



**NOVEMBER 2022**

# Ukraine's Nuclear Policy: The Politico-Legal Perspective

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**IB2211005**

# Introduction

Russian President Vladimir Putin announces his decision to launch a “special military operation” in Ukraine in a pre-dawn speech following which Russian troops invaded Ukraine via the land, sea, and air.<sup>1</sup> The war has spanned over six months as of October 2022 and continues to cost thousands of lives of soldiers and civilians alike in both countries. During the war, President Putin stated that he will use every means at his disposal hinting at the use of nuclear weapons, should it be required to secure victory. The recent setbacks faced by the Russian military may lead to the deployment of tactical weapons to tilt the war in its favour. President Biden observed that war is increasingly becoming a possible “Armageddon”.<sup>2</sup> Russia’s threat to use nuclear weapons was qualified as “not a bluff” by President Putin.<sup>3</sup> This invites serious consideration of Ukraine’s nuclear policy. The possibility of the use of nuclear weapons in the war would forecast the future of internal security and the nuclear disarmament movement.

## Relationship History of Russia and Ukraine

The Russia-Ukraine war is not a sudden change in the course of the history of the two nations. The war of national identities of “who is a Russian?” has been a long-drawn-out conflict that stems from Putin’s, and many of the Elites in Russia, that Russians, Ukrainians and Belarusians are a

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<sup>1</sup> Psaropoulos J, “Timeline: Six Months of Russia's War in Ukraine” *Aljazeera* (August 25, 2022) <https://www.aljazeera.com/news/2022/8/24/timeline-six-months-of-russias-war-in-ukraine&gt> ; accessed October 25, 2022

<sup>2</sup> Malhotra R, “Russia-Ukraine War: Why Biden Has Warned of a Threat of Nuclear ‘Armageddon.’” *The Indian Express* (October 9, 2022) <https://indianexpress.com/article/explained/explained-global/joe-biden-threat-of-nuclear-armageddon-russia-ukraine-war-putin-8197973/&gt> ; accessed October 25, 2022

<sup>3</sup> Sanger DE, Troianovski A and Barnes JE, “In Washington, Putin’s Nuclear Threats Stir Growing Alarm” *The New York Times* (October 1, 2022) <https://www.nytimes.com/2022/10/01/world/europe/washington-putin-nuclear-threats.html&gt> ; accessed October 25, 2022

singular identity. Putin expressed the worldview that Russians, Ukrainians and Belarusians can trace their origins to the medieval Kyivan Rus Commonwealth and hence these states have shared political destiny today and tomorrow.<sup>4</sup> Any assertion of distinct identities of Belarusians and Ukrainians is a product of foreign manipulation by the West as part of its “anti-Russia project”. Putin has especially stressed on the historical roots of the state to the Russian empire with its orthodox Slavic core.<sup>5</sup> Putin’s politics reflects the “politics of eternity”, the belief in an unchanging historical essence.<sup>6</sup>

Putin has consistently maintained that Russians and Ukrainians are “one people”<sup>7</sup> and has repeatedly denied the statehood of Ukraine, an idea that is prevalent in the Elite circles of Russia.<sup>8</sup> Historian Zenon Kohut named this the “unity paradigm”.<sup>9</sup> It has been the default view of Russian statesmen and intellectuals since the early modern era when the Grand Principdom of Moscow (Muscovy) began taking control of East Slavic lands.<sup>10</sup> Russian publicists such as the cleric Innokenty Gizel redefined the Ukrainian lands and their people as part of Russia’s history.<sup>11</sup> The educational system of the nineteenth-century Russian Empire highlighted the existence of a united “all-Russian people” as a connection between the Great, Little (Ukrainian), and White (Belarusian)

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<sup>4</sup> Mankoff J (2022) rep <https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict> ; accessed October 25, 2022

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> “Article by; Vladimir Putin ‘on the Historical Unity of Russians and Ukrainians’” (*President of Russia*, July 12, 2021) <http://en.kremlin.ru/events/president/news/66181> ; accessed October 25, 2022

<sup>8</sup> Remnick D, “Putin’s Pique” (*The New Yorker* March 10, 2014) <https://www.newyorker.com/magazine/2014/03/17/putins-pique> ; accessed October 25, 2022

<sup>9</sup> Kohut, Zenon E. “Origins of the Unity Paradigm: Ukraine and the Construction of Russian National History (1620-1860).” *Eighteenth-Century Studies* 35, no. 1 (2001): 70–76. <http://www.jstor.org/stable/30054126> .

<sup>10</sup> Ibid

<sup>11</sup> JU. SAPOZHNIKOV JASAPOZHNIKOVA I, *Dream of Russian Unity. Kiev Synopsis (1674)* (Book ON DEMAND LTD 2018)

Russians.<sup>12</sup> Committed to the idea of the “all-Russian” people, imperial elites and Putin continue to assert that rivals of Russia to gain geo-political advantage have weakened the unity of Russian people by creating the illusion of distinct political identity of Ukrainians and Belarusians.<sup>13</sup>

Ukrainian nationalism can be traced back to the nineteenth century and continued to grow in the 1920s even as it was brought under Stalin’s control at the start of World War II. Western Ukraine, especially, had strong nationalistic sentiment.<sup>14</sup> It was the operation base for Stepan Bandera’s Organization of Ukrainian Nationalists (OUN). During World War II they attempted to set up a puppet state under German protection.<sup>15</sup> Consequently, the region saw some of the worst atrocities under the Nazi regime during World War II, including the Ukrainian-led cleansing of the Polish population. Russia attributed this past to Ukrainian nationalism arguing that their history of gross human rights violations is evidence that the nationalism movement is illegitimate and a ploy of foreign manipulation.<sup>16</sup> Putin’s administration alleged the 2014 Ukrainian government of following “Banderite’s” policy, accusing them of purging Russian influence under the direction of “foreign sponsors”.<sup>17</sup>

The government in Ukraine responded to popular public support to join NATO. The support for membership rocketed further after Russia annexed Crimea and breached Ukraine’s territorial integrity by invading Donetsk and Luhansk.<sup>18</sup> This has diminished any possibility of integration of Ukraine with Russia. Governments in Kyiv since 2014, led by Poroshenko and later Zelensky has continued to work to deepen the ties with NATO by signing Association Agreement with them

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<sup>12</sup> Ibid

<sup>13</sup> Mankoff J (2022) rep <https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict&gt> ; accessed October 25, 2022

<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> Ibid

on 21 March 2014<sup>19</sup> and developing favourable foreign policy towards Euro-Atlantic West.<sup>20</sup> These ties are seen as security assurances against further Russian intrusion.

Kremlin influences Ukrainian electoral politics in 2004 by openly endorsing Yanukovich as a Presidential candidate and Putin campaigned on his behalf.<sup>21</sup> In addition to this, Pro-Western Presidential candidate Yushchenko was poisoned igniting accusations against Russian Security forces for the assassination plot.<sup>22</sup> Exit polls showed that Yanukovich's victory with a slim margin may have been falsified igniting Orange Revolution, a massive protest by orange-clad protestors in the streets of Kyiv demanding the election be held again with international supervision.<sup>23</sup> Russia responded by further supporting Yanukovich's campaign. However, the fresh elections handed Yushchenko people's mandate to be Ukraine's president to which Russia reacted by cutting-off gas in 2006 and 2009,<sup>24</sup> handicapping the country by withholding energy supply. Amid the politically motivated gas cut-off, the bilingual Yushchenko campaigned for having Stalin's famine, Holodomor, to be recognised as anti-Ukrainian genocide by the international community.<sup>25</sup> He also worked towards gaining membership in NATO. Though Yushchenko's presidency did not

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<sup>19</sup> Pifer S, "Poroshenko Signs EU-Ukraine Association Agreement" (*Brookings* July 29, 2016) <https://www.brookings.edu/blog/up-front/2014/06/27/poroshenko-signs-eu-ukraine-association-agreement/> ; accessed October 25, 2022

<sup>20</sup> Rabinovich, Maryna, "How Ukraine's Association Agreement with the EU Has Helped Increase the Country's Resilience to Russian Pressure" (*EUROPP | European Politics and Policy* February 13, 2022) <https://blogs.lse.ac.uk/europpblog/2022/02/13/how-ukraines-association-agreement-with-the-eu-has-helped-strengthen-the-countrys-resilience-to-russian-pressure/> ; accessed October 25, 2022

<sup>21</sup> Mankoff J (2022) rep <https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict&gt;> ; accessed October 25, 2022

<sup>22</sup> YOST, DAVID S. "The Budapest Memorandum and Russia's Intervention in Ukraine." *International Affairs (Royal Institute of International Affairs 1944-)* 91, no. 3 (2015): 505–38. <http://www.jstor.org/stable/24539145> .

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Mankoff J (2022) rep <https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict&gt;> ; accessed October 25, 2022

leave an effective political legacy behind, his campaign and Orange Revolution allies have invoked sympathy in the West for portraying Ukraine as suffering under Russian oppression.<sup>26</sup>

Russia consistently tried to undermine Ukraine's political sovereignty failing which it resorted to undermining its territorial integrity. The pro-Russian demonstrations broke out in Sevastopol, a Crimean port, days within which Russian forces called "little green men" sized government buildings and captured communication infrastructure effectively capturing Crimea.<sup>27</sup> Within three weeks Russian forces organised a referendum for people to decide their political future. The result of the referendum was overwhelming support for Russian annexation,<sup>28</sup> a damaging blow to Ukraine's territorial integrity and sovereignty. Putin announced the annexation of Crimea in a speech in Duma amid international criticism of the move.<sup>29</sup> Crimea's inclusion in Russia was a smooth well-executed move that can perhaps be attributed to its demography of majority ethnic Russians.<sup>30</sup> Lessons from Crimea encouraged Russia to carry out similar invasions in other Russian-majority regions in Ukraine in a campaign to revoke any idea of Ukrainian distinct political identity.

The United States and Europe responded to the Russian invasion of Donbask by punishing Russia with damaging economic sanctions.<sup>31</sup> In 2016, NATO responded to fear of Russia's presence along the borders of its member states by reinstating the military capabilities in Estonia, Latvia, Lithuania, Poland, and Romania.<sup>32</sup> It also reaffirmed its pledge to soon integrate Ukraine and Georgia as its members. In 2019, the United States exited the Intermediate Nuclear Forces (INF)

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<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Ibid

<sup>29</sup> Ibid

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Ibid

Treaty and accused Russia of non-compliance thereby halting an important step to stop nuclear deployments in Central and Eastern Europe, and Asia.<sup>33</sup>

Russia's estimate that the people in eastern Ukraine would support integration into Russia given the close social and cultural ties to it, however, this was revealed to be a grossly incorrect estimate. Since Russia's annexation of Crimea in 2014, its intervention in Donbas and the 'Revolution of Dignity' there has been steady consolidation of the distinct civic identity of Ukrainians across the breadth of the country including Ukraine-speaking population, Russian-speaking population, and the bilinguals along the east border of the country.<sup>34</sup> A young generation has grown up in independent and democratic Ukraine with a European outlook despite Russia's continued interference in its affairs. Many estimate the ongoing war has further solidified the national identity among Ukrainians as they come together to fight a foreign enemy (Russia).<sup>35</sup>

Putin believes and has expressed his belief that Ukrainians firmly subscribed to the idea of an "all-Russian" nation.<sup>36</sup> He alleged that it was the "Banderite" leaders acting under the directors of western powers driving Ukraine further away from Russia. This belief has fuelled Putin's campaign to stop Ukraine from joining NATO and deepen ties with Euro-Atlantic countries. This motivated Russian intervention in Ukraine politics and later invasion in 2014 and again in 2022. The changing socio-political dynamics between the two determined Ukraine's nuclear policy and the consequences of their assent to return the Soviet nuclear stockpile to Russia.

## Nuclear Policy of Ukraine

At the time of Ukraine's independence, it was home to the third-largest nuclear arsenal in the world with 1900 strategic warheads, 176 international ballistic missiles (ICBMs), and 44 strategic

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<sup>33</sup> Ibid

<sup>34</sup> Ibid

<sup>35</sup> Ibid

<sup>36</sup> Ibid



bombers.<sup>37</sup> The arsenal included 130 SS-19 ICBMs, 46 SS-24 ICBMs, 44 Bear-H and Blackjack strategic bombers, and hundreds of Kh-55 nuclear air-launched cruise missiles.<sup>38</sup> In the year 2001, the last delivery of a strategic nuclear delivery vehicle was made to Russia and all launch silos were dismantled under Strategic Arms Reduction Treaty (START). The Soviet nuclear stockpile in Ukraine was delivered to Russia in exchange for economic aid and security assurances. In 1994 Ukraine joined the Nuclear Non-proliferation treaty (1968).

When Ukraine declared sovereignty on July 16, 1990, a public statement was made pledging support to NPT and promising not to “accept, produce, or acquire nuclear weapons” however this was not a common sentiment across political lines. Many saw nuclear weapons as a deterrent against Russia’s threats. After the Soviet Union dissolved, in 1991 the Alma-Ata Declaration of the newly established Commonwealth Independent States (CIS), Ukraine and other newly independent states of the erstwhile Soviet Union agreed that “a single control over nuclear weapons will be preserved”.<sup>39</sup> A parallel accord, the Minsk Agreement, was signed in December 1991 by the Commonwealth of Independent States effectively giving Russia a charge of all nuclear armaments. The agreement has a caveat that so long as the weapons are in Ukraine, Kazakhstan and Belarus, they have the right to veto the use of nuclear weapons. They pledged to dismantle the weapons by the end of 1994. In May 1992, Ukraine, Belarus and Kazakhstan signed the Lisbon Treaty that stated that nuclear weapons in these regions would be returned to Russia. The treaty required Ukraine to join NPT and ratify START. Though protocol required Ukraine to start

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<sup>37</sup> Kyle Deming, The Nuclear “What If?”: Counter-Historicizing a Ukrainian Deterrent, CSIS Project on Nuclear Issues Debates the Issues Blog, 8 April 2014, <http://poniforum.csis.org/blog/the-nuclear-what-if-counter-historicizing-a-ukrainian-deterrent>, accessed 25 October 2022

<sup>38</sup> Steven Pifer, ‘Honoring neither the letter nor the law’, Brookings Institution, 7 March 2014, <https://www.brookings.edu/research/opinions/2014/03/07-honoring-neither-letter-nor-law-ukraine-russia-pifer>, accessed 25 October 2022

<sup>39</sup> Commonwealth of Independent States, Alma-Ata Declaration, 21 Dec. 1991, [http://lcweb2.loc.gov/frd/cs/belarus/by\\_appnc.html](http://lcweb2.loc.gov/frd/cs/belarus/by_appnc.html), accessed 25 October 2022

denuclearisation immediately as per NPT, Ukraine took seven years to follow through given its anxiety about inadequate security assurances.

There were growing pro-nuclear opinions in Ukrainian Parliament in late 1992. The Ukraine government was offered \$175 million to dismantle warheads and delivery vehicles but it did not impress the government which saw the presence of Ukraine soil as an effective defence against Russia. They listed thirteen demands which included foreign aid to assist the dismantling process, and security assurances from Russia and United States, and promised to dismantle only 36 per cent of delivery vehicles and 42 per cent of warheads while the rest will remain with the country. These demands frustrated the negotiation for ratification of START. The United States promised more foreign aid to dismantle the nuclear weapons if Ukraine ratified START. The 1993 Massandra Accords between Russia and Ukraine fell through because they could not reach a successful agreement on the procedure, terms and conditions of nuclear weapons dismantlement however it set the stage for the 1994 Trilateral settlement between Russia, Ukraine and the United States. As per the agreement, Ukraine agreed to dismantle nuclear weapons with assistance from Russia and United States in exchange for economic aid and security assurances from them. This resulted in the successful ratification of START by Ukraine in 1994 but it refused to join NPT without further security assurances. On this account, Russia and United States signed the Budapest Memorandum on Security Assurances in 1994. The countries vowed to respect Ukraine's 'territorial integrity', 'existing border' and political sovereignty. China and France issued separate statements individually to Ukraine giving security assurances.<sup>40</sup> Ukraine reciprocated by joining NPT as a non-nuclear weapon state in the same year. As William Potter remarked, "[Ukraine's road] to NPT accession was by far the longest and most convoluted of any of the post-Soviet states".<sup>41</sup> In 2009,

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<sup>40</sup> YOST, DAVID S. "The Budapest Memorandum and Russia's Intervention in Ukraine." *International Affairs (Royal Institute of International Affairs 1944-)* 91, no. 3 (2015): 505–38. <http://www.jstor.org/stable/24539145> .

<sup>41</sup> William Potter, *The politics of nuclear renunciation: the cases of Belarus, Kazakhstan, and Ukraine*, Occasional Paper no. 12 (Washington DC: Stimson Center, April 1995), p. 19

the United States and Russia released a joint statement assuring the security assurances made under the 1994 Budapest Memorandum even after the expiry of START.

The Budapest Memorandum included a consultation clause for Kyiv. This established a multilateral mechanism for remedy in an emergency. It was in line with Ukraine's wish to have a binding international treaty to enforce the new rules against Russia on its own.<sup>42</sup> The security assurances in Budapest Memorandum were criticised for falling short of Kyiv's demands however the negotiations concluded with Ukraine joining the NPT as promised. General Igor Smeshko, the director of the Center for Strategic Planning and Analysis in Ukraine's National Security and Defense Council, observed that "even in those naïve days [we knew] that no one would fight for us".<sup>43</sup> This is confirmed by the statement by Pifer that, "[the United States was] very clear—and the Ukrainians understood this back in 1994—that we were not going to use the word guarantee because we were not prepared to extend a military commitment".<sup>44</sup>

Ukraine accepted the assurances offered under Budapest Memorandum as they were the strongest assurances given so far. The strength and legitimacy of these assurances were brought into question after Russia annexed Crimea in 2013. The violation of the Budapest Memorandum was strongly condemned by Ukraine, the United States and the United Kingdom.

The Budapest Memorandum was violated again in 2014 when Russia invaded eastern Ukraine. Repeated violation of the Budapest Memorandum calls into action the future of NPT and international security; the western plan to establish international peace is based on the principles

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<sup>42</sup> Sherman W. Garnett, 'The "model" of Ukrainian denuclearization', in Jeffrey W. Knopf, ed., *Security assurances and nuclear non-proliferation* (Stanford, CA: Stanford University Press, 2012), pp. 261–3.

<sup>43</sup> Smeshko, quoted in John Buntin, *The decision to denuclearize: how Ukraine became a non-nuclear weapons state*, Kennedy School of Government Case Program, C14-98-1452.0 (Cambridge, MA: Harvard University, 1997), p. 23.

<sup>44</sup> Steven Pifer, National Public Radio interview, 'The role of 1994 nuclear agreement in Ukraine's current state', 9 March 2014, <http://www.wbur.org/npr/288298641/the-role-of-1994-nuclear-agreement-in-ukrainescurrent-state?ft=3&f=288298641>, accessed 17 March 2015.

of the UN Charter, and the Helsinki Final Act, the principles that were reaffirmed in the Budapest Memorandum. Although the Budapest Memorandum included legally binding UN Charter commitments in a clause in which Russia, the United Kingdom and the United States chose to “reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and [promised] that none of their weapons will ever be used against Ukraine except in self-defence or otherwise in accordance with the Charter of the United Nations.” The weak western response to the violations further undermined the effectiveness of the treaty. Russia denied that it violated Budapest Memorandum and asserted that the government in power in Ukraine since February 2014 after President Viktor Yanukovich fled from Kyiv is not the government with which the Budapest Memorandum was concluded in 1994.<sup>45</sup> Russia stated that the security assurances were made to “the legitimate government but not to the forces that came to power following the coup d’etat.”<sup>46</sup> It is an established principle that even if a country’s government changes, parties to the treaty are still bound by it.<sup>47</sup> The same applies to other international agreements. A revolution or change of government does not nullify the effect of a treaty as it binds the state and not just its institutions.<sup>48</sup>

President Petro Poroshenko who took over the office in June 2014 expressed the desire to replace the Budapest Memorandum with a new international agreement that would deliver “direct and reliable guarantees of peace and security—up to military support in case of threat to territorial

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<sup>45</sup> ‘Vladimir Putin answered journalists’ questions on the situation in Ukraine’, 4 March 2014, <http://eng.kremlin.ru/transcripts/6763> , accessed 25 October 2022.

<sup>46</sup> Statement by a ‘senior Russian official’ to the Arms Control Association, 14 March 2014, quoted in ‘Ukraine, nuclear weapons, and security assurances at a glance’, March 2014, <http://www.armscontrol.org/factsheets/Ukraine-Nuclear-Weapons> , accessed 25 October 2022.

<sup>47</sup> Anthony Aust, *Modern treaty law and practice*, 3rd edn (Cambridge, United Kingdom, and New York: Cambridge University Press, 2013), p. 55.

<sup>48</sup> “Revolutions, Treaties, and State Succession.” *The Yale Law Journal* 76, no. 8 (1967): 1669–87.

<https://doi.org/10.2307/795056> .

integrity”.<sup>49</sup> Later in the year, the Ukraine legislature approved to end of the country’s non-aligned status. This was seen as a critical step to gaining membership in NATO, an organization with three states (United Kingdom, France and the United States) with nuclear weapons. United States nuclear weapons are stationed at six military bases in five NATO member states.<sup>50</sup> German officials have supported the withdrawal of these weapons from the region however Belgium and Netherlands insist on keeping weapons in Europe as this signifies United States’s commitment to protecting its European allies. Ukraine wishes to join under this blanket of protection.

Decades after Ukraine first revealed plans to join NATO, it has failed to gain membership. With limited security assistance from western countries, the non-nuclear status of Ukraine highlights its vulnerability should Russia choose to use tactical nuclear weapons. The violation of the Budapest treaty has wider implications outside Europe. The recent war has further wedged the gaps in the Budapest agreement which add to the uncertainty of the strength of the UN Charter and Helsinki Final Act principles that form the foundation of international peace.

## Ukraine and Nuclear Politics

In the post-2014 Russian invasion of Eastern Ukraine, the international community was uncertain about Ukraine’s nuclear policy. Has it lost faith in the international agreement owing to Russia’s failure to adhere to Budapest Memorandum? Would it give up its non-nuclear status and choose to develop nuclear weapons? The fact that Ukraine did not cast a vote at UN First Committee to initiate conferences to negotiate a treaty banning nuclear weapons was seen as a sign of Ukraine

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<sup>49</sup> Herszenhorn, David M. “Poroshenko Takes Ukraine Helm With Tough Words for Russia.” *The New York Times*, June 7, 2014. <https://www.nytimes.com/2014/06/08/world/europe/poroshenko-sworn-in-as-president-of-strife-torn-ukraine.html> .

<sup>50</sup> KRISTENSEN, HANS M. “RUSSIAN NON-STRATEGIC NUCLEAR WEAPONS.” *Non-Strategic Nuclear Weapons*. Federation of American Scientists, 2012. <http://www.jstor.org/stable/resrep18934.9> .

considering changing its nuclear policy.<sup>51</sup> Nevertheless, Ukrainian experts did not show serious concern for the same. They acknowledged that even though the general public thinks that Ukraine should develop nuclear weapons, they are not confident it would do so.<sup>52</sup> The scepticism of nuclear disarmament is evident in the popular support for NATO membership. The percentage of Ukrainians favouring NATO membership increased from 15 per cent in 2013 to 78 per cent in 2016 and further increased to 83% in 2022.<sup>53</sup> Ukrainians see NATO membership as a security promise against Russian aggression. In addition to NATO membership, Ukraine is also looking for a treaty with security guarantees within the NPT structure; to remedy its flaws rather than replace it.<sup>54</sup> The crisis in Ukraine slowed the implementation of strategic nuclear reductions, and Washington and Moscow. This was observed in 2014 and occurred again in September 2022 when Russia refused entry to the team of experts from the United States that was deployed to inspect strategic weapons as per the START 2010 agreement.<sup>55</sup>

Following the developments in Europe in 2014, the United States decided to fund the training of NATO forces with \$1 billion as the “European Reassurance Initiative” in the fiscal year 2015. It has also proposed increased air policing and other forms of conventional assurance however Washington has been vague about the nuclear dimensions of the NATO-Russia relationship. Ukraine has signed an Association Agreement with European Union to further their relationship;

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<sup>51</sup> Sinovets, Polina. “Ban the Bomb by... Banning the Bomb?” *Bulletin of the Atomic Scientists* 73, no. 3 (2017): 197–98. <https://doi.org/10.1080/00963402.2017.1315090> .

<sup>52</sup> Ibid

<sup>53</sup> “Record 83% of Ukrainians Want NATO Membership -Poll.” *Reuters*, October 3, 2022. <https://www.reuters.com/world/europe/record-83-ukrainians-want-nato-membership-poll-2022-10-03/>.

<sup>54</sup> Sinovets, Polina. “Ban the Bomb by... Banning the Bomb?” *Bulletin of the Atomic Scientists* 73, no. 3 (2017): 197–98. <https://doi.org/10.1080/00963402.2017.1315090> .

<sup>55</sup> “Russia Suspends Inspection of Strategic Arms under US Treaty.” *The Economic Times*, August 10, 2022. <https://economictimes.indiatimes.com/news/defence/russia-suspends-inspection-of-strategic-arms-under-us-treaty/articleshow/93463493.cms?from=mdr> .

to get access to markets and pledged to respect each other's sovereignty<sup>56</sup> and state security.<sup>57</sup> President Yanukovich refused to sign the 2013 Association Agreement with the European Union.<sup>58</sup> This resulted in Euromaidan Revolution.<sup>59</sup> Association Agreements are legally binding agreements between the European Union and third countries.<sup>60</sup> The third countries fall into either of the three categories, (a) countries that have "a special historical bond" with member states; (b) members of the European Free Trade Area (EFTA); (c) prospective members of the European Union.<sup>61</sup> They cover many policy areas from economic corporations to security and disarmament of nuclear weapons.<sup>62</sup> To ensure compliance with the agreement, an association council is set up for each association agreement.<sup>63</sup> The preamble of the agreement states that member states and Ukraine are committed to "fighting against the proliferation of weapons of mass destruction and their means of delivery, and to cooperating on disarmament and arms control".<sup>64</sup> The same was reiterated in Article 11 of the agreement. The agreement laid down the foundation for a long-term leadership of the European Union in Ukraine with great macroeconomic and state-building

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<sup>56</sup> Article 7(1)

<sup>57</sup> Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part OJ L 161, 29.5.2014, p. 3–2137

<sup>58</sup> Pifer S, "Poroshenko Signs EU-Ukraine Association Agreement" (*Brookings* July 29, 2016) <https://www.brookings.edu/blog/up-front/2014/06/27/poroshenko-signs-eu-ukraine-association-agreement/> ; accessed October 25, 2022

<sup>59</sup> Rabinovych, Maryna, "How Ukraine's Association Agreement with the EU Has Helped Increase the Country's Resilience to Russian Pressure" (*EUROPP | European Politics and Policy* February 13, 2022) <https://blogs.lse.ac.uk/europpblog/2022/02/13/how-ukraines-association-agreement-with-the-eu-has-helped-strengthen-the-countrys-resilience-to-russian-pressure/> ; accessed October 25, 2022

<sup>60</sup> "Association Agreement - Main Contents." Association agreement - EU monitor. Accessed October 25, 2022. <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vh7dosdm4dzj> .

<sup>61</sup> Ibid

<sup>62</sup> Ibid

<sup>63</sup> Ibid

<sup>64</sup> Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part OJ L 161, 29.5.2014, p. 3–2137

assistance. Its provisions for crisis management (article 10) and corporation for security measures, and border management (article 16) have been instrumental in determining the course of Ukraine's security policy. The agreement is a testament to the fact that Ukraine is on a decisive trajectory toward gaining NATO membership and any future of Russian influence is unlikely. Experts observe that the European Union's role in security lines is 'soft' but it is not without impact.<sup>65</sup>

The Association Agreement projects the nuclear policy of Ukraine. Given its commitment to not develop, store or use nuclear weapons, Ukraine is unlikely to change its stance on remaining a non-nuclear state. As for the possibility of Moscow using tactical nuclear weapons in the war, calling into action the Budapest Memorandum and Trilateral Settlement that should nuclear weapons be used against a non-nuclear state it would allow the said non-nuclear state to work in alliance with a nuclear state for its defence. Given that Budapest Memorandum has been severely breached by Russia, there is uncertainty as to its efficacy in preventing a nuclear war. NPT has been challenged by violations in the past by Iran and DPRK.<sup>66</sup> Nevertheless, gross violations of the same will trigger action by UN Security Council. Russia is a permanent member of the council with a veto vote thereby it could suspend any action taken by the council. Additionally, the only treaty between the United States and Russia, New START was terminated in January 2021. Both parties have agreed to an additional five-year extension of the treaty.<sup>67</sup> The international community would have to take a serious unflinching stance against Moscow's threats to use nuclear weapons and should act decisively should tactical weapons be deployed.

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<sup>65</sup> Rabinovych, Maryna, "How Ukraine's Association Agreement with the EU Has Helped Increase the Country's Resilience to Russian Pressure" (*EUROPP | European Politics and Policy* February 13, 2022)

<https://blogs.lse.ac.uk/europpblog/2022/02/13/how-ukraines-association-agreement-with-the-eu-has-helped-strengthen-the-countrys-resilience-to-russian-pressure/> ; accessed October 25, 2022

<sup>66</sup> Malsen, Casey. "The Articles of the Treaty, Article 18: Relationship with Other Agreements." *In The Treaty on the Prohibition of Nuclear Weapons: A Commentary*. Oxford: Oxford University press, 2019.

<sup>67</sup> "New START Treaty - United States Department of State." U.S. Department of State. U.S. Department of State, October 27, 2022. <https://www.state.gov/new-start/> .



The use of nuclear weapons in the war is not limited to the political fate of Ukraine but to the Nuclear Arms Proliferation mechanism established. When the Ukraine war is placed in the context of a recent missile test conducted by DPRK,<sup>68</sup> it paints an alarming picture of international security. Over the decades it has been increasingly difficult to convince non-nuclear states of their value as part of NPT.<sup>69</sup> The future of nuclear weapons regulation is pegged on collaboration between the United States and Russia.

The current international framework concerning nuclear weapons includes multiple multilateral, regional, and bilateral treaties, some of which have entered into force while others did not, and some have expired. The 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the foundation of the nuclear non-proliferation regime.<sup>70</sup> With respect to explosive testing, the 1963 Partial Test-Ban Treaty remains in force while the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT) is most important however they are not in effect presently.<sup>71</sup> In January 2021, the UN Treaty on the Prohibition of Nuclear Weapons (TPNW) came into effect.<sup>72</sup> The 1987 Intermediate Nuclear Forces (INF) Treaty removed theatre nuclear missiles from Europe and is no longer in force.<sup>73</sup> The 2010 New START treaty between the Russian Federation and the United States was extended until 5 February 2026.<sup>74</sup> Regional treaties in this regard include the Association Agreement between European Union-Ukraine, nuclear-weapon-free zone treaties in Africa, the Americas, Central Asia, South Asia, and the Pacific, the 1959 Antarctic Treaty, and the 1967 Outer Space Treaty.<sup>75</sup> The United States proposed a new nuclear arms control agreement with Russia

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<sup>68</sup> Malsen, Casey. “The Articles of the Treaty, Article 18: Relationship with Other Agreements.” *In The Treaty on the Prohibition of Nuclear Weapons: A Commentary*. Oxford: Oxford University press, 2019.

<sup>69</sup> Ibid

<sup>70</sup> Casey-Maslen, Stuart. *Arms Control and Disarmament Law*. Oxford University Press, 2021.

<sup>71</sup> Ibid

<sup>72</sup> Ibid

<sup>73</sup> Ibid

<sup>74</sup> Ibid

<sup>75</sup> Ibid

and China included as members. The proposed new agreement is expected to replace the INF Treaty.<sup>76</sup> To this Fu Cong, Director-General of the Department of Arms Control of the Chinese Ministry of Foreign Affairs in February 2020 at a meeting in London stated, “It is neither fair nor reasonable to encourage the Chinese side to join trilateral arms control negotiations.”<sup>77</sup> A few days later Robert Wood, the US Permanent Representative to the Conference on Disarmament in Geneva in a tweet remarked that China is a growing threat to nuclear build-up. The unsuccessful Tenth NPT Review Conference did not improve the situation.<sup>78</sup>

As per US intelligence sources, Russia has 2000 tactical nuclear warheads. These warheads can be placed on various missiles and can be fired from aircraft and ships. In event of their use, the priority of the United States and NATO is to not escalate the situation.<sup>79</sup> China is another superpower that could play a pivotal role here. China has a strict ‘no first use’ nuclear doctrine.<sup>80</sup> This will deter Russia from using nuclear weapons if it wants to continue relying on China for economic support, making it a costly bargain.

## Conclusion

The Russian project to assimilate Ukraine into its fold is also unlikely to bear fruit. As a result of the growing support for NATO membership and years of association with the Union, it resulted in

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<sup>76</sup> Ibid

<sup>77</sup> “China: Arms Control Association” (China | Arms Control Association) <https://www.armscontrol.org/taxonomy/term/7/subject-resources/subject-resources/biological-weapons?page=4> ; accessed October 25, 2022

<sup>78</sup> “Non-Proliferation Treaty Review Conference Ends without Adopting Substantive Outcome Document Due to Opposition by One Member State | UN Press” (*United Nations* August 26, 2022) <https://press.un.org/en/2022/dc3850.doc.htm> ; accessed October 25, 2022

<sup>79</sup> “Ukraine War: Could Russia Use Tactical Nuclear Weapons?” BBC (*BBC* September 25, 2022) <https://www.bbc.com/news/world-60664169> ; accessed October 25, 2022

<sup>80</sup> Ibid

the assimilation of the European Union’s principles and commitments in civic life in Ukraine, such as the commitment to NPT. However, the war and the danger of the use of nuclear weapons remain a looming threat.

The nuclear policy of Ukraine to remain a non-nuclear state is not expected to be changed despite little evidence that the threat from Russia can be countered by support from its Western allies. The critics point to Libya’s denuclearisation history to highlight how the promise to remove nuclear weapons would not bring security guarantees from the west.<sup>81</sup> The ‘nuclear regret’ of Ukraine was expressed on multiple occasions. President Zelensky in 2022 said, “Ukraine has received security guarantees for abandoning the world’s third nuclear capability. We don’t have that weapon. We also have no security.”<sup>82</sup> Scholars have connected the success of multiple disarmament treaties to the security assurances given to the nuclear states as being instrumental in the probable success of the Nuclear Non-Proliferation Treaty.<sup>83</sup> As examined above, while Moscow’s threat to use nuclear weapons is a potent threat to international security, the possibility of the same is uncertain. Should the inevitable become the reality tomorrow, alongside a further breakdown of the promise made to Ukraine in the trilateral agreement, the Budapest Memorandum and START, it would trigger a domino effect of delegitimising many other nuclear disarmament treaties threatening to collapse the infrastructure to contain the use of nuclear and other weapons of mass destruction.

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<sup>81</sup> Bowen, Wyn Q., 'Libya, Nuclear Rollback, and the Role of Negative and Positive Security Assurances', in Jeffrey W. Knopf (ed.), *Security Assurances and Nuclear Nonproliferation* (Redwood City, CA, 2012; online edn, Stanford Scholarship Online, 20 June 2013), <https://doi.org/10.11126/stanford/9780804778275.003.0005> , accessed 7 Nov. 2022.

<sup>82</sup> Broad, W. J. “Some in Ukraine, a former nuclear power, now regret disarmament.” (BBC February 8, 2022) < <https://www.nytimes.com/2022/02/20/world/europe/some-in-ukraine-a-former-nuclear-power-now-regret-disarmament.html>> ; accessed November 5, 2022

<sup>83</sup> Knopf, Jeffrey W. (ed.), *Security Assurances and Nuclear Nonproliferation* (Redwood City, CA, 2012; online edn, Stanford Scholarship Online, 20 June 2013), <https://doi.org/10.11126/stanford/9780804778275.001.0001> , accessed 6 Nov. 2022.

# BIBLIOGRAPHY

- ‘Vladimir Putin answered journalists’ questions on the situation in Ukraine’, 4 March 2014, <http://eng.kremlin.ru/transcripts/6763> , accessed 25 October 2022.
- “Article by;Vladimir Putin ‘on the Historical Unity of Russians and Ukrainians’” (*President of Russia*, July 12, 2021) <http://en.kremlin.ru/events/president/news/66181> ; accessed October 25, 2022
- “Association Agreement - Main Contents.” Association agreement - EU monitor. Accessed October 25, 2022. <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vh7dosdm4dzj> .
- “China: Arms Control Association” (China | Arms Control Association) <https://www.armscontrol.org/taxonomy/term/7/subject-resources/subject-resources/biological-weapons?page=4> ; accessed October 25, 2022
- “New START Treaty - United States Department of State.” U.S. Department of State. U.S. Department of State, October 27, 2022. <https://www.state.gov/new-start/> .
- “Non-Proliferation Treaty Review Conference Ends without Adopting Substantive Outcome Document Due to Opposition by One Member State | UN Press” (*United Nations* August 26, 2022) <https://press.un.org/en/2022/dc3850.doc.htm> ; accessed October 25, 2022
- “Record 83% of Ukrainians Want NATO Membership -Poll.” *Reuters*, October 3, 2022. <https://www.reuters.com/world/europe/record-83-ukrainians-want-nato-membership-poll-2022-10-03/>.
- “Revolutions, Treaties, and State Succession.” *The Yale Law Journal* 76, no. 8 (1967): 1669–87. <https://doi.org/10.2307/795056> .
- “Russia Suspends Inspection of Strategic Arms under US Treaty.” *The Economic Times*, August 10, 2022. <https://economictimes.indiatimes.com/news/defence/russia-suspends-inspection-of-strategic-arms-under-us-treaty/articleshow/93463493.cms?from=mdr> .
- “Ukraine War: Could Russia Use Tactical Nuclear Weapons?” BBC (*BBC* September 25, 2022) <https://www.bbc.com/news/world-60664169> ; accessed October 25, 2022
- Anthony Aust, *Modern treaty law and practice*, 3rd edn (Cambridge, United Kingdom, and New York: Cambridge University Press, 2013), p. 55.
- Article 7(1)
- Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part OJ L 161, 29.5.2014, p. 3–2137
- Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part OJ L 161, 29.5.2014, p. 3–2137
- Bowen, Wyn Q., ‘Libya, Nuclear Rollback, and the Role of Negative and Positive Security Assurances’, in Jeffrey W. Knopf (ed.), *Security Assurances and Nuclear Nonproliferation* (Redwood City, CA, 2012; online edn, Stanford Scholarship Online, 20 June 2013), <https://doi.org/10.11126/stanford/9780804778275.003.0005> , accessed 7 Nov. 2022.

- Broad, W. J. “Some in Ukraine, a former nuclear power, now regret disarmament.” (BBC February 8, 2022) < <https://www.nytimes.com/2022/02/20/world/europe/some-in-ukraine-a-former-nuclear-power-now-regret-disarmament.html>> ; accessed November 5, 2022
- Casey-Maslen, Stuart. *Arms Control and Disarmament Law*. Oxford University Press, 2021.
- Commonwealth of Independent States, Alma-Ata Declaration, 21 Dec. 1991, [http://lcweb2.loc.gov/frd/cs/belarus/by\\_appnc.html](http://lcweb2.loc.gov/frd/cs/belarus/by_appnc.html) , accessed 25 October 2022
- Herszenhorn, David M. “Poroshenko Takes Ukraine Helm With Tough Words for Russia.” *The New York Times*, June 7, 2014. <https://www.nytimes.com/2014/06/08/world/europe/poroshenko-sworn-in-as-president-of-strife-torn-ukraine.html> .
- JU. SAPOZHNIKOVOJASAPOZHNIKOVAI, Dream of Russian Unity. Kiev Synopsis (1674) (Book ON DEMAND LTD 2018)
- Knopf, Jeffrey W. (ed.), Security Assurances and Nuclear Nonproliferation (Redwood City, CA, 2012; online edn, Stanford Scholarship Online, 20 June 2013), <https://doi.org/10.11126/stanford/9780804778275.001.0001> , accessed
- Kohut, Zenon E. “Origins of the Unity Paradigm: Ukraine and the Construction of Russian National History (1620-1860).” *Eighteenth-Century Studies* 35, no. 1 (2001): 70–76. <http://www.jstor.org/stable/30054126> .
- KRISTENSEN, HANS M. “RUSSIAN NON-STRATEGIC NUCLEAR WEAPONS.” *Non-Strategic Nuclear Weapons*. Federation of American Scientists, 2012. <http://www.jstor.org/stable/resrep18934.9> .
- Kyle Deming, The Nuclear “What If?”: Counter-Historicizing a Ukrainian Deterrent, CSIS Project on Nuclear Issues Debates the Issues Blog, 8 April 2014, <http://poniforum.csis.org/blog/the-nuclear-what-if-counter-historicizing-a-ukrainian-deterrent>, accessed 25 October 2022
- Malhotra R, “Russia-Ukraine War: Why Biden Has Warned of a Threat of Nuclear ‘Armageddon.’” *The Indian Express* (October 9, 2022) <https://indianexpress.com/article/explained/explained-global/joe-biden-threat-of-nuclear-armageddon-russia-ukraine-war-putin-8197973/> ; accessed October 25, 2022
- Malsen, Casey. “The Articles of the Treaty, Article 18: Relationship with Other Agreements.” *In The Treaty on the Prohibition of Nuclear Weapons: A Commentary*. Oxford: Oxford University press, 2019.
- Malsen, Casey. “The Articles of the Treaty, Article 18: Relationship with Other Agreements.” *In The Treaty on the Prohibition of Nuclear Weapons: A Commentary*. Oxford: Oxford University press, 2019.
- Mankoff J (2022) rep <https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict> ; accessed October 25, 2022
- Pifer S, “Poroshenko Signs EU-Ukraine Association Agreement” (*Brookings* July 29, 2016) <https://www.brookings.edu/blog/up-front/2014/06/27/poroshenko-signs-eu-ukraine-association-agreement/> ; accessed October 25, 2022
- Psaropoulos J, “Timeline: Six Months of Russia's War in Ukraine” *Aljazeera* (August 25, 2022) <https://www.aljazeera.com/news/2022/8/24/timeline-six-months-of-russias-war-in-ukraine> ; accessed October 25, 2022

- Rabinovych, Maryna, “How Ukraine's Association Agreement with the EU Has Helped Increase the Country's Resilience to Russian Pressure” (*EUROPP | European Politics and Policy* February 13, 2022) <https://blogs.lse.ac.uk/europpblog/2022/02/13/how-ukraines-association-agreement-with-the-eu-has-helped-strengthen-the-countrys-resilience-to-russian-pressure/> ; accessed October 25, 2022
- Remnick D, “Putin's Pique” (*The New Yorker* March 10, 2014) <https://www.newyorker.com/magazine/2014/03/17/putins-pique> &gt ; accessed October 25, 2022
- Sanger DE, Troianovski A and Barnes JE, “In Washington, Putin’s Nuclear Threats Stir Growing Alarm” *The New York Times* (October 1, 2022) <https://www.nytimes.com/2022/10/01/world/europe/washington-putin-nuclear-threats.html> &gt ; accessed October 25, 2022
- Sherman W. Garnett, ‘The “model” of Ukrainian denuclearization’, in Jeffrey W. Knopf, ed., *Security assurances and nuclear non-proliferation* (Stanford, CA: Stanford University Press, 2012), pp. 261–3.
- Sinovets, Polina. “Ban the Bomb by... Banning the Bomb?” *Bulletin of the Atomic Scientists* 73, no. 3 (2017): 197–98. <https://doi.org/10.1080/00963402.2017.1315090> .
- Sinovets, Polina. “Ban the Bomb by... Banning the Bomb?” *Bulletin of the Atomic Scientists* 73, no. 3 (2017): 197–98. <https://doi.org/10.1080/00963402.2017.1315090> .
- Smeshko, quoted in John Buntin, *The decision to denuclearize: how Ukraine became a non-nuclear weapons state*, Kennedy School of Government Case Program, C14-98-1452.0 (Cambridge, MA: Harvard University, 1997), p. 23.
- Statement by a ‘senior Russian official’ to the Arms Control Association, 14 March 2014, quoted in ‘Ukraine, nuclear weapons, and security assurances at a glance’, March 2014, <http://www.armscontrol.org/factsheets/Ukraine-Nuclear-Weapons> , accessed 25 October 2022.
- Steven Pifer, ‘Honoring neither the letter nor the law’, Brookings Institution, 7 March 2014, <https://www.brookings.edu/research/opinions/2014/03/07-honoring-neither-letter-nor-law-ukraine-russia-pifer> , accessed 25 October 2022
- Steven Pifer, National Public Radio interview, ‘The role of 1994 nuclear agreement in Ukraine’s current state’, 9 March 2014, <http://www.wbur.org/npr/288298641/the-role-of-1994-nuclear-agreement-in-ukraines-current-state?ft=3&f=288298641> , accessed 17 March 2015.
- William Potter, *The politics of nuclear renunciation: the cases of Belarus, Kazakhstan, and Ukraine*, Occasional Paper no. 12 (Washington DC: Stimson Center, April 1995), p. 19
- YOST, DAVID S. “The Budapest Memorandum and Russia’s Intervention in Ukraine.” *International Affairs (Royal Institute of International Affairs 1944-)* 91, no. 3 (2015): 505–38. <http://www.jstor.org/stable/24539145> .