

MEMORANDUM

Of the Ministry of Foreign Affairs of Ukraine

Lately, the issue of Ukraine's nuclear policy and, in particular, of Ukraine's accession to the Treaty on the Non-proliferation of Nuclear Weapons (NPT) elicits increasingly keen interest in many countries of the world.

Unfortunately, the content of official inquiries from the embassies of some states in Kyiv, as well as reports in foreign mass media suggest that Ukraine's position on these issues is often distorted.

They often cast doubt on Ukraine's commitment to join the NPT and ratify the START Treaty. At the same time, they voice a threat that certain states would be prepared to halt all programs of economic cooperation, including provision of aid and tariff preferences with any state that undermines the NPT, and note that this concerns Ukraine.

In the opinion of the Ministry, concerns voiced with regard to Ukraine's nuclear policy are caused by insufficient understanding of the respective state governments about Ukraine's nuclear policy.

The position of Ukraine regarding these issues is the following.

First. Ukraine declared its intention to become, in the future, a non-nuclear state in the Declaration of State Sovereignty of Ukraine [of July 16, 1990] and confirmed it in the Statement of the Verkhovna Rada of October 24, 1991 and the Resolution of the Verkhovna Rada of April 9, 1992.

In fulfillment of these political documents, Ukraine announced its intention to join the Treaty on the Non-proliferation of Nuclear Weapons (NPT) as a non-nuclear weapons state and conclude a safeguards agreement with the IAEA.

The President of Ukraine, exercising his right of legislative initiative, introduced to the Verkhovna Rada of Ukraine a bill on the ratification the Treaty on Reduction and Limitation of Strategic Offensive Arms and accession to the NPT.

Second. In support of the IAEA's activity, directed at establishing comprehensive safeguards to ensure nonproliferation of nuclear weapons, the Minister of foreign affairs of Ukraine, in September of this year, sent a letter to the Secretary General of the Agency, conveying Ukraine's willingness to put under respective IAEA safeguards all nuclear facilities on its territory and under its jurisdiction.

In October of this year, IAEA technical experts already visited Chernobyl and Rivne nuclear power plants; visits to other nuclear facilities in Ukraine are planned for early next year.

Ukraine's accession to the NPT demands, inter alia, efforts toward the creation of the national system of accounting, control, and physical security of nuclear materials, a database of nuclear facilities and training of respective experts. In Ukraine, this works must commence practically from zero and requires a certain amount of time and support from other states.

Third. In a more general, fundamental regard, Ukraine views its accession to the NPT not as a simple political declaration but intends to ensure that the Treaty's coming-into-effect for Ukraine coincides with the resolution of all issues relating to the dismantlement of the nuclear weapons on its territory.

Ukraine's situation in regard to the nuclear weapons deployed on its territory is unique and has no precedents in history. At the moment of the collapse of the former USSR at least four

states (Belarus, Kazakhstan, the Russian Federation and Ukraine) had an undeniable right to be considered nuclear states as equal successor states of the Soviet Union. Nuclear weapons situated on their territories have been subordinated, in accordance with the Almaty Agreement, to the Joint Command of the Strategic Forces of the CIS.

Ukraine, as a state that has no intention to possess nuclear weapons, consistently pursues policies not to acquire control of nuclear explosive devices, in accordance with Article II of the NPT, however, it undeniably has property rights to all components of nuclear warheads, both strategic, deployed on its territory, and tactical, withdrawn in Spring 1992 for dismantlement and elimination to Russia.

In accordance with the Lisbon protocol, Ukraine undertakes responsibility for dismantlement of strategic offensive arms deployed on its territory, including their nuclear components. Without resolving the issue of how exactly and within what timeframe all nuclear weapons [in Ukraine] would be eliminated, Ukraine cannot consider that there already exist the legal, economic and technical conditions for Ukraine to fulfill its commitments under the NPT.

It is precisely in this key that these issues are being considered in the Verkhovna Rada of Ukraine where the deputies are currently holding hearings on Ukraine's accession to the NPT.

Fourth. Ukraine is currently going through a process, normal for any democratic state, when its Parliament deliberates all aspects of the NPT and analyses all possible consequences of joining this Treaty for Ukraine's military, nuclear and ecological security, [as well as] the impact of this decision on the state of the economy and general stability in the society. It is also analyzing financial consequences of implementing the NPT and START.

Concomitantly, the Verkhovna Rada is considering such vital issues as the adoption of the new Constitution, confronting the economic crisis and many other issues upon which the very existence of the Ukrainian State depends.

The President and the Government of Ukraine propose to consider the issue of START ratification and NPT accession as a priority, however, the Verkhovna Rada must decide for itself where this issue falls in comparison with other urgent problems that populate the agenda of the Ukrainian Parliament.

Fifth. At times, we hear an assertion that Ukraine can sign the NPT without any prior legal procedures.

This assertion is erroneous since Ukraine cannot sign and, respectively, ratify the NPT. The term for these procedures, provided for in the Treaty, has long since expired. Ukraine can only accede to the NPT, in accordance with its constitutional procedure.

Sixth. We also sometimes hear a concern with regard to Ukraine's demand for establishing international "control over the withdrawal of nuclear weapons from Ukraine to Russia."

This pertains to the control over dismantlement and elimination of nuclear warheads, which, in accordance with the bilateral agreement with Russia, Ukraine is already exercising at respective Russian facilities with the aim of preventing the use of nuclear materials extracted from the warheads for repeated use in the manufacture of nuclear weapons.

If we manage to reach an agreement about a fair compensation to Ukraine for the nuclear materials contained in tactical nuclear warheads withdrawn from its territory, Ukraine intends to agree that the dismantlement of the nuclear warheads of strategic offensive arms, which remain on its territory, be carried out in Russia. At the same time, Ukraine will insist that those procedures of control that applied to the dismantlement and elimination of tactical warheads also apply to strategic warheads.

Seventh. Ukraine repeatedly proposed to its partners to commence negotiations toward reaching an agreement on allocating limits and restrictions of strategic offensive arms, stipulated by the START Treaty for the former Soviet Union, which, in accordance with Article II of the Lisbon Protocol, must be agreed upon by Belarus, Kazakhstan, the Russian Federation and Ukraine.

These [negotiations] are yet to take place, however, the Ministry hopes that the latest proposal advanced in this regard by the Ukrainian side, will allow to commence such negotiations with the Russian Federation in the nearest future.

Eighth. Ukraine is not responsible for the decisions that led to the deployment by the former Soviet Union of world's third largest strategic nuclear formation of intercontinental ballistic missiles to its territory. However, instead of tangible assistance in the elimination of ICBMs and their warheads, it receives only 'negative' stimuli to get it to join the NPT and eliminate nuclear weapons.

Ukraine must carry out multibillion [ruble] programs of elimination of strategic offensive arms, ensure their nuclear security, as well as social rehabilitation and employment of those who are carrying out active military duty in connection with these arms (this is not only a social problem but also a problem of nuclear security).

Toward this, Ukraine received not a cent from other countries.

We get an impression that Ukraine is expected to single-handedly shoulder all material expenses associated with the elimination of missile-nuclear arsenals, as well as the risk of ecological catastrophe in case of possible accidents, all this against the background of the crisis that is currently afflicting its economy.

In connection with this, the Ukrainian side would be grateful if Ukraine were offered some real aid in their [nuclear arsenals] elimination. It should be taken into account that strategic nuclear arms deployed in Ukraine constitute a threat not only in term of their direct use but also ecological threat to Ukraine and the entire world.

Ninth. The Ministry is always available to provide, in a timely manner, to the embassies accredited in Ukraine the necessary explanations regarding Ukraine's position on the accession to the NPT and the ratification of the START Treaty, as well as those regarding the more general issues of maintaining international security and disarmament, the contents of statements by the Minister of foreign affairs and other members of the Ukrainian Government.

The Ministry has instructed Ukrainian embassies to establish a permanent liaison on these issues with the ministries of foreign affairs of their resident country and expects that similar instructions would be also received by the foreign embassies in Ukraine.

Kyiv, December 11, 1992