitement of a new World War. In this process, Ukraine, the BSSR, and the USSR got an important role as a co-founder of the Organisation. This was argued by the fact that Ukraine played a significant role in the defeat of Germany and will be able to make a great contribution to strengthening peace and maintaining common security. An important fact is that Ukraine was active in the UN bodies during the Soviet period. The delegation from the Ukrainian SSR made a lot of efforts in drafting the UN Charter, in particular, the Preamble and Chapter 1. At the initiative of the Ukrainian SSR, they included provisions on universal respect and observance of human rights and fundamental freedoms regardless of race, gender, language, and religion. Moreover, by the initiative and pressure of Ukrainian delegates, the UN Commission on Human Rights developed drafts of the Universal Declaration on Human Rights, the Declaration on the Rights of the Child, and the Geneva Convention for the Protection of War Victims. Ukraine was a member of the following UN structures:

- Commission on Human Rights.
- WHO (World Health Organization).
- UNESCO (United Nations Educational, Scientific, and Cultural Organization).
- IAEA (International Atomic Energy Agency).
- International Labour Organization (Chekalenko and Fedunyak, 2010).

Analysing the activities of representatives of the Ukrainian SSR in the UN, it can be concluded that they defended the interests of the Soviet Union, and not Ukraine. H.H. Shevel stood out against them, as after his appointment as Minister of Foreign Affairs of the Ukrainian SSR, he made great efforts to strengthen Ukraine's position in the international arena. At the end of the 1980s, the Ukrainian SSR was a signatory to more than 150 international agreements, which indicates the growing importance of Ukraine in the international arena (Tabachnyk, 2006).

The inclusion of the Ukrainian SSR in the UN as a separate member contributed to the accumulation of experience in international communication, which later played a positive role in the development of the international policy of a sovereign Ukraine.

After the declaration of independence in 1991, a new stage in the development of diplomacy began for

Ukraine, as the country finally began to be guided solely by its own national interests. However, Ukraine became a full subject of international law only on September 17, 1992 – with the acquisition of sovereignty. It is important that the transition from the Ukrainian SSR to an independent Ukraine was characterised by the conditions in which it took place, namely, the collapse of the Soviet Union, which led to global metamorphoses in the system of international relations. In the first years of independence, Ukraine was recognised by more than 170 countries of the world, and diplomatic relations were established with almost all of them. An effective network of diplomatic and consular missions was established.

Shortly after the All-Ukrainian referendum, on December 8, 1991, the heads of Ukraine, the Russian Federation, and the Republic of Belarus signed an agreement on the establishment of the CIS, which was conceived by the Russian leadership as an updated replacement for the USSR. The agreement stated that the USSR ceased to exist as a subject of international law. In addition, the areas in which the signatory states would conduct joint activities were spelled out, namely: coordination of foreign policy directions; promotion of the development of a common economic market; cooperation in the implementation of migration policy.

However, the CIS Charter was not signed by Ukraine, because its provisions contradicted the national interests of the state and threatened its sovereignty. However, the agreement on the establishment of the CIS was the first international agreement signed by an already independent Ukrainian state, which is an important stage in the development of Ukraine's foreign policy activities (Priyden, 2019).

An equally important milestone in the development of Ukraine's international relations can be called the process of its nuclear disarmament. This question arose immediately after the collapse of the USSR, since Ukraine contained about 17% of the total nuclear ammunition of the Soviet Union, which made it the third state in the world in terms of nuclear potential (after the Russian Federation and the United States).

The process of renouncing nuclear weapons in Ukraine was quite tense, as there was a split between supporters and opponents of nuclear weapons in society. In addition, both Russia and the United States put pressure on Ukraine to deprive it of its nuclear status. On October 24, 1991, the Congress of Ukraine adopted a resolution on accession to the NPT (Treaty on the Non-Proliferation of Nuclear Weapons) as a nuclear-weapon-free state (ratified later) (Bourdais Park, Chung, 2022).

However, Ukraine hesitated to ratify the treaty without providing it with guarantees to preserve its state sovereignty. To solve these problems, the Budapest Memorandum was developed, which provided Ukraine with the guarantees necessary for signing the Lisbon protocol. The memorandum provided Ukraine with security guarantees from the United States, Great Britain, and the Russian Federation, under which they would support the national sovereignty and territorial integrity of Ukraine, and pledged not to use nuclear weapons against it (except for self-defence). With these promises, Ukraine agreed to get rid of

its tactical and strategic nuclear arsenal and signed the NPT as a nuclear-free state (Paisley, 2019).

### ***Modern foreign policy of Ukraine***

Considering the country's foreign policy activities, it is worth remembering that its main goal is to ensure its own national interests. Among them, the most priority for Ukraine are the following:

1. Guaranteeing the sovereignty, independence, preservation of the territorial integrity and inviolability of the borders of the Ukrainian state.
2. Protecting Ukrainian citizens and ensuring their well-being.
3. Development of friendly relations with all members of the international community.
4. Movement towards Euro-Atlantic integration (joining the EU and NATO).

Ukraine carries out diplomatic activities with the help of representative offices of the Ministry of Foreign Affairs of Ukraine in various countries of the world. They are permanent bodies of the diplomatic service, the main tasks of which are the representation of Ukraine in the host states or at international organisations and the maintenance of official relations with them, defending the national interests of Ukraine, performing consular functions, including the protection of the rights and interests of citizens and legal entities of Ukraine abroad. These include:

- Embassy of Ukraine;
- Embassy of Ukraine with the residence of the Ambassador Extraordinary and Plenipotentiary of Ukraine in Kyiv;
- Permanent missions of Ukraine to international organisations;
- Representative offices of Ukraine to international organisations;
- Missions of Ukraine to international organisations;
- Consular offices of Ukraine (Povalena, 2021).

Regarding the foreign policy strategy for the development of Ukraine, it can be noted that now it is defined, in contrast to previous periods of the country's development. If until 2013-2014 Ukraine maintained a multi-vector course of action in relation to foreign policy, then after the events of the Revolution of Dignity, the annexation of the Crimean Peninsula by the Russian Federation and inciting war in the east of the country, the choice was finally made. It was a course of integration with the EU (European Union) and NATO (North Atlantic Treaty Organization). Among the actions aimed at implementing this course is the signing and ratification of the EU-Ukraine Association Agreement, which has deepened political and economic cooperation between the parties. No less a victory for Ukrainian diplomacy was the granting of a visa-free regime with the member states of the European Union to Ukrainian citizens on May 11, 2017.

Perhaps the biggest foreign policy success of Ukraine was the Crimean Platform. The Crimean Platform – a new international consultation and coordination format created on the initiative of President of Ukraine Volodymyr Zelensky and aimed at improving the effectiveness of the international response to the occupation of Crimea. It helps structure the long-term vision of the occupation of Crimea and strengthen international efforts for the peaceful



de-occupation of the peninsula. The Constituent Assembly, held on August 23, 2021, in Kyiv, was attended by representatives of 43 countries of the world, together with representatives of the EU and NATO. Thus, the Crimean Platform was the largest international event organised by Ukraine. The real advantages of the Crimean Platform are increased international attention to the problem of the occupation of Crimea, which will act as a real factor in preventing violations of human rights and fundamental freedoms, torture and political persecution of people on the territory of the peninsula (Vladoiu, 2021).

It is also important to mention the creation of the Lublin Triangle. On July 28, 2020, the foreign ministers of Lithuania, Poland and Ukraine held a trilateral meeting in the Polish city of Lublin to discuss issues of regional co-operation. Within the framework of this meeting, a new political platform was established – the Lublin Triangle. The platform was created, in particular, to strengthen the dialogue between the three countries, support Ukraine's Euro-Atlantic aspirations, and coordinate the activities of the three countries in international organisations, considering the Russian aggression in Ukraine. The trilateral declaration notes that the goal of the Lublin Triangle is to bring Ukraine closer not only to the EU and NATO, but also to other regional political formats, such as the Visegrad Four (Poland, Czech Republic, Slovakia, Hungary) (Bornio, 2020).

#### ***Activities of independent Ukraine in the UN***

Since independence, participation in the activities of the United Nations for Ukraine has been identified as almost the most priority area of the state's foreign policy activities.

Among the important areas of cooperation with the UN for Ukraine are the following:

- creation of effective approaches to strengthening security in the world and forming new regional security structures;
- use of significant diplomatic and reputational resources of the UN to conduct a dialogue with representatives of other states;
- use of the UN experience to solve Ukraine's socio-economic problems and promote stabilisation and growth of the Ukrainian economy;
- involvement of the UN in bringing the Russian federation to justice due to the beginning of military aggression against Ukraine.

No less important is Ukraine's activities in the field of maintaining international peace and security. Since July 1992, Ukraine has provided a significant number of military units and personnel for UN peacekeeping operations. During the period of independence of Ukraine, more than 34 thousand Ukrainian military personnel and representatives of internal affairs bodies took part in more than 20 peacekeeping operations under the auspices of the UN. In particular, the Ukrainian peacekeeping contingent took an active part in UN operations in Afghanistan, Croatia, Kosovo, the Democratic Republic of the Congo, and South Sudan. Given the importance of peacekeeping operations under the auspices of the UN, Ukraine has taken the initiative to declare May 29 as International Peacekeepers Day. The goal of this initiative was to honor participants in operations and honour fallen personnel.

The most important UN agencies operating in Ukraine are: the United Nations Development Programme, the International Labour Organization, the International Atomic Energy Agency, the World Health Organization, the United Nations International Children's Emergency Fund, and the United Nations Joint Programme on HIV/AIDS in Ukraine (Tabachnyk, 2006).

An important milestone in Ukraine's foreign policy activity was its election as a non-permanent member of the UN Security Council, a body whose task is to preserve world peace and security. This decision was a manifestation of recognition of the authority of our state among the international community. During its membership in 2000-2001, Ukraine actively participated in the activities of the Security Council and supported the body's resolutions on the crisis in the Balkan Peninsula. Ukraine was re-elected as a non-permanent member of the Security Council for the period 2016-2017.

The main issues on which Ukraine's efforts were focused during this period were:

- Countering Russian aggression against Ukraine.
- Ensuring full and comprehensive compliance with the purposes and principles of the UN Charter.
- Strengthening the UN peacekeeping capacity.
- Increasing the level of transparency and democracy in the work of the UN Security Council.
- Strengthening the UN's conflict prevention capabilities.
- Fight against terrorism.

It is important that in February 2017, Ukraine chaired the UN Security Council, which significantly increased the authority of the state in the international arena. During this time, Ukraine has proposed a resolution on protecting important infrastructure acts from terrorist attacks (Kulchytska, 2018).

An equally important fact is that Ukraine has always adhered to the idea of reforming the UN. The proposals of the Ukrainian delegates include the project to democratise the Security Council, aimed at limiting the right of veto of permanent members on important issues. It is also worth mentioning the proposal to create a new body within the UN aimed at the economic integration of post-socialist countries – the Economic Security Council (Smilka, 2013).

## **Discussion**

When discussing the resumption of Ukraine's foreign policy activities, it is worth noting the study by D. Roberts. In it, the historian reveals the topic of granting the republics of the USSR the right to pursue their own foreign policy. Thus, in January 1944, the Central Committee of the Communist Party of Ukraine decided to change the status of the people's commissariats of defence and foreign affairs from "all-union" to "union-republican", that is, the bodies representing the central government now represented each union Republic separately. The researcher suggests that the revival of the republics' foreign policy activities would strengthen the USSR's presence in international relations and create new opportunities for the republics to participate in the activities of international organisations. However, during the conference in San Francisco, there was resistance to the separate membership of the

Ukrainian SSR and the BSSR in the UN, as Western countries were concerned about strengthening the influence of the Soviet Union in international relations. Despite diplomatic difficulties, Ukraine and Belarus were accepted as separate members of the organisation (Smilka, 2013). Thus, the materials of this study organically complement the author's conclusions on the restoration of Ukraine's foreign policy activities as part of the USSR.

Speaking about the effectiveness of the security guarantees provided to Ukraine for giving up nuclear weapons, it is worth mentioning the study by A.M. Paisley. The researcher stated that the opinion about the Budapest Memorandum as an instrument of absolute protection of Ukraine's security was erroneous. Russia has demonstrated that it does not intend to respect the promises made by annexing Crimea in 2014 and unleashing a war on the territory of Ukraine, which in 2022 turned into a full-scale invasion. Thus, Russia, by violating this treaty and resorting to aggressive actions against Ukraine, has negated the possibility of using diplomatic influence for nuclear disarmament in the future. However, the author does not believe that Ukraine would have been safer if it had retained its nuclear weapons. On the contrary, she argues that disarmament was a more attractive option for Ukraine. The researcher concluded that the best tool for deterring aggression is not nuclear weapons, but that states should be held accountable for violating international agreements (Paisley, 2019). Thus, although P.A. Meyer's conclusions about the consequences of Ukraine's signing of the Budapest Memorandum differ from those of the author of this study, they are worth mentioning.

Drawing attention to the fact that the UN is authorised to conduct international peacekeeping operations, I. Zavoli considered the possibility of a peaceful settlement of the military conflict in Eastern Ukraine through the deployment of UN peacekeeping forces. A peacekeeping solution is very attractive, but almost impossible, because Russia, as a member of the Security Council, will definitely exercise its veto power over this decision. The author suggests that it is possible to implement this plan if the international community can circumvent the authorisation of the mission by the Security Council. Although the UN Security Council is considered the body that is granted the right to deploy peacekeeping operations, the author's paper refers to the UN General Assembly as a possibility of conducting a peacekeeping operation in the eastern regions of Ukraine (Zavoli, 2017). Based on this, it can be concluded that although the materials of I. Zavoli's paper relate to the problem of this study indirectly, they are an important addition to the topic of the UN's activities in the field of international security.

Speaking about the importance of forming the Lublin Triangle in the context of Ukraine's foreign policy, it is worth paying attention to the bilateral relations between Ukraine and Poland. A. Krzymowski drew attention to the fact that Poland was the first country in the world to recognise Ukraine's independence after the 1991 referendum and signed the Treaty of Amity and Co-operation with Ukraine in 1992. The researcher also notes that Poland has provided Ukraine with comprehensive support, including military support, since the very beginning of the Russian

aggression in 2014. As a natural development of such relations, on July 28, 2020, in Lublin, the foreign ministers of Ukraine, Poland, and Lithuania announced the creation of a new strategic and economic initiative for regional development – the Lublin Triangle. The author drew attention to the fact that for Ukraine this was the first official initiative in which it cooperated with the countries of Central and Eastern Europe (Krzymowski, 2020). Thus, the conclusions about the importance of forming such an initiative for Ukrainian foreign policy coincide with the author's conclusions.

Drawing attention to the fact that one of the functions of the UN is to ensure international peace and security, it is impossible to consider the activities of this organisation without regard for the war against Ukraine unleashed by the Russian Federation. L.S. Wittner suggested that Russia's military attack on Ukraine was nothing more than an aggressive war. Given that the war has been going on for more than six months, is extremely destructive, and leads to massive civilian casualties, it is obvious that there is a need to create a new effective system of international security. The Russia-Ukraine war has shown that although such a system should be the UN, it is not able to fulfil its main function and stop the aggressor. The main reasons for this, the researcher considered the lack of political will for decisive actions and the presence of Russia in the Security Council, which gives it the right of veto (Wittner, 2022). Thus, the materials of this study complement the author's conclusions about the UN and reveal current problems related to the Organisation's activities.

As for international relations in the context of Russia's war against Ukraine, the study by T.M. Fazal is of interest. The researcher claims that Russia's invasion of Ukraine on February 24, 2022, caused a shock to the international community, since for decades it was believed that aggressive wars aimed at seizing territories were a thing of the past. The last precedent occurred in 1990, when Iraq attacked Kuwait. Understanding the ineffectiveness of this method of foreign policy influence has led to an international consensus that borders should be inviolable. Now that Russia has launched the largest continental war in Europe since the Second World War, this consensus is facing the most difficult test possible. The political scientist believed that if the international community, and in particular the UN, allow Russia to remain unpunished, then the use of military force will again become the general norm, which will lead to the outbreak of conflicts around the world. Thus, the priority task and at the same time one of the fundamental principles of international law is the territorial integrity of states (Fazal, 2022). The researcher's conclusions regarding the conditions for preserving international relations coincide with the conclusions of the author of this study.

The analysis of the process of restoring Ukraine's foreign policy activity is an urgent task, as it allows drawing certain conclusions, due to which it is possible to objectively assess the importance of such activities for the state pursuing its national interests. The study of this process is an important subject of research in science and arouses the interest of political scientists, historians, and representatives of other areas of scientific activity.

## Conclusions

Thus, Ukraine has a long history of foreign policy and diplomacy, was a co-founder of the United Nations, and played a significant role in the activities of the Organisation's bodies and structures, in particular, after independence. In addition, Ukraine is currently pursuing an active foreign policy.

This paper outlined the main trends in the development of Ukraine's foreign policy and described the goals of the UN's activities. The study analysed the foreign policy activity of Ukraine as a republic within the USSR. The role of Ukraine in the process of establishing the UN and its contribution to the development of the main provisions of the Organisation's Charter was examined. The specific features of the historical development of diplomacy in Ukraine were considered. The priority areas of modern Ukrainian foreign policy were also revealed, the most important of which are: preserving the sovereignty and territorial integrity of the state; Euro-Atlantic integration. It was determined how an independent Ukrainian state co-operates with UN agencies. International agreements and

initiatives of Ukraine, in particular, the Crimean Platform and the Lublin Triangle, aimed at strengthening Ukraine's influence in international relations, were considered.

The materials of the study may be relevant for political scientists, historians, and researchers who investigate the process of restoring Ukraine's foreign policy activities in the context of the founding of the UN and after independence. The materials are also of some value for students and researchers interested in the role of the Ukrainian SSR in the establishment of the UN and the activities of the independent Ukrainian state in the structures and missions of the Organisation.

It is worth continuing the research and conducting it in more detail, deepening the study of the process of forming the modern foreign policy strategy of Ukraine and related internal and external problems. The study does not exhaust all the features of this political problem and requires further consideration of such issues as the development of modern Ukrainian diplomacy and the impact of Russian military aggression on it.

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## **Відновлення зовнішньополітичної діяльності України в контексті заснування Організації Об'єднаних Націй**

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**Анотація.** Актуальність заявленої проблеми передусім зумовлена бажанням досягнення національних інтересів України та необхідністю боротися з російською військовою агресією за право проводити незалежну зовнішню політику. У зв'язку з цим, мета роботи полягає в розкритті питання поновлення діяльності України у політичній сфері в результаті створення Організації Об'єднаних Націй. В якості основних методів дослідження даної проблеми виступають: аналіз, індукція, дедукція та синтез, що дозволяють описати та виділити найбільш важливі аспекти розвитку зовнішньої політики України, а також діагностичний, порівняльний та системно-структурний метод. Досліджено процес відновлення діяльності України у зовнішній політиці після заснування Організації Об'єднаних Націй. Розглянута роль України при створенні Організації Об'єднаних Націй, дано оцінку її діяльності в Організації. Розкриті передумови та історичні традиції української дипломатії. Досліджена діяльність Української Радянської Соціалістичної Республіки та незалежної України в органах Організації Об'єднаних Націй. Розглянуто основні сучасні здобутки зовнішньої політики, проведеної Україною. Визначено, що однією з основних цілей роботи України у Раді Безпеки ООН стало інформування членів Ради та міжнародного співтовариства про будь-які спроби загострення ситуації в тимчасово окупованому Криму та на сході України з боку росії. Було описані головні шляхи сучасної зовнішньої політики України, а саме: збереження верховенства держави на своїй території, незалежність у міжнародних відносинах, територіальна цілісність та євроатлантична інтеграція. Матеріали статті становлять практичну та теоретичну цінність для політологів, істориків, інших представників наукової спільноти та дослідників теми відновлення зовнішньої політики України, що досліджують аспекти цієї державної діяльності, досліджують роль України в процесі заснування Організації Об'єднаних Націй

**Ключові слова:** дипломатія, міжнародне право, міжнародні відносини, історія, зовнішня політика

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## China policy on Taiwan against the backdrop of the Russia-Ukraine War

**Abstract.** The relevance of the study is conditioned by the transformational trends in globalisation policy as a result of Russia's full-scale invasion of Ukraine, especially in the political relations of the People's Republic of China with Taiwan, which is one of the most important aspects of international security. The purpose of the study is to identify the characteristic features of the Taiwan issue. The following methodological approaches were used: functional, dogmatic, logical analysis, synthesis, deduction, method of legal hermeneutics, etc. The study found that political relations between China and Taiwan are largely determined by the party affiliation of the latter's leadership. Parallels were drawn between China-Taiwan and Russia-Ukraine relations, which are associated with the asymmetry of relations between the two countries. It was found that the Russia-Ukraine war serves as a factor that will have a further impact on the development and resolution of the conflict between Taiwan and China. The possibility of resolving the China-Taiwan war will depend on the results of the Russia-Ukraine war and the reaction of the international community, especially the United States of America, which is Taiwan's main ally. The study results showed that the factor that will help reduce the likelihood of China's intervention against Taiwan is Ukraine's victory in the Russia-Ukraine war; another factor is the active role of the international community in countering Russian aggression. If the United States and Europe take a passive stance, this will act as a factor that will increase the tension between China and Taiwan. The practical value of the findings allows for a causal analysis of the Taiwan issue and the identification of possible solutions to the conflict against the backdrop of the Russia-Ukraine war.

**Keywords:** asymmetric relations, conflict, world order, globalisation, party affiliation

### Introduction

The territory of Taiwan covers a part of the continent located on the south-eastern coast of the People's Republic of China. As noted by P. Rudolph, it has been in a state of global diplomatic isolation for more than 50 years, but has managed to become a country with the leading economic system in Asia (Rudolph, 2020). However, after Taiwan declared its independence from China, the China-Taiwan conflict began.

Despite the active policy of the international community, the permanent threat of an explosion and undermining security has had an impact on the entire Eurasian continent. According to J. Chen, one of the factors hindering the implementation of sufficient progress in resolving this security crisis is that it is taking place on the territory of post-Soviet Eurasia, and Euro-Atlantic and European actors are mediators in the settlement (Chen, 2019). Since East Asian actors are not involved in solving this issue, their participation is necessary, because it has an impact on geopolitical, geoeconomic, and security interests.

As noted by M. Lasater, the strategic conflict around Taiwan has quite a lot in common with modern Russia's aggression against Ukraine, which is revealed in that it should be seen as a "proxy war" between major geopolitical actors in Eurasia and major nuclear powers (Lasater, 2019). Based on this, it is necessary to consider historical, value-based, and geopolitical parallels, as this provides an opportunity to determine the most favourable ways to resolve conflicts.

First of all, the China-Taiwan and Russia-Ukraine conflicts are asymmetric in terms of the natural potential of the conflicting parties, which consists in the resource potential and military capabilities of the aggressor countries, namely, China and Russia.

According to Yu. Yeh, it is necessary to consider the historical factor; notably, during the Civil War of 1918-1922 and the national liberation struggle on the territory of the former Russian Empire, the main base of anti-Bolshevik resistance was the modern territory of Ukraine; whereas

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during the Civil War of 1945-1948 in China, Taiwan was the mainstay of resistance of anti-communist forces (Yeh, Wu, 2020). However, at that time, the Ukrainian People's Republic was defeated, but Taiwan has received support from the United States since 1949 and was able to resist the communist dictatorship of China (Yeh, Wu, 2020).

As noted by Yu. Chu, the specifics of nation-building processes are of particular interest (Chu, Ou, 2021). The peculiarity is that they are formed by national identity based on the emphasis of ethno-linguistic, ethno-religious, and ethno-cultural values in relation to the "other", which occurs under the influence of value-based, cultural, and geopolitical factors. The national identity of the population of Taiwan and Ukraine is diverse, contradictory, and fluid (Chu, Ou, 2021). In particular, this can be seen in the changing dynamics of Taiwan's self-identification. According to S. Lakshika, in 1992, only 17.6% of respondents among the population identified themselves as Taiwanese, 25.5% as Chinese, and the rest – double self-identification; then in 2018, Taiwanese self-identification accounted for more than 60% of respondents among the population (Lakshika, 2022). According to D. Fuller, this should be singled out as a factor influencing the painful split in the orientations and sympathies of society and local politicians of a geopolitical nature (Fuller, 2021).

Based on the above, the prospect of negotiations between the OSCE, Europe, Asia-Pacific Economic Cooperation, and Asia deserves special attention in the context of Russia's full-scale invasion of Ukraine and the China-Taiwan conflict. This provides an opportunity in the future to implement the Confucian concept of "harmonious peace" through the search for a "golden mean" in resolving the conflict, and will also be a positive factor in influencing the settlement of the strategic crisis in Ukraine and the development of a new political ethics in Eurasia. Resolution of the conflict between Ukraine and Russia in favour of the former will give Taiwan an advantage in the current China-Taiwan conflict.

### Materials and Methods

The study, the scope of which was to determine the peculiarities of China's policy towards Taiwan against the background of Russian aggression against Ukraine, was carried out using methodological approaches that reveal the theoretical and practical aspects. Using a theoretical approach, the historical background and development of the conflict between China and Taiwan were determined. The functional approach helped analyse the reasons for the escalation of this conflict against the background of a full-scale Russian invasion of Ukraine. The logical analysis helped reveal that to a large extent, the political relations between China and Taiwan are largely determined by the party affiliation of the latter's leadership. The dogmatic approach provided an opportunity to find out the parallels between China-Taiwan and Russia-Ukraine relations and their asymmetry, which revealed that the Russia-Ukraine war serves as a factor that will further influence the development and resolution of the conflict between Taiwan and China. Using the method of legal hermeneutics, it was determined that the possibility of

resolving the China-Taiwan war will depend on the results of the Russia-Ukraine war and the reaction of the international community, especially the United States, which is Taiwan's main ally. The analysis provided an opportunity to find out that the factor that will contribute to reducing the probability of Chinese intervention against Taiwan is the victory of Ukraine in the Russia-Ukraine war; another factor is the active role of participants in the international community and the United States in countering Russian aggression. Using the system analysis method, it was determined that if the United States and Europe take a passive stance, it will increase the likelihood of a war between China and Taiwan. The method of deduction allowed analysing possible consequences of Taiwan issue based on certain causes and prerequisites of the China-Taiwan conflict. In turn, when applying the induction, an analysis of the main causes of conflict was carried out based on the likely consequences. The importance of applying the synthesis is conditioned by the fact that, based on the theoretical and practical results, it provides an opportunity to analyse the causal relationship of the Taiwan issue and to find out possible ways to resolve the conflict against the background of the Russia-Ukraine war.

The methodological basis was the works of S.A. Lavy (2022), S. Mariotti, (2022), and P. Pereira (2022), thanks to which the hybrid war launched by Russia in 2014 was analyzed and it was stated that European countries refused to provide military and humanitarian assistance to Ukraine. Other authors' materials of A. Riad (2022) was also taken as a basis; H.B. Piccoli (2022), L.M. Lasatera (2019). The works of V. Vus (2022) and T. Kuzio (2022) helped to point out that at the beginning of any war, two or more parties gather: those interested in the conflict and those who wish to resolve it. S.M. Brondoni added that there is also a third party – China, which does not condemn any of the parties, but on the contrary – is interested in the development of the Russia-Ukrainian war with the geopolitical goal of seizing Taiwan (Brondoni, 2022).

Thus, this study was carried out in several stages:

1. The first stage provided an opportunity to analyse the main historical causes and prerequisites that led to the beginning of the conflict between Taiwan and China.

2. The second stage was based on the definition of the reason that became a factor in instigating the current China-Taiwan conflict; parallels between China-Taiwan and Russia-Ukraine relations were determined, which is associated with the asymmetry of relations between the countries. It was revealed that the Russia-Ukraine war serves as a factor that will further influence the development and resolution of the conflict between Taiwan and China.

3. The third stage considered all possible ways to resolve the China-Taiwan conflict and prevent its escalation, namely, the support of the international community in countering Russian aggression and support for Taiwan.

### Results

The founding of the PRC took place in 1911 during the Xinhai Revolution in mainland China (Eberhard, 2020). After the defeat of Mao Zedong's communist forces in 1949, the former central leadership, led by Kuomintang

nationalist leader Chiang Kai-Shek, retreated to the island and declared the establishment of the Republic of China in Taiwan (Wei et al., 2021). In 1950, the leader of the Kuomintang declared himself president of the Republic of China in Taiwan and commander-in-chief of the island's armed forces, and also concentrated all power on its territory. Equally important is the fact that Taipei has been declared the "temporary" capital of the Republic of China (Wei et al., 2021).

The disintegration of the bipolar system and the transformation of the internal political character in Taiwan, characterised by the transition from an authoritarian to a democratic model of development, have provided an opportunity to reduce the level of tension in relations between China and Taiwan. However, the conflict experienced significant instability in the 21<sup>st</sup> century, which is associated with the victory of representatives of various political forces in Taiwan. For example, at the beginning of the 21<sup>st</sup> century, domestic political processes in Taiwan had a negative impact on both sides of the conflict (Wei et al., 2021). Thus, in March 2000, the representative of the Democratic Progressive Party, Chen Shui-bian, won the presidential election of the Republic of China and said that one of the main goals of his policy is to recognise the independence of the island (Chen Shui-bian wins..., 2022). Later, in August 2002, Shui-bian issued a statement calling for a referendum to recognise the island's independence (Chen Shui-bian wins..., 2022). Chen also stressed the need to pass a law that would grant Taiwan the right to self-determination. However, the official response to Beijing was negative; it was noted that the mainland and Taiwan are only part of China and the division of territorial integrity and sovereignty is unacceptable (China and Taiwan..., 2022).

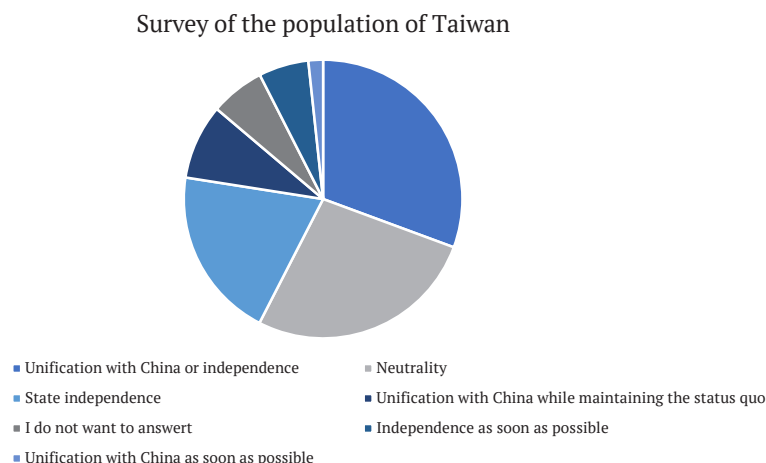
Over time, China-Taiwan relations became less turbulent. This was conditioned by the election of Taiwan's

newly elected president, Ma Ying-jeou, to a more moderate position for mainland China and Taiwan to reach a common compromise (Presidency of Ma Ying-jeou, 2022). Notably, Ying-jeou called the state the Republic of China, not Taiwan; this means that he recognises Chinese unity.

However, in 2016, China-Taiwan relations deteriorated again. This was conditioned by the fact that support for the Democratic Progressive Party increased in the elections, as Tsai Ing-wen defeated Kuomintang Chairman Eric Chu (President Tsai, 2022). One of the reasons for this is that the state of economic policy under Kuomintang's rule has worsened due to concerns that Ma Ying-jeou has made Taiwan's state structure more dependent on mainland China (President Tsai, 2022). In turn, Ing-wen expressed the hope to the population that tensions will decrease and Taiwan will continue to strengthen its national defence and demonstrate determination in action (President "Captain Taiwan" Tsai..., 2022).

In today's conditions, Taiwan continues to experience harassment from the PRC, especially as it is manifested by growing military and political pressure. One good reason is that the capture of Taiwan gives the PRC the opportunity to take control of the South China Sea, several islands, and access to the Pacific Ocean. However, the population of Taiwan confirms its determination to fight for the independence of the territory. In particular, after Tsai Ing-wen won the presidential election in 2020, the President rejected the PRC's application for unification and stressed that the democratic country and its democratic government never respond to threats (President "Captain Taiwan" Tsai..., 2022).

A survey of the population of Taiwan is of importance. It allows analysing existing positions and identifying their correlation in the context of determining the desire to be an independent state, unification with the PRC, maintain neutrality, or evade the answer (Fig. 1).



**Figure 1.** Survey of the population of Taiwan

**Source:** (Wei et al., 2021)

Based on the above data, it can be argued that the position of independence is held by the majority of the population; however, only 10.4% of respondents are in favour of any association with the PRC. Thus, this gives reason to believe that the political course of Taiwan and the population adheres to the position of the struggle for the independence of the island.

Notably, the full-scale Russian invasion of Ukraine is a factor that will have a further significant impact on the solution of the Taiwan issue. Considering the deployment of Russian troops to the Ukrainian borders in the winter of 2021–2022, the Taiwanese authorities closely monitored the situation (The Russian Federation began..., 2022). Tsai Ing-wen expressed her position that she fully supports Ukraine (The President of Taiwan expresses “sympathy”..., 2022).

Notably, the Russia-Ukraine conflict is of great importance for Taiwan because it is similar to the

China-Taiwan conflict. The country, which previously had great influence and control over the territory, assumes a military conquest of the island. The population does not have the ability to independently resist the PRC, so the Taiwanese authorities hope for the operational support of US troops, which is not guaranteed. Because of this, the Russia-Ukraine war is an important indicator in resolving the further conflict between Taiwan and China.

Similar in both conflicts are the methods of conquest used by the aggressor countries, namely, provocative actions of a military, political, and informational nature against the countries in whose territories they are interested. It is also important that the armies of Taiwan and Ukraine are relatively smaller than those of China and Russia, respectively. The data presented in Table 1 illustrate the military forces of Taiwan and China.

**Table 1.** Armed Forces of China and Taiwan

|                          | China     | Taiwan    |
|--------------------------|-----------|-----------|
| Total active forces      | 2,035,000 | 169,000   |
| Ground forces            | 965,000   | 94,000    |
| Naval forces             | 260,000   | 40,000    |
| Air force                | 395,000   | 35,000    |
| Reserves                 | 510,000   | 1,657,000 |
| Tanks                    | 5,400     | 650       |
| Aviation                 | 3,227     | 504       |
| Submarines               | 59        | 4         |
| Military and naval ships | 86        | 26        |
| Artillery                | 9,834     | 2,093     |

**Source:** The Military Balance, 2022

Based on the above data, it can be argued that the Armed Forces of Taiwan are less than 10 times smaller than the PRC. This applies especially to the ground forces, aviation, artillery, naval and air forces. However, in terms of the reserves, Taiwan exceeds China by 2 times.

The main goal of conflicts is the desire to achieve strategic goals by the aggressor countries. For example, the conquest of Taiwan gives the PRC the opportunity to exert further influence over Japan, the Philippines, and the U.S. territory in the Pacific for the purpose of taking over; however, the Russian occupation gives an advantage in exercising control over the Black Sea and access to vulnerable countries for further pressure, namely Bulgaria and Romania (The Military Balance, 2022).

The full-scale Russian invasion of Ukraine, which took place on February 24, 2022, caused great concern among the Taiwanese authorities. Russia's actions on the European continent may become a factor that will “untie the hands” of the PRC in relation to Taiwan. This fact follows the Russian-Chinese rapprochement, as states actively conduct military exercises and implement cooperation aimed at weakening the leadership positions of the United States and strengthening their own influence in important regions (Bao et al., 2022).

This is confirmed by the announcement of a joint statement by Vladimir Putin and Xi Jinping about their negative attitude to colour revolutions, US and other countries' interference in regional affairs, sanctions and the introduction of additional troops in Europe. The Russian authorities also recognised that Taiwan is a territory of the People's Republic of China and opposed the country's independence in any form (Xi Jinping suffers..., 2022).

However, according to Taiwan's intelligence, the Chinese authorities decided to postpone the invasion for some time, namely, while the president is Tsai Ing-wen, whose term ends in 2026 (Beijing puts probes..., 2022). Following the example of the Russia-Ukraine war, the Chinese authorities concluded that the war should not be taken lightly, so based on Russia's mistakes, they plan to improve their own army.

The Russia-Ukraine war attracts attention from both China and Taiwan, considering their understanding of the future prospects of a military conflict. The Chinese government has repeatedly stressed that there are no parallels between Ukraine and Taiwan, as it will always be an integral part of the mainland. The main difference between Taiwan and Ukraine is that the former is a self-proclaimed state, de jure is the territory of China, and de facto is not,



however, the latter is an independent sovereign state recognised by the world.

Despite the range of differences conditioned by historical factors, geographical location, political and economic events, both states, namely Ukraine and Taiwan, have the same problem, which is the struggle for sovereignty and inviolability.

According to Joseph Wu, Taiwan's foreign minister, the island is threatened by a strong country (Foreign Minister..., 2022). Taiwan supports the position of Ukraine, which is accompanied by a list of actions. These include joining the Western sanctions, which include a USD 20 million restriction on semiconductor exports, providing financial and humanitarian support, and providing humanitarian support to refugees in coordination with other countries involved (Taiwan expands economic..., 2022).

An equally important fact is that in early March, a special account was created to which individuals and legal entities can contribute to help Ukraine; only in the first week, it raised about USD 20 million (Why Taiwanese are donating to Ukraine..., 2022). Most government officials also support Ukrainians; for example, President Tsai Ing-wen and other politicians decided to make a donation in the form of their monthly salaries, and presidential adviser Koo Kwang-ming donated USD 1 million (Why Taiwanese are donating to Ukraine..., 2022).

It is worth noting that Russia's aggressive actions against Ukraine have awakened the fighting spirit of the Taiwanese population. The powerful resistance of Ukraine's troops inspires them to confront China and defend the country's territorial integrity and independence, and encourages the authorities to address the issue of strengthening their own defence capabilities. This is also conditioned by the fact that the threat from the mainland is quite highly likely and depends to a large extent on the further development of events in Ukraine.

The current full-scale invasion of the Russian Federation in Ukraine is an indicator for the entire civilized world and the ability of many states to put universal values above their own economic and political interests. Under these conditions, it is increasingly difficult for the PRC to balance between maintaining the image of a world-class country that adheres to the UN Charter and the principles of international law, supporting the Russian Federation, and reducing the rate of defeat in the event of a clash with the West.

Notably, Taiwan and Ukraine will always have a clear critical asymmetry with the Russian Federation through the prism of international political influence and the armed forces. Despite the objections of the Chinese authorities on the parallels between Ukraine and Taiwan, they are now quite obvious, since it is the results of the Russia-Ukraine war that will determine the further direction and steps of China in the conflict with Taiwan.

Based on the above, the problem of Taiwan has deep historical roots, and the resolution of the conflict affects the interests of the PRC and the United States. The China-Taiwan conflict is characterised by weakening or tension depending on the political forces in power on the island. The events of recent years have been characterised

by a significant escalation, which has increased the likelihood of a threat of armed intervention by the PRC against Taiwan. The Russia-Ukraine war is a factor that will determine the further development of the conflict and the prospects for settlement. This is conditioned by the fact that Taiwan and Ukraine have asymmetric conflict relations with more powerful neighbours, namely China and Russia, respectively. Therefore, the victory of Ukraine and the active participation and policy of the United States will be factors that can reduce the likelihood of a China-Taiwan conflict; and, conversely, the passive policy of the United States and the defeat of Ukraine will encourage the PRC to use force to solve the Taiwan issue. Based on the fact that the Russia-Ukraine war is still ongoing and there is no specific outcome, it is impossible to provide an unambiguous forecast of the impact of the war between the Russian Federation and Ukraine on the Taiwan issue. One of the ways to increase the level of national security of Taiwan now is to maintain interstate ties, increase the state's defence capability, and attract allies in a possible war. Further study will be aimed at determining the impact of the Russia-Ukraine war after its end on the current China-Taiwan conflict and identifying future ways to resolve the conflict depending on the outcome of the war between the Russian Federation and Ukraine.

## Discussion

February 24, 2022, marked a turning point in the world history of the 21<sup>st</sup> century, as a full-scale invasion of Ukraine by Russian troops took place (Lava et al., 2022). This acts as a hybrid war that began in 2014 with the annexation of the Crimean Peninsula; it has turned into a full-fledged war that Europe has not seen since the Second World War. The international community immediately reacted by condemning the "special operation" of the Russian Federation on the territory of sovereign and independent Ukraine (Lava et al., 2022). However, despite this, not all states have decided to stand up for international law and peace in Ukraine; for example, the reaction of the PRC led by Xi Jinping was the most ambiguous.

As noted by S. Mariotti, most of the governments of a number of countries around the world and Europe refused to provide any humanitarian and military assistance during the first days of the invasion, as the Russian authorities stated that they could take the capital of Ukraine – Kyiv – in 3 days, put their own fake government at the head, which will accept all the conditions and capitulate to the "second army of the world"; therefore, instead of assistance, Ukraine received only expressions of concern and condemnation of the Russian aggression against a sovereign state (Mariotti, 2022).

Absolutely all democratic countries condemned Russia's military invasion of Ukraine and expressed support in the form of support for the United Nations resolution on "Aggression against Ukraine" and "Humanitarian consequences of aggression against Ukraine", the purpose of which is to call for an end to the invasion and fighting and the liberation of the territory of Ukraine; however, the states that opposed the support of the resolutions are Russia itself and its satellite countries, namely: Belarus, Syria,

North Korea, and Eritrea (Aggression against Ukraine, 2022). According to A. Riad, a significant stage in the implementation of global support for Ukraine is the introduction of economic sanctions against the aggressor – Russia, which were introduced by the government of the Euro-Atlantic region (Riad et al., 2022).

According to G. Piccoli, imposing sanctions and condemning war are insufficient means to implement support for Ukraine (Piccoli et al., 2022). Countries such as Poland, the Czech Republic, Slovakia, Romania, Lithuania, Latvia, the United Kingdom, the United States, and Canada provided Ukraine with military, political, and economic assistance to fight for freedom and survival as an independent state.

According to P. Pereira, the authorities of the United Kingdom, the United States, and the European Union understand that Ukraine alone does not have the ability to stand up to the aggressor country on its own, so they are trying to achieve an end to the war along with the de-occupation of territories, including the Donetsk and Luhansk regions and the Autonomous Republic of Crimea (Pereira et al., 2022). The authorities of these states are aware that the Putin regime uses only force, and the introduction of sanctions and international isolation do not give the desired effect, since the export of energy resources cannot stop completely, further financing the war.

Based on this, economic and political pressure from Western states is not sufficient for Ukraine to win. Notably, along with the United States, there is another super-state, namely, China (Pereira et al., 2022). The PRC is Russia's closest ally, which is evident in their economic and political ties; the PRC is the only state that respects the Putin regime and can make any concessions (Vus, Esterlis, 2022). Based on these claims, China has great opportunities to influence the rule of law on guaranteeing peace along with the United States.

However, as noted by V. Vus, tracking the trend of global geopolitical events, the most pronounced is the allocation of two or more parties at the beginning of any war, namely, those who are interested in the conflict and those who want to resolve it (Vus, Esterlis, 2022). The war of the Russian Federation against Ukraine is no exception, since this military conflict takes on the signs of a World War and affects other international legal relations, especially of China and Taiwan. As highlighted by T. Kuzio, there are two warring parties in the Russia-Ukraine conflict – the Russian Federation and its satellites North Korea, Belarus, Syria, and Eritrea against Ukraine and the entire democratic world under the leadership of Great Britain, the United States, and the EU (Kuzio, 2022). The first side suggests that it has a higher standard of living and is fighting for the expansion of its own living space, but the second side defends peace, freedom, independence, and international law around the world.

There is also a third party – China. According to S. Brondoni, the PRC is interested in the development of this military conflict, does not condemn any of the parties and shows some “concern”, conducts joint exercises of strategic bombers with Russia and has imposed sanctions on investment and trade in the aggressor state, but openly does not join any of the parties to the conflict, as it has its

own geopolitical interests, namely, the capture of Taiwan (Brondoni, 2022).

According to K. Ryan, at the moment, the PRC takes an expected position from the results of the Russia-Ukraine war and any of the possible options is “winning” (Ryan, 2022). If the Russian Federation loses, the PRC gets Siberia and virtually all of Russia as its zone of influence; if Ukraine loses, it will be a big loss for the entire West, and also gives China the opportunity to seize Taiwan (Ryan, 2022). Based on this, Russia's war with Ukraine is important not only for the two sides of the conflict, but also for the whole world, since any of the possible scenarios entail serious consequences for the international community.

Therefore, the victory of Ukraine in the war will be a decisive event of the 21<sup>st</sup> century and will greatly affect the China-Taiwan conflict in favour of Taiwan. Therefore, the full-scale invasion of Ukraine by the Russian Federation changes all security guarantees and demonstrates the helplessness of the norms and rules of international law. Peace and order will depend on Ukraine's victory, not only in Ukraine, but throughout the world. This is understood by the international community of parts of democratic states that support Ukraine in all possible ways that are necessary in the fight against the aggressor state.

Ukraine's war with Russia is taking on signs of an international conflict, but the PRC, which is one of the strongest states in the world, does not want to join it yet. Now China adheres to the position of neutrality and its own geopolitical strategy, which is to further weaken Russia in order to gain the necessary power to win a trade war with the United States, economically “seize” the world, and capture further mainland territories, primarily Taiwan.

As noted by E. Pulford, China's political and economic ambitions are already being felt in Central Asia, Southeast Asia, the South China Sea, and the Far East (Pulford, 2022). The Chinese authorities were concerned about the US support for separatism of Chinese territories, especially Taiwan, which is a fairly well-known case, as it has been happening for many decades (Pulford, 2022).

Thus, the study identified the impact of the Russia-Ukraine war on current events in the international community. Now this is especially true for the China-Taiwan conflict, as the further development of events will depend on the results of Ukraine's war with Russia. It was noted that if Ukraine wins, the world situation will be changed for the better and the Taiwan issue will be resolved in its favour. However, if Ukraine loses, the next stage in the development of events of the international community will be the seizure of Taiwan's territories, and the seizure of other territories of the post-Soviet countries by the Russian Federation. The next study will be aimed at analysing further events in the world community based on the results of the Russia-Ukraine war, identifying the main problems and possible solutions.

## Conclusions

After analysing China's policy towards Taiwan against the background of Russia's full-scale invasion of Ukraine, it was determined that these conflicts are asymmetric in their legal essence.

First of all, the prerequisites for the beginning of the China-Taiwan conflict were determined. They lie in the historical background, according to which in the 20<sup>th</sup> century the population of Taiwan determined the desire to build an independent and sovereign state. However, as of today, Taiwan is under political oppression by the PRC and is one of its main geopolitical strategic targets. One of the reasons for this is that the seizure of the island's territory provides an opportunity to take control of the South China Sea, several islands, and access to the Pacific Ocean.

The conflict between China and Taiwan and between Russia and Ukraine is similar. It was noted that the methods of conquest used by the aggressor countries, which consist in provocative actions of a military, political, and informational nature against the countries in whose territories they are interested, are similar. The main goal of conflicts, which is the desire to achieve strategic goals by the aggressor countries, was also highlighted.

It was found that Russia's actions may become a factor in the beginning of a military conflict between China and Taiwan, which follows from the Russian-Chinese rapprochement. States are actively conducting military exercises and illustrating cooperation aimed at weakening the leadership positions of the United States and strengthening their own influence in important regions.

The war between Russia and Ukraine, namely its results, will determine the further course of events in global politics. If Ukraine wins, the China-Taiwan conflict will be suspended, as international support for Taiwan provides an opportunity to leave the island's territory intact and inviolable while preserving sovereignty. However, if Ukraine loses, the PRC will launch military operations against Taiwan to capture it. Further study will focus on a detailed analysis of world events against the background of the results of the Russia-Ukraine war.

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## Політика Китаю щодо Тайваню на тлі російсько-української війни

**Анотація.** Актуальність проведення дослідження обумовлена трансформаційними трендами глобалізаційної політики внаслідок повномасштабного російського вторгнення в Україну, в особливості у політичних відносинах Китайської Народної Республіки щодо Тайваню, що слугує одним із найбільш важливих аспектів функціонування міжнародної безпеки. Метою статті є виявлення характерних особливостей Тайванської проблеми. Були використані такі методологічні підходи як функціональний підхід, догматичний метод, метод логічного аналізу, метод синтезу, метод дедукції, метою юридичної герменевтики та інші. У ході проведення дослідження було виявлено, що значною мірою політичні відносини між Китаєм та Тайваню визначаються партійною приналежністю керівництва другого. Було проведено паралелі між китайсько-тайванськими та російсько-українськими відносинами, що пов'язано з асиметричністю відносин між країнами. Було виявлено, що російсько-українська війна слугує чинником, який буде здійснювати подальший вплив на розвиток та вирішення конфлікту між Тайванем та Китаєм. Можливість розв'язання китайсько-тайванської війни буде залежати від результатів російсько-української війни та реакції міжнародної спільноти, в особливості, Сполучених Штатів Америки, що виступають основним союзником Тайваню. Отримані результати дослідження показали, що чинником, який буде сприяти зниженню показника ймовірності інтервенції Китаю проти Тайваню є перемога України у російсько-українській війні; іншим чинником є активна роль учасників міжнародної спільноти у протидії російській агресії. У випадку, якщо Сполучені Штати Америки та Європа будуть займати пасивну позицію, це буде виступати фактором, що буде збільшувати війну між Китаєм та Тайваню. Практична цінність отриманих результатів надає можливість провести аналіз причинно-наслідкового зв'язку Тайванської проблеми та з'ясувати можливі шляхи вирішення конфлікту на тлі російсько-української війни

**Ключові слова:** асиметричні відносини, конфлікт, світовий порядок, глобалізація, партійна приналежність



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## Historical-retrospective and legal analysis of the conditions, values and consequences of the Constitution of Pylyp Orlyk

**Abstract.** The history of the Constitution of Pylyp Orlyk is sufficiently studied both in Ukrainian and foreign historiography, but the issue remains rather relevant for a full historical and legal review, so the interpretation and consideration of events of those times, and especially the legal study of the underlying document, is still important. The purpose of this article is to study the Constitution of Pylyp Orlyk, for the sake of interpretations of the events of 1710, to trace the processes and reasons that followed, to analyze the historical and legal role, the conditions and consequences of the adoption of the constitution, and consider the role of Pylyp Orlyk in its establishment. The study used various historical methods and approaches to analyze and select information relevant to the adoption of the Constitution of Pylyp Orlyk. Also, the article widely used methods of analysis and synthesis, general methods of scientific knowledge and methods of empirical research. Historical comparative, retrospective and abstract methods made it possible to reconstruct and model in greater detail the processes that were taking place before the adoption of the Constitution, as well as its consequences. It is argued that the Constitution was created based on democracy, which was the main factor in the creation of the historical goal, which was the development of state reforms. From the point of view of the law, a complete analysis of the new state system, which was referred to by the provisions of the Constitution, was carried out. In the process of research, the Constitution of Pylyp Orlyk was studied, as well as some factors that helped construct and reconstruct the conditions, values, and consequences that led to the adoption of the Constitution of 1710. It was determined that the specified Constitution depicts the improvement of relations in power, and can also be used as a regulator of the state tradition of the Ukrainian people. It has been investigated that the described and analyzed historical-political aspects fully describe the motive for the adoption of the Constitution of Pylyp Orlyk, caused by the completion of these events in the new time and the possibility of researching this issue as in domestic historiography

**Keywords:** History of Ukraine, the Constitution of Bendery, Zaporizhian Host, European law, constitutionalism, law

### Introduction

This article aimed to determine the role of Pylyp Orlyk in the establishment of the Constitution in 1710, as well as a historical-retrospective and legal analysis of the document. The study considered different views on the adoption of the Constitution of Pylyp Orlyk, its historical role in the History of Ukraine, and a full legal analysis of the document was conducted.

The defection of Hetman Mazepa to Sweden and the subsequent defeat of the united Cossack-Swedish army near Poltava in 1709, played a significant role in the historical development of the map of Eastern Europe. It is during these events that the attempts of the domination of the Swedish state and that of Russian statehood with the subsequent transformation of the Moscow Principality into the Russian Empire (Knysh, 2021). Also, these events have negatively influenced the Cossack autonomy within the Moscow Principality, as a result of which the

integration movement takeover of the Cossack Hetmanate and Zaporozhian Sich has only intensified (Ivanov, 2021). The answer of the first Cossacks' government in particular following Mazepa, Hetman Pylyp Orlyk, who wanted to give a worthy rebuff to Moscow's tsarism, is perfectly manifested in its constitution, which determined the basis of the state structure and form of government, called "the Constitution of Pylyp Orlyk". The analysis of this document and the events that preceded the signing of the document reveal the full picture in the understanding of the further role of the Constitution of Pylyp Orlyk in the legal and historical-retrospective aspects (Ivanov, 2022).

The study of the Constitution of Pylyp Orlyk is fairly objective due to the completion of these processes in modern history, but requires detailed consideration due to the poor study of the issue in a comprehensive study. The Constitution of Pylyp Orlyk is one of the important

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chains in understanding the construction of the thought of Ukrainian statehood, as well as the deepest will of the people in modern times. The importance of this topic lies in the extraordinary process, the study of which will allow for the historic analysis from a new perspective and for implementing of further improvements on previously analyzed errors gained experience in the adoption of the Constitution of Pylyp Orlyk, the development of the Ukrainian state thought has further affected all the peripeteia (Danilyan et al., 2021).

The purpose of this article is to study the phenomenon of the Constitution of Pylyp Orlyk; to analyze the steps taken by historians to study this issue for the most objective coverage. The object of the study was the materials obtained from previous studies, as well as the normative acts and documents of that period. With the help of the research materials, it was possible to reconstruct the full picture of the adoption of the Constitution of Pylyp Orlyk, to investigate external influences on these events, to define the role of Pylyp Orlyk and another active member in the coverage of the event and the signing of the Constitution for social, the legal and political situation in Ukraine.

The relevance of this topic is due to its importance for studying the development of Ukraine in the Modern Age, which in turn allows for revealing its significance for all subsequent events in the Russian Empire. The novelty of the topic lies in the integrated approach of the study, which allowed for the analysis of the conditions, meanings, and consequences of the adoption of the Constitution of Pylyp Orlyk in many aspects.

The studies carried out earlier in an attempt to analyze and systematize the process of adoption of the Constitution of Pylyp Orlyk contain a variety of information on this topic (Haggman, 2020). Some sources focus on the consequences of the signing of the constitution, as well as the reaction of the Cossack syndic and the Moscow state, and some other focus on the adoption of the constitution as a single event that affected the course of development of the whole of Ukraine. In one of the sources used in the study, the author (Kozachenko, 2019) focuses more on the role of the Cossack uprising led by Mazepa, whose apologist was the signing of the Constitution of Pylyp Orlyk. With the help of materials used in the study, it was possible to illustrate in as much detail the events and state before and after the signing of the Constitution of Pylyp Orlyk, as well as to define and describe in detail the biographical and legal aspects, as well as the role of Pylyp Orlyk in this matter. Kozachenko A.I. analyzed the division of state power according to the Constitution of Pylyp Orlyk and the Polish Constitution (Kozachenko, 2019). Ya. Vashchenko described the Constitution of Pylyp Orlyk, in which modern categories of constitutional and administrative law were indicated and described (Vashchenko, 2019). S. Kryvenko studied symbols in Ukrainian public discourse (Kryvenko, 2021). T. Savchenko in his writings focused on the volume-spatial compositions of Poltava buildings at the end of the 19<sup>th</sup> and beginning of the 20<sup>th</sup> centuries (Savchenko, 2020). V. Makarchuk, I. Terlyuk, and A. Lytvynenko the Cossack law of the Hetmanate was studied as a political and legal phenomenon (Makarchuk, 2021).

## Materials and Methods

The study used various historical methods and approaches to analyze and select information relevant to the historical and legal analysis of the conditions, meanings, and consequences of the adoption of the Constitution of Pylyp Orlyk. Some of them are classical research methods, and some are special historical methods, which are aimed at following historical processes, their analysis, and testing of objectivity. With the help of special historical methods, it became possible to consider the processes of adoption of the Pylyp Orlyk Constitution in terms of its stages and cause-effect relationships.

This article used the historical periodization method to consider events important for the understanding of the conditions, values, and consequences of the Constitution of Pylyp Orlyk 1710. A retrospective method was also used, which made it possible to trace the processes that led to the signing of the Pylyp Orlyk Constitution and to evaluate the external backgrounds of the process throughout its development. The method of diachronic analysis made it possible to establish the status, both of a certain period and the entire process, of the establishment of the Constitution as a whole, in a certain period or point in time. This method was also used to analyze the status of individual processes related to the signing of the constitution about the chronological line. The constitution of Pylyp Orlyk, and the related studies on the subject, were not one thing and presented breaking reports, but thanks to the historical-comparative method, it was possible to analyze many of the writings that described the events in Bender, as well as the consequences of the signing of the Constitution.

General methods of scientific knowledge also play an important role in the writing of the article, such as theoretical research methods such as idealization, abstraction, deduction, and induction. Idealization of the historical process takes place through the absolutization of one of its meanings and the application of this value as the basic quality of the process. An idealization is an auxiliary tool for constructing a theoretical model of a phenomenon, as well as a cause-and-effect model. The abstraction method is also very important in the study of historical processes and is also an auxiliary tool for building theoretical models, finding cause-and-effect relationships, and the like by focusing on two or three characteristics of interest and using them in further modelling of the situation.

Also, the article widely used methods of analysis and synthesis, general methods of scientific knowledge, and methods of empirical research. Through methods of empirical research, observation, and comparison, it has been possible to analyze the information in some detail and compare some phenomena with others, to assess their significance, influence, consequences, reactions of the population, and so on. Empirical methods of cognition are among the most important in the historical study since it is the possibility of spatial modeling and analysis of the information obtained that allows us to draw objective conclusions about the events taking place.

With the help of the mentioned research methods, it was possible to highlight and consider the conditions, significance, and consequences of the adoption of the

Constitution of Pylyp Orlyk 1710, namely, to objectively examine the role of Pylyp Orlyk in the events described, to make a historical and legal analysis, and consider this event from the perspective of the interpretation of different authors.

## Results and Discussion

### *Historical and Retrospective Analysis of the Pylyp Orlyk Constitution of 1710*

The Battle of Poltava, which took place on July 8, 1709, in which the Swedish-Cossack army under King Charles XII suffered a complete defeat from the Russian-Cossack troop of Peter I, also became a disaster for the national liberation struggle under the leadership of Ivan Mazepa. Mazepa not only failed to unite the Ukrainians in the struggle for the separation of the Cossack Hetmanate from the Tsardom of Muscovy, but also lost the Ukrainian territory, the majority of like-minded, accomplices, and at the end of his own life. The death of Ivan Mazepa made his supporters face a serious challenge of what to do next. The question about the heir arose acutely and inexorably (Vashchenko, 2019).

This question should have been raised at the Cossack council in the city of Bender (the Ottoman Empire) on April 16, 1710. The decision was made in two aspects by the election of Pylyp Orlyk, who had previously served as the chief clerk of the new hetman, and to gain new hope and support both among his supporters in Moldova and among the population of Ukraine, for the same purpose the agreement, which entered into history under the name “Constitution of Pylyp Orlyk” is accepted (Kryvenko, 2021). Interestingly, for the first time in Europe, a real model of a free, independent state, based on the natural right of a people to freedom and self-determination, based on the unknown democratic principles of social life, was developed. It should be noted that it is unlikely that such a document could be produced by the Hetman and Petty Officer. All indications are that in it was laid the thoughts of Mazepa himself have considered for a long life.

Although, unfortunately, it was not fully introduced into public life due to the unfavorable political features of the time, the Constitutional Treaty of P. Orlyk, although partially, was in force in Right-Bank Ukraine until 1714 and became a unique historical document, creating on the Cossack basis the basis of the democratic system of Cossack Hetmanate. Thus, the Constitution of Pylyp Orlyk, which enshrined the sovereignty of the Ukrainian Cossack state and its democratic system, based on human rights and popular power, appeared more than a hundred years before the Constitution of the United States (Savchenko, 2020). To be as precise as possible and to consider the constitutional process in other countries, the United States Constitution was adopted in 1787, the Polish National Constitution in 1791, and the French Constitution in 1791.

The main content of the Constitution is the agreement between Hetman Pylyp Orlyk and his fellow Cossacks with King Charles XI of Sweden as protector and guarantor of the independence of Ukraine, based on which Ukraine withdrew under Swedish protection, and its citizens were guided by it in their daily lives. Pylyp Orlyk committed to the following: limitation of hetman autocracy, increase,

and deployment of Cossack democracy in leadership, reduction of social oppression of philistines and peasants, protection of privileges of the Cossack state, protection of the special state of the Zaporozhian Cossacks, struggle for political and ecclesiastical secession of Ukraine from Russia in case of victory of the followers of Mazepa and transformation of Pylyp Orlyk from hetman in exile into the legitimate leader of the nation.

With the election of Pylyp Orlyk of Hetman of Ukraine was approved and a new general petty officer – the highest military and administrative leadership of Cossack Hetmanate, who operated the Cossack troop and its structural subdivisions (artillery, military training, finance, chancellery, property, etc.). Thus, the newly elected Hetman chose Ivan Lomykovskiy as the general coachman, who held this post at the time of Ivan Mazepa. Ivan Maksymovych became the general clerk, Klim Dovgopolyi became the general judge and Grygoryi Herzik and Fedor Myrovych became the general osavuls. Also included in the general petty officer were such notable representatives of the Cossacks as Kost Gordienko, being at the head of the Zaporizhian Cossacks, and Dmytro Gorlenko, who was generally respected as a senior colonel of Cossack Hetmanate in emigration (he became colonel of Pryluky in 1693). Having led the national liberation movement, the newly elected Hetman was aware of the heavy burden and responsibility that he had assumed. In this regard, B. Krupnytskyi wrote: “Having decided to accept the candidacy, Orlyk sacrificed his private life to patriotic tasks against the homeland, as he understood them. But he also demanded expressive support from the Swedes. In connection with his candidacy, he obtained from Charles XII the insurance contract, providing Ukraine with a promise not to lay down weapons until Ukraine and the Cossacks are released from the Moscow yoke” (Makarchuk, 2021).

Considering the historical role of the Constitution of Pylyp Orlyk, one should understand the situation at the time. Poltava disaster, death of Hetman Mazepa, gray and hungry days of emigration, lack of money, despair, and quarrels among Ukrainian exiles – all this testified to the agony and rapid decline of the disorganized Mazepa movement. However, there was a person with statesmanship who was able to stop this irreversible process of destruction, unite around the idea of liberating Ukraine from the Moscow yoke of like-minded people and lead the Mazepa resistance movement – it was Pylyp Orlyk. On his initiative, at the election of the Hetman in April 1710, between Pylyp Orlyk and fellow Cossacks agreement was concluded, called “Treaties and Regulations of the Rights and Liberties of the Troops”, which later in the Ukrainian historiography were named “The Constitution of Pylyp Orlyk”.

Thus, summing up all the above opinions, one can arrive at such conclusions. The achievements of Pylyp Orlyk in the thorny field of the Ukrainian ethnonational state include: firstly, that he gave his consent to the election of the Hetman of Ukraine and thus led the national liberation movement, which after the death of Mazepa was far from being perfect; secondly, the Hetman became the creator of a very important creative and legal document included in the historical analyses called “The Constitution

of Pylyp Orlyk”; thirdly, actively participated in the military campaign of 1711, trying to liberate the Right Bank; for the fourth time, about 30 years of intense diplomatic struggle for the complete liberation of Ukraine from the grasp of Russian tsarism (Hong, 2020).

### ***Legal Analysis of the Constitution Pylyp Orlyk 1710***

Among the monuments of the Ukrainian political and legal thought of the early modern age, the State Constitution, which had the name “Treaties and Resolutions of the Rights and Liberties of the Troops”, has attracted the attention of a wide variety of representative groups of the public for centuries. On April 5, 1710, at the General Cossack Council near the city of Bender (the Ottoman Empire) under the chairmanship of Commander of Cossack Camp Kost Gordienko, the elections of the Hetman Zaporizhian Host. At the council “Altogether with the senior general and ambassadors from the Zaporizhian Host, which remains near the Dnipro river, according to long-standing traditions and military rights elected to themselves by free unanimous votes hetman his grace Pylyp Orlyk, worthy of the hetman honor” (Kresin, 2020). At the same time, the “Treaties and Decrees of Rights and Liberties of the Troops” were announced and approved, which began to be called the Constitution of Pylyp Orlyk, and the Cossack Constitution itself on April 10 was certified as “Protector” of Ukraine by the Swedish King Charles XII.

The Constitution had an original expression: its provisions were fixed as a contract between the hetman and the Cossack Petty Officer and the Zaporozhian Cossacks, which was typical of the Western tradition and which confirms its democratic character. “We, the General Petty Officer, are here present, and we, the Commander of Cossack camp with the Zaporizhian Host ... agreed and decided with His Grace Mr. Pylyp Orlyk, the newly elected Hetman, that not only his nobility, under the happy hetman’s rule, would adhere to all the points, treaties, and decrees set forth here, on which he swore an oath, and that the future Hetmans of the Zaporizhian Host they were saved and respected”. This document essentially justified the state system of Ukraine. The Constitution consisted of a preamble and 16 articles setting out the basic principles for the establishment of an autonomous state. It was a democratic movement and a common Western European republican idea. The text of the Constitution was published in Latin and Russian (Danilyan et al., 2021), however, the question of finding the Latin-language original of the monument itself, as well as the documentary evidence involved in its appearance in the archives and libraries of European countries remains open.

The preamble to the Constitution briefly outlined the history of the people of Russian and the Zaporizhian Host. The creators of this Constitution depicted a political fabrication, according to which “Cossacks, ancient and courageous, previously called Chazar” became the founder of the Kyiv state and before Prince Vladimir Sviatoslavovych Christianity accepted Kagan. Thus the historical advantage of the Ukrainian state, where the primacy was inherent in the Cossacks, was founded. This statement

became “the basis of the idea of separate Russia – Little Russian – Ukrainian people and their natural right to their state”.

The Constitution first reflected the general points. In particular, the first paragraph it was disclosed about “Belief of the Orthodox Eastern Rite” as the national religion, as well as about the restoration of autocephaly of the Ukrainian Church under relative subordination to the Patriarch of Constantinople. State sovereignty was later reflected. The borders of the Ukrainian state were established under the terms of the Treaty of Zboriv in 1649. with the Polish-Lithuanian Commonwealth, which were attested at the time of Bogdan Khmelnytsky. Hetman was to guarantee the inviolability and inviolability of borders and preserve the territorial integrity of the state, as well as to achieve just “compensation of all losses caused to Ukraine by armed force”.

Some articles (IV, V) concerned the protection of the interests of the Zaporizhian Host. It was recognized, for example, the return to the use of the Zaporizhian Host “the Terekhtemirov city with all the adjacent lands and with the crossing, located here, across the Dnipro”, Perevolochna, Vorskla River with mills located in the Poltava regiment, as well as the Kodak Fortress with all the surrounding territories and the need to destroy the Moscow strongholds and fortresses built in Zaporizhzhia (Bzorek, 2021).

But the main point is the sixth article of the Constitution, which sets out the principles of the organization of the activities of public authorities. Pylyp Orlyk established a system of government based on the separation of powers between the State authorities specified in the Constitution and the parallel integration of all branches of government into a coherent state.

A collegiate representative body plays a key role in this mechanism. If in sovereign states, as stated in the Constitution, a commendable and advantageous order for the public balance is observed, “namely, both in time of war and in peace, to gather private and public advice, contemplating the common good of the homeland, on which the independent rulers, in the presence of His Majesty, have not refused to subdue their opinion by a joint decision of officials and advisers, why would a free nation not adhere to the same fine order?” That is why the Constitution affirms that the most important problems of the state and public life should be solved by the General Councils, and repeatedly emphasizes their legislative functions. With this intention “three General Councils, which will meet annually in the Hetman Residence” were established. The first was going to the holiday of the Nativity of Christ, the second – on the holiday of Easter, and the third – on the holiday of the Protection of Our Most Holy Lady Theotokos and Ever-Virgin Mary, that is, in winter, spring and autumn. The General Councils were attended by a wide range of representatives of different ranks. These Councils must be assembled under the order of Hetman and a legal obligation “not only colonels with their officials and centurions, not only General Councilors from all regiments, but also ambassadors from the Zaporizhzhia Host for hearings and discussion of affairs to take an active part”. When Hetman puts a certain issue before the Council, then everyone without

exception is obliged to take part in its discussion. And no one has the right to be absent from his duty.

The decisions of the General Council had supreme legal force and were in some cases binding. In particular, article XII established that only “by high decision of the General Council in the presence of Hetman” can be taken “solemnly and inviolably”: to who belongs by law, and to whom should not use the right of management of public estates, and which duties should be performed on subjects. In addition, the decision taken by Hetman on the revision of various burdens ordinary Cossacks on Ukrainian soil, “wider and more will be discussed and decided at the General Council” (XIV), and on taxes and articles “Resolution will be discussed and adopted at the General Council” (XV) (Vorona, 2020).

Executive power was entirely in the hands of Hetman; whose powers were quite versatile. Firstly, Hetman had to “take care of the needs of the homeland, think, lead and decide what will need a solution”. Only with Hetman’s permission, it is necessary to choose Cossack and ordinary officials, and after the elections “to be approved by the Hetman authorities”. Hetman had to worry about recovering the “obligation to provide carts for governmental needs”, to ensure that the ordinary and ordinary people did not “impose excessive burdens, harassment, and excessive demands”, to ban abuse of ordinary Cossacks, the commoners, craftspeople, etc. Although all this Hetman was obliged to carry out under close attention, and in important cases must coordinate their decisions with the petty officer. Given the negative experience of the former hetman administration, the Constitution, to avoid the possibility of the assumption of power in the state, prescribes in detail the regulation of the activities of the hetman, establishing the limits of his powers. In particular, between meetings of the General Councils, in the event of a need to decide, change or execute certain urgent Hetman cases “is given a certain freedom of power and influence to solve such cases on the advice of the General Master”. It is characteristic that the Constitution applies the principle of restraint and control in many situations. As noted in the Constitution, forever will be preserved in the Zaporizhian Host Law, “that in our country the primacy belongs to the Senior General both because of its high services, and taking into account the constant stay under the Hetman”. So the body that oversaw Hetman’s actions was the Senior Council, which was joined by the Chief Petty Officer, civilian colonels, similar in nature to civilian advisers, and several high-ranking veterans, Honored men chosen by Hetman’s consent from each regiment. “This General President, Colonels, and General Councilors should advise the current Hetman and his successors on the integrity of the homeland, its common good, and all public affairs. Without their prior decision and consent at the sole discretion of the Hetman, nothing shall be initiated, decided or carried out” (Kozachenko, 2019).

And if Hetman is seen to have “something contrary to justice and deviating from the laws or harming liberties and not safe for the homeland”, then petty officers, colonels, and councilors can exercise full freedom of vote, to express, privately or publicly on the council reproaches “demanding

an account of violation of the laws and liberties of the motherland, but without slander and the slightest damage to the high Hetman honor”.

Special attention was paid in the Constitution to the management of financial affairs. Relying on the experience of the Zaporizhian Host, it was necessary, with the public consent, to elect a General Treasurer, who would take over the state treasury, run the mills and all revenues and take care of them not for their own, but for general necessity, “taking into account the opinion of Hetman”, and Hetman himself had no authority in any way to turn them to his advantage, “limited by his share of the income belonging to the Hetman Mace and personality”. At the same time, it is necessary to choose in each regiment two jury treasurers, approved by general order of two social estates: Cossacks and ordinary people (Sytnyk, & Sereda, 2019).

One of the branches of government under the Constitution was the judiciary. In case one of the petty officers, colonels, general councilors, noble Cossacks or other officials, or ordinary Cossacks commits a crime threatening the Hetman’s honor, then such criminals are not punished solely by the Hetman “his private revenge and authority”, but such an offence must be considered by the General Court, which will render a decision, “the sentence of which every criminal must bear” (Komaruk, 2022).

The Constitution of Pylyp Orlyk affirmed the state administration which “freely expressed will and voted on the equal, permanent and never violated form of authority and subjugation was accepted”. The peculiarity of this form of rule was the specific division of powers between the different branches of government, as well as the mechanism of deterrence and balance. Thus, the General Council’s decisions were binding on Hetman. Although Hetman had the right of legislative initiative, because he could offer the “public council something to discuss” (VI). Restraint was also manifested in the relationship between Hetman and the Senior Council. Without the prior decision and approval of the Senior Council, Hetman could not do anything. Additionally, the power of Hetman was restrained by the powers of the General Treasurer, although the treasurer was elected “at the discretion of Hetman” and took into account his activities and opinion (IX). The powers of the Hetman and the judiciary act independently (VII) (Taranenko, & Taranenko, 2021). For example, because of mutual restraint and control, the separate branches of government formed a single state mechanism.

Pylyp Orlyk’s Constitution is characterized by democratic principles. More than once in the provisions of this document the obligation of “free elections” and “free expression of will” was emphasized, and the election of officials was introduced. The Constitution elected the Hetman, General Council, General Petty Officer, regimental councilors, colonels, and officers, as well as the General Treasurer and two Jury Treasurers in each Regiment (IX). At the same time, it was forbidden for colonels to appoint centurion and other officials “without the free vote of the whole district” (X).

An important feature of the Constitution was the care to protect “the ordinary people”, that is, the unprivileged strata of the population, which gives this document a humanistic orientation. The Constitution defined the



rights and duties of all social states and protected the interests of ordinary Cossacks, bourgeoisie and Commonwealth, that is, peasants. It obliged Hetman to protect Cossacks and “poor people” from illegal taxes (XV), extortion of market commissars, tax collectors (XVI), and so on. He had “to generously direct and improve all rights in the country in respect of the reliable observance of inviolable public liberties” (XVI).

Pylyp Orlyk’s Constitution, with its democratic aspirations and meaning, was ahead of Europe’s public eye at the time. It was the embodiment of a real model of a sovereign, independent state born of the natural right to freedom and self-determination. The Constitution was the starting point of political thinking among Ukrainians of the eighteenth century. In it, the interests of the hetman as head of state, elders as the leading social stratum of the population, and Cossacks as a strong military force of the state were incredibly intertwined. Although, unfortunately, it was not fully introduced into public life due to the unfavorable political events of those times, but the Constitutional Treaty was a unique historical document, which created on the Cossack basis the nucleus of the democratic system of the Cossack Hetmanate.

Analyzing the articles of the Constitution 1710, it can be concluded that Ukraine, which was at the turn of two centuries, between the Western and Eastern directions managed to stand and become a democratic country. The Constitution depicts the progressive beliefs of the Ukrainian society, which slowly moved towards the formation of statehood, focusing also on the social relationship within the future state, where on a contractual basis under the scheme “power-people” management will be implemented. The document led to the emergence of new ideas that sought to “bring the Ukrainian business to the international level”, which was always facilitated by Hetman Pylyp Orlyk (Shupyk, 2020). That is, the only goal of Pylyp Orlyk was to win the political freedom of his land and people, because all his energy was aimed at asserting my rights and those of my nation in Ukraine.

## Conclusions

The study concluded that the adoption of the Constitution of Pylyp Orlyk marked an imprint on the further development

of the state thought of Ukraine. The defeat in the Poltava battle of the united Cossack-Swedish army played a crucial role in the political activation of the Cossack elite, which eventually formalized the ideas of statehood in the Constitution of Pylyp Orlyk.

In the history of Ukrainian legal opinion, the efforts of Pylyp Orlyk have become significant. This Constitution was imbued with a democratic spirit and set a progressive historical parliamentary course for the development of State reforms. The Constitution of Pylyp Orlyk depicts not only an attempt to regulate the state tradition of the Ukrainian people, but also a modification of power relations. Although it was never implemented, it is, however, an outstanding historical state-political monument. “Treaties and rulings of the rights and liberties of the troops” should take a worthy place in historiography and, it seems, remain relevant today for independent Ukraine. The analysis of the document proves that the norms of this legal act already contained elements of the theory of natural law, and most importantly – the theory of the division of powers in the organization of public administration in three directions that operate independently – legislative, executive, and judicial. The Constitution of Pylyp Orlyk 1710 embodies the legal directions of many phenomena, namely, the sovereignty of the Ukrainian people, the separation of powers, parliamentarianism, etc. Thus, a request for the historical experience of this document is, first of all, an appeal to state ideas, which constitute the legal basis for the nationwide idea of a political character, highlighting the essence of the mood of the Ukrainian people.

The consideration of historical and political aspects is a full and comprehensive examination of the causes and consequences of the adoption of the Constitution of Pylyp Orlyk, due to the end of these events in the new time and the possibility of studying this question as in domestic historiography, as well as works written abroad and in immigration. Thus, the main aspect of an objective and comprehensive examination of this issue is the examination of some sources and factors that have served both to develop and complete these processes. The promulgation of the Pylyp Orlyk Constitution and the study of these processes have been central to the coverage of events, as have some other sources and scholarly writings.

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## Історико-ретроспективний та правовий аналіз умов, значення та наслідків ухвалення Конституції Пилипа Орлика

**Анотація.** Історія конституції Пилипа Орлика значною мірою вивчена як в українській, так і в зарубіжній історіографії, проте це питання залишається досить вагомим для повноцінного історичного та правового розбору, тому інтерпретації та розгляд подій тих часів, а особливо правовий аналіз цього фундаментального документа актуальне й досі. Мета статті дослідити Конституцію Пилипа Орлика задля інтерпретації подій 1710 р., простежити процеси та причини, що зумовили їх, проаналізувати історико-правову роль, умови та наслідки ухвалення Конституції та розглянути роль Пилипа Орлика в її становленні. У дослідженні використано різні історичні методи та підходи до аналізу та відбору інформації, що стосується ухвалення Конституції Пилипа Орлика. Також у статті широко застосовано методи аналізу та синтезу, загальні методи наукового пізнання та методи емпіричного дослідження. Історико-порівняльний, ретроспективний та абстрактний методи дали змогу детальніше реконструювати та моделювати процеси, що відбувалися напередодні ухвалення Конституції, а також його наслідки. У дослідженні проаналізовано Конституцію Пилипа Орлика, нові ідеї, які вона містить, та її роль у процесах державного будівництва. Стверджено, що Конституція була створена на базі демократії, що було головним чинником при створенні історичної цілі, якою був розвиток державних реформ. З погляду права здійснено повний аналіз нового державного устрою, на який посилалися положення Конституції. У процесі дослідження вивчено Конституцію Пилипа Орлика, а також низку факторів, які допомогли конструювати та реконструювати умови, цінності й наслідки, що зумовили ухвалення Конституції 1710 року. Визначено, що вказана Конституція зображує покращення відносини у владі, а також може застосовуватись у якості регулятора державницької традиції українського народу. Досліджено, що описані та проаналізовані історико-політичні аспекти є повністю описують мотив прийняття Конституції Пилипа Орлика, зумовленим завершенням цих подій у новому часі та можливістю дослідження цього питання як у вітчизняній історіографії

**Ключові слова:** історія України, Бендерська конституція, Військо Запорозьке, європейське право, конституціоналізм, право

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