Rethinking the Budapest Memorandum from the Perspective of Ukrainian-Russian Relations in the Post-Soviet Period[1]

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The Declaration of State Sovereignty of Ukraine was adopted in 1990 and declared Ukraine a non-nuclear state. However, Kyiv was not eager to surrender the nuclear arsenal that it had inherited from the Soviet Union. It is possible to divide Ukraine's denuclearisation process into two different phases. The first phase consisted of bilateral discussions between Russia and Ukraine, which ended due to Russia's inability to understand Ukraine's security concerns. In 1993, the United States joined the discussion, and the trilateral phase began. The involvement of the United States helped to reach a consensus and promote nuclear non-proliferation in Ukraine by providing security assurance and some economic benefits. The case of Ukraine's nuclear non-proliferation was supposed to be one of the most exemplary cases of denuclearisation in the last two decades. But in light of the Ukrainian crisis which started in 2014, the world recognizes that the security assurances provided in the Budapest Memorandum ultimately failed to deter Russian aggression towards Ukraine. Scott Sagan believes that the international norms and an image of 'a good international citizen' that can integrate into the Western economic and security system while maintaining good relations with Russia mattered the most in view of

Ukraine's decision to give up nuclear weapons. This article suggests that the Ukrainian denuclearisation is the fusion of both the norms and domestic factors that Ukraine faced in 1990s. The article will review Ukraine's decision to return the nuclear weapons, despite the ongoing Russian threat. It will also clarify Ukraine's decision to not pursue nuclear proliferation, despite recent trends within Ukraine's political circle that would be in support of this decision.

Keywords: Ukraine, Russia, nuclear nonproliferation, post-Soviet relations, Budapest Memorandum

In 1991, negotiations regarding the establishment of a post-soviet Commonwealth of Independent States took place in Alma-Ata and Minsk. Since the Russian diplomats could not find a consensus with Ukraine regarding nuclear disarmament, the Russian Federation had to search for support from the strongest nuclear non-proliferation promoter in the world – the United States. Thus, diplomats from Washington D.C. and London became involved in the process. The representatives from the United Kingdom preferred not to be actively involved in the negotiations over the Memorandum, and so their role in the talks was more symbolic and presumed to support the stance of the White House. Additionally, Ukraine wanted to involve both France and China in the negotiations. Ultimately these two countries refused to take part in the process. The talks continued in a two-plus-one configuration between the US and Russia on the one side, and Ukraine on the other, culminating in the establishment of the Budapest Memorandum of Security Assurances in 1994. By signing the document, the United States, the United Kingdom and Russia agreed to not threaten or use force against Ukraine and also to respect its already existing borders.[2]

In 2014, the annexation of Ukraine's Crimean Peninsula by Russia took place, while the separatist forces allegedly backed by the Russian government propelled the conflict in the Ukrainian region of Donbas. The American author Walter Russel Mead stated that because of Ukraine 'losing chunks of territory to Russia, it is pretty much the end of a ration case for nonproliferation in many countries around the world'.[3] Therefore, in view of the Russian aggression towards Ukraine, it may be proper for Ukraine to reevaluate its national security policy. In Ukrainian lawmaker and *Rada* (Parliament) member Pavlo Rizanenko's speech, he noted that the Ukrainian society now has strong

negative sentiments towards the Budapest Memorandum and believes it was a mistake for Ukraine to give up its nuclear arsenal. Rizanenko believes that Ukraine should begin a nuclear weapons program, regardless of what happens with the current crisis in relations with Russia.[4] Statistical data suggests that many Ukrainians agree with Rizanenko's belief. For instance, in 2014, The Ilko Kucheriv Democratic Initiatives Foundation, together with The Razumkov Center, found that 43 percent of the respondents strongly supported Ukraine possessing nuclear weapons, whereas 37 percent of respondents demonstrated a negative attitude towards Ukraine once again possessing nuclear weapons.[5] These responses are not surprising given Russia's recent takeover of the Crimean Peninsula and Vladimir Putin showing support for separatist pro-Russians at Donbas.

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While nuclear ambitions are not a prevailing idea among Ukrainian citizens, the inclination of the citizens of Ukraine to blame the post-Soviet Ukraine's government for their having agreed with the conditions of the Budapest Memorandum has become an indefeasible part of the current political climate in Ukraine in the past few years. As can be seen from the Ilko Kucheriv Democratic Initiatives Foundation and The Razumkov Center social research, many Ukrainian citizens are in agreement with the views of John J. Mearsheimer in regards to the possibility of warfare in Europe, unless some countries such as Germany retain nuclear arsenals.[6] Following the logic of Mearsheimer, it could be concluded that it would benefit both the security of Ukraine and Europe if Ukraine possessed nuclear weapons. In his paper published in 1993 in *Foreign Affairs,* Mearsheimer also commented that Ukrainian nuclear weapons would be 'the only reliable deterrent to Russian aggression'.[7]

This article will examine the domestic and international causes behind Ukraine's having decided to give up its nuclear weapons in 1990s regardless of the Russian threat, and also the reasons of why Ukraine will not try nuclear proliferation, in spite of some of the recent populist trends in the country's politics. In the later part, the paper will examine the paradigm of Ukrainian-Russian relations in the aftermath of Ukraine's denuclearisation, while relaying on the three models of nuclear (non)proliferation of Scott Sagan, which show why some countries may pursue or give up nuclear weapons considering the domestic factors of their policies.[8] While in his original writing Scott Sagan demonstrated that the Ukrainian case of giving up nu-

clear weapons only relates to the norms model, this article tries to show that many factors of domestic instability also should be taken in consideration. The article concludes with the view that despite the populist viewpoints gaining popularity among Ukrainians in regards to the nuclear program, Ukraine will eventually make a rational choice including engagement with Western democratic countries, seeking diplomatic support, and attempting to join the European Union (EU) and North Atlantic Treaty Organization (NATO), instead of looking for a nuclear deterrent. Among the findings of this paper is the idea that Ukraine's desire to improve relations with the West was among the major reasons behind Ukraine's non-proliferation decision.

The Ukrainian denuclearisation process

The Ukrainian-Russian bilateral phase and its deadlock

Following Ukraine's independence, President Leonid Kravchuk suggested during his first trip to Washington D.C. that the international community should provide oversight and guidance in regard to destroying the nuclear arsenal that Ukraine inherited from the Soviet Union. The Russian President Boris Yeltsin demanded that the entire post-Soviet nuclear arsenal, including that located in Ukraine, should belong to Russia. President Kravchuk ultimately agreed on passing the nuclear weapons to Russia provided that the weapons would be dismantled in Russia. Russia decided to speed up this process, and the Lisbon Protocol was approved on 23 May 1992. The Lisbon Protocol included the signatures of world leaders from the United States, Russia, Belarus, Kazakhstan, and Ukraine. Through signing the Lisbon Protocol, Ukraine pledged to join the Nuclear Non-Proliferation Treaty (NPT). As President Kravchuk promised after having signed the protocol, the Ukrainian government agreed to dismantle the nuclear warheads in the country within the next seven years.[9]

However, Ukraine did not immediately begin the act of self-denuclearisation it agreed upon. The officials from Kyiv were cautious to dispose of their nuclear weapons quickly, as opposed to Belarus and Kazakhstan, because Russia could not guarantee that the Ukrainian nuclear weapons would be fully dismantled. The situation worsened when the *Duma* (Parliament) of Russia claimed that the Crimean Peninsula should rejoin Russia by having adopted the proposition named "Russian Federal Status of Sevastopol", which supported Russia's ter-

ritorial claim of the Crimean Peninsula.[10] In light of those developments, Ukraine was understandably not ready to turn over its nuclear weapons.

The concern for Ukraine's Deputy Foreign Minister, Borys Tarasyuk, was security guarantees for Ukraine vis-à-vis Russia due to the aforementioned territorial claims of the Russian Duma. Tarasyuk and his fellow diplomats that were involved in debates around the denuclearisation believed that the conditions provided by the Nuclear Non-Proliferation Treaty were not enough to protect the sovereignty of Ukraine. Therefore, Ukraine's diplomats made it clear Ukraine was looking for a 'high-level document' that included special security guarantees for Ukraine.[11] These guarantees would protect Ukraine in case of aggression from Russia and would also satisfy the members of *Rada* (the Ukrainian Parliament), many members of which demonstrated opposition to the country's non-nuclear status.

The Russian Foreign Ministry forwarded a document outlining their security guarantees for Ukraine. However, these guarantees were not unique - they were included in already existing documents, such as the Charter of the United Nations and Commonwealth of Independent States (CIS) Charter. Ukraine's urgency for security guarantees could obviously not be satisfied with these proposed measures. The Parliament elite of Ukraine – Viacheslav Chornovil, Volodymyr Tolubko, Levko Lukyanenko and many others – were sure that the decision to become a non-nuclear state was unwise given the possibility of a territorial conflict over the Crimean Peninsula with Russia. Viacheslav Chronovil even claimed that the Ukraine's leadership would commit an act of national betrayal if they let Ukraine lose its nuclear weapons.[12] Those opposed to Ukraine's non-nuclear status stressed the serious security vulnerability of Ukraine in view of Russia's claim over the Crimean Peninsula. In this regard, Strobe Talbott, who directly was involved in process of Ukrainian denuclearisation, illustrates this with saying that 'Ukrainians were paranoid with real enemies, especially in the Russian parliament, where reds and browns were pressing historical Russian claims against Ukrainian territory'.[13]

Another aspect undermining Ukraine's national security was the massive riots in Donbas. In the 1990s, the nation was struggling due to the post-Soviet economic crisis, whereas the massive strike of miners in the Russian-speaking southeastern portion of Ukraine that actually was propelled by the economic crisis only made the situation worse. In

1989, two years before Ukraine's independence, the first strikes began with a riot by miners. This foreshadowed the impending collapse of the USSR. The declaration of Ukraine's independence did not put the strikes to an end. On 7 June 1993, the city of Donetsk saw a massive strike of miners that had spread from Donetsk to Lugansk, Kharkiv, and into parts of the Dnipropetrovsk region. These four regions make up the historical territory called Donbas.[14]

Having initially started with demands for a pay increase, the protestors proceeded to request a national vote for the separation of the Donbas region from the rest of Ukraine. In modern times, the Donbas region is in the middle of the allegedly Russia-backed separatist movement that started in 2014. In view of the economic difficulties that Ukraine were experiencing and the strike in Donbas in 1993, President Kravchuk decided to resign with Leonid Kuchma having become the newly elected Ukrainian President in 1994. This was a disastrous domestic situation, when Ukraine was on the verge of collapse in just two years after gaining independence, whereas the realization of Russia's claim for the Crimea Peninsula also seemed imminent. Meanwhile, the level of Ukraine's military preparedness was lacking, with the army demoralized and not ready to protect the nation's integrity in the case of military intervention. It was obvious that playing by Russia's rules and giving away those nuclear weapons as the President of Ukraine had demanded would be a better choice for Ukraine than a direct confrontation. At the same time, reorientation from deterring Russia to establishing closer Ukraine-Russian ties only deepened the demoralisation of the Ukrainian army.[15]

Overall, the political climate in Ukraine in early 1990s was very unstable. In his book *The Russia Hand* Strobe Talbott shares his experience of visiting Ukraine in May 1993 while mentioning Kyiv as 'the capital of an unhappy and nervous country that had been free for less than eighteen months and was not at all sure that it would last much longer'.[16] In view of the domestic instability propelled by the issues mentioned above, the Ukrainian government was in urgency for immediate financial assistance and international recognition. The Nunn-Lugar Fund related to the United States Cooperative Threat Reduction Program looked like a way to fix the depressed economy of the country and thus help pacify the miner demonstrations in the country's southeastern region. From a diplomatic standpoint, Ukraine hoped to resolve the deteriorating relationship with Russia peacefully, while becoming closer

to the West (which also did not want Ukraine to be a nuclear state). The Ukrainian government decided to continue the talks concerning its denuclearisation scenario on the assumption that the White House would get involved.

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Ukraine-Russia-United States trilateral process and the signing of the Budapest Memorandum

On 3 January 1993, both Russia and the United States signed START II, which stated that both countries were to cap their offensive nuclear arsenals to just 3,500 units. At the same time, Ukraine was not yet ready to even ratify START I due to the inability of diplomats of both Russia and Ukraine to reach a compromise. The United States blamed Russia for its inability to reason with Kyiv, while the Ukrainian government expressed doubt over Russia's promise to dismantle the nuclear weapons returned to them by Ukraine. Ukraine believed that Russia would add them to their arsenal in order to achieve diplomatic supremacy and a security advantage against Ukraine. In order to persuade Ukraine, during the Tokyo summit in July 1993 Boris Yeltsin and Bill Clinton agreed that the further diplomatic exchanges with regard to the denuclearisation of Ukraine would be held in the Ukrainian-Russian-America trilateral format.[17]

The United States quickly noticed that the diplomatic channels between Russia and Ukraine were not functioning properly.[18] The main problem was with Russia's reluctance to provide legitimate security guarantees for Ukraine. To help move along the denuclearisation process on 25 October 1993, the governments of the US and Ukraine signed a bilateral agreement that would provide Ukraine with financial assistance and technical support to help eliminate its nuclear arsenal. After that, on 18 November 1993, the Parliament of Ukraine agreed to ratify thirteen conditions of the Lisbon Protocol and START I. However, there was a twist – instead of claiming Ukraine as a non-nuclear state, its Parliament stated that Ukraine had owned nuclear weapons that had been inherited by the disintegration of the USSR. Ukraine agreed to eradicate 42 percent of the nuclear offensive warheads and 36 percent of vehicle carriers that were inherited during the collapse of the Soviet Union; the rest were proclaimed to remain in Ukraine's possessions.[19] This resolution appeared to be a declaration of both Ukraine's nuclear status while holding to its previous commitment of joining the NPT. It is obvious that mere financial and technical assis-

tance in regard to dismantling the nuclear weapons was not the only thing Ukraine was looking to obtain. This helped Washington D.C. to better understand Ukraine's security concerns and attempt to resolve it together.

The aforementioned actions of Ukraine made Russia understand the importance of providing Ukraine with some kind of security guarantees so that the country would not stick to its nuclear deterrent. Ukraine attempted to conduct a kind of diplomatic game with Russia by ratifying the Lisbon Protocol and START I in the way that proclaimed a part of nuclear arsenal as Ukraine's legal possession. For this reason, it should be seen as Ukraine's effort to exert a strong influence on the diplomatic process but not as a declaration of its nuclear status.

On 19 July 1994, the newly elected Ukrainian President Leonid Kuchma replaced Leonid Kravchuk. Kuchma quickly found himself in the middle of the uneasy trilateral negotiations. In the fall of 1994, President Kuchma sent official letters to Beijing, London, Moscow, Paris, and Washington D.C. to request participation in a multilateral security treaty. Approximately one month later, between 7-10 November, the Foreign Ministry of Ukraine received official replies from the US, the UK, and Russia, but nothing from France. Volodymyr Vasylenko (former Ambassador Extraordinary & Plenipotentiary of Ukraine to the Benelux) and Valery Chalyi (Ukrainian Ambassador to the US) both stated that the President of France, Francois Mitterrand, worried that with or without a security guarantee, Ukraine would be taken advantage of regardless.[20] Because of this, both China and France declined to sign the Budapest Memorandum. This should have sounded an alarm for the Ukrainian government to stop and rethink the conditions under which it would surrender the nuclear weapons. President Kuchma disregarded this alarm and continued forward, with help from the Clinton administration. Russia agreed to cancel the energy debt that Ukraine had acquired, and promised to provide Ukraine with approximately $400-530 million for the nuclear weapons transferred to Russia.[21] Also, as part of the Nunn-Lugar Program, Ukraine would be able to receive financial aid from the US.

The process of dismantling and transferring the major nuclear warheads to Russia began in March 1994 and lasted through June 1996. On June 1st, 1996, the last unit carrying over 200 units of strategic warheads left for Russia. In total there was a transfer of over 5,000 units of nuclear warheads.[22]

Why Ukraine gave up the nuclear deterrent

In the early 1990s, Ukrainian security and economy was in dire shape. This was worsened by the miner strikes in the Donbas region. Kyiv leadership needed to achieve international recognition as a full participating member of the global society. This recognition was the only opportunity to open the doors for beneficial cooperation, financial investment, overseas assistance, and Ukraine's incorporation into the North Atlantic and European security cooperation network. For Ukraine, this could only be done through a full dismantling of its nuclear arsenal and joining the Nuclear Non-Proliferation Treaty, which symbolized a shift towards a democratic state through voluntary disarmament. The determination of Ukraine to becoming a nuclear-free state, embodied in the Declaration of Sovereignty and granting priority to non-proliferation over nuclear deterrence from the territorial claims of Russia, matches with the theoretical basis of Scott Sagan's norms model.[23]

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Scott Sagan illustrates a norms model of nuclear weapons acquisition using France as an example. It is well known that after World War II, France's prominence as a world power was greatly reduced. General Charles de Gaulle, father of the Fifth Republic, was concerned about this and suggested that France should initiate a nuclear program. As de Gaulle claimed, without the status of great power the citizens of France would be ashamed of their country.[24] Thus his stance was that the nuclear program would restore France's power on the world stage. Charles de Gaulle wasn't attempting to bolster his political image, but instead was acting in the best interest of his country. Due to the initiative of General Charles de Gaulle, France began its nuclear program and is still in possession of its nuclear weapons currently. The nuclear program gave France the power and prominence that de Gaulle was looking for – since 1958 France obtained a status of a permanent member of the United Nations Security Council, and thus approved its image of the great power. According to the norms model, states possess nuclear warheads when those in charge believe it will become a symbol of influence and prestige on the world stage. That is the exact case with France.

Scott Sagan also believes that the case of Ukraine represents the norms model. Since the Soviet Union dissolved, Ukraine committed to becoming a non-nuclear state through the Declaration of Sovereignty. Sagan uses this situation as an example for his norms model. Ac-

cording to him, after Ukraine gained independence, Kyiv believed that the non-nuclear status would allow the country independence and peaceful coexistence with other countries.[25] Scott Sagan is not alone in his beliefs, various other scholars support him while also providing additional explanations about the choice of Ukraine. For instance, Olli-Pekka Jalonen believes that Ukraine's objective towards non-proliferation was two-fold: first, as Scott Sagan mentioned, to gain international credit for becoming a "good global citizen" and peacefully coexist with the others, and secondly, to open up doors that would be beneficial to Ukraine becoming closer with the West.[26] The Soviet Union had a "roguish" image and Ukraine wanted to separate itself from that. By becoming an NPT member, Ukraine would show the world its commitment to democracy and peace. Eventually, that was exactly what Ukraine did by signing the Budapest Memorandum. Also, by 1991 Ukraine was showing large democratic transformations in its government apparatus, so the desire to integrate with the democratic western block of countries seemed very natural from the Ukraine's standpoint, while non-nuclear status would boost this process of integration.[27]

At the same time, we cannot ignore the desperate situation in Ukraine in regard to its national security and economy, namely the demoralisation of the army, Russian territorial claims and the lack of economic prosperity which propelled enormous strikes in Donbas region. For this reason, Ukrainian case of nuclear denuclearisation may be also explained from the point of view of the domestic political model of Scott Sagan.[28] In accordance with the domestic political model of nuclear (non)proliferation, the interests of parochial political figures that are related to the nuclear development and decision-making in the country is of high importance when it comes to the decisions of whether to develop or give up the nuclear weapons.[29] Sagan illustrates this model with the case of South Africa, that, as to Sagan, tried to develop the nuclear weapons to strengthen the level of scientific development in the country and the international image of South African scientists, while also deterring probable Soviet and American aggression.[30] From the Ukrainian point of view, the desire to obtain funds from the Nunn-Lugar Cooperative Threat Reduction Program, while also receiving some monetary benefits from Russia[31], could have played an important role in Ukraine's leaders' desire to give up the nuclear weapons.[32] With these benefits, President Kuchma was hoping to avoid Kravchuk's scenario of resignation and boost his political image.

Therefore, the personal interest of Kuchma as a parochial political actor doubled with Ukraine's dire economic conditions pushed Ukraine to sign the Budapest Memorandum. Both Kravchuk and his successor Kuchma hoped that the security assurances provided in the Memorandum would pacify the Parliament of Ukraine, which originally preferred to preserve the nuclear warheads in Ukraine.[33] For this reason, the Ukraine's denuclearisation case should be rather viewed a fusion of Scott Sagan's domestic political and norms model rather than the representation of only one.

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The aftermath of the Memorandum and Russia's breach of the agreement

Ukraine's signing of the Budapest Memorandum is proof of Kyiv's multi-polar diplomatic style, which means maintaining friendly ties with Russia while trying to integrate into the economic and security network of the North-Atlantic region. This is how Ukraine was one of the top recipients of American financial assistance in the 1990s, while also struggling to receive full-time membership in NATO.[34] After the consensus regarding the Budapest Memorandum was reached, the bilateral relationship with Russia only improved as the Treaty on Friendship, Cooperation, and Partnership evolved in 1997 as a sign of Ukrainian-Russian relations enhancement. The relations with the Russian Federation were of high importance for Ukraine also in view of the role of Russia as one of Ukraine's security guarantor as to the conditions of the Budapest Memorandum. Yet, as Robert Jervis once noted, 'minds can change, new leaders can come to power, values can shift, new opportunities and values can arise'.[35] From the opinion of Jervis, it can be concluded that any form of intergovernmental cooperation is somewhat doomed from the start as both parties cannot be certain about the other's true intentions. That is exactly what happened between Ukraine and Russia.

Time has proved that the openly western-oriented Lithuania, Latvia and Estonia, who once shared the membership in the Soviet Union along with Ukraine, rejected entering the Commonwealth of Independent States dissolving close relations with Russia after the Soviet collapse, and turned out to be more successful in terms of economy and security than Ukraine. Poland, who was once a satellite of the USSR, also selected the European and North-Atlantic vector of diplomatic strategy. Thus, with the beginning of the new millennium, Ukrainians

started to look with envy at their Baltic and Polish neighbours, who entered both the EU and NATO. There was an obvious difference in economic development between former Soviet countries; this proved that Ukraine's multi-polar approach failed when compared to the more western-oriented vector of countries such as Poland and the three Baltic states. The improved welfare of Poland and the Baltic nations greatly instigated the formation of the vision oriented towards Ukraine's integration with EU and NATO among ordinary Ukrainian citizens. The government of Ukraine still gave Russia preference over the West, despite in practice appearing to maintain good relations with both.

In 2010 Ukraine elected a new President, Viktor Yanukovych, who would bring Ukraine and Russia closer together. He was born in the Russian speaking region of Donbas and tried to create a positive view of Russia within the Ukrainian government from 2010 to 2014. But even in view of his personal pro-Russian political preferences Yanukovych could not reject the multipolar style of diplomacy preferred by the majority of Ukrainian citizens, who desired to maintain good relations with Russia while succeeding with the EU integration. For this reasons Yanukovych urged Parliament to pass the number of laws that could promote Ukraine-European Union Association Agreement.[36] This caused a big backlash from Russia resulting in trade war against Ukraine when Russia halted all imports from Ukraine in order to prevent Ukraine's association agreement with the European Union. This can help explain why eventually the Ukrainian Parliament, that previously adopted laws to facilitate the EU integration of Ukraine, rejected a proposal from the President of the European Commission, Jose Manuel Barroso, about the establishment of a Ukraine-European Union Association. Originally, it had been agreed that the document was going to be signed on 28-29 November 2013, at the Vilnius Summit. However, under Russian pressure the document was ultimately not signed by Ukraine. This could be seen as a rejection by the Ukrainian government to integrate into the EU. President Yanukovych explained that the government refused the proposal because they were going to establish the Eurasian Customs Union with Belarus, Kazakhstan, and Russia. This, he said, would be more beneficial and profitable for the country of Ukraine. In an effort to pat himself on the back, President Yanukovych stated that Russia had invested 15 billion dollars into the country and would reduce the price of natural gas from $400 down to $268.50 per thousand cubic meters.[37]

The decision of President Yanukovych and Ukraine's Parliament regarding refusing to sign and abandoning the Association Agreement with the EU led to public outrage. A massive protest led by EU integration supporters commonly referred to as the Revolution of Dignity spread throughout the country on 22 November 2013. Over the next three months, Kyiv became ground zero for violent battles between the pro-European protesters and the police who were protecting the interests of the country's government. From 21-22 February 2014, after violent clashes between protestors and police, Yanukovych secretly left Ukraine for Russia. On that same day, the Ukrainian Parliament voted 328-0 for his impeachment. Parliament agreed for a presidential election on 25 May 2014. In general, the overthrowing of Yanukovych and his government can be seen as a fight of Ukrainian majority against the dependence on Russia and a highly corrupt government.[38]

The Russian government largely criticized the Revolution of Dignity, saying that it was 'a triumph of fascism in Ukraine'.[39] In March of 2014, Russia deployed troops to the internationally recognized Ukrainian territory of Crimea. They aimed to protect Russian compatriots from the Ukrainian right-wing by taking over the Supreme Council of Crimea along with other key locations located on the peninsula. This military invasion resulted in the Declaration of Crimea's Independence (which stated that Crimea would join the Russian Federation) and a pro-Russian government takeover. There were similar situations in the Donbas region, where Russian-backed extremists proclaimed independence for both the Donetsk People's Republic and Luhansk People's Republic. As a result, the Ukrainian government began an anti-terrorist operation against the Russian-backed separatist groups, which became acknowledged as the War in Donbas. The German Intelligence Service reports the death toll close to 50,000; this includes casualties from all sides including Ukrainian soldiers, civilians, and pro-Russian supporters.[40] International media began referring to both the takeover of the Crimean Peninsula by the Russian Federation and the conflict escalating from Donbas separatism movements as the Ukrainian Crisis.

World leaders were quick to condemn Russia's actions as illegal and as a breach of the Budapest Memorandum, which was signed by Russia and guaranteed respect of Ukraine's existing borders. In just a few months after the Crimean Peninsula had been annexed, the Korean National Diplomatic Academy issued a briefing strongly suggesting

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that Russian actions in Ukraine would destabilize the international order and create a negative impact on the prospects of inter-Korean relations and the issue of denuclearisation of North Korea.[41] The UN General Assembly criticized Russia's actions on the Crimea Peninsula by adopting a non-binding resolution. The resolution affirmed the 'territorial integrity of Ukraine within its internationally recognized borders'.[42]

From the Russian side, President Putin justified his actions by stating that Russia had signed no binding agreements with Ukraine. He claimed that Russia did not recognize the newly elected Ukrainian government as legitimate. Putin further claimed that this newly elected government would pose a security danger to the Russian Federation through its integration into NATO. On April 19th, 2014 during an annual question and answer press conference, Putin made the following comments concerning the Ukrainian Crisis:

> When the infrastructure of a military bloc [NATO] is moving towards our borders, it makes us also take steps in the opposite direction, and this is our right as well. We are forced to take some measures in response. Our decision on Crimea was partially connected to that."[43]

The Russian explanations about its actions in Crimea can be put together as follows. Over the past few decades, the Russian Navy has been using the city of Sevastopol in the Crimean Peninsula for dislocation of its troops. When the pro-European Ukrainian government came to power in 2014, it became clear that Russian security interests in the Black Sea would suffer from it. To guarantee Russia's military power in the Black Sea, the Russian Federation decided to rejoin Crimea with the Russian Federation on the premises that until 1953, the Crimean Peninsula was a part of the Russian Soviet Federative Socialist Republic and then was allocated under the jurisdiction of the Ukrainian Socialist Republic by Nikita Khrushchev, the former Premier of the Soviet Union. Meanwhile, rejoining Crimea with the Russian Federation can be viewed as a violation of the main conditions of the Budapest Memorandum. In this light, Robert Jarvis's idea about the doomed security cooperation between two countries found life in the example of Ukrainian-Russian relations.

Connecting the past and the present

Given the current situation, it would appear that the security assurances in the Budapest Memorandum were too weak. From the onset, the security commitments Ukraine received from Russia, the UK, and the US were not strong enough. Ukraine had hoped for something along the lines of the NATO Charter or the South Korea-United States Bilateral Military Alliance. The security commitments that Ukraine has achieved have only echoed specific international standards of conduct, such as respect for territorial integrity and political freedom of the state.[44] Russia claimed the Crimea Peninsula in order to retaliate against Ukraine for attempting to form an alliance with the West. These territorial claims were a serious threat to Ukraine's sovereignty. From the beginning, Kyiv leadership should have rejected the 'Budapest Memorandum' and demanded a legally binding mutual defence treaty.

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Scholars agree that the Budapest Memorandum fell short of what Ukraine genuinely wanted. Marianna Budjeryn suspects that Ukrainian officials made it clear when communicating with the United States that something simple (reaffirming already existing borders) would not be an adequate defence against Russia's claims over the Crimea Peninsula.[45] The former U.S. Ambassador to Ukraine, Steven Pifer, agrees with Budjeryn's view. Pifer states that in July 1993, government officials from Ukraine requested that the US provide them with a legally binding bilateral security guarantee. However, the United States hesitated to enter into an agreement that would result in clashes with Russia.[46] This is the same reason Ukraine was unable to join NATO; European diplomats wanted to avoid possible escalation with Russia.[47] Ultimately, these were the reasons why Ukraine had to settle for weak security assurances, which only reconfirmed Ukraine's sovereignty and existing borders. Along those lines, instead of a legitimate security assurance that would provide military assistance, should Russia exhibit aggression towards Ukraine?

This begs the question - would it have been wiser for Ukraine to keep its nuclear weapons instead of accepting the ineffective (from the security point of view) Budapest Memorandum? Would nuclear weapons have been enough of a deterrent to stop Russia from claiming the Crimean Peninsula as its own and to stop Russian-backed terrorists from taking hold in the region of Donbas? Author Robert Einhorn cites the Yom Kippur War, where in 1973 the Egyptian Army occupied

the eastern coast of Israel despite Israel's nuclear capabilities. Einhorn also cites the Kargil War in 1999, the conflict regarding the Kashmir district, which is located between Pakistan and India. He also discusses the Falklands Crisis between Argentina and Great Britain over two British overseas territories. Einhorn states that 'nuclear weapons did not deter any of these attacks, just as Ukrainian nuclear weapons would not have prevented Russia's aggression'.[48] On the other hand, John J. Mearsheimer opposes the view of Einhorn while stating that European middle powers like Germany being in possession of nuclear weapons would have been beneficial for not only their national security but Europe as well. Mearsheimer also openly called Ukraine not to give up nuclear weapons in order to protect the peace in Europe in his article published in *Foreign Affairs*.[49] Thus, the question of whether Ukraine's nuclear arsenal would have prevented Russia's aggression is widely debated in academic circles.

There is little doubt that Ukrainian diplomats were aware of the Yom Kippur War and the Falklands Crisis when engaging in the circumstances surrounding the country's denuclearisation process. Despite this knowledge, the price to maintain the nuclear arsenal was costly from Ukraine's stagnant economy perspective. This could also be cited as an explanation for why both Kravchuk and Kuchma agreed to the Budapest Memorandum and the provisions provided by Russia, the US and the UK. This was in exchange for the opportunity to integrate into the European economy and the North Atlantic security community, while at the same time to maintain peaceful relations with Russia and continue to receive development assistance from the Nunn-Lugar Funds provided by the US. This explanation fits the domestic political model of Scott Sagan. Provided Ukraine's nuclear related infrastructure, nowadays Ukraine possesses the ability to obtain nuclear warheads.[50] But even in view of the Ukrainian Crisis, Ukraine has more pressing priorities such as joining the European Union and NATO, and obtaining financial assistance from the West. The idea of Ukraine being an NPT member is important for the country's foreign policy. Recalling Scott Sagan's norms model, this is still working for Ukraine. The symbolic significance and democratic prestige from the Non-Proliferation Treaty are desirable for Ukraine. It allows for Ukraine to achieve integration into the West and successful cooperation with the United States in dealing with Russian aggression. For this reason, the case of Ukrainian denuclearisation is a combo of normative

and domestic conditions that Ukraine faced in early 1990s and continues to face today. Both the domestic and norms model of Sagan succeed in explaining the decision of Ukraine regarding nuclear weapons.

When Russia violated the Budapest Memorandum, the United States and Great Britain came to Ukraine's support while condemning Moscow for its actions. Both countries actively supported the UN General Assembly Resolution 68/262. However, Ukraine still requires more help from the West. The United States has kept Ukraine out of NATO for two decades in an attempt to avoid conflict with Russia. Now the United States should reconsider its security alliance with Ukraine and either create a mutual legally binding defence alliance, or support Ukraine in joining NATO. By doing this, the United States could assure the world that multilateral NPT commitments are serious and 'rogue' nations, such as Russia, should not disregard them.

Conclusion

After the breakup of the Soviet Union in 1991, Ukraine inherited a large arsenal of nuclear weapons, which de-facto put it third in the world rank of countries possessing nuclear weapons. At the same time, the volatility of the domestic situation due in part to the miners' strike in the Donbas region of Ukraine and the lack of economic capacity to preserve its nuclear arsenal became reasons for Ukraine's President to consider joining the Treaty on Nuclear Non-Proliferation. Both the President and senior-level diplomats faced resistance from Ukrainian Parliament members and the military elite. Parliament and the military elite were actively lobbying for the use of nuclear weapons as a deterrent towards Russian territorial claims in the Crimean Peninsula. Thus, different members of the government had conflicting opinions about the future of the Soviet originated nuclear arsenal that Ukraine gained during the Soviet collapse.   A controversy about whether nuclear weapons could deter Russian military aggression has long been at the top of Ukraine's political agenda, while intriguing the minds of Western scholars. For instance, Robert J. Einhorn stated that in the Arab-Israeli War and the Falkland Crisis, the nuclear capabilities of Israel and Great Britain were irrelevant. Their nuclear arsenal was seen as an economic hindrance and in Ukraine's case would not have protected their borders or their sovereignty.[51] John J. Mearsheimer has the opposite view and claims that nuclear weapons would have made a perfect deterrence for middle powers such as Ger-

many (and thus, Ukraine too). In the case of Ukraine, Mearsheimer explicitly called on the Ukrainian government to save its nuclear arsenal as it would be 'the only reliable deterrent' against Russia.[52]

The Ukrainian decision to join the NPT by signing the Budapest Memorandum in 1994 can be explained as the product of prestige and democratic reputation that non-proliferation symbolizes combined with dire domestic conditions that Ukraine faced in early 1990s, such as the economic stagnation, the separatism movement propelled by miners' strikes in Donbas region and the demoralisation of army. With membership to the NPT, Ukraine could gain international recognition as a stable democratic state and open the doors for beneficial co-operation with the West, while also boost its stagnant economy, use American and Russian financial assistance in order to stop the Donbas strikes with paying miners their wages, and invest into strengthening the army of Ukraine. All this was in the best interest of Ukraine's decision-makers in the 1990's, such as Kravchuk and Kuchma.

Meanwhile, given the serious external threat imposed by Russia, Ukraine needed to obtain guarantees of sovereignty and security. For this reason, Kyiv asked the White House to include a legally binding American-Ukrainian security treaty on the premises of Ukraine's giving up its nuclear weapons that were inherited from the Soviet Union. However, because of possible conflict escalation with Russia, the decision makers in the white House had to reject the Ukrainian requests. NATO also agreed to prevent Ukraine from membership in the organization for the very same reason. At the same time, in early 1990s the stagnant Ukrainian economy was in need of funds from the Unites States. In view of Russia's having violated the conditions of the Budapest Memorandum, today the White House as a guarantor of security assurances provided in the Budapest Memorandum should take action to help Ukraine protect its borders and reassure the world that the NPT commitments are multilaterally binding for everyone and should not be ignored.

As for Ukraine, despite some recent populist views on the urgency to renew its nuclear status, Ukraine's government will probably make a rational choice to follow its non-proliferation commitments outlined in the Budapest Memorandum. By doing this, Ukraine will prove itself as a 'good international citizen' that is ready for integration into the Western society of states with predominantly liberal values.

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Endnotes

1   This paper is partially based on the author's unpublished Master's degree thesis "Ukrainian Nuclear Non-Proliferation Regime: Its Implications for The Denuclearization of the Korean Peninsula". It shows some new evidences that were not reported in the Master's thesis, and thus has a more strong argumentation.

2   Steven Pifer (2011), "The Trilateral Process: The United States, Ukraine, Russia and Nuclear Weapons," Brookings Arms Control Series, Paper 6, pp. 37-38.

3   Walter Russell Mead (2014), "Putin Invades Crimea: Obama Hardest Hit?" *The American Interest*, 03 March, available at: http://www.the-american-interest.com/2014/03/03/putininvadescrimea-obama-hardest-hit/ (accessed 28 May 2020).

4   Oren Dorrel (2014), "Ukraine May Have to Go Nuclear, Says Kyiv Lawmaker", *USA Today*, 11 March, available at: <http://www.usatoday.com/story/news/world/2014/03/10/ukraine-nuclear/6250815> (accessed on 28May 2020)

5   UNIAN (2014), "43% українців прагнуть відновлення ядерного статусу України, при цьому 39% не вірять у відновлення цього статусу" [While 43% of Ukrainains want to restore Ukraine's nuclear status, 39% do not believe it may be possible], 02 July, available at: <https://www.unian.ua/society/935107-43-ukrajintsiv-pragnut-vidnovlennya-yadernogo-statusu-ukrajini-opituvannya.html> (accessed 28 May 2020)

6   John J. Mearsheimer (1990), "Back to the Future: Instability in Europe after the Cold War," *International Security* 15:1.

7   John J. Mearsheimer (1993), " The Case for a Ukrainian nuclear deterrent: debate," *Foreign Affairs*, Vol. 72 (3), p. 53.

8   Scott D. Sagan (1996-97), "Why Do States Build Nuclear Weapons? Three Models in Search of the Bomb," *International Security*, Vol. 21 №3.

9   James E. Goodby (1998), *Europe Undivided: The New Logic of Peace in U.S.-Russian Relations,* USIP Press Books, pp. 74-75

10 Serge Schmemann (1993), "Russian Parliament Votes a Claim to Ukrainian Port of Sevastopol," The New York Times, 10 July, available at: <https://www.nytimes.com/1993/07/10/world/russian-parliament-votes-a-claim-to-ukrainian-port-of-sevastopol.html> (accessed 27 May 2020). *See also* Pifer (2011), p. 6.

11 Tarasyuk often took the main role in discussing the possible text assurances with the representatives of the United States. *See* Pifer (2011), pp.17-19.

12 Arkadiy Stupkovsky (2014), "Не-ядерне рішення" [A Non-nuclear Solution], *Ukrayina Moloda,* 12 December, available at <https://www.umoloda.kiev.ua/number/2579/163/90936/> (accessed 27 May 2020).

13 Strobe Talbott (2002), *The Russia Hand*, Random House, p. 90

14 *See* Maksym Vikhrov (2018) "The strikes of opportunism and independence: While defending its interests, the soviet coal industry helped the Soviet Union collapse," *The Ukrainian Week,* available at:< https://ukrainianweek. com/History/220538> (Accessed 4 September 2020).

15 Oleg Streka (1994), "The Ukrainian Military and Civil-Military Relations in the Post-Cold War Era," INSS Occasional Paper 2, November , available at: <https://www.globalsecurity.org/military/library/report/1994/ocp2.pdf> (accessed 28 May 2020).

16 Talbott (2002), p. 90.

17 Talbott (2002), p. 94.

18 Pifer (2011), p. 20.

19   Meeker, Leonard (2007). *Philosophy and Politics*, Xlibris Corporation, p. 295; *See also* Mark D. Skootsky (1995), "An Annotated Chronology of Post-Soviet Nuclear Disarmament 1991-1994," *The Nonproliferation Review*, Spring-Summer, p. 80.

20 13th Yalta European Strategy Annual Meeting (2014), "Ukraine should join NATO, but is not ready for that now, - Valeriy Chalyi", 12 September, available at: < http://yes-ukraine.org/en/news/ukrayina-maye-priyednatisya-do-nato-ale-zaraz-do-tsogo-ne-gotova-valeriy-chaliy> (accessed 30 May 2020).

21 Pifer (2011), p. 19, p. 25. *See also* Talbott (2002), p. 120.

22 Argument (2016), « Кто лоббировал Будапештский меморандум?» [Who lobbied for the Budapest Memorandum?], February, available at: <http://argumentua.com/stati/kto-lobbiroval-budapeshtskii-memorandum> (accessed 30 May 2020).

23 Sagan (1996-97).

24 Sagan (1996-97), p. 79.

25 Sagan (1996-97), p. 81.

26 Olli-Pekka Jalonen (1995), "Spiral into Hopelessness? Post-Soviet Ukraine's Foreign and Security Policy" in Archer, Clive and Olli-Pekka Jalonen eds., *Changing European Security Landscape,* Tampere: Tampere Peace Research Institute.

27 Alina Shymanska (2018), "The "Double Standard" of Nonproliferation: Regime Type and the U.S. Response to Nuclear Weapons Program," *International Journal of Nuclear Security* Vol.4 No.1, available at: <http://dx.doi.org/10.7290/ijns040101> (accessed 31May 2020).

28 Sagan (1996-97), pp. 63-69.

29 Sagan (1996-97), pp. 63-64.

30 Sagan (1996-97), p. 70.

31 According to Talbott, Russia provided Ukraine with a natural gas debt relief. *See* Talbott (2002), p. 120.

32 Some researchers argue that this desire to obtain quick financial benefits resulted in Ukraine's selling itself shortt. *See* Oleksiy Izhak (2014), "Вспоминая о совместном уменьшении угрозы и потраченных деньгах" [Remembering the joint threat reduction and money spent], *Gezeta.zn*, 11 July, available at: <https://zn.ua/international/vspominaya-o-sovmestnom-umenshenii-ugrozy-i-potrachennyh-dengah-_.html> (accessed 30 May 2020).

33 Pifer (2011), p. 8.

34 Pifer (2011), p.7.

35 Robert Jervis (1978), "Cooperation under the Security Dilemma," *World Politics* №30, January, p.168.

36 Euronews (2013), "Ukrainian president asks for laws to be passed to facilitate EU association agreement," 3 Septemeber, available at: < https://www.euronews.com/2013/09/03/ukranian-president-asks-for-laws-to-be-passed-to-facilitate-eu-association▸ (accessed 31 May 2020).

37 Ilya Arkhipov, Daryna Krasnolutska and Olga Tanas (2013), "Ukraine Getting \$15 Billion From Russia Raises Questions", *Bloomberg*, 17 December, available at: <http://www.bloomberg.com/news/articles/2013-12-17/russia-commits-15-billion-to-ukraine-bonds-as-gas-price-reduced> (accessed 30 May 2020).

38 Transparency International (2016), "Investigation into the corruption of Yanukovych regime has yielded no results," 18 August, available at: < https://www.transparency.org/en/press/investigation-into-corruption-of-the-yanukovych-regime-has-yielded-no-resul#> (accessed 31 May 2020).

39 Capital Flows (2014), "Putin's Fabricated Claim of A Fascist Threat in Ukraine," *Forbes*, 4 April, available at: <https://www.forbes.com/sites/realspin/2014/04/04/putins-fabricated-claim-of-a-fascist-threat-in-ukraine/#705be30c5901> (accessed 30 My 2020). *See also* Melinda Haring (2019), "Putin calls Ukrainians 'fascists.' They're about to swear in a Jewish president," *The Washington Post*, 14 May, available at: <https://www.washingtonpost.com/opinions/2019/05/13/putin-calls-ukrainians-fascists-theyre-about-swear-jewish-president/> (accessed 30 May 2020).

40 Russia Today (RT) (2015), "50,000 casualties in Ukraine? German intel calls Kiev's 6k toll 'not credible", 8 February, available at: <https://www.rt.com/news/230363-ukraine-real-losses-german-intelligence/> (accessed on 29 May 2020).

41 Shin Sung Won (신성원) (2014), 『우크라이나 사태 국제 질서와 동북아 지역에 미치는 영향』 [The Effects of Ukrainian Crisis on the International Order and Regional Situation in the North Easter Asia], Institute of Foreign Affairs and National Security, available at : <http://policy.nl.go.kr/upload/Atch/20140703b01.pdf> (accessed 30 May 2020).

42 Organization for Democracy and Economic Development (GUAM) (2014), UN GA Resolution 68/262 Territorial integrity of Ukraine, Resolution adopted by the General Assembly on 27 March 2014, available at: < https://guam-organization.org/en/un-ga-resolution-68-262-territorial-integrity-of-ukraine/> (accessed 30 May 2020).

43 Patrick Goodenough (2014), "Putin: Concerns About Ukraine Joining NATO Prompted Crimea Annexation," *CNS News*, 18 April, available at: <https://www.cnsnews.com/news/article/patrick-goodenough/putin-concerns-about-ukraine-joining-nato-prompted-crimea-annexation   > (accessed 30 May 2020).

44 Robert   Einhorn (2015), "Ukraine,   Security   Assurances,   and Nonproliferation", *The Washington Quarterly*, Spring, p. 48.

45 Mariana Budjeryn (2014), "The Breach: Ukraine's Territorial Integrity and the Budapest Memorandum," Nuclear Proliferation International History Project, Issue Brief no. 3, Woodrow Wilson Center, 30 September, p. 2.

46 Pifer (2011), p. 23.

47 Einhorn (2015), p. 49.

48 Einhorn (2015), p. 57.

49 Mearsheimer (1990), pp. 25-29; Mearshimer (1993).

50 DefenseWorld.net (2018), "Ukraine Has Capability to Develop, Manufacture Nuclear Weapons," 10 December, available at: <https://www.defenseworld.net/news/23855/Ukraine_has_Capability_to_Develop__Manufacture_Nuclear_Weapons#.XtH4J1UzaUk> (accessed 30 May 2020).

51 Einhorn (2015), pp. 56-57

52 Mearsheimer (1990), pp. 25-29; Mearshimer (1993).