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“Ukraine and the Nonproliferation of Nuclear Weapons”
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Mr. Chairperson, Your Excellencies the Ambassadors, Ladies and Gentlemen,

It is my honor to address this distinguished Forum for Security Cooperation of the Organization for Security and Cooperation in Europe, dedicated to one of the greatest challenges to international security – the proliferation of nuclear weapons and other weapons of mass destruction. As we commemorate the 16th anniversary of the UN Resolution 1540 and its contribution to the cause of nuclear nonproliferation, I would like to take this opportunity to review the evolution of the international nuclear nonproliferation regime, examine the main bargains that made it possible, discuss contributions to the regime as well as challenges that threaten it today.

Attempts to stop the spread of the bomb around the world are as old as the bomb itself. In 1968, the Treaty on the Nonproliferation of Nuclear Weapons, the NPT, formalized a growing international consensus that the dissemination of nuclear weapons through the international system is dangerous to all. In order to be possible and sustainable, the NPT had to accommodate political realities and power structures: the Treaty recognized five states – the United States, the Soviet Union, the United Kingdom, France, and China, that had developed and tested nuclear explosive devices before 1967 – as nuclear-weapon states. All other state-parties, by joining the Treaty, relinquish their sovereign right to provide for their security by developing nuclear weapons.

Thus, the NPT is ultimately a discriminatory treaty: like actors, sovereign states, are treated unequally, few are the nuclear ‘haves’, the rest are the ‘have-nots.’ This inequality has been accepted for the purpose of a common international good: the recognition that the world with the NPT and the limit on nuclear possession is better than the world without it. This inequality is also meant to be ameliorated by a special responsibility for peace and international security that the nuclear-weapon state status bestows on nuclear possessors.

One such responsibility is contained in Article VI of the NPT which records a pledge of nuclear-weapon states to pursue negotiations toward nuclear disarmament. Another set of responsibilities relates to security assurances NPT nuclear-weapons states pledge to NPT non-nuclear weapon states. Although these are not included in the text of the Treaty, each nuclear possessor has pledged the so-called negative and positive security assurances: not to use or

¹ The views expressed here are author’s own and do not represent those of Harvard University or any of its affiliated institutions.

threaten to use nuclear weapons against an NPT non-nuclear weapon state and to seek immediate action at the UN Security Council should an NPT non-nuclear weapon state become a victim of aggression or a threat of aggression in which nuclear weapons are used.

Based on this Grand Nuclear Bargain and in pursuit of a common goal of international security through nuclear restraint, the international community embarked on an effort to build a salient and effective nuclear nonproliferation regime around the NPT. International organizations such as the United Nations and the International Atomic Energy Agency, regional arrangements such as nuclear-weapon free zones, multilateral treaties to ban nuclear testing, cooperative endeavors like the Nuclear Suppliers Group to regulate the export of nuclear-related technologies, as well as policies of states committed to nuclear nonproliferation – all combined to form the intricate and complex architecture of the international nuclear nonproliferation regime.

Over the past five decades, through trial and error and through persistent effort and dedication, the nonproliferation regime grew and strengthened. These efforts have not succeeded every time: four states – Israel, India, Pakistan, and North Korea – developed nuclear weapons outside of the NPT regime. That many others tried and failed is no cause for complacency.

In the wake of 9/11 terrorist attacks on the United States and the subsequent NATO operations in Afghanistan, the world was shaken into a realization that it was not only states who might seek nuclear weapons. Terrorist groups such as Al Qaida and, earlier, the Japanese cult Aum Shinrikyo have sought nuclear weapons and have gotten closer to that goal than anyone had suspected. Even a crude 'dirty bomb' exploded by a terrorist group in an urban area to release poisonous radionuclides would be a weapon of mass disruption, causing sickness, contamination, and billions of dollars in damages.

In response to this new threat, on April 28, 2004, the UN Security Council passed Resolution 1540, a legally binding commitment of states to adopt and enforce effective national measures to prevent the acquisition by non-state actors, especially terrorist groups, of nuclear, biological, and chemical weapons, as well as means of their delivery.

Although these nuclear proliferation challenges came to the fore in early 2000s, Ukraine, as well as other states emerging from the collapsed Soviet Union have encountered them much earlier. In 1991, Ukraine found itself in a unique and precarious nuclear predicament. From the collapsed Soviet Union, Ukraine inherited the world's third-largest nuclear arsenal, consisting of 176 intercontinental ballistic missiles armed with over a thousand nuclear warheads, 44 strategic bombers, carrying over 700 nuclear-tipped cruise missiles, and a cache of some 1800 tactical nuclear weapons. Ukraine also inherited a vast research and civilian nuclear infrastructure.

It is true that Ukraine's nuclear inheritance was a fragment of a nuclear enterprise of a different state – the Soviet Union – developed for strategic purposes that were unfit for Ukraine's new

security requirements. Nevertheless, this inheritance amounted to a generous nuclear endowment that, combined with Ukraine's scientific, technological, and industrial capacity, could have yielded an operational nuclear deterrent in a relatively short time, should Ukraine have chosen such a path.

Yet, scared by the trauma of Chernobyl, wishing to distance itself from its Soviet past, and above all, desiring to join the international community as a good citizen, to be part of the solution, not part of the problem, Ukraine formulated and consistently pursued a policy of nuclear disarmament. Belarus and Kazakhstan, two other states that inherited shards of the Soviet nuclear arms complex, also decided to surrender their nuclear weapons. The Russian Federation thus emerged as the sole successor of the Soviet Union in the nuclear realm, while Belarus, Kazakhstan, and Ukraine chose to join the NPT as non-nuclear weapon states. They proceeded to transfer all their nuclear weapons to Russia for dismantlement, disassemble missiles and aircraft, dispose of missile fuel, and demolish missile silos. By mid-1996, the last nuclear warhead left Ukraine's territory; the last missile silo was demolished in 2001.

Much of this work was carried out with the support of U.S. technical assistance. Concerned about the proliferation risks created by the collapse of a nuclear superpower, a U.S. Congressional initiative led by Senators Sam Nunn and Richard Lugar established the Cooperative Threat Reduction program in December 1991 that committed funds from the U.S. defense budget to support disarmament and nuclear security projects in the former Soviet Union. Partners such as Sweden, Canada, Japan, and the European Union also contributed.

The fact that none of nearly 30,000 nuclear weapons and other elements of the world's largest nuclear enterprise ended up in the hands of aspiring proliferators – states or non-state actors – is as much a tribute to the policies of the newly independent states and Western financial support, as to the high morale and professionalism of Belarusian, Kazakhstani, Russian, and Ukrainian scientists, specialists, and military personnel. Amid economic deprivations and political volatility, these dedicated men and women worked tirelessly to ensure that nuclear weapons and materials did not fall into the wrong hands.

While dealing with the formidable challenges connected with its nuclear inheritance, Ukraine had also come face to face with the challenge of securing its independent statehood. In the early 1990s, many in Ukraine bore hopes that the new Russian state emerging from the ashes of the Soviet empire would be a good neighbor and a partner, a fellow aspiring democracy, committed to civil rights, social justice, and the rule of law. Many had hoped, as Russia's first President Boris Yeltsin once said, that Russia would be an 'equal among equals.'

These hopes were bitterly disappointed. It soon became clear that Russia would not bother leading by example but, in an age-old tradition, would seek to dominate its neighbors by force and through blackmail, would call international borders into question, would deny the dignity of full sovereign statehood to those it considered to be within its 'sphere of influence.' Already in the early 1990s, tensions erupted over the status of Ukraine's peninsular of Crimea and the

jurisdiction over Soviet military assets on Ukraine's territory, including the Black Sea Fleet and strategic nuclear forces.

Committed to nuclear disarmament yet concerned about the threat of border revisionism by Russia, Ukraine demanded security guarantees from nuclear powers. Ukraine's interlocutors in the United States recognized Ukraine's legitimate security concerns. This led to the signing on December 5, 1994, on the sidelines of the summit of the then-Conference for Security and Cooperation in Europe in Budapest, Hungary of the Memorandum on Security Assurances in Connection with Ukraine's Accession to the NPT.

In what became known as the Budapest Memorandum, the three depositary states of the NPT – the United States, the United Kingdom and the Russian Federation – reaffirmed their negative and positive NPT-related nuclear security assurances. In addition, the nuclear powers reaffirmed their commitments not to use force or threat of force against Ukraine's territorial integrity and political independence, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the UN Charter. The nuclear powers also reaffirmed their commitment to respect independence, sovereignty, and the existing borders of Ukraine, as well as to refrain from economic coercion, in accordance with the OSCE Helsinki Final Act. France and China, two other NPT nuclear-weapon states, extended similar security assurances to Ukraine in separate unilateral statements.

The Budapest Memorandum was signed at the highest level by the heads of state of the four signatories and registered with the United Nations as the document accompanying Ukraine's accession to the NPT. In this way, the Budapest Memorandum became a constitutive part of the broader nuclear nonproliferation regime, and the Grand Bargain inherent in this regime. By reaffirming commitments recorded in the UN Charter and the OSCE Final Act, the Budapest Memorandum also linked Ukraine's nuclear disarmament to European and global security architecture.

In 2014, the Russian Federation blatantly violated its commitments under the Memorandum, when it deployed its armed forces to occupy Crimea. When the consultations of the parties, provided for in the Memorandum, were convened on March 5, 2014 to address the issue of the violation, Russia declined to attend. Instead, it proceeded to use its troops and weapons in waging a war against Ukraine in the Donbas, the war that thus far has claimed 13,000 lives. Ukrainians who labored to dismantle nuclear missiles and ship nuclear warheads to Russia in a safe, secure, and timely manner, are now losing their children and grandchildren on the frontlines of the Donbas.

Russia's aggression against Ukraine is not only an affront on Ukraine's territorial integrity and the security of its citizens. Through the Budapest Memorandum, it is also an affront on the UN Charter, the OSCE Final Act, and the NPT regime. That an NPT nuclear-weapon state should invade and wage war against an NPT non-nuclear weapons state, which had voluntarily surrendered world's third-largest nuclear arsenal, despite threats to its security emanating from that very nuclear-armed state, bodes very ill indeed for the future international efforts to

dissuade potential proliferators from acquiring these deadly weapons. I see no better way to elevate the value of nuclear weapons in the eyes of potential proliferators, be it states or non-state actors, than the behavior of the Russian Federation in Ukraine.

This severe blow to the nonproliferation regime comes at a time when the NPT is besieged by other formidable challenges. The Middle East and East Asia are rife with nuclear proliferation risks. Formal U.S.-Russian arms control architecture is crumbling, in no small part due to Russia's violation of arms control treaties, such as the Intermediate Nuclear Forces Treaty and the Open Skies Treaty. Frustration of the non-nuclear weapon states with the insufficient progress on the fulfillment of obligations by nuclear-weapon states under Article VI of the NPT to pursue disarmament culminated to the signing of the Treaty on the Prohibition of Nuclear Weapons, which adds to the tensions between the nuclear 'haves' and 'have-nots.'

Russian actions have consequences for the implementation of the UN Resolution 1540. The resolution requires that states make significant investments in their national nuclear security infrastructure, improving border and port controls to guard against the smuggling of nuclear materials. Ukraine's own implementation of the Resolution is seriously imperiled by the fact that it no longer controls portions of its land and maritime border. Long-term, occupied Donbas might turn into a haven for illegal nuclear materials trafficking, much like present-day Transnistria, another Russia-orchestrated frozen conflict. Additionally, with the loss of confidence in the nonproliferation regime and the bargains that sustain it, other nations might opt to reconsider investments necessary for the implementation of Resolution 1540.

Ladies and Gentlemen,

All of us gathered here today know full well that international institutions and cooperative endeavors rely on trust, mutual commitment, and common purpose. And like trust, they are very difficult to build and very easy to undermine. Meanwhile, implements of war and coercion, such as nuclear weapons and other weapons of mass destruction and disruption, will continue to appeal to those whose strategy relies on terror and brute force.

The OSCE Forum for Security Cooperation convenes here today not because its members are naïve or like idle talk. Rather, we engage in pain-striking efforts to find common cooperative solutions to European and global security challenges because the alternative is far worse: the alternative is the use of violence in the service of greed and national hubris. That violence only begets violence is the truth to which Europe's history bears solemn witness. That violence in the nuclear age risks death and destruction on a scale that dwarfs anything history has recorded, is the truth one hopes will never be witnessed.

Ukraine made an invaluable contribution to the cause of nuclear nonproliferation. Together with many other states, represented in this distinguished forum, it continues to contribute to the broader nonproliferation regime through its national and foreign policies. Like many other states, represented here, it does so not for the sake of accolades but because of the realization that, in today's world, the security of all states is intricately interconnected. A breach of an

agreement, a conflagration, theft of nuclear materials, or a nuclear acquisition in one part of the world tugs at the entire fabric of international security. There will be those who decide that safeguarding this fabric is not in their autarchic national interest. To hold them accountable, we must at least call them out.

Thank you!