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RUSSIA

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Vladimir Orlov reports from Moscow:

CRIMEA CRISIS: ASSESSING THE ROLE OF SECURITY ASSURANCES TO UKRAINE
AND THE 1994 BUDAPEST MEMORANDUM

ANNOTATION

Twenty years ago the issue of nuclear weapons on Ukraine's territory, and of security assurances to be given to Ukraine in return for becoming a non-nuclear weapon state, was at the center of attention of politicians, diplomats, and the international expert community. It seemed at the time that the problem had been resolved once and for all: first in the Trilateral Statement by the Russian, U.S. and Ukrainian presidents (Moscow, January 14, 1994), and then in the Budapest Memorandum on Security Assurances in connection with Ukraine's accession to the Nuclear Non-Proliferation Treaty (Budapest, December 5, 1994), signed by Russia, the UK and the United States.

Now, however, as the Crimean crisis rages on, some are asking whether the Budapest Protocol is still in force. If it is, what are the implications for European and global security in the event of further escalation? And if it isn't, then what are the implications for: a) Ukraine; b) Crimea; and c) each of the three states that gave Ukraine the security assurances?

The author of the present article - PIR Center's president Vladimir Orlov - has attempted an analysis of this situation. The author is in a good position to undertake such an analysis because he has been dealing with the issue of the Soviet Union's nuclear legacy - especially the problem of Soviet nuclear weapons on Ukrainian territory - since 1991.

- *On December 1, 1991 I was in Kiev, observing the final act in the collapse of the Soviet Union that came in the form of Ukraine's referendum on independence. It is that referendum, and not the ensuing Belovezhskaya Pushcha accords, that delivered the coup de grace to the USSR.*
- *On September 3, 1993 in Massandra, Crimea, together with Boris Yeltsin and his team, I watched Ukraine essentially derailing all bilateral nuclear weapons agreements with Russia in the expectation that Washington would join the talks.*
- *In January 1994 I analyzed the Trilateral Statement, and was involved in numerous discussions held in Kiev and elsewhere. Then up until the spring of 1995 I was involved in the process of Ukraine edging closer to the decision to join the Nuclear Non-Proliferation Treaty (NPT) as a non-nuclear weapon state. That process culminated in the delegation from Kiev taking part in the 1995 NPT Review and Extension Conference; by that time Ukraine had ultimately confirmed its non-nuclear status.*

NUCLEAR HALF-LIFE

On December 22, 1991 Mikhail Gorbachev handed over the *nuclear briefcase* to Boris Yeltsin. That was part of the answer to the question of who controls the former Soviet Union's strategic nuclear forces.

On December 30, 1991 in Minsk the CIS member states signed an agreement on the strategic nuclear forces. The agreement recognized "the necessity for a coordinated and organized solution to issues in the sphere of the control of the strategic forces and the single control over nuclear weapons..." Article IV of the agreement stipulated that "until the complete elimination of nuclear weapons, the decision on the need for their use is taken by the president of the Russian Federation in agreement with the heads of the Republic of Belarus, the Republic of Kazakhstan and the Republic of Ukraine, and in consultation with the heads of the other member-states of the Commonwealth".

The Agreement further stipulated that "until their destruction in full, nuclear weapons located on the territory of the Republic of Ukraine shall be under the control of the Combined Strategic Forces Command, with the aim that they not be used and be dismantled by the end of 1994". The parties agreed that the disposal of nuclear weapons stationed in Belarus and Ukraine should be conducted "under the joint control of the Commonwealth states". The Agreement would be considered "terminated" in respect to the states that have removed strategic forces and nuclear weapons from their territory.

Nevertheless, the joint strategic forces were never actually set up. The very idea of their creation was probably a compromise, a temporary concession which Russia made at a difficult time immediately after the collapse of the Soviet Union, when Moscow intended to pursue energetic market reforms and needed the understanding of its CIS neighbors. Other reasons for the attempt to establish joint strategic forces included, first, the need to address deep Western concerns, and second, Boris Yeltsin's wish to ensure a supportive neutrality of the top brass during the dismantlement of the Soviet Union (one of the demands of the Soviet military leadership at the time was that a united command of the nuclear arsenal be preserved).

An in-depth look at the agreement on the joint strategic forces suggests that its key clauses required further clarification - especially those dealing with the practical mechanisms of control over the *nuclear button*, the modalities of making decisions if the need ever arose to authorize the use of nuclear weapons, and the financing of the strategic nuclear forces. Apart from Russia, none of the former Soviet republics had the capability to ensure proper combat readiness, technical maintenance, and security of nuclear ammunition. Besides, only Russia had the highly skilled personnel required for these tasks, and only Russia could afford to pay the minimally adequate wages to that personnel. In addition, the very idea of several state parties being in control (albeit "joint" control) of nuclear weapons caused grave concerns among the other nuclear-weapon states. They argued that such a situation would increase the unpredictability of the behavior of the Soviet Union's successor states. "Who controls the nuclear button?" - that was the question politicians and the media all over the world were asking in late 1991 and early 1992.

On July 6, 1992 nine CIS states (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, Moldova, and Turkmenistan) reaffirmed their support for Russia's membership of the NPT as a nuclear-weapon state. They further declared their willingness to join the treaty as non-nuclear weapon states. That settled the legal issue of succession,

and Russia became a fully legitimate successor of the Soviet Union as far as possession of nuclear weapons was concerned. It was agreed that Russia was the rightful owner of the entire Soviet nuclear arsenal, including the weapons stationed in Ukraine, Belarus, and Kazakhstan.

THE MASSANDRA EFFECT

The Ukrainian government had also declared its willingness to relinquish the nuclear weapons stationed on its territory. In practice, however, it was doing all it could to delay the resolution of various issues related to the elimination of those weapons, thereby raising questions as to whether nuclear warheads on its territory really belonged to Russia. Ukraine also voiced the notion that even though Russia had operational control of strategic nuclear weapons stationed on Ukrainian territory, the actual title to the warheads as well as the delivery systems belonged to Kiev.

On May 23, 1992 the United States, Russia, Ukraine, Belarus and Kazakhstan signed the Lisbon Protocol to the Strategic Arms Reduction Treaty (START I) between the Soviet Union and the United States. Under that protocol, Ukraine, Belarus, and Kazakhstan were recognized as state parties to the START I, along with Russia. They undertook the obligation to eliminate all strategic nuclear warheads or to remove them to Russia once the treaty had entered into force.

Belarus and Kazakhstan duly fulfilled all their commitments under the Lisbon Protocol. At the same time, the issue of the nuclear warheads and delivery systems stationed in Ukraine proved extremely difficult. In fact, it took another three years to resolve this issue.

When the Soviet Union broke up, the strategic nuclear forces stationed in Ukraine included 130 SS-19 intercontinental ballistic missiles (ICBM) carrying 780 warheads, and 46 SS-24 ICBMs carrying 460 warheads, plus about 600 warheads that used Tu-96 MS and Tu-160 heavy bombers as delivery systems. This meant that the nuclear arsenal stationed on Ukrainian territory was bigger than the arsenals of Britain, France and China put together. The Ukrainian government and parliament had declared on more than one occasion that the elimination of nuclear weapons stationed in Ukraine was one of their main foreign-policy priorities. In practice, however, Ukraine's conduct belied its words. Kiev was making deliberate efforts to acquire the status of the rightful owner of the strategic nuclear weapons stationed in Ukraine. When Russia, Ukraine, Belarus and Kazakhstan signed the documents on the succession under the START I treaty, the heads of state - including Ukrainian president Leonid Kravchuk - simultaneously sent letters to the U.S. president pledging to eliminate nuclear weapons on their territory and join the NPT. But Ukrainian officials soon declared that the letter was nothing more than a "personal message that is not legally binding".

On September 3, 1993, at a meeting in Massandra, Crimea, Russian Prime Minister Viktor Chernomyrdin and his Ukrainian counterpart Leonid Kuchma signed three protocols: on guarantees of supervision over missile launchers, on the disposal of nuclear ammunition, and on key principles of the disposal of nuclear warheads. Under these agreements, the entire nuclear arsenal stationed in Ukraine was to be removed to Russia and dismantled at the facilities where those warheads were made. Under a protocol signed in Massandra, highly-enriched uranium (HEU) extracted from nuclear warheads was to be diluted to low-enriched uranium and then returned to Ukraine for use as nuclear energy reactor fuel.

But then came a completely unexpected twist, which I personally witnessed, and which had very little to do with normal diplomatic practice. The Ukrainian delegation made hand-written changes to the already signed documents; these changes completely altered the essence of the agreement. In effect, Ukraine agreed to dismantle and remove to Russia only the warheads fitted on the SS-19 missiles. In accordance with the hand-written amendment, the SS-24 missiles could remain on Ukrainian territory. A member of the Russian delegation at the talks with Ukraine described that stunt as "completely unprecedented in diplomatic practice", and Russia denounced the agreement.

Serhiy Holovatyy, a prominent Ukrainian politician (who has served as a member of Ukrainian parliament and then as a justice minister) offered me the following ostensible explanation at the time: "We need to have a strong deterrent against Russia's aggressive policies. Otherwise Ukraine will share the fate that has already befallen Georgia, Moldova, and Tajikistan, where Russia is using imperial methods in pursuit of its vital interests."

Ukraine's real motive, I believe, was quite different. The country's genuine security interests took second stage to its economic interests. Ukraine was in the throes of a severe economic crisis, so Kiev was merely haggling to secure as much financial assistance as it could from the United States. The same opinion was unequivocally voiced by U.S. ambassador at large James Goodby, who led negotiations with Ukraine in 1992-1994. It is also obvious that Ukraine was trying to extract large sums of money or some financial concessions from Russia, especially by way of compensation for the HEU contained in the nuclear warheads.

In 1992-1993 Ukraine lacked the capability to establish independent and effective operational control over all the warheads remaining on its territory (in other words, it could neither launch those warheads nor prevent their launch). At the same time, it was capable of establishing partial control over nuclear warheads after a period estimated from several months to one and half years. In essence, there was only a possibility of Ukraine establishing negative control, i.e. being able to prevent the launch of missiles from its territory unless the government in Kiev has given its consent for that launch. As for positive control, experts offered different opinions. The prevailing view was that not all the possibilities for Ukraine establishing positive control over missiles on its territory had been cut off. First, the decoders (*electronic locks*) used in Soviet nuclear weapons were made in Kharkiv, Ukraine. Second, the command station of the 46th Missile Army, which controlled all communication lines to the local command stations and missile launchers, was situated in Vinnytsya, Ukraine. Third, the Ukrainian military had the theoretical capability to calculate missile trajectories, and therefore to program the mission input data for ICBMs.

At the same time, Ukraine lacked access to the satellite data required for precise programming of new ICBM targets. As a result, Kiev's real ability to establish positive control was minimal or even nonexistent. Finally, Ukraine's financial and economic situation in 1992-1993 would have prevented any attempts to relocate the missiles to new bases (which the Ukrainian military-political leadership was unlikely to contemplate in the first place), let alone to establish effective positive control over the nuclear arsenal.

Meanwhile, serious questions remained in 1992 and 1993 over Ukraine's ability and willingness to act as a responsible state party to international treaties.

MASTERS OF NUCLEAR BLUFF

Ukraine's *nuclear policy* in 1992-1993 essentially amounted to nuclear bluff. The purpose of that bluff was, first, to increase the newly independent republic's international prestige, and second, to secure substantial Western economic assistance in return for subsequent removal to Russia of the warheads stationed on Ukrainian territory. That was the whole purpose of the Ukrainian parliament's resolution adopted in November 1993; to all intents and purposes, the document declared that Ukraine was a nuclear-weapon state.

It is also worth noting that even though Russian diplomats and generals were engaged in energetic negotiations with their Ukrainian counterparts, the *Massandra Effect* continued to plague most of these discussions. The positions of the two sides seemed very close, but a comprehensive agreement always seemed just out of reach. The explanation was simple: Kiev knew very well that *the key to the safe* with hard currency was in Washington, not Moscow. Besides, Ukrainian negotiators believed that Washington was far more interested than Moscow in ensuring the success of the 1995 NPT Review Conference and securing the decision to extend the NPT indefinitely. Kiev rightly believed that if Ukraine were to refuse to take part in the conference as a non-nuclear weapon state, the whole conference would be overshadowed by such a decision. It would throw a spanner in the entire effort to achieve the desired outcome of the conference, and set an example of ignoring the NPT for other states.

As a result, negotiating an effective agreement on the future of the Russian nuclear warheads stationed in Ukraine without the involvement of the United States was proving impossible. Russia was initially confident that one way or another, the problem would be resolved bilaterally, in a "fraternal" manner, and without the involvement of third parties. In the end, however, it was forced to admit its inability to achieve the result without the United States, with Washington not merely acting as a symbolic mediator but actually playing a crucial, if not leading role.

THE TRILATERAL STATEMENT

It must be admitted that on the whole, Ukraine's strategy had achieved its goal. On January 14, 1994 the presidents of Russia, Ukraine, and the United States signed the Trilateral Statement under which Ukraine undertook to have all nuclear warheads removed from its territory within seven years from the START I treaty entering into force.

Just as the Ukrainian leadership had insisted all along, the Trilateral Statement was directly linked to the provision of 125 million dollars in aid by the U.S., as well as compensation in the form of low-enriched uranium (LEU). That assistance package was later increased even further.

Ukraine's paramount goal at the talks was to secure some economic gains in return for relinquishing the nuclear weapons that remained on its territory, even though Kiev had no control over those weapons.

Viewed from today's perspective, the crucial turn probably came when presidents Yeltsin and Clinton agreed to give Ukraine security assurances. Both told their Ukrainian counterpart Leonid Kravchuk that as soon as the START I treaty enters into force and Ukraine becomes a non-nuclear weapon state party to the NPT, Russia and the United States shall:

- " - 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 the CSCE member states and recognize that border changes can be made only by peaceful and consensual means; and reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state, and that none of their weapons will ever be used except in self-defense or otherwise in accordance with the Charter of the United Nations;*
- 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 another CSCE participating state of the rights inherent in its sovereignty and thus to secure advantages of any kind;*
- Reaffirm their commitment to seek immediate UN Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon state party to the NPT, 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;*
- Reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the NPT, 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."*

Yeltsin and Clinton also informed Kravchuk that they had held consultations with the UK, the third NPT depository state, and that London was also ready to give the same security assurances to Kiev as soon as Ukraine became a non-nuclear weapon state party to the NPT.

THE BUDAPEST MEMORANDUM

It appeared that Ukraine had achieved everything it wanted. Still, even after the signing of the document the Ukrainian parliament was in no rush to ratify the NPT. In the run-up to the 1995 NPT Review Conference, such delays were especially worrying for U.S. diplomats. They thought it was necessary to ensure Ukraine's participation in that conference as a full member of the NPT, thereby demonstrating the success achieved by the nuclear-weapon states (especially the U.S.) in overcoming the potential threats posed by the break-up of the Soviet Union.

Meanwhile, the nature of American pressure on Ukraine underwent a significant transformation: from *sticks* in 1992 to numerous *carrots* in 1993 and 1994. Also, Washington's pressure on Ukraine on the issue of nuclear weapons contrasted sharply with the Russian position during the same period. Moscow was engaged in grueling talks with Ukrainian delegations, but Russian negotiators often seemed lethargic, and clearly lacked initiative. Neither were they very forceful in seeking Ukraine's compliance with the agreements that had already been achieved.

Nevertheless, by the autumn of 1994 the Ukrainian parliament started to feel rapidly mounting international pressure (especially by the United States). By that time the Ukrainian leadership had already concluded beyond any doubt that it would be impossible for the country to maintain

a nuclear arsenal, and that it would be preferable to abide by the terms of the Trilateral Statement. Any further delays with Ukrainian ratification of the NPT as a non-nuclear weapon state, especially in the run-up to the final, decisive sitting of the NPT Conference Preparatory Committee (PrepCom), posed the risk of Ukraine's international isolation. Having realized that the opportunity for the *nuclear bluff* or *nuclear haggling* have been exhausted, on November 16, 1994 the Ukrainian parliament ratified the NPT by 301 votes to 8 in the 450-seat chamber. But it made the ratification conditional on the nuclear-weapon states giving Ukraine special security assurances. Three NPT depository states - the United States, Russia, and the UK - issued such guarantees in a joint memorandum at the Conference on Security and Cooperation in Europe (Budapest, December 5, 1994). France and China approved separate documents that also gave Ukraine security assurances.

The first five paragraphs of the Budapest Memorandum repeat the Trilateral Statement, for the most part. But there are also some differences in the text, so I will cite these five paragraphs here:

- "1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, 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 United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, 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 United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, 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 United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, 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 United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the 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."*

Compared with the Trilateral Statement, Paragraph 1 of the Budapest Memorandum does not contain the words "and recognize that border changes can be made only by peaceful and consensual means". In other words, the Budapest Memorandum seems to rule out the very possibility of a revision of borders, and omits the term "consensual means".

After numerous delays, Ukraine finally joined the NPT on December 5, 1994. From the legal point of view, that step eliminated a significant source of tension and a potential source of nuclear proliferation on former Soviet territory. Another important factor is that Ukraine's accession to the NPT as a non-nuclear weapon state enabled the entry into force of the START I treaty, which was originally signed by the Soviet Union and the United States, and which Russia, Ukraine, Belarus and Kazakhstan later joined under the Lisbon Protocol. The Russian parliament had ratified START I with a reservation that the treaty would enter into force in Russia only once Ukraine has joined the NPT.

From then on Ukraine diligently implemented all its commitments under the Trilateral Statement and the START I treaty (with the Lisbon Protocol). The last nuclear warhead was removed from Ukrainian territory to Russia in June 1996.

THE BUDAPEST MEMORANDUM TODAY

The entire saga of Ukraine formalizing its non-nuclear weapon status in 1991-1994 demonstrates that Russia's ability to influence even its own CIS neighbors was extremely limited at the time. In truth, up until the United States joined the Russian-Ukrainian agreements in January 1994, those agreements were not being honored.

- *It must be recognized that had the United States not become involved, Ukraine probably would not have agreed to a full elimination of nuclear weapons stationed on its territory, or it would have dragged its feet on that matter for an unacceptably long time. The United States had essentially demonstrated during that period that it was holding the keys to the Kiev offices where the main political decisions were being made.*
- *Another conclusion that can be made from the events of 20 years ago is that Ukraine was acting inconsistently and sometimes dishonestly at the negotiations with Russia. Those who believe that such Ukrainian tactics are a fairly recent phenomenon, or the result of anti-Russian views held by some individual Ukrainian politicians, are quite wrong. Ukraine has swindled Russia on some extremely important international issues on more than one occasion.*

The Trilateral Statement and the Budapest Memorandum were adopted in another historical era; that era is now gone. As Dmitry Trenin, head of the Carnegie Moscow Center, put it at a meeting of *Triialogue* Club International on March 5, 2014, it was a short era sandwiched between two Cold Wars. During that era, Russia was severely weakened militarily, financially, and economically. As a result, the scope for Russian diplomacy was greatly restricted.

The fact that it was a bygone historical era is also demonstrated by some other quotes from the Trilateral Statement. For example, the statement contains a prominent reference to the START II treaty: "Presidents Clinton and Yeltsin noted that entry into force of START I will allow them to seek early ratification of START II. The Presidents discussed, in this regard, steps their countries would take to resolve certain nuclear weapons question." As we all know, the START II treaty was never ratified by the United States, even though the Russian parliament did ratify.

As a result, those members of the new Russian elite who study the Trilateral Statement and the Budapest Memorandum of 20 years ago have a distinct feeling that Washington was cherry picking the elements it wanted, and conveniently *forgetting* about the parts in which Russia had an interest.

Another indication that the documents were signed in a bygone historical era is the fact that Washington's commitment in the Trilateral Statement to "respect the independence and sovereignty and the existing borders of the CSCE member states" (all CSCE states, and not just Ukraine!) did not later prevent it from facilitating Kosovo's secession from Serbia and then recognizing Kosovo as an independent state.

Speaking at a press conference on March 4, President Putin left the question of the Budapest Protocol open and largely dependent on the position of the United States and Great Britain regarding the (non)recognition of the new government in Kiev. If Washington and London recognize that the events that happened in Kiev in February were a coup d'état, then the Budapest Protocol remains in force, and the three parties (Russia, the United States, and the UK) should work together on restoring the legitimacy of the government in Kiev. A relevant clause is in fact contained in the Memorandum itself:

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

Clearly, in such a case Ukraine should be represented at the consultations by forces that are not complicit in the coup.

If, however, the United States and the UK believe that the events in Kiev were a revolution, then the situation is entirely different. "What does that mean?" President Putin asked. "In such a case, it is hard for me to disagree with those of our experts who argue that a new state has emerged on [Ukrainian] territory, in the same way that a new

state emerged after the 1917 revolution and the collapse of the Russian Empire. And we have not signed any binding documents with that new state, or with regard to that state."

In other words, as far as the Kremlin is concerned, the Budapest Protocol is more dead than alive, since Washington and London have both recognized the legitimacy of the new government in Kiev.

THE TRAJECTORY OF THE CRIMEAN CRISIS

Events are unfolding at a breakneck pace, and they require proactive rather than reactive action.

Looking forward, it can be assumed that if events proceed along the current trajectory, one issue that will come to the fore in the foreseeable future is the need for a zone free of nuclear weapons in the Black Sea region. Such a zone - which would also cover ship-borne weapons - would help to defuse the confrontation. Regardless of the future de jure and de facto status of Crimea, such a step would be in the interests of Russia, the United States, and all the other regional actors who are more interested in developing tourism and trade than in a nuclear confrontation - which could in fact become a reality.

The Crimea crisis has not been anything close to the Cuban missile crisis so far. It is essential to undertake all the measures to avoid any risk of it sliding down towards escalation, including threats of using nuclear weapons.

Experts in international law will continue to ponder the details of the question of when agreements must be kept and when they become void.

Political geography scholars will attest to the fact that there have been plenty of international precedents of secession at times of revolution or upheaval. Suffice it to recall the restoration of Eritrea's independence from Ethiopia. Other examples include the independence of East Timor (Timor-Leste) from Indonesia, or the declaration of South Sudan's independence from Sudan.

These same scholars will also attest that the precedents of a significant portion of one state becoming part of another state - even following a referendum - have been extremely rare in the past decades. The prevailing principle has been *possess what you possess*. The latest such precedent - the transfer of Northern Cameroon from Nigeria to Cameroon - took place half a century ago.

At the same time, most of these transfers have been facilitated by Britain and France, which relied on their overwhelming military superiority.

For example, France has essentially annexed the island of Mayotte from the Union of the Comoros and subordinated it directly to Paris. Britain has retained its control over the Chagos Archipelago after Mauritius declared independence, and designated it as a British Indian Ocean Territory. This was not surprising because the U.S. military base on Diego Garcia remains key to controlling the Indian Ocean. Most countries, including Russia, are refusing to recognize the loss of Mauritius sovereignty over the Chagos Archipelago - but that does not prevent the UK from remaining the de facto owner of the archipelago, and the United States from using it for military purposes, completely ignoring the position of Mauritius.

The designation used by the United States for such territories (including in Micronesia and in the Caribbean) is *free associated states*. Essentially, these states can be regarded as part of the United States, although they don't have to pay taxes and don't get the vote.

Finally, there is the example of Western Sahara, whose population has been awaiting a referendum on the territory's status for almost 40 years. The independent Sahrawi Arab Democratic Republic is recognized by many states in Africa and elsewhere. But Morocco retains its de facto control of Western Sahara, including its natural resources, and regards it as its own inalienable part.

All of these considerations, however, won't really matter if the Kremlin has indeed made the political decision to start the process of "gathering lands back to the Russian fold". Such a decision - if it has in fact been made - would usher in a whole new era. In that era, the Kremlin will regard the question of whether the Budapest Protocol still remains in force de jure as purely academic.

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