



**HAL**  
open science

# War in Ukraine: From Treaty to Treachery

John Paull

► **To cite this version:**

John Paull. War in Ukraine: From Treaty to Treachery. pp.18-20, 2023, International Scientific and Practical Internet Conference, 978-617-8293-01-7. hal-04025270

**HAL Id: hal-04025270**

**<https://hal.science/hal-04025270>**

Submitted on 12 Mar 2023

**HAL** is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.



Distributed under a Creative Commons Attribution 4.0 International License

## WAR IN UKRAINE: FROM TREATY TO TREACHERY

**John Paull**

PhD

University of Tasmania, Hobart, Australia

j.paull@utas.edu.au

When Russia invaded Ukraine on 24 February 2022 [1], Russia was in breach of its assurances under the Budapest Memorandum, signed by Boris Yeltsin, on 5 December 1994 in Budapest (see Appendix).

By the metric of nuclear warheads, three decades ago, Ukraine was a nuclear power, number three in the world, after Russia and USA. In consideration of Ukraine relinquishing its nuclear arsenal (n=c.2300), Russia, UK, and USA committed to:

- *respect the independence and sovereignty and the existing borders of Ukraine (Clause #1, Budapest Memorandum);*

- *refrain from the threat or use of force against the territorial integrity or political independence of Ukraine (Clause #2);*

- *not to use nuclear weapons against any non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons (Clause #5).*

The proposition was straightforward - Ukraine relinquished its nuclear weapons for assurances of territorial integrity. The text of the Budapest Memorandum appears as an Appendix in the present paper. The invasions by Russia, of Crimea in 2014 and on northern and western fronts of Ukraine in 2024 testify to the treachery of Russia *vis-à-vis* the Budapest Memorandum.

At the time of writing, the Ukraine-Russia war has been raging for a year. The end is not in sight, the final outcome is uncertain. Volodymyr Zelenskyy has surprised many with his resoluteness, Vladimir Putin with his recklessness, the Ukrainian people and soldiers with their bravery under fire, the Russian military with their ineptness.

The consequences of war endure for years, decades, generations, centuries. The consequences are myriad. This war will be no different. In the midst of the tragedy, and before the denouement, consider some consequences and provisional lessons of the Ukraine-Russia War:

- ***Do not relinquish nuclear weapons.*** No nuclear-armed state has ever been invaded; nuclear weapons have served as a deterrent. North Korea has been ridiculed but it is a nuclear armed state and it has not been invaded [2]. Libya relinquished its nuclear program in 2003 [3]. There was no happy outcome, President Muammar Gaddafi was assassinated in 2011, and Libya is at present a failed state. It is a counterfactual, but it is compellingly arguable, that a nuclear Russia would not have invaded a nuclear Ukraine.

- ***Do not trust treaties.*** Treaties, whether made with good or ill will, are subject to the double cross. Sometimes it is straight forward duplicity and deceit, such as the Molotov-Ribbentrop Pact, the non-aggression pact between Russia and Germany of 1939. Germany invaded Russia two years later [4]. In the case of the Budapest Memorandum, Vladimir Putin [5] is the architect of the double-cross.

- ***The United Nations is a lame duck.*** More than a century ago, the brave women who met in The Hague in 1915 in pursuit of world peace envisioned an institution that could prevent future wars [6]. The League of Nations failed that brief, and now its successor, the United Nations, is also failing at the singular task that could be hoped was its *raison d'être* - maintain peace, prevent war.

War is destructive, and these three joyless conclusions from the present war are destructive of worthy and cherished values.

There has been an act of faith that nuclear disarmament can proceed in a piecemeal manner, with contemporaneous haves and have-nots, the nukes and the non-nukes states, living in a kind of

uneasy stasis. The illusion that nuclear states can be trusted to hold their fire has been shattered. The aspiration of total nuclear disarmament can persist.

There is the universal desire for peace and prosperity. Trust in treaties and instruments of international statecraft cannot be bulwarked by faith alone. The trust needs buttressing with other than war and/or the threat of war.

The United Nations has failed to prevent the Russia-Ukraine war, it has failed to prevent a nuclear power invading a non-nuclear power, it has failed to rein in a rogue state threatening the world with nuclear catastrophe. These are serious failures that call into question the UN's fitness for purpose.

The realisation dawns once again that a single rogue individual with malevolent intent can threaten the peace of the world. The Russian invasion of Ukraine, whatever the outcome, will leave the world a less secure, less safe place. We are reminded that rogues and megalomaniacs have not been relegated to the annals of history, they walk amongst us, now and for the foreseeable future. How is such roguery to be neutered?

### References:

1. Harding, L., *Invasion: Russia's Bloody War and Ukraine's Fight for Survival*. 2022, London: Guardian Faber.
2. Davenport, K., *Chronology of U.S.- North Korea Nuclear and Missile Diplomacy*. 2022, Washington, DC: Arms Control Association.
3. Braut-Hegghammer, M., *Wilson Centre*. 2017, Washington DC: Wilson Center (23 October).
4. Fritz, S.G., *Ostkrieg: Hitler's War of Extermination in the East*. 2011, Lexington, KY: University Press of Kentucky.
5. Short, P., *Putin, His Life and Times*. 2022, London: Bodley Head.
6. Paull, J., *The Women Who Tried to Stop the Great War: The International Congress of Women at The Hague 1915*, in *Global Leadership Initiatives for Conflict Resolution and Peacebuilding*, A.H. Campbell, Editor. 2018, IGI Global: (Chapter 12). Hershey, PA. p. 249-266.

### Appendix

#### Text of the Budapest Memorandum

*Ukraine, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America*

*Welcoming the Accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon state,*

*Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time,*

*Noting the changes in the world-wide security situation, including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces,*

*Confirm the following:*

1 *The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and The United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of Ukraine.*

2 *The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and The United States of America reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations.*

3 *The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and The United States of America reaffirm their commitment to Ukraine, in accordance with the Principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to*

*their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind.*

4 *The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and The United States of America reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.*

5 *The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and The United States of America reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.*

6 *Ukraine, The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and The United States of America will consult in the event a situation arises which raises a question concerning these commitments.*

*This Memorandum will become applicable upon signature.*

*Signed in four copies having equal validity in the Ukrainian, English, and Russian languages.*

*FOR UKRAINE: (signed Leonid Kuchma)*

*FOR THE RUSSIAN FEDERATION: (signed Boris Yeltsin)*

*FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: (signed John Major)*

*FOR THE UNITED STATES OF AMERICA: (signed Bill Clinton)*

*Budapest, 5 December 1994.*