

March 3, 1993

**On Comprehensive Solution of a Wide Range of
Issues related to the Deployment of Strategic
Nuclear Weapons and Tactical Nuclear Warheads on
the Territory of Ukraine, Removed in the Spring of
1992 from Ukraine for Dismantlement and
Elimination**

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Summary:

This report on the Ukrainian-Russian negotiations on nuclear weapons outlines the position of both Russia and Ukraine.

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On comprehensive solution of a wide range of issues related to the strategic nuclear arms deployed in Ukraine and tactical nuclear warheads withdrawn in the spring of 1992 from Ukraine for dismantlement and elimination

For information

The Ukrainian-Russian negotiations on a wide range of issues, related to the strategic nuclear arms deployed in Ukraine and tactical nuclear warheads withdrawn in the spring of 1992 for dismantlement and elimination, began on January 26, 1993. Two rounds were carried out (in Irpin', January 26-27 and Moscow, March 2-3).

From the Russian side, the delegation was headed by Ambassador Y. V. Dubinin, and from the Ukrainian side - Minister for the Protection of Environment Y. I. Kostenko.

The negotiations hit a dead end due to differences on principal issues - the right of ownership to nuclear warheads and the status of strategic nuclear forces deployed in Ukraine.

The Russian position is that it [the Russian Federation] is the owner of the nuclear warheads as the only recognized nuclear weapons state successor of the USSR, and based on this, the strategic forces deployed in Ukraine, which have nuclear warheads, must be placed under the jurisdiction of the Russian Federation. Should we agree to this position, Russia is prepared to negotiate a compensation to Ukraine for the nuclear materials, contained in the strategic warheads, but the issues of tactical warheads withdrawn from Ukraine in spring 1992 the Russian side considers closed and refuses to as much as discuss it. The shipping of parts for warheads that ensure their nuclear safety, a most pressing issue, is contingent on our approval of this Russian position.

Our position is that Ukraine inherited nuclear weapons on its own territory from the former USSR that not belong to any other state. Nevertheless, Ukraine does not exercise control over the nuclear warheads that would enable their intended use, nor does it have the intention to acquire such control. The right to use these weapons has been transferred, with the approval of all successor states of the former USSR, to the Joint Command of the CIS, which exercises operational control of these forces (administrative control is exercised by Ukraine).

Based on this, the delegation of Ukraine at the talks with Russia defended Ukraine's right of ownership to all components of strategic and tactical nuclear warheads deployed in Ukraine or removed from its territory in 1992 and insisted that the status of strategic nuclear forces in Ukraine must be the same as in the Alma-Ata and Minsk agreements (i.e. under the operational supervision of the Joint Command of the CIS). It was underscored that Ukraine has never in any document refused from the ownership of the components of the nuclear warheads and it is this specific property right that creates a legal basis for compensating [Ukraine] for them.

During the negotiations with the Head of Government of Russia we could emphasize that the "nuclear problem" in relations between Ukraine and Russia is obviously overdue and demands an immediate solution.

We are prepared to search in earnest for a mutually acceptable solution, which would have to satisfy two principal demands: provide for the compensation for components of strategic and tactical warheads, deployed on the territory of Ukraine at the moment of the attainment of independence and exclude the situation, in which sites on the territory of Ukraine would be placed under the Russian jurisdiction.

We consider the Alma-Ata and Minsk agreements an acceptable legal basis upon which to negotiate a mechanism for ensuring a normal operation of the Strategic Nuclear Forces in Ukraine and a safe operation of warheads that arm them, which would reflect the existing realities and objective interests by Ukraine and Russia in a closer interaction and cooperation in this field.

Nonetheless, we consider that all issues - the use of nuclear materials, the type of status of the Strategic Nuclear Forces as well as warranty and manufacturer maintenance of nuclear warheads and strategic missile complexes - must be resolved within a comprehensive approach.

For this to happen, it is necessary to decisively change the atmospherics of the negotiations. The President of Ukraine proposed in his letter to B. M. Yeltsin to bring the negotiations up to the level of Prime Ministers of our two countries. This, of course, does not mean that we would be directly participating in all sessions. But at certain stages, it appears, compromise could be achieved only at that level.

If [Russian Prime-Minister, ed.] V.S. Chornomyrdin will raise the issue of signing the "Treaty between Ukraine and the Russian Federation on executing warranty and manufacturer maintenance over the operational strategic missile complexes of the Strategic Forces, deployed on their territories," he should be told that we are ready to do this only in a "package" with a comparable agreement on warranty and manufacturer maintenance of nuclear warheads. Experts of both sides should be instructed to immediately conduct negotiations and develop such an agreement. As soon as both agreements are approved, they could be signed at the level of Prime Ministers.