



Ban the bomb by... banning the bomb?

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GLOBAL FORUM



Ban the bomb by... banning the bomb?

A Ukrainian response

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KEYWORDS

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When the UN First Committee voted in October to initiate conferences at which a treaty banning nuclear weapons would be negotiated, a country such as Ukraine might have been expected to vote in favor. At the end of the Cold War, after all, Ukraine had inherited the world's third-largest arsenal of nuclear weapons from the Soviet Union – but Kiev gave them up. Ukraine also joined the Nuclear Non-Proliferation Treaty (NPT) as a nonnuclear weapon state, and it remains a treaty member in good standing. Moreover, Ukraine is threatened to its east by one of the world's two largest nuclear powers – and does not benefit from the nuclear deterrence capacity of the other. So Ukraine voted in favor of banning the Bomb – right?

Wrong. Well over 100 nations voted in favor of a ban treaty. Thirty-eight voted against – mainly nuclear weapon states, plus EU and NATO nations allied with the United States. Sixteen abstained. Ukraine, meanwhile, did not cast a vote – which can be considered a softer form of abstention.

Has Ukraine given up on disarmament? Does Kiev harbor plans to acquire its own nuclear deterrent? Has Ukraine lost faith in international agreements?

In 1994, when Ukraine gave up its nuclear weapons, Russia, the United States, and other powers signed the Budapest memorandum, an agreement that was supposed to protect Ukraine from nuclear attack (a point often emphasized by Russia) and also safeguard its territorial integrity (a point not emphasized by Russia). Since the events of 2014, when Russia annexed Crimea and the war in the Donbas region of eastern Ukraine began, the Budapest memorandum has turned out to be of little value. These events have marked a watershed in Ukrainian attitudes toward the power of international agreements.

Until 2014, Ukraine believed that the Budapest memorandum constituted a strong security asset.

Ukraine's 2012 military doctrine asserted that deterrence was a matter for "the UN Security Council and ... states guarantors of Ukraine's security according to the Budapest memorandum." But in 2015, the Ukrainian president's address to parliament sounded completely different – the speech mentioned that Ukraine's experience "made it evident that giving up nuclear status in an international agreement ... in reality gives no actual security guarantees." Indeed, the country that attacked Ukraine in 2014 was among Kiev's security guarantors under the Budapest memorandum; not only that, Russia issued nuclear threats to prevent other nations from offering Ukraine military support.

So has Ukraine lost faith in the nonnuclear option and replaced it with faith in nuclear deterrence? Some evidence points in that direction. In 2014, a bill to withdraw from the NPT was introduced in the Ukrainian parliament; another bill would have led Ukraine to develop nuclear weapons. Also in 2014, 49 percent of respondents to a public opinion poll indicated that Ukraine should restore its status as a nuclear weapon state.

Still, there is no serious concern among Ukrainian experts that the nation will go nuclear – partly because, even among members of the general public who think Kiev should develop nuclear weapons, only a small percentage believe it will actually do so. Nonetheless, a certain skepticism about disarmament can be seen in Ukraine today, for instance in a strengthening of NATO aspirations: The percentage of Ukrainians favoring NATO membership increased to 78 percent in 2016 from 15 percent three years earlier. Ukrainians tend to view NATO's extended deterrence capacity as quite credible. Ukraine is not a NATO member, of course, and cannot take

advantage of the organization's Article V provisions for collective defense (NATO 2016), but the government has officially proclaimed NATO membership as a political intention.

Kiev's abstention on the nuclear weapon ban treaty can be characterized as an expression of solidarity with the US nuclear umbrella, a solidarity that most NATO members demonstrated as well. For Ukraine, US extended deterrence presents an illusion that has not been broken yet, unlike the Budapest memorandum. By abstaining, Ukraine might also have meant to remind the world that extended deterrence functions as a nonproliferation incentive. To be sure, this sort of thinking proceeds from a sort of neorealist paradigm, which is perhaps regrettable, but the events of 2014 prove that it is quite difficult to avoid such a worldview when your neighbor actively practices it.

Ukraine may have abstained on the ban treaty, but among its political aims is drafting a global treaty providing guarantees that states with nuclear weapons won't use them against states without them. Such guarantees should be provided within the framework of the NPT – a mechanism that has proved itself relatively effective since 1968. The treaty does not work perfectly, but it generally upholds the values and interests of member states regarding nuclear energy, global security, and extended deterrence. Can it be improved? Yes, but perhaps this is precisely why Ukraine wishes to draft a treaty regarding security guarantees *within* the NPT structure.

A ban treaty, on the other hand, is likely to exist *outside* the NPT structure. With 38 nations voting against the proposed treaty, it seems clear that the world is still not ready for a complete ban on nuclear weapons. Even though all nations may support the idea of avoiding destructive global wars, two separate camps see the struggle for global peace from two different angles.

The NPT, no matter its faults, takes into account both points of view; the proposed treaty would fail to do that. Some states would outlaw nuclear weapons, others would not. The treaty might come to resemble the Kellogg-Briand Pact (Office of the Historian 2017) – a 1928 agreement to outlaw war – to which everyone agreed but which no one took seriously. Then again, the new treaty might turn out to have real

power, and strip the credentials from the NPT. But if the new treaty turns out to be more moral and less unequal than the NPT, will the latter treaty stand up to this challenge or will it gradually erode? If it erodes, what responses can be expected of nations that consider nuclear weapons a matter of national pride, greatness, and sovereignty? How will nations afraid of attack by powerful neighbors respond? Mightn't the new treaty create a truly Hobbesian nightmare in which everyone fights everyone, using all possible weapons? What happens when the old rules are abandoned but the new ones aren't accepted by several dozen states?

If the new treaty fails to abolish nuclear weapons and weakens the NPT without effectively replacing it, the dangers for the global nuclear order could be grave.

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