

UDC 341.24
DOI: 10.46493/2663-2675.32(5).2022.24-31

Ostap Serneda*

*Vasyl Stus Donetsk National University
21021, 21 600-richchia Str., Vinnytsia, Ukraine*

Alex Tsummer

*University of Arizona
AZ 85721, Tucson, Arizona, United States*

Prerequisites for the 1994 Budapest Memorandum in the Context of Ukrainian-American Relations

Abstract. The Budapest Memorandum is one of the many international guarantees of Ukraine's territorial integrity. That is why the study of this treaty turned out to be relevant and necessary not only in the context of Ukrainian-American relations but also in the context of modern events related to the threat to the territorial integrity of Ukraine. The purpose of the research work was to study the development of Ukrainian-American relations against the background of the nuclear disarmament of Ukraine. It was also necessary to find out the main prerequisites that became catalysts for the signing of the Budapest Memorandum. The main methods used in writing the work are: historical, terminological, statistical methods of scientific knowledge, systematic, and others. As a result of conducting scientific research on the specified topic, some events that became the reasons for signing the Budapest Memorandum were outlined, and the relationship between the development and improvement of Ukrainian-American relations and the signing of the relevant international agreement was clarified. The question of the influence of the United States of America on the nuclear disarmament of Ukraine was also investigated. Attention was also paid to the issue of guarantees and assurances of the signatory states regarding the territorial integrity of Ukraine and the obligation to fulfill them. The research paper also provided some statistical data on the nuclear potential of Ukraine as the third nuclear power in the world after the USA and the Russian Federation. The consequences of signing the Memorandum and its direct effect in the context of encroachments on the territorial integrity of Ukraine were outlined. The results of research work can be used in further research by historians, legal scholars, and other authors as a comprehensive study of American-Ukrainian relations in the conditions of nuclear disarmament of the Ukrainian state

Keywords: nuclear disarmament, international treaties, nuclear potential, Treaty on the Non-Proliferation of Nuclear Weapons, territorial integrity, security guarantees

Introduction

Ukraine's declaration of independence marked the emergence of the third state with the largest nuclear potential in the world, after the United States of America and Russia. Accordingly, the vector of Ukrainian-American relations in the context of Ukraine having such a nuclear stockpile was slightly modified and oriented to a great extent towards laying the foundations for further nuclear disarmament of the Ukrainian state. The main purpose of the United States was to reduce the external nuclear threat and to obtain the status of a nuclear-free state for Ukraine.

This research subject is interesting for consideration in the works of several other authors, whose considerations should be examined for a better understanding of the meaning and purpose of the study.

Thus, for example, V. Steshenko in "International Legal Characteristics of the 1994 Budapest Memorandum" notes that the Budapest Memorandum appears as one of

several international legal instruments designed to protect the territorial integrity of Ukraine within the security guarantees provided by the signatory countries [1].

The American researcher J. Gaines in "Ukraine and the Misconception of the Budapest Memorandum" presents considerations about the appropriateness of the security guarantees underlying this treaty, describing them as having insufficient strength and mechanism to withstand attacks on the territorial integrity and independence of Ukraine and losing to actions such as freezing the aggressor country's assets and other actions that could limit the economic stability of the latter [2].

Ukrainian researcher L. Shachkovska in "Prerequisites of the Budapest Memorandum and Security Guarantees for Ukraine" expresses a similar opinion about the lack of a defined and coherent mechanism for protecting Ukrainian integrity under this memorandum [3].

Received: 03.06.2022, Revised: 26.08.2022, Accepted: 22.09.2022

Suggested Citation:

Serneda, O.V., & Tsummer, A. (2022). Prerequisites for the 1994 Budapest Memorandum in the context of Ukrainian-American relations. *Foreign Affairs*, 32(5), 24-31.

*Corresponding author

As for the issue of Ukrainian-American relations, an interesting work to consider is "The International Legal Aspect of Relations between Ukraine and the United States (1991-1994)" by R. Kharitonov. In particular, the author refers to the perception of Ukraine by American politicians and academics as a so-called "buffer zone" between Europe and Russia. According to this territorial positioning of Ukraine, American policy towards it should support the independence of Ukraine first to ensure a stable security situation in the region and to contain Russia's capabilities. P. Kharitonov suggests that America's policy towards Ukraine should consider the events and the role of Ukraine on the world stage, and suggests that the policy should be considered as a function of the re-election of a particular President of United States [4].

In addition to the state of the Ukrainian-American relations in the context of Ukraine's nuclear disarmament, there are the thoughts of the American author E. Paisley in the study "The Denuclearisation of Ukraine and its Implications in Twenty Years' Time". The researcher highlights such a prerequisite for the signing of the Budapest Memorandum as the unsatisfactory state of the Ukrainian economy. In particular, she notes that the scenario in which Ukraine refused to be a non-nuclear state would entail several economic sanctions and restrictions, following the precedents of Pakistan, India, and other countries [5].

Another work devoted to Ukrainian-American relations is the study by N. Seredyuk "Ukraine-US Strategic Partnership". The research contains considerations on the reasons for the gradual modification of the type of diplomatic relations between Ukraine and the United States of America. In particular, this modification, according to the author, is to separate the American authorities from the "Russian approach" to establishing communications with Ukraine. The "Russian approach" consisted of a short-term coincidence of interests in the denuclearisation of Ukraine and using various measures of influence from both Russia and the United States. Further expansion of the partnership, to some extent, was due to the West's desire to get rid of Russia's influence on Europe through the anti-democratic tendencies of the first one [6].

According to the historian S. Plokhii, whose arguments can be found in the book "The Last Empire. The Decline and Collapse of the Soviet Union", the beginning of Ukrainian-American relations can be officially considered to be 1994, when the agreement was signed, according to which Ukraine renounced its nuclear potential as a successor country of the USSR [7].

Materials and Methods

The research was conducted using several methods of scientific cognition. The main among them is the historical method of research, which allowed determining the chronology of the prerequisites for the conclusion of the Budapest Memorandum, including the recognition of Ukraine as an independent state, inheritance of nuclear potential, etc. The historical method was based on the study of the development of Ukrainian-American relations. The complementary method for clarification of the aspects of this subject was the comparative method of scientific knowledge, which allowed tracing changes in the partnership

and diplomatic relations between Ukraine and the United States of America and identifying the main stages in the development of diplomatic relations between the aforementioned countries at the turn of the 21st century.

The statistical method, which was involved in the research, allowed for defining the scale of Ukraine's nuclear potential. Using the terminological method was useful in the analysis of the essence and nature of the Budapest Memorandum, the study of such concepts as "international treaty", "security guarantees", etc.

Furthermore, it is useful to outline using a systematic method by which it allowed for a series of separate events to be considered, such as the collapse of the USSR, Ukraine's independence, the series of Ukrainian succession possibilities, and their further interconnection as the main preconditions for the signing of the Budapest Memorandum.

The research was performed in three main stages:

1. At the initial stage of the study, the theoretical basis of the relevant subject was investigated, in particular, attention was devoted to the issues related to the causes and prerequisites for Ukraine's acquisition of nuclear-free status. Attention was devoted to researching statistics on Ukraine's nuclear capabilities and the threat that several researchers believed they represented. In addition, attention was devoted to the influence exerted on Ukraine by the two states with the largest nuclear potential – the United States and Russia.

2. The second stage was distinguished by the study of Ukrainian-American relations and their interrelation with the nuclear disarmament of Ukraine. The main stages in the development of the respective diplomatic relations and partnerships were identified, among which the following should be distinguished: the stage of the "Russian approach", the stage of recognition of Ukraine as a full-fledged actor in the international arena and the stage of deepening the relationship between Ukraine and the United States of America, the counter version in Russia-US relations. Attention was devoted to security guarantees from the US and several other countries, which provide the foundation for the Budapest Memorandum as an international legal instrument for the protection of Ukraine's security, independence, and territorial integrity. Its content and the question of whether or not there is a mechanism for implementing these guarantees, and the appropriateness of the treaty and its strength against the backdrop of a series of controversial developments in recent history marked by the expansionist aspirations of the Russian Federation and its encroachments on Ukraine's territorial integrity have been examined.

3. The third final stage of the research is devoted to the comparison of the results with the considerations and studies of other scientists and authors, both Ukrainian and foreign. In particular, several positive aspects that were obtained as a result of the study of related issues by other scientists were identified. Consideration and analysis of the relevant results provided the basis for the conclusions of the research work on the relevant subject.

The relevance of the research is the study of relations between Ukraine and the United States, especially in the context of the Russian-Ukrainian war. The purpose is to develop these relations against the background of

nuclear disarmament of Ukraine. The novelty of the study is that this subject has not been explored fully enough before.

Results

The Union of Soviet Socialist Republics (USSR) ceased to exist on December 26, 1996. It provided an impetus for the previous republics that were part of it to declare their independence and autonomy. One such republic was Ukraine, which as one of the successors of the USSR, received a significant stockpile of nuclear weapons. Such potential turned Ukraine into one of the three states with the largest stockpiles of nuclear weapons. It significantly changed the status and perception of Ukraine in the world [8].

Despite the wide possibilities to use nuclear weapons, the Ukrainian state, in several regulatory legal acts, proclaimed the so-called “non-nuclear principles” and

defined itself as a non-nuclear state. In particular, such documents can be considered the Declaration of State Sovereignty of 1990 [9], the Resolution of the Verkhovna Rada of Ukraine “On the Basic Principles of Foreign Policy of Ukraine” [10]. The collapse and termination of the USSR signified not only the proclamation of independence by several former Soviet countries but the establishment of new diplomatic relations. Thus, given the emergence of an independent Ukraine on the international scene with a legacy of stockpiles of nuclear weapons, the United States considered it essential to respond in a variety of ways and means, which represented the beginning of diplomatic relations between the two independent states.

The nuclear potential of Ukraine consisted of variable weapons (Fig. 1). As for other countries of the world, in total 9 of them have nuclear weapons (Fig. 2).

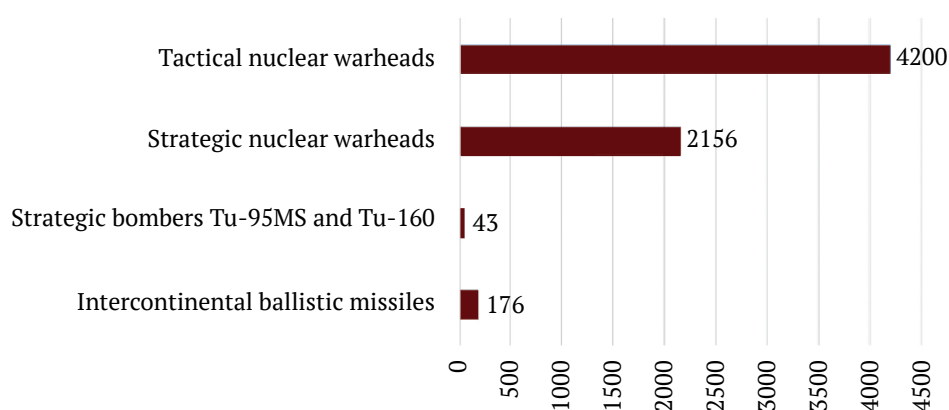


Figure 1. Ukraine's nuclear weapons as for 1991

Source: [11]

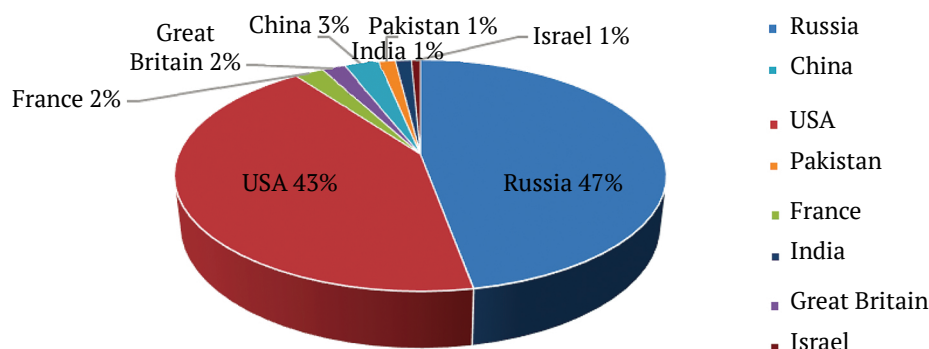


Figure 2. Quantity of nuclear warheads by countries of the world in percentage terms

Source: [12]

Thus, the analysis concludes that the country with the greatest nuclear capability is Russia, whose total number of nuclear warheads exceeds the total number of nuclear warheads deployed by NATO member countries, in particular the United States, France, and the United Kingdom [13].

As for Ukrainian-American relations, the first stage of their development was notable for its tension and restraint. The reason was the significant nuclear potential of Ukraine at that time, which caused a biased and adverse

perception of the country's independence. Thus, at the beginning of 1991, the position of the US administration was to support Ukraine's freedom, but not independence, as it would result in losing external control over nuclear weapons usage, which would have devastating consequences for Europe and the US, according to American politicians of the time. However, there were opposing opinions on the significance of Ukraine as a new subject of international law, in particular the weighty role of the Ukrainian state as a deterrent to Russian influence in the West [14].

The change in diplomatic relations between Ukraine and the United States is based on the political leadership of the latter and the coming to power of Bill Clinton. B. Clinton engaged the Ukrainian side in negotiations on the solution of some issues concerning the development and stability of the economy, and the political situation in the country. Such a step allowed preparing the suitable ground for the further solution of the issue of Ukraine's nuclear disarmament [15].

Despite declaring itself a nuclear-free state, against the background of complicated relations with the Russian Federation, the Parliament initiated a statement on the succession of the Ukrainian state to the nuclear potential of the USSR. Accordingly, Leonid Kuchma proposed to keep part of nuclear weapons in Ukraine for defensive and deterrent purposes. Considering this policy vector, the ratification of the Lisbon Protocol was not fully implemented [16]. In general, the Lisbon Protocol is a supplement to the START-I Strategic Arms Reduction Treaty between the United States and the Soviet Union, which defined the main aspects of strategic offensive arms reduction. Signing and ratifying it was against the background of the collapse of the Soviet Union, thus, Kazakhstan, Russia, Ukraine, and Belarus signed it on 23 May 1992 as successor countries to the USSR. Thus, Ukraine ratified the corresponding protocol but did not approve the provision of binding law on the mandatory accession of the country to the Treaty on the Non-Proliferation of Nuclear Weapons. In addition, the reduction of nuclear weapons by Ukraine against the background of ratification of the agreement was as follows: 42% of nuclear warheads and 36% of intercontinental ballistic missiles [18].

The ratification of the Lisbon Protocol did not fully signify an aggravation of diplomatic relations not only with the Russian side but with the United States. Both the first and the second parties could not allow the minimal nuclear potential of the Ukrainian state, thus, all efforts were devoted to achieving the corresponding purpose.

Another appropriate step was the signing of agreements between Ukraine and Russia, named the "Massandra" agreements, which defined the main ways and means of removing and disposing of nuclear weapons stored on the territory of the Ukrainian state [19]. The relevant decision of the Ukrainian authorities established the foundations for the signing of the Budapest Memorandum and opened the way for an expanded partnership with the United States of America and appropriate compensation and financial assistance.

The subsequent significant event that accompanied Ukraine's path to nuclear-free status was the negotiations between the American and Ukrainian sides between Leonid Kravchuk and Bill Clinton. Later, on January 12, 1994, the intentions of the three countries were expressed in the declaration on the provision of definite guarantees and appropriate compensation from these countries for the export of nuclear potential of Ukraine [20]. Thus, the American side provided economic assistance in the amount of 300 million dollars, and later about 700 million. In addition, the US authorities provided loans to Russia to compensate the Ukrainian side for nuclear disarmament [20].

After Leonid Kuchma came to power in 1994, the position regarding the preservation of Ukraine's non-nuclear deterrent capacity slightly changed, and the President appealed to the Verkhovna Rada of Ukraine to remove the restrictions that had been applied when ratifying the Lisbon Protocol. As a result, Ukraine was able of joining the Treaty on the Non-Proliferation of Nuclear Weapons [21].

Thus, several prerequisites that led to Ukraine's acquiring the status of a nuclear-free country, in turn, allowed establishing the fact of significant improvement of relations between the Ukrainian and American sides. Ukraine's nuclear weapons absence, which signified a conditional threat to European and US security, allowed a Joint Statement on Partnership and Friendship between Ukraine and the United States of America to be concluded [22]. Another significant document is the Charter of the Ukrainian-American Partnership, which signified an increase in investment by the United States in Ukrainian development [23]. The declaration of 1994 as the "Year of Ukraine" signified the final strengthening of diplomatic relations for the development and cooperation of both countries.

In addition, against the background of Ukraine's nuclear disarmament, it was appropriate to support it in its efforts to preserve the territorial integrity of the state and its sovereignty.

As a consequence of the nuclear disarmament policy over the following years, all stockpiles of nuclear weapons were gradually exported from the territory of Ukraine. In addition, there was the liquidation of infrastructural developments that could provide the facilities for the storage and production of such weapons. In particular, nuclear disarmament continued in 2010, when as a result of the agreement V. Yanukovich and B. Obama, the main component in the production of nuclear weapons – highly enriched uranium – was exported from the territory of Ukraine [24].

In the terms of nuclear disarmament, Ukraine needed guarantees of its territorial integrity. Such support was provided in the terms of the Budapest Memorandum as security guarantees. The essential issue is to analyse them and establish whether these guarantees contain an enforcement system and elements of the law of obligations.

The Budapest Memorandum (originally "Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons") is one of the types of regulatory acts of international character, i.e. an international treaty. As with any agreement, the Memorandum must include the parties to the agreement, its content, subject matter, and the obligations imposed on the parties. The signatories to this treaty are Ukraine, Russia, the United Kingdom, and the United States of America [25].

Thus, the content of the Memorandum is several security guarantees regarding the territorial integrity and sovereignty of Ukraine. Accordingly, the signatory states, in particular the United States of America, confirmed their commitment to the non-use of armed aggression against Ukraine, its independence, etc. The exception is the necessity of self-defence, as indicated in the second paragraph of the Memorandum, and the first paragraph states that each party is obliged to respect the independence and

borders of the Ukrainian state. Paragraph three defines the obligations of the signatory states to refrain from any kind of economic pressure on the Ukrainian side; the fourth paragraph notes the obligations of each of the signatory states in case of aggression using nuclear weapons to demand a response to the relevant act by the United Nations Security Council. In addition, rather significant is the fifth point, which notes the obligation of the signatory countries not to use weapons against each other the exception is the necessity to respond to the act of using nuclear weapons against them, etc. In the event of any situation requiring the performance of the above-mentioned obligations, the parties are required to organise consultative meetings, as stated in paragraph six of the Budapest Memorandum [25].

Based on the analysis of the provisions of the Budapest Memorandum and its legal nature, note that the security guarantees contained in its content have a binding legal nature. Considering the discrepancy in the translation of the text of the Memorandum from English into Ukrainian, which consists in the following aspect: "Memorandum on Security Assurances" – literal translation sounds like "Memorandum on Security Assurances", in the Ukrainian version the name is translated exactly concerning guarantees, not assurances; thus, one should note that there is no mechanism for ensuring security and territorial integrity for the Ukrainian side as such [26]. The sole mechanism existing and prescribed in the Memorandum is consultations, the practice of which is insufficient for a precedent-setting response to aggression and encroachment by other signatory states.

Regarding the practice of convening consultations in response to Russia's territorial claims to Ukraine, for example, the British side expressed its willingness to perform the obligations prescribed in the memorandum. Thus, in 2014 a meeting of the signatories of the Memorandum was convened, in particular Ukraine, the United States, and the United Kingdom. The exception was the representative of Russia, who refused to attend the meeting [8]. The representative of the United States of America expressed willingness to comply with the assurances provided both collectively and individually by each of the parties to the treaty [15].

Thus, the Budapest Memorandum is an international legal agreement considered by the United Nations and certified by the relevant certificate of registration of March 2015 [27]. Considering the content of the Budapest Memorandum, which consists of several obligations undertaken by the signatories to the treaty, assurances of Ukraine's territorial integrity and independence, and of its security, it is appropriate to refer to the binding nature of the Memorandum and to certify its legal validity as an international legal document. An essential aspect, in the author's opinion, is the absence of any time limit in the Budapest Memorandum, i.e., there is an indefinite duration of the treaty, which signifies its permanent validity and the absence of a security guarantee period for the preservation of Ukraine's territorial integrity and sovereignty.

Discussion

The subject of nuclear disarmament in Ukraine is rather interesting and is the subject of research in the works of several authors and scientists. Such considerations should be examined to compare the results with the achievements of others.

For example, in the study "Ukrainian-American relations at the end of the 20th and beginning of the 21st centuries", S. Lyaskovets identifies the fundamental documents which established the beginning of Ukrainian-American diplomatic relations against the background of nuclear disarmament of Ukraine. In particular, according to the author, such documents are The Agreement on Providing Assistance for the Elimination of Nuclear Strategic Weapons, which included a protocol agreed between the Ukrainian and US Ministries of Defence, which defined the material and technical base that was required to perform the relevant disarmament, and personnel, services, etc. In addition, it is interesting to consider that with the removal of the nuclear threat from Ukraine, the United States further developed alternative ways of cooperation with the Ukrainian state, in particular the US interest in investing in and promoting trade with Ukraine [28].

Similar considerations have R. Kharytonov in his work "International Legal Aspect of Relations between Ukraine and the United States (1991-1994)". He notes that since Ukraine's independence, the United States has not only been unwilling to establish strong diplomatic relations with the new state but has pressured Ukraine to acquire nuclear-free status. The author argues that considering Ukraine's desire for recognition of its independence and autonomy by the US, its concessions to agree to nuclear-free status were quite logical. This particular circumstance guaranteed the absence of global isolation of Ukraine and the stability of the economy [3].

Thus, the development of Ukrainian-American relations largely depended on Ukraine's refusal to be a nuclear power. The main adverse consequences of such a refusal could be economic sanctions, global isolation, non-recognition of independence by several countries, including the United States, etc.

Interesting thoughts on the Budapest Memorandum as a consequence of the nuclear disarmament of Ukraine were expressed by the American author D. Yost. In particular, he indicates the inefficiency of the document based on the events of 2014, which resulted in the annexation of Crimea and became a gross violation of those security guarantees to Ukraine in exchange for its nuclear-free status. In addition, D. Yost notes that insufficient safeguards by signatory states could result in non-nuclear weapon states developing and implementing national strategies to develop nuclear weapons, which would significantly contribute to shifts in the current international order. Such opinions are conditioned by the absence of authority of the Budapest Memorandum as an international document that should guarantee Ukraine's security and territorial integrity [29].

The so-called "inauthenticity" of the international agreement signed by the United States, Russia, the United

Kingdom, and Ukraine is reflected in the absence of a coordinated system of response by the guarantor states to attempts to infringe on the territorial integrity of Ukraine, its sovereignty and independence. The Memorandum provides only for consultation meetings, which do not provide significant results.

Another American author T. Grant, in "The Budapest Memorandum of 5 December 1994: Political Participation or Legal Obligation?", examines the question of the legal nature of the Budapest Memorandum. In his opinion, the nature of those security guarantees provided by the signatory states is a legal obligation, not the assurance of respect for the integrity and independence of Ukraine. But the author has some doubts about the seriousness of the defence guarantees provided by countries, in particular by the United States of America. The argument for these doubts is the absence of domestic ratification of a treaty granting guarantees of territorial integrity to another state, and the absence of a detailed description and specifying a mechanism for responding to territorial claims against a Ukrainian state [30].

Quite an essential work on nuclear disarmament of Ukraine is the study of P. Gai-Nyzhnyk "Budapest Memorandum: Prerequisites and Consequences of (Non)Guarantee of National Security of Ukraine". The author notes that after Ukraine acquired independence, about 15% of all nuclear weapons in the world were concentrated on its territory [31]. The core strike weapon with this nuclear capability was 46 solid-propellant intercontinental ballistic missiles with a range of 10,000 kilometres [31]. The presence of such weapons provided a pretext for allegations of Ukraine's violation of the Treaty on the Non-Proliferation of Nuclear Weapons and gave reason for pressure on Ukraine by Russia and the United States of America. P. Gai-Nyzhnyk underlines the main prerequisite for Ukraine's nuclear-free status and the signing of the Budapest Memorandum, which is uncertainty on the Ukrainian side about security guarantees and in what form they should be provided to Ukraine. It, in the author's opinion, was the mistake of the Ukrainian authorities and conditioned the signing of a treaty that lacked a mechanism for responding to aggression by other countries against Ukraine. Another prerequisite, according to the researcher, is the US refusal to support independent countries with nuclear capabilities, thus Ukraine had to obtain nuclear-free status for such recognition [31].

Similar prerequisites are presented in study V. Myronenko's "Features of the development and transition to denuclearisation of the Ukrainian nuclear missile program". Thus, the author quotes the arguments concerning the main reason for Ukraine's acquiring nuclear status and for signing the Budapest Memorandum, which was the acquisition of independence by the Ukrainian state and other post-Soviet countries, which prompted the introduction of an independent policy and is an equal subject on the world stage. In the opinion of V. Mironenko, the nuclear capabilities that were available in the successor states to the USSR were designed to destabilise the United States, which is why the US authorities expressed clear conditions, the performance of which allowed access to the Ukrainian-American partnership. Thus, the acquisition of a nuclear-free

status for Ukraine was a priority of US foreign policy, and a condition for the opening of diplomatic relations between the Ukrainian and US authorities, a pledge of recognition of Ukraine's independence and financial support [32].

Author L. Shachkovskaya, in her research "Prerequisites for signing the Budapest Memorandum and security guarantees for Ukraine", identifies the following prerequisites for signing the relevant memorandum: Ukraine's possession of the world's third-largest nuclear capability, which significantly influenced the geopolitical situation; the signing of the Lisbon Protocol between the US, Ukraine, Russia, Belarus, and Kazakhstan, which opened the way for gradual reduction of strategic and offensive weapons; and accession to the Treaty on Non-Proliferation of Nuclear Weapons, which provided an essential condition for the development of Ukraine. In addition, the researcher notes that the entire process of nuclear disarmament in Ukraine was completed in 1996, and the last missile launcher for SS-24 was already destroyed in 2001 [4].

Thus, when analysing the considerations of other authors and researchers and combining them with the results obtained, it is reasonable to identify the following preconditions for the signing of the Budapest Memorandum in the context of Ukrainian-American relations: Ukraine's independence and possession of the world's third-largest nuclear capability; the adoption of the Declaration on State Sovereignty, which proclaimed that Ukraine is nuclear-free; the threat of economic sanctions and global isolation with the assistance of the United States; pressure from the US and the absence of diplomatic relations development with Ukraine's nuclear capabilities; Ukraine's signature of the Lisbon Protocol of 1992 [16]; accession to the Treaty on the Non-Proliferation of Nuclear Weapons with financial support from the United States [21]. As a result, these preconditions became crucial on the way to the signing of the Budapest Memorandum by Ukraine.

First of all, the signing of such an international treaty was strategically significant in the context of the recognition of Ukraine as an equal actor in the international arena. In addition, Ukraine's rejection of nuclear weapons prompted the strengthening of the regime that was introduced as a result of the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons. Ukraine's nuclear-weapon-free status has opened the door to economic assistance from the United States, which allowed for crucial reforms at home, integration into international financial institutions, and the maintenance of economic stability in the country. US support has been crucial in separating the Ukrainian state from Russian influence.

The signing of the Budapest Memorandum allowed obtaining of security guarantees from such states as the United States, Great Britain, and Russia. The determining issue is their efficiency, which, as recent geopolitical events demonstrate, is not crucial in the context of ensuring the territorial integrity of Ukraine.

Conclusions

As a result of the research, the main events in the state life of Ukraine, which were the main prerequisites that prompted the country to sign the Budapest Memorandum,

were analysed. Significant in this aspect is the influence of the United States of America, which was designed to convince Ukraine to acquire the status of a non-nuclear state in exchange for security guarantees and financial support. In addition, the presence of nuclear weapons in Ukraine would hamper the development of Ukrainian-American diplomatic relations, trade between the respective states, and cooperation on economic, social, and other levels.

International isolation, economic sanctions, and the country's lack of development were the main constraints that prevented Ukraine from continuing to be a nuclear power with the world's third-largest stockpile of nuclear weapons. India, Pakistan, and other countries were suspended from trade in the international arena in a similar manner. According to the data, almost 15% of the total nuclear potential belonged to Ukraine. In addition, the USA, Russia, France, etc. are nuclear powers. It was through security

guarantees from these countries that Ukraine signed the Budapest Memorandum in exchange for renouncing nuclear weapons. The main guarantees in the Memorandum are respected for Ukraine's territorial integrity, sovereignty, commitment to respond to armed aggression against Ukraine, and obligation to convene consultations as a consequence of such aggression. The study identified the inefficiency of these assurances from Ukraine's security guarantor states due to the lack of a detailed mechanism for responding to actions against the state's territorial integrity and independence.

The study of nuclear disarmament in Ukraine is not restricted exclusively to this subject. The following studies should be devoted to clarifying the legal nature of the Budapest Memorandum, the question of the binding nature of the obligations of the Memorandum against the threat to the territorial integrity of Ukraine, and the possibilities for Ukraine to restore its nuclear status.

References

- [1] Steshenko, V.M. (2016). International legal characteristics of the Budapest Memorandum of 1994. *Legal Scientific Electronic Journal*, 6, 251-254.
- [2] Haines, J.R. (2014). Ukraine and the misunderstood Budapest memorandum. *E-notes Foreign Policy Research Institute*, 3, 3-4.
- [3] Shachkovska, L.S. (2018). Prerequisites for signing the Budapest Memorandum and security guarantees for Ukraine. *Policy Researches*, 5, 5-7.
- [4] Kharitonov, R.F. (2021). The international legal aspect of relations between Ukraine and the USA (1991-1994). *Scientific Journal of the National Pedagogical University named after M.P. Drahomanova. Series 18 "Economics and Law"*, 36, 81-88.
- [5] Meyer, P.A. (2019). Empty promises: The denuclearization of Ukraine and its effects twenty years later. *IJOIS*, 5(1), 49-55.
- [6] Seredyuk, N. (2017). Ukraine-USA strategic partnership. *Journal of International Relations of KNU*, 46, 34-38.
- [7] Plokhyy, S. (2019). *The last empire. Decline and collapse of the Soviet Union*. Kharkiv: Family Leisure Club.
- [8] Shymanska, A. (2020). Rethinking the Budapest Memorandum from the perspective of Ukrainian-Russian relations in the Post-Soviet period. *Central European Journal of International & Security Studies*, 14(4), 29-50.
- [9] Declaration No. 55-XII "On State Sovereignty of Ukraine". (1990, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/55-12#Text>.
- [10] Resolution of the Verkhovna Rada of Ukraine No. 2411-VI "On the Main Directions of Ukraine's Foreign Policy". (1993, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/3360-12#Text>.
- [11] Kostenko, Yu. (2020). Ukraine's nuclear disarmament: A history. *Harvard University Press, Harvard Ukrainian Research Institute*. doi: 10.2307/j.ctv2d8qwm2.
- [12] Plokhyy, S., & Sarotte, M.E. (2020). The shoals of Ukraine: Where American illusions and great-power politics collide. *Foreign Affairs*. Retrieved from <https://www.foreignaffairs.com/articles/united-states/2019-11-22/shoals-ukraine>.
- [13] Frantsuz, A. (2020). Central and Eastern Europe: The globalization process, and hybrid threats, viewed through political and legal aspects. *Ukrainian Policymaker*, 6(6), 24-31.
- [14] Arbadgi, Y.I. (2019). Russian annexation of Crimea: A five-year-old lighter. *Epistemological studies in Philosophy, Social and Political Sciences*, 2(1), 30-48.
- [15] State Protocol No. 3624-XII "On Treaty Between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Weapons". (1992, May). Retrieved from https://zakon.rada.gov.ua/laws/show/998_070#Text.
- [16] State Protocol No. 3624-XII "On Treaty Between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Armaments, 1991". (1993, November). Retrieved from https://zakon.rada.gov.ua/laws/show/840_050#Text.
- [17] Haesebrouck, T., & Taghon, S. (2022). Russia's invasion in Ukraine: What happened before? *Ghent Institute for International and European Studies*. Retrieved from https://www.ugent.be/ps/politiekewetenschappen/gies/en/research/publications/gies_papers/2022-ukraine/russias-invasion-in-ukraine-what-happened-before.
- [18] State Treaty No. 643_082 "On Agreement Between Ukraine and the Russian Federation on the Step-By-Step Settlement of the Problems of the Black Sea Fleet". (1994, April). Retrieved from https://zakon.rada.gov.ua/-laws/show/643_128#Text.
- [19] Krupenya, I.M. (2019). The 1994 Budapest Memorandum: A test for the rule of law. *Hileya: Scientific Bulletin*, 141(2(3)), 39-42.
- [20] State Treaty No. 248/94-BP "On the Non-Proliferation of Nuclear Weapons". (1968, July). Retrieved from https://zakon.rada.gov.ua/laws/show/995_098#Text.

- [21] Joint Statement No. 840_112 "On the Development of Friendship and Partnership Between Ukraine and the United States of America". (1994, March). Retrieved from https://zakon.rada.gov.ua/laws/show/-840_112#Text.
- [22] Charter No. 840_015 "On Ukrainian-American partnership, friendship and cooperation". (1994, November). Retrieved from https://zakon.rada.gov.ua/laws/show/840_015#Text.
- [23] Kang, P. (2022). Insincere negotiations: How negotiators can misrepresent their objectives to exploit counterparts during and after negotiations. *Current Opinion in Psychology*, 5, 101-409.
- [24] Memorandum No. 998_158 "On Security Guarantees in Connection with the Accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons". (1994, December). Retrieved from https://zakon.rada.gov.ua/laws/show/998_158#Text.
- [25] Gale, R.P. (2022). The Russian invasion of Ukraine: Implications for haematologists. *British Journal of Haematology*, 197(6), 791-792.
- [26] Cooley, A. (2019). Ordering Eurasia: The rise and decline of liberal internationalism in the post-communist space. *Security Studies*, 28(3), 588-613.
- [27] Lyaskovets, S. (2022). *Ukrainian-American relations at the end of the 20th – beginning of the 21st century*. Retrieved from <http://naukskf.wunu.edu.ua/index.php/npsgf/article/view/213>.
- [28] Yost, D.S. (2015). The Budapest Memorandum and Russia's intervention in Ukraine. *International Affairs*, 91(3), 505-538.
- [29] Grant, T.D. (2014). The Budapest Memorandum of 5 December 1994: Political engagement or legal obligation? *Polish Yearbook of International Law*, 34, 89-114.
- [30] Gai-Nyzhnyk, P.P. (2016). The Budapest Memorandum: Prerequisites and consequences of (non)guarantees of Ukraine's national security. *Hileya: Scientific Bulletin*, 114, 366-378.
- [31] Myronenko, V. (2021). Peculiarities of the formation and transition to denuclearization of the Ukrainian missile and nuclear program. *Scientific and Theoretical Almanac Grani*, 24(12), 51-57.

Остап Сернеда

Донецький національний університет імені Василя Стуса
21021, вул. 600-річчя, 21, м. Вінниця, Україна

Алекс Цаммер

Аризонський університет
85721, Тусон, Аризона, Сполучені Штати

Передумови підписання Будапештського меморандуму 1994 р. в контексті українсько-американських відносин

Анотація. Будапештський меморандум є однією з багатьох міжнародних гарантій територіальної цілісності України. Саме тому дослідження цього договору виявилось актуальним та необхідним не лише в контексті українсько-американських відносин, але й в контексті сучасних подій, пов'язаних із загрозою територіальній цілісності України. Метою науково-дослідної роботи поставало дослідження розвитку українсько-американських відносин на тлі ядерного роззброєння України. Також необхідним було з'ясування основних передумов, що стали каталізаторами підписання Будапештського меморандуму. Основними методами, що були використані при написанні роботи є: історичний, термінологічний, статистичний метод наукового пізнання, системний та інші. У результаті проведення науково-дослідної роботи за вказаною тематикою було окреслено низку подій, що стали причинами підписання Будапештського меморандуму, з'ясовано співвідношення між розвитком та покращенням українсько-американських відносин і підписанням відповідної міжнародної угоди. Також було досліджено питання впливу Сполучених Штатів Америки на ядерне роззброєння України. Приділена увага і питанню гарантій та запевнень держав-підписантів щодо територіальної цілісності України та обов'язковості їх виконання. У науково-дослідній роботі також були наведені й деякі статистичні дані щодо ядерного потенціалу України як третьої ядерної держави світу після США та Російської Федерації. Були окреслені наслідки підписання Меморандуму та його безпосередня дія в контексті зазіхань на територіальну цілісність України. Результати науково-дослідної праці можуть бути використані в подальших дослідженнях істориками, правознавцями та іншими авторами як всеосяжне дослідження американсько-українських відносин в умовах ядерного роззброєння української держави

Ключові слова: ядерне роззброєння, міжнародні договори, ядерний потенціал, Договір про нерозповсюдження ядерної зброї, територіальна цілісність, гарантії безпеки