

[March 3, 1993]

On a comprehensive solution for a wide range of issues related to strategic nuclear weapons stationed on the territory of Ukraine and tactical nuclear warheads withdrawn from Ukraine for dismantling and destruction in spring 1992

Reference

The Ukrainian-Russian talks on a wide range of issues related to strategic nuclear weapons stationed on the territory of Ukraine and tactical nuclear warheads withdrawn from Ukraine for dismantling and destruction in spring 1992, was started on January 26, 1993 through two rounds (in Irpin on January 26-27 and in Moscow on March 2-3).

The Russian delegation was headed by Ambassador Yuri V. Dubinin, the Ukrainian one by Minister for Environment Yu. Kostenko.

The talks reached a dead end due to disagreements on fundamental issues – the ownership of nuclear weapons and the status of strategic nuclear forces stationed in Ukraine.

Russia's position implies that it is the owner of the nuclear weapons as the only recognized successor state of the USSR and, on this basis, the strategic forces stationed in Ukraine that have nuclear weapons should be under the jurisdiction of the Russian Federation. If we agree with this position, Russia is ready to agree on compensation to Ukraine for nuclear materials that are within the strategic warheads. However, the Russian side considers closed the issue of tactical nuclear weapons, which were withdrawn from Ukraine in the spring of 1992, and even refuses to discuss it during the negotiations. The solution of the most pressing issue of supplying components for warheads that ensure their nuclear safety is linked to our agreement with the position of Russia.

Our position is based on the fact that Ukraine inherited from the former Soviet Union nuclear weapons on its territory, which do not belong to any state. At the same time, Ukraine does not exercise control over nuclear warheads, which would allow their use for their intended purpose, and does not intend to have such control. The right to use these weapons was transferred by the agreement of all successor states of the former USSR to the CIS joint command, which exercises operational control over these forces (administrative control is exercised by Ukraine).

On this basis, the delegation of Ukraine in negotiations with Russia stood for Ukraine's ownership of all components of strategic and tactical nuclear weapons located in or withdrawn from Ukraine in 1992, and insisted that the status of strategic nuclear forces in Ukraine should be exactly as it is defined in the Alma-Ata and Minsk agreements (that is, under the operational

control of the CIS joint command). It was stressed that Ukraine has not renounced ownership of nuclear warhead components in any document, and it is this ownership that poses a legal obstacle to providing us with appropriate compensation for them.

Talks with the Russian Prime Minister could emphasize that the "nuclear problem" in relations between Ukraine and Russia as a whole is obviously overripe and requires an immediate solution.

We are ready for a real search for a solution acceptable to both sides that will meet two fundamental requirements for us: to provide compensation for components of both strategic and tactical warheads that were located on the territory of Ukraine at the time of independence, and to exclude a situation in which troops and facilities on the territory of Ukraine would come under the jurisdiction of Russia.

We believe that the Alma-Ata and Minsk agreements on the implementation of unified control over nuclear weapons of the former USSR constitute a generally accepted legal framework within which it will be possible to agree on such a mechanism for ensuring the normal functioning of strategic nuclear forces in Ukraine and safe operation of the weapons that they have in their arms, which would reflect the existing realities and objective interest of Ukraine and Russia in closer interaction and cooperation in this area.

At the same time, we believe that all issues – the use of nuclear materials, the form of the status of strategic nuclear forces, warranty and author control of both nuclear ammunitions and strategic missile systems – should be addressed within the framework of an integrated approach.

This requires a decisive change in the atmosphere of the negotiations. As you know, the President of Ukraine in his letter to Yeltsin proposed to raise the talks to the level of Prime Ministers of our two states. Of course, this does not mean that we will participate directly in all meetings. But it is obvious that at certain stages it will be possible to reach a compromise only at this level.

If V.S. Chernomyrdin will raise the issue of signing the "agreement between Ukraine and the Russian Federation on the implementation of the warranty and author control over the exploitation of strategic missile complexes of strategic forces, which are stationed on their territories," we can say that we are ready to do it, but only "in a package" with the same warranty agreement and author's supervision of nuclear ammunition. To propose to instruct the experts of the parties immediately to negotiate and prepare such an agreement. Once both agreements are agreed, they can be signed at the Prime Ministers' level.

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