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TO DISARM OR NOT TO DISARM? UKRAINE'S NUCLEAR DISARMAMENT AND THE ANNEXATION OF CRIMEA

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JCSP 40

Exercise *Solo Flight*

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TO DISARM OR NOT TO DISARM? UKRAINE'S NUCLEAR DISARMAMENT AND THE ANNEXATION OF CRIMEA

Upon the collapse of the Soviet Union in 1991, Ukraine inherited, overnight, the third largest nuclear weapons arsenal in the world; it subsequently disarmed following its accession to the Treaty on the Nonproliferation of Nuclear Weapons. In light of the recent conflict between Ukraine and Russia, and the associated annexation of Crimea, a number of political commentators, as well as some Ukrainian politicians, have been arguing that had Ukraine maintained its arsenal of nuclear weapons their sovereignty would not have been challenged; the general argument insists that nations which possess a nuclear deterrent capacity do not get invaded. This position is an over simplification of the Ukrainian decision to disarm. Given the international pressure at the time towards Ukraine's disarmament, associated economic incentives, an inability to adequately command, control or maintain its nuclear weapons arsenal, and international assurances of respect for sovereignty, Ukraine had little choice but to dispose of its weapons; to suggest some twenty years later that nuclear weapons retention would have prevented a Russian invasion is a hypothetical argument ignoring the realities from the period in which the decisions were made. At the time, Ukraine was looking to build relationships with the West. Failure to disarm would have amounted to Ukraine becoming a nuclear pariah. The best that Ukraine could wish to accomplish was the leveraging of their disarmament to gain as much economic and political capital as possible. Of particular concern, when one considers the present day discourse, is that many pundits are speculating that the current conflict represents a test case for nuclear disarmament. This is

quite alarming if the possible implications for nations such as Iran and North Korea are pondered. Both these nations are facing significant international pressure to abandon their nuclear weapons programs. The potential exists that the false argument concerning Ukrainian nuclear weapons disarmament, as related to the loss of Crimea, could be seen as confirmation of the deterrent effect of nuclear weapons thereby reinforcing the belief that nuclear weapons are critical to the maintenance of sovereignty.

To understand the positions for and against a state's possession of nuclear weapons, and therefore the argument currently surrounding the Ukraine and its decision to dispose of its nuclear arsenal, one must consider both the realist and liberal perspectives. Realist theory suggests that a state will endeavour to increase or maintain its power relative to that of other states. Hans Morgenthau, one of the founders of realism, posited in 1948 that power is of predominant importance when considering the interactions of states. He presented six principles of political realism, including the assertion that, "[r]ealism assumes that its key concept of interest defined as power is an objective category that is universally valid."[1] Furthermore, he contended that nations should not be concerned with the morality of their actions at the expense of the acquisition of power, when he presented the principle that, "[p]olitical realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe".[2] His concept of realism was presented as a contrast to idealism, which he

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[1] Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: McGraw-Hill, 2006), 10.

[2] *Ibid*., 12.

considered to be the root cause of the Second World War. He was skeptical, therefore, of states taking actions based on a moral interest if this interest might prejudice their power relative to other nations. In their synopsis of the theories of realism, Dunne and Schmidt asserted that realist thinkers believe that the state must make rational decisions, always being cognizant of the pursuit of power. It is through power, they stressed, that a state endeavours to maintain its position in a global environment which is inherently threatening and hostile.[3] They also contended that given the realist belief that nations may legitimately use war as a means of furthering their objectives to ensure survival, power has often traditionally been defined in terms of military forces and capabilities.[4]

Given that nuclear weapons represent the ultimate in military power, the predominant realist position contends that states tend to pursue their attainment as a mechanism for increasing relative power. This was evident in the cold war as the United States and the Soviet Union engaged in a nuclear arms race.[5] In a bi-polar global setting, where both parties wished to maintain the balance of power, the continued acquisition of nuclear weapons by one side created the need for the other to respond in kind; the nuclear arsenals of each of the great powers prevented the possibility of their very use. Realists argued that the consequences of conflict between nuclear powers were so great that nuclear weapons acted in a deterrent capacity, greatly decreasing the possibility of war

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[3] Tim Dunne and Brian C. Schmidt, "Realism," in *The Globalization of World Politics: An Introduction to International Relations*, ed. John Baylis, Steve Smith and Patricia Owens, 85-99 (Oxford: Oxford University Press, 2011), 86.

[4] *Ibid.*, 87.

[5] Richard Dean Burns and Joseph M. Siracusa, *A Global History of the Nuclear Arms Race: Weapons, Strategy, and Politics* (Santa Barbara: Praeger, 2013), 225.

between the superpowers.[6] Given the high risk and potential cost of engaging in a war with a nation that possessed nuclear weapons, the weapons themselves acted as a deterrent against aggression.[7] At the end of the cold war, therefore, as the world entered a uni-polar era, some realists projected significant proliferation of nuclear weapons. This proliferation was theorized since nations which were once secure under a bi-polar umbrella, no longer enjoyed the associated protections. Benjamin Frankel, for instance, proposed that "without a superpower to shield them, more states will rely on the mobilization of internal resources, including building their own nuclear forces, to secure their survival, with all the associated destabilizing consequences."[8] Frankel was supported by Kenneth Waltz who also argued that the fall of the Soviet-Union would be the basis for nuclear proliferation to states which had previously been non-nuclear. Waltz saw extensive post-cold war nuclear weapons proliferation as desirable, believing the alternative to deterrence was widespread conventional warfare.[9] Given the positions of Frankel and Waltz, one would assume that a nation such as the Ukraine, which possessed nuclear weapons at the end of the cold war, would be adamant of the need to maintain the deterrent capability, yet this was not the case.

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[6] Jacques E. C. Hymans, *The Psychology of Nuclear Proliferation: Identity, Emotions, and Foreign Policy* (Cambridge: Cambridge University Press, 2006), 42.

[7] John J. Mearsheimer, "Nuclear Weapons and Deterrence in Europe," *International Security* 9, no. 3 (Winter 1984/85): 22.

[8] Benjamin Frankel, "The Brooding Shadow: Systemic Incentives and Nuclear Weapons Proliferation," *Security Studies* 2, no. 3/4 (Spring/Summer 1993): 60.

[9] Scott D. Sagan and Kenneth N. Waltz, *The Spread of Nuclear Weapons: A Debate Renewed* (New York: W. W. Norton & Company, 2003), 42.

This post-cold war race for nuclear weapons did not materialize, a fact often used to dismiss realism as flawed. Ogilvie-White, for example, argued that realist theory did not adequately explain post-cold war nonproliferation when she commented "classical realists and neo-realists approaches are too general and too simplistic to explain the complex dynamics of nuclear proliferation. Their explanatory and predictive powers are frustratingly low."[10] She suggested that realist theory can easily explain the desire to maintain one's nuclear arsenal, for those who already possess nuclear weapons, as well as the development of nuclear weapons despite established international regimes, for countries such as India, Pakistan and Israel. Realist theory can also explain a state's aspiration to become a nuclear power, as is the case for countries such as Iran and North Korea (and previously Iraq). She contended, however, that realist theory had greater difficulty explaining states which had either given up their nuclear weapons, such as South Africa and the Ukraine, or nations which had nuclear expertise yet do not have nuclear weapons aspirations, including Canada.

Zachary Davis, by contrast, offered an alternative realist explanation of disarmament and nonproliferation, arguing that many states have no power-based incentive to pursue nuclear weapons capability. He contended that many nations would compromise power and safety through the acquisition of nuclear weapons rather than enhance their relative power, noting that not all power is desirable if there might be penalties imposed by other nations. He also noted that many countries are content with

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[10] Tanya Ogilvie-White, "Is there a Theory of Nuclear Proliferation? An Analysis of the Contemporary Debate," *The Nonproliferation Review*,(Fall 1996): 48.

nuclear expertise as a means of demonstration of power rather than the maintenance of a nuclear weapons capability. He further contended that many countries have joined the nonproliferation regime given that their interests were more greatly served by involvement than abstention, observing that non-involvement amounts to becoming a nuclear pariah.[11] Finally, Davis reasoned that if nonproliferation or disarmament actions are incentivized through economic assistance and security guarantees, as was the case with the Ukraine when it gave up its nuclear weapons, states will see a net increase in power by abstaining from the possession of nuclear weapons.[12]

While realist theorists seem to offer differing opinions concerning the motivations for nuclear weapons possession, disarmament and nonproliferation, many liberal scholars question the premise of the retention of nuclear weapons in its entirety. The main argument supporting the preservation of nuclear weapons programs is deterrence; through the possession of nuclear weapons, a state protects itself from attack. Ward Wilson contended that the deterrence argument supporting nuclear weapons programs is speculative, at best. "Nuclear deterrence is too uncertain a theory to serve as the sole justification for keeping nuclear weapons. Some other, more concrete rationale must be developed. Or else, lacking a rationale, the weapons should be banned."[13] Given the lack of evidence supporting the deterrence argument, Ward argued that deterrence is simply an unproven theory which ought to not drive a nations' foreign policy formulation. He

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[11] Zachary S. Davis, "The Realist Nuclear Regime," *Security Studies* 2, no. 3/4 (Spring/Summer 1993): 81

[12] *Ibid.*, 87.

[13] Ward Wilson, "The Myth of Nuclear Deterrence," *Nonproliferation Review* 15, no. 3 (November 2008): 435.

further stated that given the similarities between nuclear weapons and either chemical or biological weapons, which are already banned globally, an ensuing ban on nuclear weapons should follow.[14] Ward's beliefs are supported by retired Royal Navy Commander Robert Green who also questioned the basis of nuclear deterrence when he commented that "[n]uclear deterrence is about threatening the most indiscriminate violence possible, unrestrained by morality or the law…nuclear disarmament is a security-building process, where nuclear weapons are a liability and a security problem."[15] He remains an advocate of a global international treaty with a goal of the elimination of nuclear weapons in their entirety. Nonetheless, NATO maintains that it will persist as a nuclear alliance as long as there remain other nations globally who possess nuclear weapons, reiterating its support for the concept of deterrence. NATO has committed, however, to working towards the goal of a world free of nuclear weapons.[16] This pledge to maintain a nuclear deterrent capability was not supported by former American Secretaries of State George Shultz and Henry Kissinger, former American Secretary of Defence William Perry, and Sam Nunn, former American chairman of the Senate Armed Service Committee, who all agreed that while deterrence was an effective policy during the cold war, this is no longer the case and that nuclear deterrence has become a hazardous policy.[17]

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[14] *Ibid.,* 436.

[15] Robert Green, *Re-thinking Nuclear Deterrence* (Christchurch: The Disarmament and Security Centre, 2001), 24.

[16] North Atlantic Treaty Organization, "NATO's nuclear forces," last accessed 24 April 2014, http://www nato.int/cps/en/natolive/topics_50068.htm.

[17] George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "A World Free of Nuclear Weapons," *The Wall Street Journal*, 04 January 2007.

While realist theory suggests that states are predominately interested in the acquisitions and maintenance of power relative to other states, liberalism contends that states profit from mutually beneficial relationships, institutions and agreements; it is through the cooperation within international agencies that treaties are created which become advantageous to all associated states. This is supported by Basrur who contends that "realism focuses on state power and conflict because it is more interested in military-strategic issues, while liberalism tends to pay more attention to non-military issues, and hence stresses interdependence and cooperation."[18] Realists therefore are more likely to be supportive of the retention of nuclear weapons, whereas liberals are more prone to advocate the leveraging of international bodies, such as the UN, to create a global environment whereby nuclear weapons are unnecessary; disarmament and nonproliferation become a function of the formulation of these international regimes.

Joachim Krause suggested that it has been a liberal mindset that has been the driving force in the international arms control movement. He argued that "nuclear nonproliferation has been influenced over the past four decades by the school of liberal arms control. This epistemic community has defined the basic tenets of international arms control and nonproliferation politics."[19] He iterated that liberal scholars and politicians have been of significant global influence concerning the issue of nuclear deterrence and

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[18] Rajesh M. Basrur, "International Relations Theory and Minimum Deterrence," *India Review* 4, no. 2 (April 2005): 127.

[19] Joachim Krause, "Enlightenment and nuclear order," *International Affairs* 83, no. 3 (2007): 485.

nonproliferation when he posited that "[w]ithout this epistemic community, international arms control and nonproliferation efforts would not have been so successful."[20] This assertion is supported by Douglas Roche who contended that it will be through the cooperative measures of states and associated international organizations that nuclear disarmament and nonproliferation initiatives have the greatest chances of succeeding. He asserted that the accomplishment of a nuclear-free world will only be accomplished through the "active cooperation of knowledgeable leaders of civil society working with those politicians and officials of like-minded governments who truly want to move forward."[21] This contention is supported when one considers the disarmament of the Ukraine which was accomplished through the negotiated and collective diplomatic efforts of a number of affected states. Arkin also agreed that the likelihood of disarmament is increased through the unified efforts of the international community. As an example of this, he highlighted the international campaign to ban landmines, a collaborative initiative he considered highly successful and which he contrasts with nuclear disarmament, an activity he believes to be sclerotic.[22] Finally, Joseph Rotblat, a nuclear scientist who received a Nobel Prize for his work on nuclear disarmament and nonproliferation, iterated the importance of nations committing to their obligations under international treaties, specifically the Treaty on the Nonproliferation of Nuclear Weapons, commonly referred to as the Nonproliferation Treaty (NPT), as a mechanism for working towards a

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[20] *Ibid.*, 485.

[21] Douglas Roche, "Overcoming the Obstacles to a Nuclear Weapons-free World," *Nuclear Age Peace Foundation (blog)*, August 24, 2005, https://www.wagingpeace.org/overcoming-the-obstacles-to-a-nuclear-weapons-free-world.

[22] William M. Arkin, "Nuclear Posturing," *Bulletin of the Atomic Scientists* 57, no. 3 (May 2001): 80.

nuclear weapons-free world.[23] It was the NPT and the Budapest Memorandum which were instrumental in the accomplishment of the nuclear disarmament of the Ukraine.

Faced with the prospect of global nuclear weapons proliferation, the international community established the Eighteen Nation Disarmament Committee (ENDC) in 1962. The purpose of the ENDC was to encourage dialogue amongst the world's nuclear weapons powers, primarily the United States and the Soviet Union, concerning a means by which continued nuclear weapons proliferation could be avoided; the ENDC was also concerned with the establishment of an associated treaty.[24] International fears regarding the proliferation of nuclear weapons were two-fold. First, there was a concern regarding the acquisition of nuclear weapons by nations which had previously been non-nuclear weapons capable. This phenomenon was referred to as horizontal proliferation. Secondly, there was an angst regarding the continued development and growth of the arsenals of the nuclear weapons capable states. This phenomenon was referred to as vertical proliferation. The NPT was to address both horizontal and vertical proliferation by distinguishing between non-nuclear weapons nations, which gave up their inherent rights to pursue nuclear weapons, and nuclear weapons nations, which included the United States, the Soviet Union, the United Kingdom, France, and China, who committed to negotiating the cessation of nuclear weapons proliferation, and also to disarmament.[25]

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[23] Joseph Rotblat, "A nuclear-weapon-free world," *Technology Review* 98, no. 6 (Aug/Sep 1995): 72.

[24] Richard Dean Burns and Joseph M. Siracusa, *A Global History of the Nuclear Arms Race: Weapons, Strategy, and Politics* (Santa Barbara: Praeger, 2013), 528.

[25] Henry D. Sokolski, *Best of Intentions: America's Campaign Against Strategic Weapons Proliferation* (Westport: Praeger, 2001), 44.

Under article VI of the treaty, nuclear weapons states agreed to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."[26] The NPT opened for signature in 1968.

A number of nations who were signatories to the NPT considered it inherently discriminatory as it created a double standard; the treaty delineated nations which maintained a right to possess nuclear weapons and those which did not. This premise is critical to one's understanding of the current debate surrounding Crimea given the increasingly popular conviction that the conflict would not have occurred had the Ukraine maintained an arsenal of nuclear weapons as a means of deterring aggression against nuclear weapons possessing states, namely Russia. Michael O'Hanlon emphasized the tenuous nature of the NPT and its continued relevance when he commented "[w]ith the cold war over, the logical inconsistency, and political unfairness, of an NPT regime in which some countries are allowed nuclear weapons in perpetuity while other are denied them categorically seems increasingly unsustainable."[27]

Upon the collapse of the former Soviet Union in 1991, Ukraine immediately became a nuclear power, possessing the third largest nuclear arsenal in the world. The United Nations Institute for Disarmament Research (UNIDIR) highlights that when the

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[26] United Nations General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons* (New York: UN, 1968).

[27] Michael E. O'Hanlon, *A Skeptic's Case for Nuclear Disarmament* (Washington: Brookings Institution Press, 2010), 12.

Soviet Union fell there were a substantial number of nuclear weapons on Ukrainian soil, some 1500 strategic warheads and several thousand tactical nuclear weapons. "In accordance with the principle adopted by the Commonwealth of Independent States (CIS) for dividing with the Soviet Union's assets, Ukraine became the outright owner of all these weapons."[28] Faced with the possibility of four new nuclear weapons states including Russia, Ukraine, Kazakhstan and Belarus, the West was greatly interested in initiatives that would see Russia maintain control of all of the former Soviet Union's nuclear weapons; a system of command and control which had previously proven sound and reliable was preferable to the alternative.[29] Initially, the desires of the west seemed consistent with Ukrainian aspirations. In its first official document, the Declaration of State Sovereignty of Ukraine, produced in anticipation of becoming an independent state, "[t]he Ukrainian SSR solemnly declares its intention of becoming a permanently neutral state that does not participate in military blocs and adheres to three nuclear free principles: to accept, to produce and to purchase no nuclear weapons."[30] This pledge was maintained by the Ukrainian President, Leonid Kravchuk, who committed in a letter to President Bush to destroy all Ukrainian nuclear weapons within a seven year period. This promise, however, was not supported by the Ukrainian Supreme Council who insisted that all Ukrainian nuclear weapons ought to remain the property of the Ukraine.[31]

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[28] United Nations Institute for Disarmament Research (UNIDIR), *Tactical Nuclear Weapons: A Perspective from Ukraine* (Geneva: UNIDIR, 2000), 30.

[29] United Nations Institute for Disarmament Research (UNIDIR), *Ukraine's Non-Nuclear Option: Research Paper No. 14* (New York: UNIDIR, 1992), 3.

[30] Supreme Council Ukrainian Soviet Socialist Republic, *Declaration of State Sovereignty of Ukraine* (Kiev: Ukrainian SSR, 1990).

[31] United Nations Institute for Disarmament Research (UNIDIR), *Tactical Nuclear Weapons: A Perspective from Ukraine* (Geneva: UNIDIR, 2000), 32.

Weather this assertion by the Supreme Council was genuine, or merely rhetoric is unclear, however, the reality was that Ukraine possessed little ability to actually operate the nuclear weapons they had in their possession.

Although the Ukraine had physical custody and ownership of their newly acquired nuclear weapons, they did not possess the command and control system required to operate the weapons; this system resided in Moscow. "All technical control over the weapons (primarily electronic codes) remained in Moscow's hands, enabling, in principle the launch of 'Ukrainian' missiles by an enemy power – thus making Ukraine the unwitting object of retaliation."[32] Should Ukraine have wished to maintain an independent nuclear weapons capability the obstacles were significant. Nonetheless, evidence from the period suggests that Ukraine was attempting to gain command of the weapons. "There is evidence that Ukraine is trying either to develop substitutes for the unblocking codes or to bypass the safeguards. An effort to develop unblocking codes is underway at the Kharkov Scientific Center."[33] Whether the Ukrainian authorities actually wished to possess nuclear weapons capabilities, or if they were simply posturing to strengthen their diplomatic position is debatable. In his memoirs, as he reflected upon his role in nuclear disarmament, former Ukrainian President Kravchuk reflected, "how was it possible to get real economic dividends in those complex political circumstances? One should make the Kremlin a bit nervous and the White House alarmed…Just do not hinder

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[32] Mykola Riabchuk, "Ukraine's Nuclear Nostalgia," *World Policy Institute* 26, no. 4 (Winter 2009): 96.

[33] Martin J. DeWing, "The Ukrainian Nuclear Arsenal: Problems of Command, Control and Maintenance," *Program for Nonproliferation Studies: Monterey Institute of International Studies* (October 1993): 22.

those who defend vociferously Ukraine's nuclear status."[34] In addition to the hurdles relating to command and control, Ukraine also faced deficiencies in their ability to properly maintain the weapons. This posed a concern to the international community, since the reality was that neglect in maintenance practices could lead to a nuclear catastrophe on the scale of the Chernobyl incident.[35] Given the difficulties associated with command and control of the nuclear weapons, as well as maintenance, the present day hypothetical argument surrounding the effects that nuclear weapons would have had on the current Ukrainian and Russian conflict become counter-factual; the Ukrainian nuclear weapons question of the 1990s was not as simple as retention versus disposal. It is therefore necessary to consider the benefits gained from the Ukrainian disarmament.

Upon signing the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the NPT (commonly referred to as the Budapest memorandum), a trilateral agreement between the United Kingdom, Russia, and the United States, Ukraine received both economic incentives as well as security guarantee incentives. Predominant among Ukraine's economic incentives for agreeing to relinquish its nuclear weapons, Russia agreed to provide fuel for Ukraine's nuclear reactors. Additionally, the United States pledged to engage in a cooperative space program with the Ukraine. Finally, the United States agreed to provide both the financial resources as well as the technical expertise associated with the elimination of Ukraine's nuclear

[34] Mykola Riabchuk, "Ukraine's Nuclear Nostalgia," *World Policy Institute* 26, no. 4 (Winter 2009): 99.

[35] Martin J. DeWing, "The Ukrainian Nuclear Arsenal: Problems of Command, Control and Maintenance," *Program for Nonproliferation Studies: Monterey Institute of International Studies* (October 1993): 6.

weapons and nuclear forces.[36] When considering Ukraine's abdication of financial responsibility for the burden if disarmament, one must compare the enticement to the alternative: acceptance of the high costs related to the maintenance of a nuclear weapons program, a cost which would have been onerous for a nation navigating difficult financial times.[37] Alternatively, had the Ukraine not agreed to nuclear disarmament, they were likely facing the prospect of both Russian and Western economic sanctions.[38]

In addition to economic incentives, Ukraine also received security guarantees from Russia, the United States and the United Kingdom; these security guarantees were perhaps the most critical components of the Budapest memorandum. Among the guarantees provided were a commitment by the signatories "to respect the independence and sovereignty and the existing borders of Ukraine."[39] Additionally, the three nations signing the memorandum agreed to "refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defence."[40] Finally, the signatories provided that they would "refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and

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[36] John C. Baker, *Non-Proliferation Incentives for Russia and Ukraine* (Oxford: The International Institute for Strategic Studies, 1997), 21.

[37] J. F. Dunn, "The Ukrainian Nuclear Weapons," *Soviet Studies Research Centre: RMA Sandhurst* (March 1993): 5.

[38] John C. Baker, *Non-Proliferation Incentives for Russia and Ukraine* (Oxford: The International Institute for Strategic Studies, 1997), 18.

[39] United Nations General Assembly Security Council, *Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the NPT* (Budapest: UN, 1994).

[40] *Ibid.*

thus to secure advantages of any kind."[41] It is these three excerpts from the Budapest memorandum which are pertinent when considering the ongoing conflict between Russia and the Ukraine. Ukraine is arguing that Russia has breached the terms of the memorandum, whereas Russia contends that the memorandum was a political document and therefore infers no treaty obligations. Regardless, the Budapest memorandum was signed in response to the Ukrainian commitment to dispose of its nuclear weapons arsenal. Given the Russian actions in Crimea, a number of global affairs commentators are alleging the spirit of the Budapest memorandum to have been broken, an argument that could not possibly be made had Ukraine retained its nuclear weapons.

Finally, the disarmament of the Ukrainian nuclear arsenal provided diplomatic benefits. The global community would likely not have reacted positively to a Ukrainian state set on a desire to preserve its nuclear weapons. By agreeing to relinquish their weapons, Ukraine was able to accede to the NPT and was also able to ratify the Strategic Arms Reduction Treaty (START I), reinforcing Ukraine's status as a responsible global entity, and creating possibilities for international cooperation for years to come. This diplomatic incentive is critical to consider given the Ukrainian desire to build greater Western relationships. In summary, Ukraine had a number of incentives which were critical factors in its decision to surrender its nuclear weapons. "For the three former members of the USSR – Belarus, Kazakhstan and the Ukraine – diplomatic engagement, security assurances and economic inducements were enough to make them drop whatever

[41] *Ibid.*

weapon ambitions they might have had."[42] To ignore these enticements now, when considering the implications of today creates an uninformed and biased argument. Nevertheless, there were scholars of the era who questioned Ukraine's decision to abandon their weapons.

At the time, realist scholar John Mearsheimer, was one of few international pundits who viewed Ukraine's moves towards disarmament as unwise. He commented, "President Clinton is wrong. The conventional wisdom about Ukraine's nuclear weapons is wrong… Ukraine should have been quietly encouraged to fashion its own nuclear deterrent. Even now, pressing Ukraine to become a nonnuclear state is a mistake."[43] Mearsheimer continued that Ukraine ought to have maintained its nuclear capability, "to maintain peace between Russia and Ukraine. That means ensuring that the Russians, who have a history of bad relations with Ukraine, do not move to reconquer it. Ukraine cannot defend itself against a nuclear-armed Russia."[44] This article was met with significant criticism, as many highlighted the fact that Russia had respected Ukrainian sovereignty for a significant period, a point that was used to condemn realism.[45] In light of recent developments however, Mearsheimer's arguments are now getting more attention as

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[42] Sverre Lodgaard, *Nuclear Disarmament and Non-Proliferation* (New York: Routledge, 2011), 131.

[43] John F. Mearsheimer, "The Case for a Ukrainian Nuclear Deterrent," *Foreign Affairs* 72, no. 3 (Summer 1993): 50.

[44] *Ibid.*, 50.

[45] Tanya Ogilvie-White, "Is there a Theory of Nuclear Proliferation? An Analysis of the Contemporary Debate," *The Nonproliferation Review*,(Fall 1996): 47.

when considered in hindsight the article seems somewhat predictive.[46] This acknowledgement comes as commentators question whether Russia would have annexed Crimea had Ukraine retained its arsenal of nuclear weapons.

Dobriansky and Rivkin, international affairs commentators with USA Today comment that the possession of nuclear weapons is a greater deterrent against aggression than any security guarantees put forth in international memorandums. “These actions lend credence to the idea that the possession of nuclear weapons, more so than the security guarantees by even all of the great powers, is a reliable deterrent to international aggression.”[47] This position seems to be supported, and perpetuated to a degree, within the mainstream media. Walter Russell Mead of the American Interest argues, “[i]f Ukraine still had its nukes, it would probably still have Crimea. It gave up its nukes, got worthless paper guarantees, and also got an invasion from a more powerful and nuclear neighbor.”[48] In addition to pundit commentary, the recent annexation of Crimea is also the catalyst for some Ukrainian political rhetoric. Ukrainian parliamentarian Pavlo Rizanenko argued that “[i]n the future, no matter how the situation is resolved in Crimea, we need a much stronger Ukraine. If you have nuclear weapons people don't invade you.”[49] Reflecting on the Budapest Memorandum, he commented, “We gave up nuclear

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[46] Elaine M. Grossman, “Should Ukraine Have Gotten Rid of Its Cold War Nukes?” *Global Security Newswire*, 03 March 2014.

[47] Paula Dobriansky and David Rivkin, “Ukraine must wish it had kept its nukes,” *USA Today*, 10 March 2014.

[48] Walter Russell Mead, “Putin Invades Crimea: Obama Hardest Hit?” *The American Interest*, 03 March 2014.

[49] Oren Dorell, “Ukraine may have to go nuclear, says Kiev lawmaker,” *USA Today*, 11 March 2014.

weapons because of this agreement. Now there's a strong sentiment in Ukraine that we made a big mistake."[50] There are others, meanwhile, who contend that Ukraine's possession of nuclear weapons would not have acted as a deterrent in the current conflict between Ukraine and Russia.

Former Australian foreign minister and co-chair of the International Commission on Nuclear Non-Proliferation and Disarmament, Gareth Evans, argued that nuclear weapons would not have changed the situation in Crimea given that "the risks associated with their deliberate use are simply too high. Both sides in these situations fully understand that Russian President Vladimir Putin knows that Ukraine would be no more likely than the US to nuke Moscow for sending tanks into Crimea."[51] He argues, rather, that the presence of Ukrainian nuclear weapons would have destabilized the situation, given the possibility that rational decisions from national leaders are not guaranteed when faced with stressful situations. This position is supported by many who consider the details surrounding Ukraine's nuclear disarmament, specifically the economic incentives, the diplomatic benefits, the security assurances and the fact that Ukraine was unable to either operate or maintain its arsenal offer a different perspective. Nuclear physicist, arms control expert and Research Director for International Security at Chatham House, Patricia Lewis, asserted that even if Ukraine possessed nuclear weapons, "Russia likely would have judged that Ukraine would not be foolish enough to use or even threaten to

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[50] *Ibid.*

[51] Gareth Evans, "The Ukraine Nuclear Delusion," *Project Syndicate: The World's Opinion Page, 19 March 2014, http://www.project-syndicate.org/commentary/gareth-evans-challenges-the-argument-that-the-deadliest-weapons-are-the-strongest-deterrent.*

use such weapons over the issue of Crimea. Any such threat would have resulted in a far harsher and more credible retaliatory threat from Russia."[52] She posited that had Ukraine retained its nuclear weapons, they would not have prevented Russia from annexing Crimea. To support her argument, she highlights that the existence of nuclear weapons did not prevent Argentinian actions in the Falklands in 1982, nor Iraqi conduct in Kuwait in 1991, despite the prospect of a possible nuclear response from the United Kingdom and the United States respectively.[53] Finally, Lewis rightly and notably highlights the danger of having pundits propagate the notion that Ukrainian sovereignty would not have been challenged by Russia had nuclear weapons been available as a deterrent. "In addition to the inaccuracy of such assertions, they are highly irresponsible in that they are likely to stimulate nuclear proliferation policies in other countries and stem from fantasy not reality."[54] As one considers the implications of the nuclear commentary concerning the current Ukrainian and Russian crisis, it is critical that such assertions might have on nations set on becoming nuclear weapons powers, namely Iran and North Korea.

While the debate surrounding the implications surrounding Ukraine's decision to disarm and the associated deterrent implications remain a counter-factual argument and therefore offer limited insight into the Crimea conflict, one must still contemplate the possibility that said argument might be considered valid by some within the global community. If Iran and North Korea, for example, view the current conflict between

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[52] Patricia Lewis, "Expert Comment: Ukraine, Security Assurances and Nuclear Weapons," *Chatham House*, 28 March 2014, http://www.chathamhouse.org/media/comment/view/198641.

[53] *Ibid.*

[54] *Ibid.*

Ukraine and Russia as one that would have been avoided had Ukraine possessed a nuclear deterrent, it could reinforce their pursuit of their own nuclear weapons. Evans argues that there is danger in the Crimea situation reinforcing North Korea's belief that nuclear weapons constitute a strategic equalizer and that countries that possess them will not be invaded.[55] Lewis supports this contention by arguing that there is a danger in having pundits and politicians "suggesting that a Ukrainian nuclear weapons force might have deterred Russia… Such statements do little other than serve to bolster the generals in Pyongyang and the hardliners in Iran and as such could be seen as incitements to proliferations."[56] It is therefore critical that these types of incidents receive careful, and expert, considerations so as to ensure that they do not perpetuate nuclear fallacies which are counter to the global direction towards nonproliferation and disarmament.

The Ukrainian decision to disarm their nuclear arsenal was based on a number of factors. One must consider that Ukraine became a nuclear weapons possessing nation overnight and that they did not enjoy the gradual development of associated infrastructure, knowledge and processes which were inherent to any other state with nuclear weapons. They did not have the capability to command and control their weapons nor did they have the ability to maintain them. Ukraine received substantial economic incentives for disarmament when the alternative would have been Ukrainian investment in a costly nuclear weapons program. Ukraine was experiencing significant international

[55] Gareth Evans, "The Ukraine Nuclear Delusion," *Project Syndicate: The World's Opinion Page, 19 March 2014, http://www.project-syndicate.org/commentary/gareth-evans-challenges-the-argument-that-the-deadliest-weapons-are-the-strongest-deterrent.*

[56] Patricia Lewis, "Expert Comment: Ukraine, Security Assurances and Nuclear Weapons," *Chatham House*, 28 March 2014, http://www.chathamhouse.org/media/comment/view/198641.

diplomatic pressure to disarm and they received sovereignty assurances from Russia, the United States and the United Kingdom. In a period when Ukraine was looking to build stronger ties with the West, they were able to leverage the disposal of their nuclear weapons for as much economic and political capital as could be expected. In light of the recent annexation of Crimea and the ongoing conflict between Ukraine and Russia, some Ukrainian politicians as well as a number of political pundits are theorizing that had Ukraine maintained its arsenal of nuclear weapons, Ukrainian sovereignty would not have been challenged by Russia. The commentators assert that nations which possess nuclear weapons do not get attacked. Not only is this a counter factual argument, but it fails to consider the significant benefits gained from Ukrainian disarmament. Furthermore, there are examples of nuclear weapons nations who have had their sovereignty challenged militarily despite an inherent deterrent capacity. Political commentators ought to carefully consider the potential implications of their assertions related to Ukrainian nuclear disarmament. Speculation that Ukraine would not have been invaded had it possessed nuclear weapons is surely being noticed by both Iran and North Korea. If the conflict between Ukraine and Russia serves to reinforce the Iranian and North Korean belief that the possession of nuclear weapons is instrumental to their continued sovereignty, international pressures to stem their programs could be significantly hampered.

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