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50 years of the Helsinki process and the 30th anniversary of the Budapest “guarantees”: The prospects for a new world order

Continuity of the Helsinki principles in the formation of a new world order. The 1st of August 2025 was the 50th anniversary of the signing in Helsinki (Republic of Finland), which was a landmark event in the political and security history not only of the European continent but also of the entire world, initiating the Helsinki Process and a system of international principles of coexistence. For decades to come, the rules and norms of behaviour in all spheres of human activity (international politics and military-political security, economy, environment and practical cooperation between countries and organisations, humanitarian sphere and human and minority rights in the broadest sense of these concepts) and the obligations of countries to each other and within international organisations throughout the European region were defined. The signing of this document was preceded by several years of negotiations by hundreds of diplomats, politicians and leaders from 35 countries in Europe, the USSR, the US and Canada. During the Cold War, which had been going on for more than a quarter of a century, the principal negotiators were the USSR and the USA, as well as their partner countries and satellites, which did not determine the content of the documents concluded, but played the role of stakeholders and ardent supporters of their patrons, the two main great powers, the geopolitical poles of the global bipolar system of international relations at that time. The main negotiating motivation of the USSR and its Eastern European satellites was to ensure their territorial integrity and legal fixation of the borders formed after the World War II. The most important motivation of the United States and most other democratic Western countries was to achieve commitments from the socialist countries of Eastern Europe, and especially the Soviet Union, to respect the human rights and fundamental freedoms of their citizens. There has been a revolutionary geopolitical shift in European security. It was believed that the period of prolonged confrontation was over, and that a new stage of international relations had begun, characterised by a

defusion of tensions. The Act bridged the split and defused military and political tensions in Europe and the world. The development of the Helsinki process from 1975 to 1990 largely ensured the fall of the Eastern bloc of socialist countries (Organization for Security and Co-operation in Europe, 1975). As a result of fundamental geopolitical changes, the military and political confrontation between the East and the West, which had been going on since World War II and threatened to escalate into World War III, which could have gone nuclear, was coming to an end.

The logical continuation of the Helsinki process, which began in the mid-1970s in the capital of a neutral Baltic state, was the formation of the largest and most extensive regional security intergovernmental organisation, the Organization for Security and Co-operation in Europe (OSCE). Over half a century of its existence (first as the CSCE, and since December 1994 as the OSCE), the Organisation has developed dozens of important political and legal documents, instruments and methodologies for the prevention, management, resolution and settlement of armed, military, political and security conflicts and tensions, as well as conflicts caused by economic and environmental problems, in particular, shortages and disputes over resources, including water. In addition to the existing main governing and working intergovernmental bodies (the Council of Heads of State and Government, the Council of Foreign Ministers, the Permanent Council of Ambassadors, the Forum for Security Co-operation), several important independent functional specialised institutions have been established within the OSCE (the Secretariat with an extensive system of departments, the Secretary General, the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media). The OSCE field missions in individual countries are important working field bodies in the OSCE region, which are prone to conflicts and aim to directly resolve them on the ground. These governing and working instruments of the OSCE

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have demonstrated their functionality and effectiveness over the course of their operation, although they have sometimes been subjected to merciless criticism. In the real political world, there is nothing that is beyond criticism or does not deserve it in one way or another. Nothing is perfect, especially regarding peace and global security. A certain ineffectiveness and even falsity of such organisations as the OSCE is inherent in the very basic principles of their activities, in the consensus mechanism for deciding. All so-called consensus organisations have the disadvantage that each member state, at its discretion, based on its national interests, can block (veto) any decision that is important for peace and security in the entire OSCE region. However, there are certain differences in the implementation of the consensus principle in different international organisations. Thus, in the UN, this principle is implemented through the more complex principle of the “veto right” to decision-making, which is reserved for only 5 UN member states, while all other 188 member states do not have this blocking right. In the OSCE itself and in other similar organisations, the principle of consensus is that all decisions are taken collegially, by all countries unanimously, and each country has personal blocking vote. At the same time, there were times when the OSCE considered certain exceptions to this principle, when “consensus minus one” and “consensus minus two” were applied, but such deviations did not become the norm. There were attempts to use them in resolving conflicts in the former Yugoslavia and the conflict over Nagorno-Karabakh. Thus, certain precedents have already been set. But can they be applied to large countries that are permanent members of the UN Security Council? So far, this is an untested situation and hardly one that can be successfully implemented quickly in the foreseeable future.

The current geopolitical situation is characterised by Russian destruction of the Yalta-Potsdam and Helsinki orders through aggression against Ukraine, escalating conflicts within the North Atlantic Partnership, the rise of right-wing and left-wing populism in the West, and unpredictable actions by the newly elected 47th President of the United States. In the context of the rapid rise of authoritarian China, the need to reform leading international organisations, including revising the very principle of decision-making in them, is becoming increasingly apparent. For at least the last three decades, possible options for such reform have been considered, especially for the UN. All of them mainly relate to the reform of the Security Council, changing (increasing) the number of its permanent members, introducing an additional group of large countries and granting them an additional intermediate status different from “permanent” and “non-permanent” members. The discussions continue, but this has little impact on the stalemate that has developed in Europe and the world as a result of Russian aggression and military invasion of Ukraine, with the factual and declared intention of destroying Ukrainian statehood, the Ukrainian nation as such, and the Ukrainian people themselves, who, according to the Kremlin dictator, simply do not exist. Those in Ukraine who actively deny this delusion (i.e., fight with Putin’s army), according to the champions of the “Russian world”, must be destroyed, while others who passively disagree are isolated and re-educated in concentration camps

based on the former “Gulag”, which is gradually emptying as hundreds of thousands of Russian prisoners liberate the camp system to wage a “holy war against the Ukrainian Nazis”, “winning” a place in paradise when their opponents, as the dictator declared, should “just die”. Emptying, the camps in Siberia are ready to receive recalcitrant Ukrainians who do not want to lose their identity in submission to a dictator who does not give up on completing genocidal plans for the Ukrainian people. In the current situation on the frontlines of the Russian-Ukrainian war, as well as in the whole world, when a new global “axis of evil” is gradually forming as part of a group of revisionist countries (Russia, Iran, the DPRK and the neighbouring PRC, partly the BRICS, CSTO and SCO), when even the flagship of the liberal democratic world, the United States, is now striking the world with unpredictable authoritarian and exotic ideas that are far from fair, it is highly necessary to continue attempts to form a new just world order, since the old one, formed in Helsinki 50 years ago through the persistent efforts of revisionist regimes, primarily the Russian one, is bursting at the seams and needs immediate reform. This requires the continued efforts of the democratic countries of the world, which still value world peace and an international legal order based on clear rules and regulations. In the author’s opinion, the deviations from these norms and rules observed since mid-February 2025 in the behaviour and rhetoric of the US leadership should be considered temporary deviations in the policy of the flagship of the liberal democratic world, due to the lack of professional awareness of geopolitics and the authoritarian mentality of the newly elected US president, who, due to professional business experience, considers international politics as a real estate business project. The number of dollars earned should not outweigh collective moral values, international reputation and historical perspective. The United States is a strong, stable democracy with set, time-honoured traditions and a huge, highly professional apparatus of specialist officials who must explain their mistakes to the ignorant and stop the authoritarian whims of businessmen-developers who possess no knowledge of how society is run. As for building a more perfect and adequate world order for the new geopolitical situation, given that the old-world order has changed its shape, a comprehensive approach is needed that would incorporate previous world experience, theoretical principles and practical developments within existing international organisations such as the UN and the OSCE. A new regional and global security architecture does not need to be created from scratch. There is no need to follow the old Bolshevik principle of “we will destroy the old world to the ground and then build a new world”. The 80 years of experience of the UN and 50 years of experience of the OSCE and other regional and security organisations in the world should be carefully analysed, best practices studied, adjustments made, and the smooth integrated functioning of the new extensive security system ensured. Such a system may become more complex to operate, but more reliable and fairer in addressing specific complex security challenges. The new system should be guided by a set of principles that have been proven in international practice, as well as some new norms and principles that are relevant to the current geopolitical situation. One of these new

principles should be a consensus that the last empire on planet Earth, the evil empire of Russia, should “meet the maker” for the sake of global peace, security, stability and prosperity: “*Imperium delendam esse!*” (Latin: “*The empire must be destroyed!*”).

Conditions for Ukraine’s accession to the Treaty on the Non-Proliferation of nuclear weapons (NPT).

After the collapse of the Soviet Union in 1991, Ukraine inherited the world’s third-largest nuclear arsenal after Russia and the United States. However, in January 1994, in a trilateral statement by the presidents of Ukraine, Russia and the United States, Ukraine officially confirmed its commitment to complete nuclear disarmament. In 1994, Ukraine joined the NPT as a non-nuclear state and, after transferring its nuclear warheads to Russia for disposal, destroyed its nuclear potential in 1996. At the time of the collapse of the USSR, Ukraine had a nuclear arsenal consisting of approximately 1,900 strategic nuclear warheads and 2,500 tactical nuclear weapons. Its arsenal included intercontinental ballistic missiles: 130 SS-19s and 46 SS-24s, as well as 25 Tu-95s and 19 Tu-160s strategic bombers capable of carrying cruise missiles with nuclear warheads. It is symbolic and incredibly cynical that these former Ukrainian aircraft, voluntarily transferred to Russia following international agreements with the best intentions for global security, are now being used to commit acts of aggression against Ukraine, killing peaceful Ukrainians and destroying civilian infrastructure. In the summer of 1993, the concept of the Trilateral Agreement between Ukraine, Russia and the United States, which finally took the form of a Presidential Statement, sparked extensive discussions among the parties. From these discussions, American negotiators concluded that Ukraine would be ready to ratify the Strategic Offensive Arms Treaty (START) and join the NPT as a non-nuclear state in exchange for guarantees of security, territorial integrity and inviolability of borders, and appropriate financial compensation for completing nuclear disarmament. On 18 November 1993, the Verkhovna Rada of Ukraine voted to ratify the START Treaty, but set 13 additional conditions. These conditions included security guarantees, financial assistance for disposal, compensation for tactical nuclear weapons already sent to Russia, and recognition that only 36% of launchers and 42% of warheads on Ukrainian territory were subject to elimination. This Council Resolution was sharply criticised by the United States at the time and provoked corresponding threats from Russia. The world’s two most capable nuclear powers pressured Ukraine, expecting it to unquestioningly comply with their wishes, and were unexpectedly confused or even angered by Ukraine’s bold attempts to assert its legal personality and legal capacity. Negotiations on the Trilateral Presidential Statement began in December 1993 and were completed in mid-January 1994. Under these agreements, Ukraine agreed to renounce nuclear weapons in exchange for security guarantees, financial compensation, and the approval of a denuclearisation implementation schedule. Although the content of the Declaration did not meet all the preconditions set by the Verkhovna Rada, the latter agreed to begin the ratification process in February 1994 and effectively approved Ukraine’s accession to the NPT in November 1994,

ahead of the Budapest Memorandum of 5 December 1994 providing the relevant guarantees of independence and territorial integrity. Ukraine completed the transfer of nuclear warheads to Russia by 21 May 1996. By January 2002, all strategic bombers on Ukrainian territory had been dismantled, transferred to Russia, or converted for non-military use; all intercontinental ballistic missiles (ICBMs) were dismantled or awaiting disassembly, and all ICBM launchers were destroyed. In total, Ukraine received more than 500 million USD in US financial assistance for disposal under the Nunn-Lugar Programme to reduce the threat posed by weapons of mass destruction (United Nations, 1994). Despite the strategic importance of these agreements, Ukraine effectively renounced its nuclear status under serious pressure from the international community. However, the security guarantees and financial assistance received proved to be disproportionate to the scale of the concessions made. Subsequent developments proved the illusory nature of the assurances given by the major powers and Ukraine’s vulnerability in the system of international relations.

11 years of Russian aggression VERSUS 30 years of empty “guarantees”. December 5, 2024, marked the 30th anniversary of the signing of the Budapest Memorandum by the leaders of Ukraine, Great Britain, Russia and the United States (L. Kuchma, J. Major, B. Yeltsin, B. Clinton) the 1994 Budapest Memorandum on Security Assurances in Connection with Ukraine’s Accession to the Treaty on the Non-Proliferation of nuclear weapons (NPT, 1968). The two other nuclear powers and permanent members of the UN Security Council, China and France, officially expressed similar guarantees to Ukraine in the form of relevant statements (Statement of the Government of the People’s Republic of China on 4 December 1994 and Declaration of France with an accompanying letter from President François Mitterrand on 5 December 1994), although they did not formally sign the Budapest Memorandum. The main difference between these statements and the content of the Memorandum is the absence of a clause on mandatory consultations in the event of situations arising that relate to violations of these commitments. Ukraine, for its part, undertook to remove all nuclear weapons from its territory, and consistently fulfilled this obligation over the next two years. Moreover, tactical nuclear weapons were withdrawn from Ukraine back in 1992, two years before Ukraine made its commitments, and without any commitments or guarantees from the nuclear powers. In fact, this was done unilaterally, on the orders and under the supervision of the Russian military leadership, without any control from the Ukrainian side. Is it possible, more than 30 years later, to find those responsible for all the criminal military and political negligence and mismanagement, the helplessness of the early years of Ukrainian independence? This question remains rhetorical. Unfortunately, all that unprofessionalism, unpredictability, official negligence and carelessness, and perhaps even outright betrayal and corruption, led in 2022 to the tragedy of Ukrainian statehood, questioning the preservation of Ukraine as a nation and Ukrainians as a people. It is symbolic that the “anniversary” of the 2014 Budapest Memorandum (20 years since its signing) became the year of the beginning of Russian military aggression

(the occupation and attempts to annex Crimea, the start of military operations in Donbas), the collapse and destruction of the international “guarantees/assurances” laid down in this unique and substantial, but underestimated, international legal document. Marking the 30th anniversary of the alleged “guarantees” given to Ukraine in December 2024, already 11 full years of Russian aggression and more than three years of full-scale military invasion have passed, which in terms of its duration, destructive consequences, number of victims, and length of the front line, is approaching the parameters of the “Great Patriotic War of the Soviet people”, or World War II for the rest of the world. For the past 30 years, representatives of the guarantor countries have tirelessly devised excuses to explain why the Budapest Memorandum is allegedly not a binding international legal agreement guaranteeing Ukraine’s independence, territorial integrity and inviolability of borders. In 2014–2015, the author conducted scientific research, which resulted in a whole series of proofs that the Budapest Memorandum is a valid international legal treaty, binding on the signatory parties (the “guarantors” of Ukraine’s independence and inviolability of its borders). First and foremost, this applies to Russia, the main violator of the Budapest “guarantees”. Below is a summary of the most compelling arguments expressed by the author in the publications.

Among the above-mentioned guarantees/obligations of the nuclear powers to Ukraine are the following: respect the independence, sovereignty and existing borders of Ukraine; refrain from the threat or use of force against the territorial integrity and political independence of Ukraine and that no weapons will ever be used against it except in self-defence...; refrain from economic coercion, etc. These international guarantees were destroyed by one of the “guarantors”, Russia, at the end of February and in March 2014 with the military occupation of the Crimean Peninsula and subsequent aggression in Donbas, and even more boldly after the full-scale military invasion on 24 February 2022. The other Budapest “guarantors”, the United Kingdom, the United States, France, and the People’s Republic of China, formally did not actively respond to Russian crimes, did not use any forceful measures in response to Russian aggression, and distanced from their obligations under the Memorandum, failing or refusing to counter and prevent aggression, limiting themselves to “concerns/worries” and empty calls for “an end to aggression”, or did not want to counteract and prevent the aggression, limiting to “concerns/worries” and empty calls to “stop the aggression”. Further military-technical and political support for Ukraine in its confrontation with the aggressor, although it was and remains essential for Ukraine, does not fully resolve the issues of ending the war and punishing the aggressor, restoring the territorial integrity and legally recognised borders of Ukraine (Lossovsky & Kopyl, 2015). Developments after 2014, and especially the invasion of 2022, have demonstrated the inadequacy of international legal mechanisms in cases where the guarantor state itself violates its obligations and resorts to aggression. In this sense, the Budapest Memorandum is more of a political declaration without effective implementation mechanisms than an effective tool for ensuring international security.

Russia’s escalation of the Crimean-Black Sea crisis. The fact that Russia does not intend to honour obligations to respect Ukraine’s territorial integrity and inviolability of borders became evident in the early years of Ukrainian independence, when, as early as 1992, the “Crimean card” was used, and pressure was exerted on Ukraine regarding the distribution of the Black Sea Fleet (BSF) of the USSR Navy. In 1992–1994, the so-called Crimean crisis or “Cold War over Crimea” occurred, involving political tensions surrounding the Crimean Peninsula and the division of the Black Sea Fleet between Ukraine and Russia, which escalated into a Russian attempt to establish complete control over the peninsula. After Ukraine declared independence on 24 August 1991, the Soviet Black Sea Fleet came under Ukrainian control based on territorial affiliation, and the main base of the Black Sea Fleet in Sevastopol, together with Crimea, became part of independent Ukraine. Following the resolution of the Verkhovna Rada of Ukraine “On Military Formations in Ukraine”, adopted on the same day, all military formations stationed on its territory were subordinated to Ukraine. In October 1991, the Verkhovna Rada adopted a decision to transfer the Black Sea Fleet to Ukraine. Active contradictions between the two countries over Crimea began as early as 1992. Russia significantly impeded the transfer of the Black Sea Fleet to Ukraine’s control, using provocative, forceful measures bordering on armed confrontation. There was a series of incidents involving the navies and armed forces of the two countries. Accusing Ukraine of appropriating the Black Sea Fleet, Russia provoked the process of separating Crimea from Ukraine by distributing Russian passports to employees of Black Sea Fleet facilities and conducting an anti-Ukrainian information war throughout the territory of the Autonomous Republic of Crimea. According to an active eyewitness and participant in those events, the then mayor of Sevastopol, V. Semenov, addressing the study author, Soviet Black Sea Fleet Commander Admiral I. Kasatonov (Commander of the Black Sea Fleet of the USSR and Russia (1991–1992), 1st Deputy Commander-in-Chief of the Russian Navy (1992–1999), who was ready to swear allegiance to Ukraine along with the entire fleet, was already knocking on the door of the office of the first President of Ukraine at that time, but L. Kravchuk did not deem it necessary to meet with admiral.

Due to growing tensions between Ukraine and Russia over Crimea, at the request of the Ukrainian leadership, on 24 November 1994, following a decision by the OSCE Permanent Council on 15 June 1994, the OSCE Mission to Ukraine was deployed, which operated from 1994 to 1998 to resolve the crisis between the Ukrainian government and the authorities of the Autonomous Republic of Crimea. In 1999, the Mission completed its duties, fulfilling its mandate. This was the first time in the history of the OSCE that an OSCE field operation had ceased to exist precisely because it had successfully fulfilled its tasks. In January 1994, Y. Meshkov, the pro-Russian “president” of Crimea, who was illegitimate under Ukrainian law, called on Russia to incorporate the peninsula into its territory. The then leadership of Ukraine responded quite decisively, compared to the later treacherous pacifist inaction in February–March 2014, by sending about 60,000 National Guard and border troops to Crimea, after which the political situation stabilised. However, Ukraine still

succumbed to Russian pressure, and on 10 June 1994, the parties agreed on an unequal division of the Black Sea Fleet: 18.3% of the ships went to Ukraine and 81.7% to Russia. From the very beginning of the conclusion of the Budapest Memorandum on 5 December 1994, the Russian Federation constantly violated it: first of all, when it exerted economic pressure on Ukraine, in particular, regarding energy supplies to Ukraine, the introduction of unjustified restrictions on Ukrainian exports of certain types of agricultural and other products; when it interfered in the political and economic activities on the peninsula at the state level and at the Moscow's mayor's office level. There were also frequent attempts at diplomatic provocation by Russia within the UN regarding Ukraine's sovereignty and the status of the Autonomous Republic of Crimea. At the end of 2003, in connection with events surrounding the Ukrainian island of Tuzla in the Kerch Strait, this permanent aggressive pressure from Russia escalated. The conflict, provoked by Russia using traditional methods of hybrid warfare, aimed to pressure Ukraine regarding the delimitation of the border in the Kerch Strait and the Sea of Azov. Russia demanded joint use of the Azov-Kerch water area and agreed to establish a border with Ukraine only on the seabed, but not on the sea surface. The conflict then almost escalated into a military confrontation. Ukrainian President L. Kuchma was forced to interrupt the visit to South American countries and return to Ukraine to personally resolve the conflict. The Ukrainian Foreign Ministry had previously approached the American side with a proposal to hold urgent consultations, as provided for in Article 6 of the Budapest Memorandum. On 22 October 2003, the Verkhovna Rada of Ukraine held special parliamentary hearings on Ukrainian-Russian relations. Only after a personal conversation between President Kuchma and V. Putin, who at the time was still posing as a "pacifist" and democrat, was the conflict resolved, but, as history has shown, only temporarily. Russia and its aspiring dictator were just beginning to test the Ukrainian and international reaction to their aggressive expansionist intentions. After that, proposals from individual politicians and political scientists about the advisability of Ukraine restoring its nuclear status began to be voiced loudly. Although such statements were rare and seemed radical at the time, they were quite reasonable in view of future developments. At the same time, a broad discussion arose around the international legal status of the Budapest Memorandum. At that time, the author was working as Consul General of Ukraine in Toronto (2002-2006) and, at the request of a local television station in the Canadian province of Ontario, took part in a televised debate with the Consul General of Russia in Toronto, during which the Ukrainian representative already accused Russia of aggressive intentions to encroach on Ukraine's territorial integrity. At the same time, the Russian diplomat insisted that it was merely a case of careless economic self-activity on the part of the local authorities in the Krasnodar region of Russia.

Attempts to strengthen the guarantees of the Budapest Memorandum. Ukraine sought to strengthen the guarantees of its security and territorial integrity, albeit virtual ones, provided by the Budapest Memorandum. In 2009, on the eve of the 15th anniversary of the signing of the Memorandum, there was a discussion in the Ukrainian

parliament and among experts about the need to ratify it, give it the status of a "political and legal document", or adopt another document "of a binding nature to guarantee Ukraine's security". According to some Ukrainian politicians, such a document could alleviate the problem of Ukraine's membership in NATO. They insisted on the need to transform the Budapest Memorandum into a multilateral, legally binding international treaty, although, strictly defined, from an international legal point of view, it already qualified as such. The then President of Ukraine, V. Yushchenko, spoke in favour of Ukraine concluding bilateral binding security agreements with the guarantor countries to replace the Budapest Memorandum, similar to those that the United States has with Japan, South Korea, Israel, Australia and Taiwan. Each of these bilateral agreements has its specifics, but the level of guarantees they provide to each of the countries mentioned is fundamentally the same and may even exceed the level of NATO guarantees. At the same time, each of these countries, in cooperation primarily with the US and other partners, has significantly developed its military-industrial complex and has become a prominent global manufacturer and exporter of high-tech military products. In any case, Ukraine should adopt such a policy regardless of the international security guarantees it manages to obtain.

In continuation of these security efforts, in March 2010, the Verkhovna Rada issued an appeal to the five nuclear powers urging them to strengthen security guarantees for Ukraine, which voluntarily renounced nuclear weapons. In connection with the 15th anniversary of the Budapest Memorandum, official diplomatic correspondence between Ukraine and the guarantor countries was held at the highest level. The guarantors, primarily the United States and Russia, expressed their readiness at that time to confirm and strengthen the guarantees provided to Ukraine. Unfortunately, due to Ukraine's overly modest insistence, these proposals were not implemented and did not extend the scope of general political statements and vague intentions. Discussions, both academic and journalistic, on the significance and legal status of the Budapest Memorandum continue to this day. According to Ukrainian negotiators involved in drafting the text of the Memorandum, the Ukrainian delegation's strategy was to ensure that the final text was legally binding. At the same time, the partners' strategy was to emphasise the political nature of the guarantees. As a result, a compromise was reached in the form of an international legal agreement that establishes political and legal guarantees of Ukraine's independence, sovereignty and territorial integrity and sets out a specific, but not defined, mechanism for diplomatic protection in the event of their violation by the parties or external participants in the international process. The weakness of the guarantees provided to Ukraine by the nuclear powers is also evidenced by the fact that the English-language text of the Memorandum (title) uses the term "security assurances", which is weaker than "security guarantees". In the Ukrainian-language text of the Memorandum, as in the Russian-language text, the term "security guarantees" is used (United Nations, 1994).

According to one of the American participants in the negotiation process for the preparation of the Memorandum, former US Ambassador to Ukraine S. Pifer, during

the negotiations, the controversial issue was whether to use the term “guarantees” or “assurances”, since the former term is used to provide guarantees to NATO members, which entails certain military obligations, although these are not specified in detail in the text of the North Atlantic Treaty. However, at that time, the American administration was not ready to provide Ukraine with any military commitments. It was evident to the American participants that the Senate would not ratify a treaty with strict commitments. According to S. Pifer, the Budapest Memorandum was allegedly planned as a political agreement and provided for “unspecified assurances”, but not military guarantees. However, the parties to the Memorandum have obligations to respond, even if they are not obliged to use military force. The lack of a strong Western response to Russian aggression in 2014, according to the American diplomat, discredits Western security guarantees and negatively affects the stability of non-proliferation regimes. A similar position is shared by a growing majority of domestic and foreign researchers, especially after the full-scale military invasion of Ukraine on 24 February 2022.

International legal evidence of the validity of the Budapest Memorandum as an international treaty binding on all its parties. From the very beginning of Russian military aggression (spring 2014) and the annexation of Crimea, the Russian side has voiced “arguments” to “justify” the aggression, claiming that since the Budapest Memorandum was not ratified by any of the signatory parties, the document “did not go through the process of being given legal force through the relevant parliamentary procedures”, which gives Russia a “real legal excuse”. It allegedly has no relevant obligations, and the Budapest Memorandum itself can be considered legally null and void. Below is a series of arguments that completely refute these biased and false claims. The above “argument” does not support serious professional criticism, since, firstly, the final provisions of this document state that: “This memorandum shall enter into force upon signature” and therefore does not require any ratification. Following Part 4 of Article 15 of the Russian Constitution (dated 12 December 1993), if an international treaty of Russia establishes rules other than those provided for by the legislation of the country, the rules of the international treaty shall apply.

In addition, the procedure for concluding, executing and terminating international treaties of Russia is determined by the Russian Federal Law on International Treaties dated 15 July 1995. This Law applies to all international treaties of Russia, regardless of their type and name: treaty, agreement, convention, protocol, other types and names of treaties (paragraph 2 of Article 1). It also applies to international treaties to which Russia is a party as the successor state to the USSR (paragraph 3 of Article 1). Following Article 6 of the Law, the Russian consent to be bound by an international treaty may be expressed by signing the treaty, exchanging documents, ratification, approval, adoption, accession to the treaty, or any other means of expressing consent agreed upon by the parties (Federal Law of Russia No. 101-FZ..., 1995). This provision of the aforementioned Law is fully consistent with the provisions of the Vienna Convention on the Law of Treaties (signed in Vienna in 1969 and entered into force in 1980 (United Nations, 1969). Russia is a state party to this Convention as the successor (or continuation)

of the USSR, which acceded to the Convention in 1986. Thus, ratification is only one of many other ways of consenting to the binding nature of an international treaty, and if the document states that it enters into force upon signature, then evidently it does not require any other consent to its binding nature. In addition, according to paragraph 1 of Article 24 of the aforementioned Law: “international treaties shall enter into force for Russia in the manner and within the time limits provided for in the treaty or agreed between the parties”. A similar provision is also set out in the Vienna Convention on the Law of Treaties. The principles governing the conclusion of international treaties in the aforementioned Law are generally accepted and were used even before the Budapest Memorandum. Based on part four of Article 15 of the Constitution of the Russian Federation, generally accepted principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system. Even though, according to subparagraph “d” of Article 15 of the aforementioned Law, Russia’s international treaties on disarmament or international arms control, ensuring international peace and security (which can be considered to include the Budapest Memorandum) are subject to ratification, since the latter was signed earlier, than the Russian Law on International Treaties came into force, the aforementioned provision on the mandatory nature of ratification does not have retroactive effect (the principle of non-retroactivity of the law is enshrined, in particular, in part one of Article 54 of Russian Constitution) and, therefore, does not apply to the Budapest Memorandum. In addition, this Law does not provide for the application of its provisions to relations that arose before the date of its entry into force.

Certain comments by critics who, relying on the provisions of Part 2 of Article 7 of the Law of Ukraine “On International Treaties of Ukraine” dated 22 December 1993 No. 3767-XII (which was in force on the date of signing the Memorandum and until 3 August 2004), tend to believe that this international treaty was allegedly subject to ratification, can also be unequivocally and reasonably rejected, since the Memorandum, by its nature, does not relate to any of the types of treaties (and does not concern the relations to be regulated by them) specified in the exhaustive list in part two of Article 7 of this Law as subject to ratification. Subparagraph “g” of paragraph 2 of Article 7 of the Law stipulates those international treaties are subject to ratification if ratification is provided for by law or by the international treaty itself. Neither the Memorandum itself nor the legislation of Ukraine in force at the date of its conclusion provided for a ratification procedure (Lossovsky & Kopyl, 2015). Ukraine, considering the Budapest Memorandum as an international treaty, in full compliance with the Law of Ukraine “On International Treaties of Ukraine” in force at the date of its conclusion, agreed to the Memorandum entering into force upon its signing, without specifying the condition for the exchange of ratification instruments, and when drafting it, did not insist on ratification by other participants, in particular the Russian Federation, whose legislation fully complied with the condition set out in the Memorandum regarding its entry into force upon signing, as well as with the provisions of the Vienna Convention on the Law of Treaties. It should also be noted that the Budapest Memorandum, as an official international treaty of

Ukraine, is listed under No. 1034-1994 (1886) in the official multi-volume publication of the Ministry of Foreign Affairs of Ukraine, "Collection of Current International Treaties of Ukraine" (Ivanenko, 2019). Therefore, the allegations about the alleged need to ratify the Budapest Memorandum have no legal basis, since its status and procedure for entry into force fully complied with both the national legislation of Ukraine and international legal norms.

Definition of the concept of "International Treaty". According to paragraph 1(a) of Article 2 of the Vienna Convention, the term "international treaty" is defined as: "...an international agreement concluded between States in written form and governed by international law, ...whatever its specific designation" (United Nations, 1969). Thus, the Budapest Memorandum is an international treaty of the Russia, binding for its strict implementation. It should also be noted that in the official Russian search engines for the legislative framework and acts of international law, the Budapest Memorandum appears as an "international treaty". Its text is included in the official Collection of Documents of the Ministry of Foreign Affairs of Russia, as well as in the handbook "Nuclear Non-Proliferation", officially recommended for university students, graduate students, diplomats, and specialists in Russia.

Official registration of the Budapest Memorandum with the UN. In addition to the above, two official UN documents serve as important international legal evidence of the validity and binding nature of the Budapest Memorandum for all parties: document A/49/765*S/1994/1399* dated 19 December 1994 in the form of a letter on behalf of the permanent representatives of Ukraine, the United Kingdom, the Russian Federation and the United States (A. Zlenko, D. Hanney, S. Lavrov and M. Albright) to the 59th session of the GA with a request to distribute the text of the Budapest Memorandum as an official document of the UN General Assembly and Security Council; document of the permanent UN Conference on Disarmament CD/1285 of 21 December 1994 in the form of a letter from the permanent representatives of the four states mentioned above at this Conference with a request to register the Budapest Memorandum and the accompanying letter "as official documents of the Conference on Disarmament and to distribute them to all states... participating in the work of the Conference". By presenting the Budapest Memorandum as an official document of the most influential and important international organisation in the world, which deals with issues of peace and security on the planet, the states participating in this international legal document thereby confirmed its validity and binding nature. The fact that the Budapest Memorandum was officially registered with the UN as a relevant document of this organisation is confirmation of this (United Nations, 1994). The official registration of the Budapest Memorandum in the UN document system attests to its international legal status and confirms its binding nature for the participating states.

Have the legal conditions for Ukraine's accession to the Treaty on the Non-Proliferation of nuclear weapons been met? It is worth highlighting the following legal case. According to Article 6 of the Law of Ukraine "On Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968", adopted on 16 November 1994 (just two and a half weeks before the

Budapest Memorandum), "This Law shall enter into force after Ukraine has been provided with security guarantees by the nuclear powers, formalised by the signing of a relevant international legal document" (Law of Ukraine No. 48/94-VR..., 1994). Thus, if the Budapest Memorandum is not the document that provides Ukraine with security guarantees, i.e., if it is "legally null and void", as the Russian side desires, and other signatories are trying to evade international legal responsibility, this would mean that Ukraine is not a party to the NPT as a non-nuclear country and has the right to domestic nuclear weapons. Since the legal condition for this Law to enter into force has not been fulfilled, the Law has not entered into force. This is a kind of international legal casus, which, at the same time, relieves Ukraine of any responsibility under the NPT. In fact, the fact that Ukraine has nevertheless fulfilled its obligations under this Treaty can be regarded as an act of goodwill on its part.

Regarding the statement that the Budapest Memorandum is "worthless". The belief in the legal "invalidity" of the Budapest Memorandum, if true, would automatically render absurd and discredit the actions of high-level officials at the level of heads of state involved in the conclusion of this international treaty, as it would mean that the contracting parties concluded a document at the highest level that was knowingly legally "worthless" document, which would contradict the logic of the events at that time and would not be consistent with the fundamental and universally recognised principle of international law regarding the faithful fulfilment of international obligations, based on the international legal custom of *pacta sunt servanda* (agreements must be fulfilled). What seems strange in this situation is the attitude of the guarantor countries towards their leaders (presidents and prime ministers). At the same time, at the official level, the Russian side has recognised the binding nature of the Memorandum for its implementation from the very beginning of the aggression, albeit partially and indirectly. In a statement by the Russian Foreign Ministry on 1 April 2014 in connection with accusations of its violation of its obligations under the Memorandum, it was noted in particular, that "Russia has strictly adhered to and continues to adhere to the obligations set out in the Budapest Memorandum to respect the sovereignty of Ukraine..., which cannot be said about the policy of Western countries, which openly disregarded this sovereignty during the events on the Maidan" and emphasised that "the common element of the Budapest Memorandum and the concept of "negative guarantees" in its classical concept is only the obligation not to use or threaten to use nuclear weapons against non-nuclear states. Russia's obligation to Ukraine in this regard has not been violated in any way". However, such statements contradict each other, because if the obligations of the signatory countries to the Memorandum concerned only "the obligation not to use or threaten to use nuclear weapons", this would not be consistent with the statement in the same Declaration ("...which cannot be said about the policy of Western countries, which openly disregarded this sovereignty during the events on the Maidan"), because the Russian side, in making such a statement, did not mean the use or threat of use of nuclear weapons against Ukraine by Western countries. It is also worth mentioning the provocative behaviour of Russia,

which is the only nuclear power in the world that, since 2022, has been constantly blackmailing the world with the threat of using nuclear weapons against Ukraine and European countries. At the beginning of the full-scale invasion, the aggressor state attacked and temporarily occupied the Chernobyl Nuclear Power Plant and continues to occupy and provoke at the Zaporizhzhya Nuclear Power Plant, the largest in Europe. All this poses a significant threat to European and global security, as well as undermining and destroying the non-proliferation regime for weapons of mass destruction.

The validity of the guarantees provided by the Budapest Memorandum. Quite often, critics of the Budapest Memorandum argue that although it provides certain “virtual” guarantees to Ukraine, these guarantees are not specifically defined and prescribed in the text of the document. In response to this, it is worth noting that, in general, most other international legal documents that address issues of international guarantees (assurances) do not usually spell out such guarantees. A striking example is the international treaty that is rightly considered to be one of the most binding and mandatory for its parties to implement, the 1949 North Atlantic (Washington) Treaty on the establishment of NATO. The Article 5 of this Treaty states: “The Parties agree that an armed attack against one or more of them... shall be considered an attack against all and, accordingly...each of the Parties... shall assist the Parties attacked by taking forthwith, individually and in common, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area” (North Atlantic Treaty Organisation, 1949). Furthermore, even in this “classic” example of a binding document in international law, the obligations and guarantees of the parties are not specified in a sufficiently concrete and unambiguous manner. This is common practice in international legal treaties worldwide.

Examples of detailed obligations/guarantees and specific actions of the parties, as well as corresponding sanctions in case of non-fulfilment of these obligations, can only be found in legal documents of some other areas of law, such as corporate law. To resolve disputes in corporate law, there are relevant judicial bodies whose verdicts are binding on all participants in legal proceedings, and penalties for non-performance of obligations are inevitable and irreversible for all. In international courts dealing with inter-state cases/disputes, not all states recognise the jurisdiction of a particular international court. Even some countries that are members of authoritative international judicial bodies do not always comply with their fundamental decisions/verdicts. Examples include the well-known indictments by the International Criminal Court in The Hague (ICC) against Russian dictator V. Putin and Israeli Prime Minister B. Netanyahu, as well as Mongolia’s failure, as a country that allegedly recognises the jurisdiction of the ICC, to fulfil its obligations to arrest V. Putin during stay in that country on 2-3 September 2024. According to Professor of Law and Director of the International Centre for Arms Control at DePaul University College of Law (Chicago, USA), B. Kellman, in international law, the Budapest Memorandum is a legally binding document, but it does not provide for any means of ensuring its proper implementation. The obligations under the Memorandum

legally confirm and supplement the obligations under the 1975 OSCE Helsinki Final Act. Furthermore, there is a range of other sources of international law that oblige states to respect the territorial integrity of Ukraine.

Budapest Memorandum and US assistance in Ukraine’s countering Russian aggression. On 17 April 2025, the first document was signed as part of the Ukrainian American negotiations on subsoil resources: a political memorandum with a commitment to finalise the preparation of an agreement on Ukrainian subsoil resources in the near future. The document linked American aid to the Armed Forces of Ukraine for the first time to the 1994 Budapest Memorandum, under which Ukraine surrendered its nuclear arsenal. It also equates, for the first time, American military and financial aid to Ukraine with the aid Ukraine provided to the world 30 years ago by signing the Budapest Memorandum. It was stated that the US recognises the contribution Ukraine has made to strengthening international peace and security by voluntarily renouncing the world’s third-largest nuclear arsenal (Full text of US-Ukraine memorandum..., 2025). This effectively negates President Trump’s previous demands on Ukraine to pay billions in compensation for the previous assistance provided by the Biden administration. The demands on Ukraine to pay 90 billion USD or even 350 billion USD are easily offset by the savings in US defence resources in response to nearly two thousand strategic nuclear warheads and an even greater number of tactical warheads, 176 intercontinental ballistic missiles and dozens of strategic bombers that Ukraine gave up under the Budapest Memorandum. Thus, 30 years after the hopeless case of voluntarily surrendering its third-largest nuclear arsenal in the world for virtually nothing, Ukraine, overcoming pressure from the American administration, still managed to at least partially rehabilitate the Budapest Memorandum.

Will M. Pompeo’s Crimean Declaration suffer the fate of S. Welles’ Declaration? Five years ago, on the occasion of the 80th anniversary of the Declaration of Acting Secretary of State S. Welles (23 July 1940), which formulated America’s principled policy of non-recognition of the Soviet Union’s occupation and annexation of Latvia, Lithuania and Estonia, US Secretary of State M. Pompeo and three Baltic foreign ministers stated that the annexation of Crimea was as unacceptable to the United States as the Soviet occupation of the Baltic states 80 years earlier. The S. Welles Declaration was of fundamental importance for the overall US policy towards Europe in 1940, a critical year for the continent and the world. The content and essence of this document over the next 50 years have been consistently supported by all subsequent US Presidents and US Congressional resolutions. In July 2018, Secretary of State M. Pompeo declared the official position of the United States regarding the non-recognition of the illegal annexation of Crimea. The 2018 Declaration stated, “Together with allies, partners, and the international community, the United States rejects Russia’s attempt to annexe Crimea and is committed to maintaining this policy until Ukraine’s territorial integrity is restored” (Ministry of Foreign Affairs of Ukraine, 2020). The S. Welles Declaration, which remained unchanged for half a century, fully fulfilled its function, and in 1990 the Baltic countries regained their independence. At the same time, in the

seventh year of the Declaration's existence, M. Pompeo, in the context of previous statements and remarks by both the 47th President of the United States, D. Trump, as well as other leaders of this country, certain alarming notes carry the danger of destroying the norms and principles of international law, recognised international rules and established traditions of American foreign policy. Statements about the alleged readiness of the United States to recognise *de jure* the belonging of Crimea to Russia are currently relevant. Such fundamental deviations from the Helsinki principles of "the inviolability of borders without the consent of the parties", which have existed in the world for at least the last 50 years, effectively legitimise Russia's aggressive actions and destroy the established world order based on the rules and principles of international law. In this regard, a very fundamental question arises: is it possible that the United States, the flagship of world democracy and the leader of liberal democratic principles in the world, following in the footsteps of the world's aggressor, Russia, the main violator of democratic norms and principles, actually support with its statements and inaction the destruction of the world order that has functioned successfully for at least the last 50 years? What will be the future fate of Pompeo's declaration and other principled statements and actions by the United States in support of Ukraine's territorial integrity and international law in general?

Russia's destruction of the modern international world order. Russia's aggressive actions against Ukraine since February 2014 have violated not only the Budapest Memorandum, but also a long list of other fundamentally important international legal acts, including: the UN Charter; the Helsinki Final Act of 1975 and a dozen other fundamental OSCE documents; the Agreement on the Establishment of the CIS of 8 December 1991; the Declaration on Respect for the Sovereignty, Territorial Integrity and Inviolability of the Borders of the CIS Member States of 15 April 1994; the Trilateral Statement on Security Guarantees for Ukraine by the Presidents of the United States, Russia and Ukraine of 14 January 1994; the Framework Treaty on Friendship, Cooperation and Partnership between Ukraine and Russia of 1997; other bilateral treaties and agreements between Ukraine and Russia; the NPT and other international documents. Serious guarantees are also contained in the Ukraine-US Charter on Strategic Partnership of 19 December 2008. On 4 December 2009, the Joint Statement of the Presidents of Russia and the United States also confirmed the position on the immutability of the guarantees enshrined in the Budapest Memorandum. Such guarantees on the Russian side have been repeatedly confirmed in official statements by the leadership of the Russian Foreign Ministry, in April 2010. Russia destroyed the security order in Europe established at the end of the Cold War and enshrined in the Founding Act on Mutual Relations, cooperation and security between the North Atlantic Treaty Organisation and Russia, signed in 1997 in Paris by NATO leaders and President B. Yeltsin, aimed to create "a strong and comprehensive peace in the Euro-Atlantic region". This document contained requirements and obligations to respect the sovereignty and territorial integrity of countries and not to use force or the threat of force.

Russia's "explanations" of its aggressive actions in Ukraine since spring 2014 have been a mockery of the principles of international law and the global democratic community. Initially, on 4 March, President V. Putin stated that, assuming a revolution occurred in Ukraine in February 2014, then it should be considered that a new state had emerged on its territory, concerning which Russia had not signed any binding documents. By the same logic, since Russia is a different state compared to the USSR (formed as a result of no less revolutionary processes of the collapse of the Union), it cannot in any way claim either the territory of East Prussia (Kaliningrad region or the Northern Territories of Japan (the South Kuril Islands of Iturup, Kunashir, Shikotan, and Habomai), nor to the territories of part of the Leningrad region and Karelia, which were ceded to the USSR as a result of the Soviet-Finnish War of 1939-1940. This Russian "argument" suggests that international treaties are concluded not between states but between governments, which allegedly does not create lasting obligations if at least one of the parties' changes governments. However, according to the principles of international law, treaties and other international agreements are concluded by governments on behalf of states and must be complied with. On 19 March 2014, the Russian Foreign Ministry, in the same brazen manner, "denied" its involvement in violations of the Budapest Memorandum and accused the United States, the EU and the "new Ukrainian authorities", which allegedly acted "against the political independence and sovereignty of Ukraine in violation of the obligations under the Budapest Memorandum". In early April, it was cynically stated that "Russia did not undertake to force part of Ukraine to remain within its borders against the will of the population, and the provisions of the Budapest Memorandum do not apply to circumstances resulting from internal political or socio-economic factors". The statements by the Russian Foreign Ministry that "the loss of Ukraine's territorial integrity was the result of complex internal processes to which Russia and its obligations under the Budapest Memorandum have no relation" are also completely hypocritical.

After the full-scale invasion on 24 February 2022, the Russian dictator and supporters abandoned the cynical attempts to justify their aggression with any international legal "arguments". The world did not take these "explanations" and cynical "justifications". Externally, all this no longer worked; it was enough to "explain" to the internal brainwashed population the meaning of the war against Ukraine, which claimed millions of Russian lives, by internal reasons. Since the days of the Tatar-Mongol yoke, Russian society has been characterised by a lack of critical thinking, patriarchy, worship of tsars and bosses (the Russian saying "Without a tsar in your head", denoting a person of a low intelligence, is notable), unwillingness and fear to raise heads and voice against the tyrants who ruled the country, the slavish, servile character of the Russian people, ready to die for a tsar, unable to critically comprehend all the false "arguments" of the totalitarian regime about why "homeland" requires a sacrifice of thousands or tens of thousands of kilometres away from said homeland. More than 250 years of Tatar-Mongol rule and more than 400 years of serfdom have left a significant mark on the collective character of the Russian people.

The most modern characteristic manifestation, in the 21st century, is the inability to resist totalitarianism, despotism, and the rejection of democracy by the “deep people”. This behaviour contrasts sharply with the Ukrainian national character throughout its centuries-long history: the willingness to resist usurpers of power and despotism, the democratic essence of the Cossack state, national liberation movements, desperate resistance to communist totalitarianism, democratic elections and frequent changes of leadership in independent Ukraine. All this testifies to the fundamental difference between the national characters of the Ukrainian and Russian peoples. This was vividly demonstrated in the works of the brilliant Ukrainian artist I. Repin (1844–1930), whose most famous paintings, “Cossacks Writing a Letter to the Turkish Sultan” and “Barge Haulers on the Volga”, openly demonstrate the differences in the national characters of the two peoples: the freedom-loving nature of Ukrainians and the servility of Russians.

Changes in the world order and the real sovereignty of states. Russia’s aggression against Ukraine has destroyed what were perhaps the last elements of the Westphalian system of international relations, which had been forming since 1648 following the 30-year war, which was a “world” war in terms of its scale at the time. The main principles of the Westphalian world order, which, after numerous modifications, have remained in force until recently, are the formation and priority of “nation states”, “national interests” and “national/state sovereignty”, the formation of a balance of power and coalitions, and the obligation to comply with international treaties. The Yalta–Potsdam system of international relations, whose 80th anniversary is being celebrated this year, formed a bipolar world and bloc confrontation, initiating the unfolding of the “Cold War” between the two main “centres of power”. This system became the sixth modification of the Westphalian world order. Its second modification was the Congress of Vienna in 1815, which recorded another redivision of the world following the Napoleonic Wars. Subsequent modifications of the Westphalian system were also associated with large-scale military upheavals of their time: the third was the Congress of Paris in 1856, following the Crimean War of 1854–1856; the 4th, the Frankfurt Peace following the Franco-Prussian War of 1870–1871; the 5th modification, the Versailles Peace following the World War I of 1914–1918.

Modifying the previous world order, the multipolar world that emerged as a result of the World War I and the conclusion of the Treaty of Versailles (the Versailles–Washington system), the Yalta–Potsdam system sanctioned the formation of a bipolar world, within which the concept of “limited sovereignty” of states subject to the control of “great powers” was revived. Only two superpowers in the bloc confrontation, the United States and the USSR, enjoyed full or real sovereignty in such a system, and their satellites were countries belonging to two hostile blocs: on the one hand, the “capitalist countries” of Western Europe and North America, the corresponding countries of Asia and South America, and on the other hand, the “socialist countries” of Eastern Europe, some countries in Asia and Latin America, were granted “limited sovereignty” because they were not fully sovereign and independent in their foreign and domestic policies, acting in

accordance with national interests and guidelines developed by the two superpowers. The ideology of the “communist bloc” countries was dubbed the “Brezhnev doctrine” by political scientists and politicians in the Western world. The collapse of the USSR and the “communist bloc”, the end of bloc confrontation, and the destruction of the bipolar world order in the early 1990s intensified the processes of globalisation and the formation of a unipolar world system headed by the sole leader, the United States. Globalisation became an international system that replaced the “Cold War” and the bipolar (Yalta–Potsdam) system and, thus, can be considered the seventh modification of the Westphalian system of international relations. The Helsinki system, characterised by the principles of the Helsinki Decalogue formulated on 1 August 1975, can be considered an intermediate stage. Modern foreign policy of Russia towards the post-Soviet countries, by analogy with the aforementioned foreign policy doctrine of “limited sovereignty” (“Brezhnev doctrine”), implements a “new doctrine of limited sovereignty” (“Putin doctrine”), whose substantive conceptual content was actively formed during 2014–2015 in the context of the annexation of Crimea and military aggression in Donbas. Russian aggression against Ukraine is a challenge to the global system of international relations and the dominance of the United States in it, even though Russia lags significantly behind in all components of international influence (economic, military, scientific, technological, “soft power”), both to the global “hegemon” of the United States and to most other global “centres of power”, including the rapidly growing China. The only component of Russia’s military potential that is relatively competitive with that of the United States is its nuclear arsenal, which is the second largest in the world.

Erosion of international legal non-proliferation regimes. An important mechanism for ensuring global international security is the international legal regimes for the non-proliferation of weapons of mass destruction (nuclear, chemical and biological). The cornerstone of the international legal system for the non-proliferation of nuclear weapons is the NPT, to which most countries in the world are parties, except Israel, India, North Korea and Pakistan, states that possess nuclear weapons, although they are not officially recognised as “nuclear” states. The guarantees provided by the Budapest Memorandum were a fundamental condition for Ukraine’s accession to the NPT as a “non-nuclear” country. The failure of these guarantees harms the resolution of existing non-proliferation issues, among which the most resonant are the North Korean and Iranian nuclear problems. The failure of the Budapest “guarantees” is a signal to the world that perhaps the only reliable way to ensure the security of states is to develop domestic nuclear weapons. Dozens of “threshold” countries and those that have the intentions and technological capabilities to create such weapons have given this issue serious thought, and the situation surrounding Ukraine is becoming a clear example for them of the illusory nature of the “guarantees” of nuclear powers. It appears that North Korea was the first country to draw the appropriate conclusions, especially since three of the participants in the “Six-Party Talks” on resolving the North Korean missile and nuclear issue (the United States, Russia and China) are “nuclear” states that have declared

the Budapest “guarantees”. Thus, expectations of fundamental changes in the resolution of the Korean nuclear issue seem unlikely in the medium term. Unable to counter the US and its allies in the region with conventional military means and fearing actions aimed overthrow the ruling regime, North Korea will continue to develop its nuclear programme as a guarantee of the regime’s survival. The failure of the Budapest and other international guarantees for Ukraine should strengthen the confidence of North Korean “hawks” in the correctness of the strategy of further developing nuclear weapons as a deterrent and the means of their delivery.

The lack of trust and effective guarantees that the North Korean regime will not be overthrown negates any possibility of resolving the Korean nuclear crisis. The scientific and expert community and the media in South Korea, considering the events surrounding Ukraine in the context of national security interests, express concern that the violation of the guarantees of the Budapest Memorandum maintains a *de facto* nuclear status for North Korea and ensures continuous nuclear and missile tests. On 24 October 2024, Russia ratified a partnership and military cooperation agreement with North Korea. The document, signed by V. Putin and DPRK leader Kim Jong-un on 19 June 2024 in Pyongyang, provides for mutual military assistance, joint military exercises, supplies of weapons and ammunition, and, as evidenced by the Russian-Ukrainian war, the direct participation of tens of thousands of Koreans in military operations on the side of Russia. Evidently, the nuclear component of military cooperation is crucial. In exchange for abandoning uranium enrichment and plutonium production, official Tehran is trying to obtain guarantees from the US that there are no plans for the military removal of the ruling regime in Iran, and the subsequent lifting of American sanctions that are negatively affecting the country’s economy, as well as the uninterrupted supply of reactor fuel for peaceful nuclear energy facilities. The failure of guarantees to Ukraine influenced the further formation of Iran’s position on nuclear non-proliferation and its trust in the guarantees of Western partners. In response to the Russian-Ukrainian war, Iran has moved even closer to Russia, siding with it by regularly supplying the Russian Federation with large quantities of missiles and combat drones, apparently hoping for assistance in the nuclear sphere. On 17 January 2025, the presidents of Iran and Russia signed an anti-Western strategic partnership agreement in Moscow to strengthen cooperation in the field of security and defence with the aim of “countering the unipolar world”. The logic of the DPRK and Iranian leadership is as follows: if the “guarantees” of the “nuclear” powers for Ukraine are inefficient, a European democratic country and a respectable member of the world community, then they will be insufficient for countries that Western rhetoric refers to as “axis of evil” countries, “outcasts” and “pariahs”. A clear example of this is the events in Iraq, which in 2003 was invaded and the regime of dictator S. Hussein was overthrown, despite the country’s cooperation with the IAEA and compliance with relevant UN resolutions. A similar situation occurred with Libya’s programme to develop weapons of mass destruction. Although the country’s leader, M. Gaddafi, agreed to terminate the programme under international pressure,

this did not save the regime from being overthrown as a result of the civil war in the country in 2011, with the support of NATO member states.

Possible scenarios for the formation of a new world order. Foreign policy trends in the world, primarily related to Russia’s aggression against Ukraine, other aggressive manifestations of the aggressor country in the post-Soviet space, associated with an undisguised attempt to revive the Russian/Soviet empire, the ongoing authoritarian actions and intentions of the PRC as a growing new hegemon in East Asia, as well as the exotic and unexpected authoritarian antics of the 47th President of the United States, D. Trump, from the first months of second presidency in the areas of domestic and foreign policy, do not inspire optimism about the future of political stability and predictability in the world. It is worth mentioning the strange statements and intentions, and even encroachments, regarding: the United States’ closest and most loyal partner, Canada; its southern neighbour, Mexico; the Panama Canal; attempts to rename the Gulf of Mexico; and proposals to sell Greenland to America. Such statements and proposals could be considered the sick fantasies of an inadequate elderly person, if that person were not the President of the most powerful and richest country in the world. Fortunately, the authoritarian statements made by the Chinese leadership regarding Taiwan and the South China Sea have not yet taken the form of aggression and military-political escalation, but this can be expected in the near future if the trends of erosion of international law and destruction of the existing rules-based world order continue to take hold in the world.

Russia’s actions in this context have long since gone beyond any norms and rules and, since 2014, if not since 2008, have taken the form of imperial aggression, which is consistently destroying the established world order based on the fundamental diplomatic rules of the Helsinki Decalogue and other democratic principles and norms. The hypothetical new world order promoted by the three countries mentioned above, which claim the status of “great powers” and determine this new world order, is based on chaos and the right of the strong against the weak, the right of force instead of the force of law, which poses a serious threat to the preservation of peace, security and stability on the planet, a new geopolitical division of the world into zones/regions of exclusive responsibility of global authoritarian poles/centres of power. The world has already gone through similar stages in its historical development, which did not have a positive impact on its security and stability. Such an international order will provoke the strong to use force (military, political, economic) against the weak to resolve their personal mercantile interests without any consideration for the common/general interest and international justice or objectivity in every bilateral or multilateral confrontation. Such a world order, if agreed upon by the autocracies, will no longer provide for the creation of collective security alliances; each will act independently, relying only on internal strength and on the effective redistribution of the world into zones of influence and exclusive national interests. At the same time, the scenario described above is the worst and not the most likely/realistic in terms of the prospects for the formation of a new security world order. The hope lies in

the democratic power of American political institutions, which will not allow a country that is still the flagship of democracy to continue drifting towards authoritarianism. Another possible scenario, which also does not promise stable positivity for the democratic world, and, above all, Ukraine in its struggle for independence and territorial integrity, is the scenario of the so-called “reverse Kissinger”, which consists of the US’s intentions to try to pull Russia away from China and create an alliance with V. Putin against China’s hegemonic claims to control the Asian region and the world. Although, in the opinion of the author of this article, such a scenario is not very realistic, at least in the short and medium term, it is still espoused by D. Trump and analysts. In the long term, such an alliance between the US and Russia against China is possible, given the historical and territorial “insults” of China to the Russian Empire, but not when this alliance appears to be quite strong and justified for its parties.

Conclusions and recommendations. The adoption of the Helsinki Final Act half a century ago and the launch of the Helsinki Process of the same name for decades to come defined international norms and rules in all areas (international politics and military-political security, economics, ecology, practical cooperation between countries and organisations, the humanitarian sphere and human rights in the broad sense) and the obligations of countries to each other and within the framework of international organisations in the wider European region. Given the complex geopolitical situation in the world, linked to the destruction by totalitarian Russia of the Yalta-Potsdam and Helsinki world orders, the waging of an aggressive war in Ukraine, certain differences within the North Atlantic partnership, the rise of political right-wing and left-wing populism in Western countries, some exotic, unpredictable and unlawful antics of the 47th President of the United States, and the continuing rapid growth of China’s role, the need to reform leading international organisations, in particular the principle of decision-making within them, is becoming increasingly relevant. To build a new world order that is more perfect and adequate to the new geopolitical situation, a comprehensive approach is needed that considers previous global experience, theoretical principles and practical developments within existing international organisations. The experience gained by the UN over 80 years and by the OSCE and other regional and security organisations over 50 years must be carefully analysed, best practices studied, adjustments made, and the smooth and comprehensive functioning of a new, ramified security system ensured. Such a system may be more complex to operate, but it will be more reliable and fairer in addressing specific security issues.

As shown, the Budapest Memorandum isn’t a “legally worthless” document in terms of the nuclear powers’ commitments to Ukraine. From an international law perspective, this is basically wrong. The Memorandum is a full-fledged international treaty, and Ukraine has totally and timely fulfilled its commitments under it. Russia’s unwillingness to acknowledge the facts of aggression against Ukraine, as well as the attempts of other signatories to the Memorandum to evade their share of responsibility, have led to demagogic rhetoric surrounding this international

legal document. The Budapest Memorandum is closely linked to the Helsinki process and the obligations of countries under the relevant Decalogue, as the first Article of the Memorandum states: the participants reaffirm their commitment to Ukraine in accordance with the principles of the CSCE Final Act to respect the independence, sovereignty and existing borders of Ukraine. According to international law, the Budapest Memorandum is a legally binding international treaty, but it does not provide for effective means of proper implementation. The commitments under the Memorandum legally confirm and complement the commitments under the OSCE Helsinki Final Act. There are dozens of other sources of international law that oblige Russia to respect the territorial integrity of Ukraine. Attempts to deny the legally binding nature of the Budapest Memorandum are being purposefully promoted, argued, and imposed on the international community, and not only by the Russian side. Such a denial would automatically result in Russia’s possible withdrawal from international legal responsibility, which is significantly more effective than political responsibility and involves a range of coercive measures, including the legitimate use of force against the aggressor. Violation of political commitments, on the other hand, entails only moral condemnation, which some Western partners are trying to impose as the only possible option for satisfaction for Ukraine. The complex set of problems of nuclear non-proliferation, as well as the obvious failure of seemingly reliable international guarantees of Ukraine’s territorial integrity and inviolability of its borders in exchange for voluntary renunciation of nuclear weapons, is a serious destabilising factor in the destruction of international legal systems for the non-proliferation of weapons of mass destruction. The main factor causing such trends is the formation of a persistent distrust of “international guarantees”, which, when confronted in practice with aggression and disregard for international norms and principles, demonstrate the ineffectiveness, helplessness and powerlessness of the existing world order. Uncertainty and doubts about the true attitude of the US leader towards NATO, the future role of the US in the Alliance and in European security as a whole cast doubt on NATO’s credibility as a reliable factor and guarantor of both regional security as a whole and the individual security of individual member countries. Confidence in Article 5 of the North Atlantic Treaty is being lost: firstly, it is not clearly defined and there are no specific obligations on the part of the parties; secondly, its reliability/effectiveness has never been tested in practice (the Alliance’s response to the events of 11 September 2001 can hardly be considered such a test). D. Trump’s statements in the first months of presidency in 2025 also do not inspire confidence in this means of ensuring security. In such a geopolitical situation, the only reliable and adequate means of ensuring the security and territorial integrity of countries around the world, especially medium and small ones, is the possession of nuclear weapons or being under the “nuclear umbrella” of reliable allies among the nuclear powers. It is evident that more so-called “threshold” countries are now thinking more often about, or taking concrete steps towards, developing such weapons. The question of the feasibility and realism of such attempts is rhetorical. Given the new US administration’s

hesitation about continuing to provide a “nuclear umbrella” to Europe, French President E. Macron has declared country’s readiness to take on this role. In this context, a signal was sent to D. Trump and V. Putin on 9 May 2025, when France and Poland signed a defence treaty. At the same time, Prime Minister D. Tusk suggested

that Poland was considering the possibility of being protected by France’s “nuclear umbrella” and also announced the development of national nuclear warheads to deter Russia. The latest statements by British military experts that London should help Ukraine develop nuclear weapons are also quite relevant.

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