

Political and legal assessment of the Budapest Memorandum: From Ukraine's renunciation of nuclear weapons to the annexation of the Crimean Peninsula

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Abstract. The current state of Russia's military aggression against Ukraine, which resulted in a violation of territorial integrity and sovereignty, makes this study relevant. The Budapest Memorandum's contents, its importance for Ukraine, and an examination of the post-bipolar international communications system are the work's primary objectives. The scholarly article's methodological techniques aid in illuminating the theoretical and practical facets of these procedures, enabling a political and legal evaluation of the Budapest Memorandum and its effects on Ukrainian politics. The methods of deduction, induction, synthesis, logical analysis, dialectical methodological approach, and others should be included in this category of methodological approaches. The Budapest Memorandum's features and its function in maintaining nuclear security were identified during the study, as was the effect of Ukraine's nuclear disarmament in the context of the Crimean Peninsula's annexation. Other factors that allowed for a political and legal evaluation of the subject under investigation included the foreign policies of nations that guaranteed Ukraine's national security but failed to carry out their commitments. The results of the study helped to establish the effectiveness of the Memorandum in the context of nuclear safety guarantees and provide recommendations on their maintenance, which will help in improving the

Suggested Citation

Article's History: Received: 14.06.2023 Revised: 27.08.2023 Accepted: 27.09.2023

Sedliar, Yu., Sapsai, A., Tsyryfa, Iu., Serbina, N., & Moroz, A. (2023). Political and legal assessment of the Budapest Memorandum: From Ukraine's renunciation of nuclear weapons to the annexation of the Crimean Peninsula. *Social & Legal Studios*, 6(3), 153-160. doi: 10.32518/sals3.2023.153.

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mechanism of international security. By evaluating the political and legal effectiveness of the Budapest Memorandum's nuclear security guarantees for Ukraine, this study provides recommendations to improve the mechanism of international security commitments and prevent future violations of territorial sovereignty

Keywords: foreign policy; nuclear weapons; norms of international law; act of aggression; ratification

Introduction

The increased level of political tension in the international arena in connection with the phenomena of the military and crisis processes on the territory of Ukraine is the subject of research in the field of political science, law and economics. The prominent place in such studies is given to the discussion on the annexation of the Crimean Peninsula from Ukraine and its accession to the territory of the Russian Federation, which has received a large number of assessments from many states and international society as a whole. But despite the considerable amount of research on this topic, there is no objective political and legal analysis thereupon.

As a result, it is worth considering the Budapest Memorandum in the first place, due to the fact that its provisions serve as a guarantor of nuclear safety. This act was concluded between Ukraine, the USA, Great Britain and Russia on December 5, 1994. The reason for this is that Ukraine joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (Budapest Memorandum..., 1994). Studying the history of the Budapest Memorandum's conclusion is required before delving more into its contents and relevance.

Tensions in several areas made it more necessary to prevent the spread of nuclear weapons in the post-Soviet sphere as a result of the events leading up to the dissolution of the Union of Soviet Socialist Republics. Therefore, Ukraine, Republic of Kazakhstan, Belarus, Russia and the USA concluded the Lisbon Protocol in 1992, according to which Ukraine, Republic of Kazakhstan and Belarus renounced nuclear weapons and transferred them to the territory of the Russia (Protocol to the Treaty..., 1992). But along with the conclusion of this treaty, Ukraine still sought to obtain security guarantees in exchange for giving up nuclear weapons. Thus, in this regard, a meeting of the heads of state was held in Budapest, the capital of Hungary, to reach exact agreements and ensure the territorial integrity of the republics of the post-Soviet space. As a result, in the context of a state like Ukraine as a non-nuclear weapon state party to the Treaty, the Budapest Memorandum has evolved into an agreement that certifies the fulfilment of obligations and the provision of guarantees on the territorial integrity of the OSCE Final Act, the UN Charter, and the NPT (Haupt, 2021).

Many scientists support the idea that the Budapest Memorandum is an international agreement that includes safeguards against the use of nuclear weapons and breaches of Ukraine's territorial integrity (Belkin, 2017). But it's crucial to remember that Russia violated this deal when it annexed the Crimean Peninsula, especially in view of the current situation in Ukraine. Following this, the Budapest Memorandum's provisions being broken causes the commitments to refrain from using nuclear weapons to start seeming like rhetoric. As a result, for the full functioning of the nuclear non-proliferation regime, the issue of creating an international agreement that is more perfect according to the legal technique begins to acquire special relevance (Pacek & Pavelko, 2019; Meyer, 2019). There are those who maintain that the Budapest Memorandum effectively guarantees the territorial integrity and security of nations that do not

have nuclear weapons, while others contend that the Memorandum never included guarantees regarding the non-use of nuclear weapons or the preservation of state sovereignty (Yost, 2018).

Taking into account the current implications for Ukraine, it is imperative to perform a thorough analysis of the provisions of the Budapest Memorandum, as well as its role as an international agreement and guarantor of nuclear security. Additionally, it is important to investigate other aspects that can offer a broader political and legal assessment.

Materials and methods

The relevance of carrying out scientific work within the framework of the Budapest Memorandum study and providing its political and legal assessment is conditioned upon the legal analysis of its provisions, the impact on the situation in Ukraine in the context of the annexation of the Crimean Peninsula, which is possible because of various methodological approaches used in this research.

Thus, the method of legal hermeneutics is quite important, which provides an opportunity to study the provisions of the Budapest Memorandum through an objectified and subjective interpretation of the understanding of its provisions. Highlighting further the dogmatic method of legal cognition, which makes it possible to trace the trend of development and formation of the Budapest Memorandum, the reasons for its adoption and its place in a number of international treaties regulating the nuclear disarmament of States.

Also considering such a special method as the analysis of the structure of legal doctrines, it is possible to learn in more detail the structure of the Budapest Memorandum and explore its legal provisions in the context of nuclear disarmament of Ukraine, with the relevant events being taken into account.

By studying complex legal phenomena as parts of a unified legal system, the systematic approach makes it possible to examine international treaties that govern states' rights and obligations in nuclear disarmament through the lens of a unified framework for guaranteeing state security in nuclear disarmament, particularly the guarantors of Ukraine's rights to security and territorial integrity.

The sociological method used in the research allows exploring the value of the provisions Budapest memorandum through the lens of the phenomenon of aggressive actions against the national security and integrity of Ukraine, in particular, in the context of the annexation of the Crimean Peninsula. Also, this methodological approach makes it possible to track the condition of the inhabitants of the Crimean Peninsula and the guarantor of their rights and freedoms in modern conditions of manifestation of military aggression of Russia against Ukraine.

Quite important in carrying out scientific work is the method of logical analysis, which also allows analysing the impact of the military aggression of the Russia on the policy and the Ukrainian state, and whether Ukraine really contradicted the national interests of the Russia, for the resolution of which the annexation of the Crimean Peninsula was

mandatory. The axiological method of research shows the impact of the Russian aggressive actions in relation to the politics, security and integrity of Ukraine and what place the provisions of the Budapest Memorandum occupy as their guarantor.

Thus, the authors identify the following main stages of the ongoing scientific work:

1. The first is the study of the theoretical component of this study, namely, the analysis of the Budapest Memorandum as a guarantee of nuclear safety and a source of international law, as well as highlighting the inherent characteristics of this process.

2. The second is based on a comparative analysis, namely, the consideration of Ukraine's policy in terms of renouncing nuclear weapons in connection with the annexation of the Crimean Peninsula.

3. The third aids in integrating the data gathered on the subject matter, which subsequently offers a chance to accomplish the primary objective of scientific endeavours – obtaining an evaluation of the political and legal significance of the Budapest Memorandum and Ukraine's nuclear disarmament.

Results and discussion

Budapest Memorandum in the system of the International nuclear safety regime

The nuclear non-proliferation regime is one of the constituent elements of the modern treaty system in the international arena. It is defined as a security regime that includes the principles of functioning, rules and norms through which the behaviour of states is regulated (Meyer, 2019).

The majority of States parties to the NPT renounce the right to develop and possess nuclear weapons; conversely, a smaller number of States parties refuse to transfer such weapons to non-nuclear countries. This provides the legal foundation for the international nuclear security regime (Treaty on the Non-Proliferation..., 1968). In today's conditions, the nuclear non-proliferation regime should be understood as a system of normative legal acts and treaties in the field of nuclear disarmament and nuclear non-proliferation, as well as various organizations and institutions whose activities are aimed at maintaining this international regime (Hamidi, 2020). In general, compliance with the international regime disarmament and non-proliferation is one of the key areas in the field of international security.

In an international legal regime, there are two primary components that need to be distinguished: general and special. The general section contains universal documents that serve as the cornerstone for ensuring nuclear safety, i.e., the use of this material for peaceful purposes and the prohibition of its distribution in any manner. Considering the special part, it contains documents that are applied within a specific territory, and also allow for specifying and detail the provisions of the documents of the general part (Mian, 2021).

The general part documents should be understood as intended to be used as a guide when armaments are eliminated by the use of atomic weapons and the transition to a peaceful use of this energy. These consist of the NPT, the United Nations Security Council (UNSC) resolution on the prevention of the use of nuclear weapons, International Atomic Energy Agency acts regarding the peaceful use of nuclear energy, and other agreements (Plokhly & Sarotte, 2020).

Considering the documents that should be attributed to a special part, these include such as the Draft Model Convention on Nuclear Weapons, Bilateral Agreements on the Reduction of Nuclear Capabilities of Contracting States, the Treaty of Tlatelolco, the Treaty of Rarotonga, the Bangkok Treaty and others (Cella, 2020).

The Budapest Memorandum is not limited to the territorial scope of its application, it contains obligations of nuclear States not to use nuclear weapons of a legal nature and, as a result of this definition, it can be considered as providing an effective guarantee to ensure nuclear safety. Based on this, it is to determine role of this document in the international system for the non-proliferation of nuclear weapons.

First of all, it is necessary to analyse the provisions of the Budapest Memorandum. Generally speaking, its text can be divided into two semantic parts: the first is the obligations related to abstaining from actions that might violate Ukraine's territorial integrity and sovereignty, such as rules pertaining to aiding the country in the event that it is the target of nuclear-armed aggression; the second is the obligations related to the non-use of nuclear weapons against nations that do not possess them, with the exception of situations in which a nation uses them against nations that do (Budapest Memorandum..., 1994).

It is noteworthy that, in line with the terms of the Vienna Convention on the Law of Treaties (1969), the Budapest Memorandum has the status of an international treaty. Thus, it is concluded in the format of a written opinion between states and this Memorandum is governed by international law, namely such legal acts as the OSCE Final Act, the UN Charter, the regime established by the NPT, as well as CFE. Also, the circumstance that defines the Budapest Memorandum as the status of an international treaty is that an international treaty acting as an agreement between states and defining legally significant circumstances for the participating states can be called a "memorandum".

The countries participating in the agreement sent a letter to the Secretary General, who is the depositary of the Conference on Disarmament, requesting registration of the Budapest Memorandum as an official document of the Conference on Disarmament. As a result of these actions, the Budapest Memorandum was qualified by the UN in the status of an international agreement on nuclear disarmament (Cladi, 2021).

Based on the above, the Budapest Memorandum should be qualified as an international treaty. Further analysing the Budapest Memorandum, it should also be mentioned that it has the character of a regional treaty that was adopted after the NPT entered into force, i.e., it is a subsequent treaty. However, if we proceed from the obligations of nuclear states, namely Russia, Great Britain and the USA, on the obligation not to use nuclear weapons worldwide, and the allocation of territorial coverage of nuclear weapons, then in this case it can still be summed up that the Budapest Memorandum will be a higher priority international treaty than the NPT, since the Budapest Memorandum contains guarantees of an effective nature in the event of a nuclear war, therefore the provisions of this international treaty are of fundamental importance as the embodiment of the NPT regime (Haupt, 2021).

Based on these statements, it can be concluded that the violation of the obligations of the Budapest Memorandum will be considered not just as a violation of an international treaty.

Thus, when examining the terms of Art. 60 of the Vienna Convention (1969), it is important to keep in mind that the parties to the Budapest Memorandum have the right to suspend it in whole or in part because, in the event that its provisions are broken, improper measures to prevent the use of force in international affairs will result, particularly when the obligation to refrain from using nuclear weapons is violated.

In the provision of Art. 5 of the Budapest Memorandum, which outlines procedures and means for protecting States that have suffered as a result of the States parties to the Memorandum using nuclear weapons (Budapest Memorandum..., 1994). In this case, it is also worth considering Art. 35 of the Vienna Convention (1969), which gives only third States that are not parties to the agreement the opportunity to enjoy the rights that are highlighted in this agreement, without considering the provision of protection to such States in case of violation of their rights. Provided that the Budapest Memorandum is positioned as provisions of special norms in relation to the NPT, it provides an opportunity for countries that have suffered from nuclear weapons to take advantage of the regime interpreted in the NPT as providing a guarantor of recognition of the rights of the State violated.

Thus, after analysing the provisions of the Budapest Memorandum, it should be concluded that this agreement should be considered as an international treaty that ensures the implementation of the NPT regime. Proceeding from this, the issue of the effectiveness of such a regime, guaranteed by the Budapest Memorandum, on the territory of Ukraine is gaining particular importance.

The significance of the Budapest Memorandum as a guarantor of national security and sovereignty of Ukraine

Russia's full-scale aggression against Ukraine resulted in actions that caused the international relations system to collapse. They are linked to the latter's integrity and national security being violated, which makes it crucial to assess the act's significance as well as its legal and political aspects with regard to Ukraine.

The path towards achieving a nuclear-free state was one of the important factors in forming Ukraine's foreign policy in the context of the formation of independence and the strategy of subjectivity in international relations. This course helped to ensure the strengthening of the international position of Ukraine. According to some scientists, in case of non-compliance with such a policy, it would be impossible for the Ukrainian state to receive the support of the international community (Casey-Maslen, 2021). The disarmament of Ukraine had an impact not only on the security sector, but also provided an opportunity for the state to take a place in the international community among the democratic states of the world and take part in various integration associations. The situation was made worse at the time by the fact that, despite its advantageous geopolitical location, Ukraine would remain *terra incognita* to the world after the USSR collapsed because it lacked trustworthy allies and the diplomatic war for independence was only getting underway. Based on this, the young independent state needed economic and political support for reforms (Baskakova, 2021).

The Russia was willing to sign the Budapest Memorandum in order to legitimize Ukraine's nuclear disarmament and to guarantee its territorial integrity and sovereignty, but it was unwilling to fulfil its obligations because it saw the

post-Soviet space as a domain of its "privileged interests," which led to the former Soviet republics' involvement in initiatives for geopolitical and economic integration.

Having received assurances of public confirmation by the nuclear states of the provision of guarantees for the national security of Ukraine at the OSCE summit in Budapest on November 16, 1994, the Verkhovna Rada of Ukraine adopted the Law "On Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968". This document confirmed that Ukraine possesses nuclear weapons, which were inherited from the USSR. The fact that applying economic pressure to Ukraine will be viewed as a threat to the country's security and national interests, as will the threat or use of force against the country's inviolable borders or independence, is the subject of much attention. Paragraph 6 of the Law on Ukraine's accession to the NPT states that this law will come into force after the nuclear states provide Ukraine with security guarantees, which will be formalized by the relevant international legal document (Law of Ukraine No. 248/94-VR..., 1994).

During the Budapest Summit, which took place on December 5, 1994, the OSCE ensured the exchange of instruments of ratification of the START-1 Treaty (Treaty Between the United States..., 1991). This meant that the document came into force, and, consequently, its practical implementation by the participants. Also, the documents on Ukraine's accession to the NPT were handed over by the President of Ukraine Leonid Kuchma to the depositary states. The leaders of Ukraine, the United States, Great Britain and Russia signed a Memorandum of Security Guarantees.

In this document, the four nuclear states acted as guarantors of security and pledged to refrain from economic pressure aimed at subjugating the implementation of rights by Ukraine, and thus gain any advantages (Treaty Between the United States..., 1991). Moreover, the US, UK and Russia have pledged to seek immediate action from the OSCE if Ukraine becomes the victim of aggression. In the event of circumstances threatening Ukraine, the guarantor states are obliged to hold consultations. On December 5, 1994, France and China unilaterally provided their security guarantees to Ukraine (Treaty Between the United States..., 1994).

The significance of the Budapest Memorandum is quite large in ensuring the national security of Ukraine. Considering the positions of some scientists, they believe that this agreement has actually changed the geopolitical situation in Europe, and, moreover, the unprecedented situation was highlighted and the nature of this document is international legal, which clearly fixes the territorial integrity and sovereignty of Ukraine (Bolton & Minor, 2021). However, such overestimation of the significance of the Budapest Memorandum was inherent only in the initial period of the establishment of Ukraine's independence. The Budapest Memorandum is not an international agreement in the way it is formulated in the Vienna Convention. This conclusion is based on the fact that the obligations are fixed on a formal basis, although in essence, they are international legal obligations. Moreover, considering the title of the document c – Budapest Memorandum on Security Assurances, it can be concluded about the compromise nature of the Budapest Memorandum, because instead of the word guarantees, assurances are used (Egeland *et al.*, 2018).

The lack of ratification of the Budapest Memorandum by the participating States deprived it of its political and legal

character, reducing the legal obligations of the participating States to being only political. This in turn contradicted the Law of Ukraine “On Ukraine’s Accession to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968” (1994), because it noted that it comes into force after the nuclear states provide Ukraine with security guarantees, which are formalized by signing an international legal document.

The Budapest Memorandum, which imposed political obligations on the nuclear-weapon States of the permanent members of the UNSC, was a crucial document during the establishment of the post-bipolar system of international relations. Similar today were the Minsk agreements, which, despite the absence of a ratification procedure by the parliaments of the participants in this process, were agreed upon by the leaders of the Normandy Four states and approved by a resolution of the UNSC (Minsk agreements, 2014). In essence, the Minsk agreements were not legally binding, but their political significance was enormous, since their implementation was precisely what the Western sanctions against Russia were connected with.

International relations are deeply in crisis as a result of Russia’s invasion of Ukraine’s territorial integrity and sovereignty. Moreover, Russia refuses to negotiate in the Budapest format, trying to distance itself from the political and diplomatic solution of de-occupation of the territory of Ukraine. Russia’s aggression against a state that voluntarily renounced its nuclear potential in exchange for security guarantees called into question the entire security system in Europe and the world, and also became a serious test for the nuclear non-proliferation regime, levelling the NTP (Trofimovich, 2020).

Proceeding from the above, the Budapest Memorandum, which is noted as a factor in legitimizing the nuclear disarmament of Ukraine, made an important contribution to the formation of Ukraine’s foreign policy in the new geopolitical conditions and the implementation of the strategy of subjectivity in international relations. In those international conditions, the preservation of nuclear potential threatened Ukraine with deep international isolation, and in the future, the loss of Ukraine’s sovereignty at all because of another possible subordination to Russia. It is also noted that without Ukraine’s ratification of the START-1 Treaty and accession to the NPT, it would be impossible to form a new post-bipolar system of international relations and strengthen the nuclear non-proliferation regime. Receiving financial assistance and security guarantees from nuclear states provided Ukraine with an opportunity to continue integration into Pan-European financial and security structures, and, no less importantly, to continue implementing market reforms and liberalizing socio-political life.

Violation of the territorial integrity of Ukraine in the context of the annexation of the Crimean Peninsula

However, in the end, Russia attacked Ukraine, which, along with the signatory states’ insufficient response, revealed a significant gap between the widely accepted norms and principles of international law and geopolitical reality. This is particularly evident in the circumstances surrounding the annexation of the Crimean Peninsula.

Studying the reasons and effects of the annexation of the Crimean Peninsula in greater detail is necessary in order to assess the extent to which the Russia violated the sovereignty and territorial integrity of Ukraine.

First of all, it is necessary to consider how Ukraine might violate Russia’s national interests and strategic priorities in the territory of the Crimean Peninsula and why the only option for the Russian Federation to resolve the issues existed was to annex this area. Russia’s National Security Strategy states that the country’s interests are in developing democracy and civil society, making the economy more competitive, preserving the integrity of the constitutional order, and becoming a global state whose actions are intended to uphold strategic stability and mutually beneficial cooperation in a multipolar world (Decree of the President..., 2021). Russia’s security or national interests are not threatened by Ukraine’s policy, according to an analysis of specific threats to national security in the areas of military security, economics, science, technology, education, healthcare and public health, and culture, among other areas. On the other hand, Russia’s actions on the Crimean Peninsula go against the fundamental ideas governing the security of European states.

The annexation of Crimea provided space for military and political manoeuvres for the Russian Federation. There was a possibility of using the territory of the peninsula to deploy missile systems and aircraft closer to the borders of Romania and Bulgaria as a new counterargument in the dispute with the United States over the deployment of a missile defence system in Europe. The Russian Federation, in its turn, would be able to strengthen its transport infrastructure in the Caspian-Black Sea region (Baskakova, 2021). In this case, the national interests of Ukraine are again being oppressed. There is a full threat to transport security due to the loss of Ukraine’s access to the seaport in Kerch, and the loss of soapy territory from the extreme points of each coast of the peninsula, which as a result provides Ukraine with the loss of the status of the state with the longest line of the Black Sea coast.

The next reason is the prevention of political changes in Ukraine, which may subsequently pose a threat in the future to change the power, structure and foundations of the formation of the vertical of power in the Russia. The destabilization of the situation in Crimea leads to a split in relations between the Russian and Ukrainian peoples, as a result of which the Russian people do not support the ongoing changes in Ukraine. The state structure in Russia in this case remains adamant (Pacek & Pavelko, 2019).

By annexing Crimea, Russia established full control over the Kerch-Yenikalsky canal. As a result of this act, the profit can be up to 100 million US dollars per year (Plokhly & Sarotte, 2020). Also, having the canal controlled, Russia can significantly strengthen its influence on Ukrainian enterprises located in the territory of the Donetsk basin. Having lost the Strait, the Donetsk basin will lose a significant part of communication with the world, in particular, transport communication. This applies to the export of metal, coal, grain and other export goods. Russia needs the assets of the economic segment of the south-east of Ukraine in order to have time to complete the modernization of the army. This is impossible without a number of high-tech enterprises in Ukraine (Temnycky, 2022). In addition, control over the situation in Ukraine can strengthen the stability of the economic sector of the Russia. This reason has a significant impact on the continuation of aggressive actions, but already in the continental part.

After analysing only some of the causes and possible consequences of the military invasion of Crimea, it can be

concluded that Ukraine's policy did not threaten the interests of Russia. The invasion of the Russian troops on the Crimean Peninsula 'over the protection of Russian citizens and ethnic Russians' was not the true reason. Thus, there is an urgent need to amend the legislation of Ukraine, which regulates and ensures the country's activities in the field of military and national security.

In addition to violating the territorial integrity of Ukraine, Russian authorities systematically commit human rights violations on the territory of the Crimean Peninsula. International actors must adequately respond and prevent such violations. Eliminating international conflicts and new violations of human rights and freedoms by nations within the relevant territory are the goals of international law. First and foremost, this is about the limitations placed on the rights of the peninsula's native people, the Crimean Tatars, and those who oppose the peninsula's annexation and return to Russia. These rights include the freedom of speech and peaceful assembly, as well as the arbitrary detention and arrest of people who support the Ukrainian Crimea, the shut-down of Ukrainian channels, and many other things (Belkin, 2017).

Thus, the Russian-Ukrainian hybrid war demonstrated the declarative nature of the Budapest Memorandum, because, despite the open armed aggression of Russia, the signatory states, faced with the threat of a new stage of the Cold War, could not fulfil their obligations in Ukraine.

Conclusions

The Budapest Memorandum is declarative in nature because the signatory states are unable to fulfil their obligations to Ukraine in the context of the Russian-Ukrainian War, to guarantee its national security and the preservation of territorial sovereignty. This conclusion was reached after conducting a scientific study in the field of studying the Budapest Memorandum and Ukraine's renunciation of nuclear weapons in the conditions of the annexation of the Crimean Peninsula. These conclusions were made based on the study of theoretical and practical aspects that allow analysing the significance of the Budapest Memorandum.

First of all, an important stage is the analysis of the Budapest Memorandum, according to which this agreement should be considered as an international treaty that ensures the implementation of the regime of the NPT.

It was also mentioned that the Budapest Memorandum plays a role in justifying Ukraine's nuclear disarmament, which significantly influenced the country's foreign policy development in light of the country's new geopolitical environment and the application of the subjectivity strategy in international relations. In those international conditions, the preservation of nuclear potential threatened Ukraine with deep international isolation, and in the future, the loss of Ukraine's sovereignty at all because of another possible subordination to Russia.

Nevertheless, in the end, Russia attacked Ukraine, and this, along with the signatory states' insufficient response, revealed a significant gap between the widely accepted norms and principles of international law and geopolitical reality. This is particularly evident in the circumstances surrounding the annexation of the Crimean Peninsula.

After analysing only some of the causes and possible consequences of the military invasion of Crimea, it can be said that Ukraine's policy in no way threatened the interests of Russia. In addition to violating the territorial integrity of Ukraine, the authorities of Russia commit systematic violations of human rights on the Crimean Peninsula. The international community should adequately respond and prevent such violations, since the purpose of the international legal system is to prevent international conflicts, as well as to prevent States from failing to ensure human rights and freedoms in the relevant territory. Because of the aforementioned, it is essential to think about whether a larger range of measures could be incorporated into the legislation in order to protect Ukraine's national security.

Acknowledgements

None.

Conflict of interest

None.

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Політико-правова оцінка Будапештського меморандуму: від відмови України від ядерної зброї до анексії Кримського півострова

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Анотація. Актуальність дослідження зумовлено сучасною ситуацією прояву воєнної агресії Росії проти України, яка призвела до порушення територіальної цілісності та суверенітету. Основні завдання – вивчити зміст Будапештського меморандуму, його важливість для України та дослідити постбіполярну систему міжнародних комунікацій. Методологічні прийоми наукової статті допомагають висвітлити теоретичні та практичні аспекти цих процедур, уможливаючи політико-правову оцінку Будапештського меморандуму та його впливу на українську політику. До цієї категорії методологічних підходів належать методи дедукції, індукції, синтезу, логічного аналізу, діалектичний методологічний підхід та інші. Під час дослідження визначено особливості Будапештського меморандуму та його функцію в гарантуванні ядерної безпеки, а також вплив ядерного роззброєння України в контексті анексії Кримського півострова. Серед інших факторів, що дали змогу здійснити політико-правову оцінку досліджуваного об'єкта, була зовнішня політика держав, які гарантували національну безпеку України, але не виконували взятих на себе зобов'язань. Визначено ефективність Меморандуму в контексті гарантій ядерної безпеки та надано рекомендації щодо їх забезпечення, що сприятиме вдосконаленню механізму міжнародної безпеки загалом. Оцінюючи політичну та правову ефективність гарантій ядерної безпеки України, передбачених Будапештським меморандумом, це дослідження дає рекомендації щодо вдосконалення механізму міжнародних зобов'язань у сфері безпеки та запобігання порушенням територіального суверенітету в майбутньому.

Ключові слова: зовнішня політика; ядерна зброя; норми міжнародного права; акт агресії; ратифікація