

ZAKARPATSKAYA OBLAST': AN ASSET TO EUROPE OR A ZONE OF INSECURITY AND DISCORD?

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The potential importance of Zakarpatskaya Oblast' to Ukraine and Europe is equalled only by the neglect that Brussels and Kyiv display towards it. No other Ukrainian *oblast'* borders four EU member states. The *oblast'* is also the point of egress for Ukraine's most significant energy asset, the Gas Transit System, with a capacity of 142 cu.m., and it also disposes of the three largest gas storage facilities on the continent. For these reasons, it has geo-economic and well as geo-political importance, not to say potential.

Nevertheless, should the internal and external dynamics of the *oblast'* deteriorate, it risks becoming a 'soft security' problem. At the most fundamental level, a soft security threat is one that is neither posed nor resolvable by armed force. Moreover, as set out by the author in 2003, the '[t]he principal source of soft security problems is not weak international mechanisms, but weak and ineffective states'.² But in the case of Zakarpatiya, the remoteness of international mechanisms (specifically the EU and NATO) compound the fundamental deficiency, the neglect and incapacity of Ukraine itself. The principal focus of concern in Zakarpatiya, the grievances and ambitions of Hungary, is not the cause of Ukraine's incapacity, but a reflection of it. As has been noted elsewhere, Hungary's policy towards its 'national community' abroad does not discriminate against Ukraine. But it is more acutely felt in Ukraine than in Slovakia, Romania and Serbia because Ukraine is more vulnerable than these other states to the types of pressure that Hungary is posing.

Ukraine's incapacity can be illustrated by one comparison. From the time of the Cold War, NATO Ally Norway subsidised, generously at a clear economic cost, the development of its underpopulated 'high north' in order to underscore the reality of its sovereignty to the one potential threat to the status quo, the USSR. In contrast, Ukraine actively seeks infrastructural and other development funds in Zakarpatiya from Hungary, the one state that seeks to redefine the status quo.

Three points can be made to Hungary's credit. First, it does not seek to revise national borders, either in Ukraine's case or in the case of other states that are home to cohesive Hungarian minorities. Second, it does not seek to expand the definition of its 'national community' beyond that historically recognised by other parties. Third, it has no intention of using the present dispute as a means of destabilising the *oblast'* itself or Ukraine as a whole. In all three respects, Hungary's policy diverges from Russia's policy.

Nevertheless, its aims in Zakarpatiya rest on a set of presumptive rights that sit uneasily alongside the principles embodied in the Helsinki-based post-Cold War order as well as the UN Charter. Common to both is the right of states to exercise jurisdiction over their citizens. The minority rights provisions in these documents and others are intended to underpin the equality of minorities before law, rather than afford them 'special status', let alone grant other states a claim of allegiance or a right to act on their behalf. The recognition of dual citizenship is a prerogative of the state in which they reside, not a right that can be demanded by others.

To the pronounced irritation of other NATO Allies, Hungary also has sought to abuse the Alliance to strengthen its position in what clearly is a bilateral dispute at a time when

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² James Sherr, 'Strengthening "Soft Security": What is to be Done?' (Camberley: Conflict Studies Research Centre, Royal Military Academy Sandhurst, May 2003)

Ukraine is at war. Since 2017, it has used the consensus principle to block meetings not only at presidential and ministerial level, but at the most senior military levels. This has not diminished NATO-Ukraine cooperation, but it has encumbered it. Even less admirably, EU institutions (including the European Parliament's advisory Venice Commission) have shown a marked reluctance to take a position in a dispute between a member and a non-member, albeit one that has secured an Association Agreement and declared an aspiration to membership.

It bears reiterating that things could be better. Given its geographical position and its other endowments, Zakarpatskaya Oblast' could play a role in knitting Europe together. The principal obstacle to this vision lies not in Budapest but in Kyiv – or, more specifically, in the absence of the attributes that liberal democracies and foreign investors take for granted: recognised property rights, mechanisms of contract enforcement, a legal economy unshackled by the shadow economy and a judiciary answerable to law rather than power. In the absence of these attributes, Ukraine will continue to find its opportunities limited and its sovereignty compromised.