

**Nuclear Disarmament and Nonproliferation:  
The Evolution of the Ukrainian Case**

**Victor Zaborsky**

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*Victor Zaborsky is Assistant Professor at the Ukrainian Institute of International Relations, Kiev University. This paper was prepared while the author was a research fellow at the Center for Science and International Affairs (CSIA). His fellowship was supported by a grant from the International Research and Exchange Board (IREX). Additional research support was provided by the CSIA Cooperative Security Project, funded by the Carnegie Corporation of New York.*

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## ***I. Introduction***

The break up of the Soviet Union and the formation of the Commonwealth of Independent States (CIS) created new and complex problems for the nuclear nonproliferation regime and nuclear disarmament process. New states unexpectedly appeared in Eurasia which, from their very inception, had significant nuclear arsenals on their territory. Previously the nonproliferation regime sought the goal of preventing non-nuclear states from turning into nuclear ones; then with the demise of the USSR yet another task appeared, namely, turning *de facto* nuclear states--Ukraine, Belarus, and Kazakhstan--into states with non-nuclear status. The collapse of the united nuclear superpower and emergence of several Soviet nuclear successors pose a threat to nuclear disarmament, particularly for implementation of the START treaties.

The disruption to the nuclear nonproliferation regime has not been too great in the cases of Kazakhstan and Belarus. Both states have ratified the START-I Treaty and the Lisbon Protocol, and acceded to the Nuclear Non-Proliferation Treaty (NPT) as non-nuclear-weapon states. The nuclear policy of Ukraine has created the greatest alarm, and has been damaging the nuclear nonproliferation regime and the nuclear disarmament process.

This paper is intended to cover the evolution of Ukraine's nuclear policy during the period from July 1990, when the nation gained its independence, to early 1994. The new Verhovna Rada (Parliament of Ukraine) elected in March-April 1994, and a new president to be elected in June 1994 will shape Ukraine's nuclear stance, taking into account previous developments and approaches. In this paper, I describe these developments and approaches, along with a prognosis for the future.

## ***II. Debates on Ukraine's Legal Status***

### **A. The Declaration of State Sovereignty on July 16, 1990**

The Declaration on State Sovereignty adopted by the Supreme Soviet of Ukraine on July 16, 1990, is the first document in which there was discussion of Ukraine's armed forces and possession of nuclear arms. The document says that Ukraine will become a non-nuclear power which will adhere to three principles: it will not accept, produce, or build nuclear weapons. In the declaration there is a promise to adhere to the NPT as a non-nuclear-weapon state.

It appears that during that period the Ukrainian leadership was attempting to achieve political independence from the Soviet Union. In the opinion of the Ukrainian Parliament, appropriate declaratory statements about future non-nuclear status fostered achievement of that goal for several reasons.

First, the breakup of the central Soviet authority frightened the world with the threat of the appearance of several nuclear states, and the indivisibility of the nuclear infrastructure was identified with the indivisibility of the Soviet Union. Ukraine's refusal to own nuclear weapons knocked that argument out of the hands of opponents to Ukrainian independence in the Soviet leadership.

Second, for the creation of statehood Ukraine required support from the world's leading nations. It was abundantly clear that the image of a peace-loving state voluntarily relieved of the presence of nuclear weapons on its territory would be met with approval in the United States and Europe. For the sake of being more convincing, the Parliament announced Ukraine's readiness to become a permanently neutral state.

Third, the psychological trauma from the Chernobyl accident also contributed to this anti nuclear syndrome.

## **B. Multilateral Legal Arrangements**

Ukraine's legal obligations regarding the nuclear weapons deployed on its territory are recorded in at least five multilateral arrangements--the Agreement on the Creation of the Commonwealth of Independent States; the Agreement on Joint Measures in Relation to Nuclear Weapons; the Agreement Between Member-States of the Commonwealth of Independent States on Strategic Forces; the Lisbon Protocol to the START-I Treaty and President Leonid Kravchuk's letter to President Bush; and the Trilateral Statement by Presidents Kravchuk, Yeltsin, and Clinton.

### *1. Multilateral Agreements Within the CIS Framework*

In the Agreement on the Creation of the Commonwealth of Independent States, signed December 8, 1991, by the presidents of Russia, Ukraine, Belarus, and Kazakhstan, it was emphasized that the nuclear weapons of the United Armed Forces guarantee the collective security of all CIS members (Article 1).<sup>1</sup> Thus, the nuclear weapons on Ukrainian territory could be called upon to protect the security of Ukraine itself along with protecting the security of other CIS members. That agreement did not clarify the issue of ownership and the future destiny of nuclear weapons in Ukraine.

The Agreement on Joint Measures in Relation to Nuclear Weapons, signed December 21, 1991, in Alma Ata by leaders of those same four states, is more contradictory in its content. The states party to the agreement took on the obligation of "no first use of nuclear weapons" (Article 2) and also "not to transfer to anyone, directly or indirectly, either nuclear weapons or other

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<sup>1</sup> See Izvestiya, December 9, 1991.

nuclear explosive devices and technologies or the control over such nuclear explosive devices" (Article 5).<sup>2</sup>

The latter obligation was copied directly from the text of the NPT (Article 1). The paradox is that in the NPT these obligations were assumed by nuclear-weapon states. Thus, the states party to this agreement, Ukraine among them, assumed obligations which under international law are imposed exclusively on nuclear powers. Moreover, the obligation of "no first use" of nuclear weapons can be taken only by a nuclear-weapon state. Such an obligation would be absurd for a government with non-nuclear status. So, from the legal point of view, that agreement describes all signatories, including Ukraine, as nuclear-weapon powers, despite the affirmation of "fidelity to nuclear nonproliferation" stated in the preamble.

Neither did the Agreement Between Member-States of the Commonwealth of Independent States on Strategic Forces, signed in Minsk on December 30, 1991, bring clarity to the question of Ukraine's status. That agreement simply confirmed the time frame for withdrawal of strategic and tactical nuclear weapons from Ukraine's territory. Ukraine's nuclear status until the complete withdrawal of nuclear weapons from its territory remained unclear.<sup>3</sup>

The euphoria of the dissolution of the Soviet Union and the republics' rush to independence had resulted in arrangements that were badly prepared from the legal point of view. These arrangements did not determine the status of the newly independent states with nuclear weapons on their territories; nor did they set precise legal nonproliferation and disarmament obligations for these states. Moreover, some of the arrangements run counter to

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<sup>2</sup> See Izvestiya, December 23, 1991.

<sup>3</sup> See Diplomatichesky Vestnik, # 2-3, 1992.



international nonproliferation norms. Later on, the ambiguity of the agreements signed in a rush in December of 1991 served Ukrainian leadership as a legal pretext and excuse for retaining nuclear weapons on its territory.

## *2. The Lisbon Protocol*

In the changed political circumstances following the demise of the Soviet Union, the United States and the four former Soviet Republics--Russia, Ukraine, Belarus, and Kazakhstan--signed the Lisbon Protocol on May 23, 1992. The Protocol, which is an integral part of the START-1 Treaty, provides that Russia, Ukraine, Belarus, and Kazakhstan shall assume the obligations of the former Soviet Union under the START Treaty.

Article 1 of the Protocol specifies that Russia, Ukraine, Belarus, and Kazakhstan are successor states of the former Soviet Union for the purposes of the START Treaty, and that they are all party to the treaty. Article 2 of the Protocol obligates these four former Soviet republics to make arrangements among themselves to implement the START Treaty's limits and restrictions, to allow functioning of the verification provisions of the START Treaty equally and consistently throughout the territory of all four states, and to allocate costs.

The obligation of the four states to make arrangements to implement the START Treaty's rights and pledges means that they will decide among themselves how to reduce the strategic offensive arms of the former Soviet Union to meet the START Treaty limits. However, no separate quotas have been established for individual states. From the legal point of view, these four former Soviet republics have been considered by the protocol as successor states of the dissolved Soviet Union, which together should implement the START restrictions.

Article 5 of the Protocol is the central part of the solution to the problem of START ratification and implementation. This article provides that Belarus, Kazakhstan, and Ukraine shall adhere to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 as nonnuclear-weapon states party in the "shortest possible time," and shall begin immediately to take all necessary actions to this end in accordance with their constitutional practices.

At one time, the United States and Russia were considering a formula where only these two states would be parties to the START Treaty. The major reason for this was concern that making Ukraine, Belarus, and Kazakhstan parties to START could imply that these states have ownership and control of the nuclear weapons on their territories, contrary to the requirements of the NPT. However, Belarus, Kazakhstan, and especially Ukraine were concerned that a solution making Russia the only party to START would not have given appropriate recognition to their independence and sovereignty. Also, the leaders of these three newly independent states considered nuclear weapons on their territories and participation in START as a bargaining chip for the future.

The Lisbon Protocol has been an attempt to reconcile these two considerations by giving Ukraine, Belarus, and Kazakhstan equal standing with Russia under the START Treaty, while ensuring that their status as parties does not bar their accession to the NPT as non-nuclear-weapon states party. To this end, the preamble to the Protocol states that "the nuclear weapons of the former Union of Soviet Socialist Republics will be maintained under the safe, secure, and reliable control of a single unified authority." The participation of such an authority was not supposed to preclude these three states' having a non-nuclear-weapon status under the NPT. Article 5 of the Protocol makes it clear that the parties do not regard adherence to the NPT as

non-nuclear-weapon states party by Ukraine, Belarus, and Kazakhstan as inconsistent with their START status. On the contrary, this article makes such adherence an integral part of their START obligations.

Finally, the associated letters from the heads of Ukraine, Belarus, and Kazakhstan to President Bush confirm the elimination of strategic offensive arms located in these three countries within seven years following the date of entry into force of the START Treaty. In his letter, Kravchuk stressed that "in accordance with the Declaration on the State Sovereignty of Ukraine adopted by the Verhovna Rada of Ukraine on July 16, 1990, and with the Statement of the Verhovna Rada of Ukraine on the Non-Nuclear Status of Ukraine adopted on October 24, 1991, Ukraine shall have non-nuclear status, will abide by the three non-nuclear principles in the future, and emphasizes its right to control over the non-use of nuclear weapons deployed in its territory. " <sup>4</sup>

The Lisbon Protocol can be described as a compromise between the United States and Russia on the one side and Ukraine, Belarus, and Kazakhstan on the other. Being a compromise, the text of the Lisbon Protocol contains some loopholes, as most compromises usually do, and does not exclude different interpretations of some of its provisions.

The Protocol has fixed the seven-year period for elimination of nuclear offensive arms in Russia, Ukraine, Belarus, and Kazakhstan to meet the START-1 limits, but it has not set a deadline for the adherence to the NPT Treaty by the three non-Russian republics as non-nuclear- weapon states. Nor has it clearly determined the status of Ukraine, Belarus, and Kazakhstan within this seven-year period and afterward. These three republics have been given equal

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<sup>4</sup> Letter from President Kravchuk of Ukraine to President Bush dated May 7, 1992.

standing with Russia regarding nuclear disarmament issues. The only specification for these republics provided in the Protocol is Article 5. It has been presumed that after the three non-Russian republics join the NPT Treaty by the three non-Russian republics as non-nuclear-weapon states, Russia would become the only nuclear-weapon successor of the former Soviet Union.

Kravchuk's letter to Bush contained Ukraine's pledge to eliminate all nuclear weapons deployed on Ukrainian territory within the seven-year period provided by the START Treaty, and to acquire non-nuclear status. However, this letter has neither specified Ukraine's status for this period, nor set a certain deadline for acquiring non-nuclear status.<sup>5</sup>

The present Ukrainian policy towards START and the NPT should be condemned as unfair under the Lisbon Protocol. Ukraine's leadership has been illustrating how the policy can be adjusted for the changing domestic and international circumstances, and how easily the deal's terms can be abandoned. On the other hand, it should be acknowledged that neither the Lisbon Protocol nor Kravchuk's letter have ultimately determined Ukraine's legal status for the seven- year period of START's implementation.

### **C. Ambiguity of Status and Accession to the NPT**

The ambiguity of Ukraine's legal status has brought about claims to launch control an ownership of the nuclear arms on Ukrainian territory. Since late 1992, the president, the Rada, the Foreign Ministry, and other powers have been involved in heated debates about the issues of Ukraine's status and "administrative" and "operational" control over the strategic nuclear missiles. Actually, all the powers have been unanimously insisting on Ukraine's right to own and

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<sup>5</sup> Ibid.

control nuclear arms deployed on its territory. Most of them have been advocating a nuclear-free status for Ukraine in the future. However, the Ukraine's status till the complete withdrawal of the nuclear warheads from the Ukrainian soil has always been disputable.

### *1. The President's Approach*

President Kravchuk can be considered a devoted advocate of non-nuclear status for Ukraine. Having recognized the mistake of declaring Ukraine as both a non-nuclear and a neutral state in the future, Kravchuk had faced a dilemma: which of these two principles had to be rejected. Presumably, when solving this dilemma, Kravchuk's stance has been based on several considerations--the possible response of the world; economic profits; and realistic estimation of Ukraine's technological potential and the human expertise necessary for controlling and servicing nuclear missiles deployed in Ukraine.

The president's stance has been based on the premise that nuclear-weapon status, should it be officially declared, would provoke severe criticism and political and economic pressure from the entire world. Consequently, the economic support and financial aid from the West, which Ukraine desperately needs, would be suspended, and Ukraine's political image and prestige would be seriously damaged. The strategic nuclear missiles deployed in Ukraine would not make Ukrainians feel more secure in the face of Russian territorial claims. Security considerations have inspired Kravchuk to seek membership for Ukraine in European security arrangements rather than to claim nuclear-weapon status. On the other hand, Kravchuk believes that Ukraine's denuclearization could be used as a bargaining chip for gaining economic profits and security guarantees for Ukraine and for enhancing the nation's political prestige.

Kravchuk has been trying to prove his commitment to nuclear-free status both inside and outside Ukraine. His letter to President Bush in May 1992, Ukrainian-Russian Massandra nuclear weapon agreements signed in September 1993, and the Trilateral Ukrainian-Russian-American Statement of mid-January 1994 serve as proof of Kravchuk's readiness to get rid of nuclear weapons. Confirming Ukraine's right to own components of nuclear missiles deployed on its territory, Kravchuk has been noting Ukraine did not claim operational missiles. "If we claimed the operational missiles, we would promptly be considered one of the nuclear powers. We reject that..." said Kravchuk in one of his interviews in early March 1993.<sup>6</sup>

In the domestic policy area, the president's attempts to confirm non-nuclear status for Ukraine have been directed mainly against Parliament's opposition on this issue. In terms of debates on the Ukraine's status, 1993 was a busy year and unfortunately Kravchuk lost the battle with Parliament.

One of the most important documents passed by the Parliament in 1993 was Ukraine's military doctrine. Kravchuk supported the initial non-nuclear doctrine proposal, which prevented Ukraine from holding, using, or manufacturing nuclear weapons. In the raucous closed session debate on military doctrine, Kravchuk told deputies that Ukraine had "no means to administer or launch missiles" and, consequently should have the military doctrine of a nuclear-free state.<sup>7</sup> Kravchuk also reiterated that the nuclear weapons in Ukraine should be withdrawn within the seven-year period after START enters into force. But the Rada ignored the president's arguments and, on July 2, 1993, approved a nuclear-weapon status doctrine.

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<sup>6</sup> Der Spiegel, March 1, 1993, in FBIS-SU, March 3, 1993.

<sup>7</sup> Alexander Tkachenko, Reuters, April 20, 1993.

Another battle Kravchuk lost was the ratification of the START-1 Treaty. Kravchuk tried to exclude from the Rada's draft any concrete figures of warheads and launchers subject to elimination. According to some reporters' comments, Kravchuk intended to subject all nuclear missiles deployed in Ukraine to elimination under the Massandra agreements and, thus, establish non-nuclear status for Ukraine.<sup>8</sup>

Thus, the president's stance on the issue of Ukraine's status is two-fold. On one hand, Kravchuk has not taken the risk of officially declaring nuclear-weapon status for Ukraine, despite hard pressure from the Parliament and to some extent from the government--for example, the former Prime Minister Leonid Kuchma stated in July 1993 that it was time "to take courage and say that Ukraine is a nuclear state until nuclear weapons are removed from its soil in compliance with START-1." <sup>9</sup>

On the other hand, Kravchuk has claimed that "Ukraine must own nuclear weapons located in its territory until their complete elimination." <sup>10</sup> He also stated that START-1 did not cover the forty-six SS-24 ICBMs on Ukrainian territory, and that Ukraine would retain those missiles after it ratified the treaty. However, the Ukrainian-Russian-American Statement on the complete denuclearization of Ukraine, signed January 14, 1994 in Moscow, may serve as an evidence of the president's commitment to non-nuclear-weapon status.

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<sup>8</sup> Vecherniv Kiev, November 20, 1993, p. 1.

<sup>9</sup> Interfax, July 8, 1993.

<sup>10</sup> Interfax, July 7, 1993.

## *2. Parliament's Claims for Nuclear-Weapon Status*

The Rada members' assessment of the present status of Ukraine may vary, but it is quite obvious that most of the deputies advocate nuclear-weapon status for Ukraine and want to retain nuclear weapons (or at least some of them) in Ukraine. The Rada has used the ambiguity of Ukraine's status for achieving certain military, political, and economic goals. In terms of military and political goals, the Rada makes claims for security guaranties from the nuclear-weapon states as a precondition for Ukraine's nuclear-free status.

The economic background of the issue is of no less importance. The survival of the present Rada, and deputies' chances to be reelected in March 1994, depend on whether or not they can pick up the sinking Ukrainian economy. Missile fuel, highly enriched uranium, and plutonium are viewed by the Rada as materials of great value which should be sold rather than just given away for nothing.

In other words, by keeping Ukraine's nuclear status unclear, the Rada has been preserving an opportunity to claim some concessions and compromises from the world, mainly Russia and the United States. "They [Ukrainians] are afraid of being written off," said a Western diplomat. "The attitude they sense from Russia and Washington is, 'Give us your missiles and go to hell'."<sup>11</sup> In general, this assertion can be applied to the Rada, which considers the nuclear weapons deployed in Ukraine as the only bargaining chip Ukraine has.

The Rada has been claiming a legal nuclear-weapon status for Ukraine with references to the loopholes in the Lisbon Protocol discussed earlier, the provisions of the NPT, and some international and national Ukrainian legislative acts.

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<sup>11</sup> Serge Schmemmann, New York Times, January 7, 1993.



In early March 1993, the Rada's first open hearing on START-1's political and legal aspects included testimony from experts from a deputies' working group. The experts were unanimous in their estimation that Ukraine was free to choose its nuclear policy, at least in the legal respect. Dr. P. Martynenko, the principal expert, stated that under the Vienna Convention on legal succession of 1978, Ukraine was full owner of the nuclear weapons it inherited from the USSR. He called on the deputies to proceed from the fact that Ukraine was virtually a nuclear-weapon state with all ensuing consequences.<sup>12</sup>

Some provisions of the NPT have been used as a legal pretext for claiming nuclearweapon status for Ukraine. The NPT states that a state possessing nuclear weapons is a state that has produced and exploded nuclear weapons or another nuclear explosive device before January 1, 1967. "Under this definition Ukraine is a nuclear state because before January 1, 1963 it, as a part of the USSR, *de facto* carried out a nuclear explosion," said Ukrainian Environment Minister Yuri Kostenko. "We are, furthermore, the former USSR's successor as regards all its property rights and obligations, and consequently we are also a nuclear state in this respect."<sup>13</sup>

In mid-April 1993, some 162 Rada deputies made a statement advocating nuclear status for Ukraine. "Following the declaration of Ukraine's independence and the disintegration of the USSR, Ukraine, as one of the states that are successors to the former Soviet Union, became a nuclear power," the statement said.<sup>14</sup> Since that time the number of deputies supporting this pro-nuclear statement has grown considerably.

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<sup>12</sup> Kiev Ukrinform, March 5, 1993, in FBIS-SU, March 8, 1993.

<sup>13</sup> Holos Ukraviny, April 29, 1993.

<sup>14</sup> Molod Ukraviny, April 27, 1993.

In late April 1993 the Rada failed to approve the non-nuclear military doctrine, but in early July 1993 a new doctrine was approved by a vote of 226-15, claiming ownership of the former Soviet nuclear weapons on Ukrainian territory. The revised military doctrine reaffirmed that Ukraine "has the intention to become a nuclear-free state in the future," but set no timelines. The doctrine also linked the eventual elimination of nuclear weapons in Ukraine to the "appropriate actions of other nuclear' states and the granting by them, and by the world community, on reliable security guaranties,"<sup>15</sup> The words "other nuclear states" were used to emphasize that Ukraine is one of the nuclear states.

On November 18, 1993, the Ukrainian Parliament voted to ratify the START-1 Treaty and the Lisbon Protocol with thirteen reservations. Some of these reservations have stated that Ukraine is the "state-owner of the nuclear weapons," and has the right to "administrative control over the strategic nuclear forces deployed on its territory. r<sup>16</sup> These claims for ownership have been preserved in the new Rada's resolution voted on February 3, 1994. While the original draft resolution submitted to the Parliament for approval contained a point authorizing Ukraine's accession to the NPT as a non-nuclear state, the Rada deputies neither extensively debated nor passed the item. Consideration of the NPT accession has been referred to committee for further discussion, and will be inherited by the new Rada.

Thus, the present Rada has failed to officially declare non-nuclear status for Ukraine, and the issue of Ukraine's status is expected to be one of the top priority items in the new Rada's agenda.

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<sup>15</sup>Holos Ukraviny, October 29, 1993.

<sup>16</sup> Holos Ukraviny, November 20, 1993, p.2

### 3. Political Parties' Opinions on Nuclear-Weapon Status

Rukh Vyacheslav Chornovil, the leader of this nationalist movement, advocates retaining nuclear weapons in Ukraine until the United States and Russia meet Ukrainian requirements for security guarantees, financial aid for dismantling of missiles, and fair compensation for nuclear components of warheads. Rukh deputies were very active in initiating the Rada deputies' pro-nuclear statement in April 1993, and in drafting nuclear-status military doctrine for Ukraine. "We are already *de facto* a nuclear state," argued Chornovil. "Of course, there will be no more categorical declarations of non-nuclear status. There will be some sort of compromise."<sup>17</sup> Ukraine's accession to the NPT as a non-nuclear state has been delayed in part due to the Rukh's opposition.

Ukrainian Conservative Republican Party. On April 8, 1993, the party supported nuclear status in a statement arguing that "the presence of nuclear weapons in Ukraine is a reliable guarantee of domestic and European security... Ukraine should declare itself a nuclear power as quickly as possible and take the nuclear weapons on its territory under complete control and management." The party called on the deputies of the Rada "not to ratify the NPT and the Lisbon Protocol, and to ratify START-1 only after comprehensive study and only with the reservation that the geopolitical changes that have occurred since its signing that affect our national interests will be taken into account."<sup>18</sup>

Ukrainian Republican Party. In early May 1993, the fourth congress of the country's oldest political party took place. The party advocated recognition of Ukraine as a *de facto*

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<sup>17</sup> Alexander Tkachenko, Reuters, April 20 and 22, 1993.

<sup>18</sup> L'vov Za Vilnu Ukrayinu, April 8, 1993, in FBIS-USR, May 19, 1993.

nuclear state, which would participate in nuclear disarmament not unilaterally, but with all the world's states. Until a collective security system and a global nuclear disarmament program were created, the party proposed:

- to take full control of nuclear weapons on Ukrainian territory;
- to create a Ukrainian command of strategic nuclear troops;
- to devise its own system of nuclear warning;
- to re-aim nuclear weapons according to the principle of "security in all directions" ;
- to provide Kravchuk with not only a "control" button but with a "launch" button as well.<sup>19</sup>

Christian Democratic Party of Ukraine. Vitaliy Zhuravskiy, chair of the party, stated in mid-May 1993 that START-1 and the Lisbon Protocol could be ratified provided the Western states met certain conditions. He stressed that Ukraine must adhere to the policy of consistent and balanced reduction and elimination of all kinds of nuclear arms, but must tackle this problem in view of its own national interests.<sup>20</sup>

Ukrainian Party of Greens (PZU). In April 1993, on the seventh anniversary of the Chernobyl accident, PZU leaders said they would never give up the fight to liberate Ukraine from nuclear arms and nuclear power plants. The Greens also argued that building independence with nuclear arms would trap Ukraine in the net of commitments to the nuclear-weapon states

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<sup>19</sup> This odious statement was made in part in response to the Ukrainian Defense Minister Morozov's claims that Russia rather than the CIS High Command controlled nuclear weapons in Ukraine.

<sup>20</sup> Radio Ukraine, May 11, 1993, in FBIS-SU, May 12, 1993.

and force it to coordinate its political course with these states. They believe that the best guarantee of Ukraine's security would be permanent non-nuclear membership in the UN Security Council<sup>21</sup>

Ukraine's Democratic Party. In early June 1993, this party called for gaining command and control of the SS-24 missiles on Ukrainian territory. The party leaders argued that Ukraine should postpone joining the NPT until 1995, obtain international security guarantees, and receive international financial aid to destroy the SS-19s under the START-1 Treaty.<sup>22</sup>

#### *4. Public Opinion on Nuclear-Weapon Status*

Public opinion in Ukraine regarding nuclear weapons is difficult to gauge. After the April 1986 accident at Chernobyl, opposition to anything nuclear was very intense. This anti-nuclear sentiment was reflected in the July 1990 Rada's Declaration on the State Sovereignty and the October 1991 Rada's Statement on Non-Nuclear Status for Ukraine.

However, the strong anti-Russian overtones along with continuous debates on START and the NPT have resulted in a rise in the number of nuclear-weapon status advocates. In the relatively short period between May 1992 and March 1993, the proportion of respondents supporting Ukraine's retention of nuclear weapons and its status as a nuclear power had doubled from 18 percent to 36 percent.<sup>23</sup>

Just under 50 percent of Ukrainian citizens favored Ukraine becoming a non-nuclear-

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<sup>21</sup> Khreshchatyk, April 28, 1993, in FBIS-SU, May 13, 1993.

<sup>22</sup> Pravda, July 7, 1993, in FBIS-SU, July 8.

<sup>23</sup> See Roman Solchanyk, "Ukraine's Search for Security," RFE/RL Research Report, May 21, 1993, pp. 1-6.

weapon state, according to a poll conducted by the Institute of Sociology at the Ukrainian Academy of Sciences in August 1993. Slightly more than one-third of the poll's respondents indicated that they wished Ukraine to retain nuclear weapons on Ukrainian soil.<sup>24</sup>

Another public poll conducted by the "Democratic Initiatives" independent research center in October-November 1993 indicated 45.3 percent of respondents favored a nuclear-weapon status for Ukraine, and 35 percent supported a nuclear-free status. Advocates of a nuclear-weapon status are mostly concentrated in Western Ukraine (70.9 percent).<sup>25</sup>

While the influence of public opinion on the Rada's nuclear policy is generally low, political parties greatly affect Parliament's decisions on nuclear disarmament and proliferation issues.

##### *5. Feasibility of Nuclear-Weapon Status for Ukraine*

Claims that Ukraine wants to, or could, become a nuclear-weapon power by retaining the former Soviet nuclear weapons on its territory and turning them into a credible independent deterrent force have been unrealistic from the very start. Many Ukrainian and most Western military experts indicate the complete infeasibility of nuclear-weapon status for Ukraine.<sup>26</sup>

The reasons for this are as follows:

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<sup>24</sup> Radio Ukraine, August 7, 1993, in FBIS-SU, August 9, 1993.

<sup>25</sup> HolosUkrayiny, December 1, 1993, p. 2.

<sup>26</sup> See V. Izmalkov, Holos Ukrayiny, December 22, 1992, in FBIS-SU, January 8, 1993, and William H. Kincade, "Nuclear Weapons in Ukraine: Hollow Threat, Wasting Asset," Arms Control Today (July/August 1993), p. 13.

- each of the SS-19 missiles has 100 tons of oxidizer that is particularly harmful ecologically. In Ukraine, there is neither technology to reprocess it, nor capacities to load 6500 railroad cisterns with this oxidizer;
- Ukraine does not have the technology to destroy solid-fuel launch vehicles. Nor' does it have technology and experts to conduct scheduled work with nuclear warheads.

Moreover, to achieve the status of a nuclear-weapon power Ukraine needs to:

- gain physical and operational control of the weapons and warheads while avoiding a war with Russia;
- develop and maintain elaborate, sophisticated, and effective early warning and command and control systems as invulnerable as possible to internal or external interference--Ukraine has few resources available for this;
- obtain the geodetic data, normally acquired by satellites, needed for retargeting. the weapons;
- disperse and otherwise protect the missile and bomber forces from a preemptive first strike, possibly one employing conventional weapons;
- develop a maintenance system of expertise, facilities, manuals, spare parts, etc., that goes well beyond the legacy of the Soviet nuclear production complex in Ukraine;
- develop the training, testing, design, and production facilities necessary for eventual modernization. According to some Ukrainian experts, without technical maintenance, constant monitoring, weapons tests, nuclear explosion tests, and

services provided by scientific research and design institutes, the warheads deployed in Ukraine will become unsafe in five to seven years.

Some Ukrainian officials have claimed that because of Ukraine's scientific and technical potential, it does have the capability to build its own nuclear weapons once it gets rid of the former Soviet nuclear arsenals. In fact, Ukraine has several different types of nuclear power and research reactors, as well as fuel cycle facilities. Uranium mining and milling is undertaken in two locations in Ukraine, both located near Zheltie Vody. Ukraine also has three uranium conversion facilities. Other nuclear-weapons-related production capabilities include three facilities capable of producing 250 metric tons of heavy water per year. Additionally, the Pridneprovsky Chemical Factory at Dneprodzerzhinsk is capable of producing zirconium, hafnium, uranium oxide and ion exchange resins.<sup>27</sup>

Significant elements of the ballistic missile research and industrial infrastructure of the former Soviet strategic forces are located in Ukraine. These include the USSR's largest ICBM factory at Dnepropetrovsk and the ICBM and solid rocket engine plant at Pavlograd. All producers of ICBM control and guidance systems are also located in Ukraine.<sup>28</sup>

Although Ukraine possesses industrial infrastructure for building missiles and probably the technical know-how to produce nuclear warheads, it currently lacks the capability to produce bomb-making quantities of highly enriched uranium or plutonium. Moreover, it is highly

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<sup>27</sup> William C. Potter, Nuclear Profiles of the Soviet Successor States, Program for Nonproliferation Studies, Monograph #1 (Monterey, CA: Monterey Institute of International Studies, 1993), pp. 83-102.

<sup>28</sup> Martin J. DeWing, The Ukrainian Nuclear Arsenal: Problems of Command, Control, and Maintenance, Program for Nonproliferation Studies, Working Paper #3 (Monterey, CA: Monterey Institute of International Studies, 1993), pp. 9-14.



unlikely that in the foreseeable future Ukraine could carry a heavy burden of renuclearization. Thus, taking into account the arguments mentioned above, nuclear-weapon status for Ukraine is completely unrealistic, due to numerous short-term and long-term barriers to the realization of such status.

### ***III. Ukraine's Stance on Nuclear Disarmament Issues***

#### **A. Preconditions for Ratification of START**

Since the initial stage of debates on START, the Rada, Kravchuk, and the Foreign Ministry of Ukraine have put forward three major preconditions for ratification of this treaty: security guarantees for Ukraine from the nuclear powers; international assistance with destruction of nuclear weapons; and compensation for nuclear materials.

##### ***1. Security Guarantees***

The security guarantees posture emerged largely for two reasons. First, Ukraine has doubts about the future political developments in Russia, and whether or not Russia will ever be fully reconciled to the existence of an independent Ukraine. Russian-Ukrainian disputes over the status of Sevastopol, Crimea and the division of the Black Fleet, along with the growing wave of nationalism in Russia, have made the Ukrainian leadership rather suspicious of Russia's intentions. The second factor is the strong perception in Kiev that the United States is essentially indifferent to Ukraine beyond the issue of nuclear arms on Ukrainian territory, while Ukraine wants to enhance its political prestige in the world by making certain political, economic, and military arrangements with the United States.

In 1968, the UN Security Council adopted a resolution by which the Soviet Union, the United Kingdom, and the United States pledged immediate assistance, in accordance with the UN Charter, to any non-nuclear-weapon state party to the NPT, which was a "victim of an act or an object of a threat of aggression in which nuclear weapons were used."<sup>29</sup> Ukraine's government has considered these so-called "positive" security assurances unsatisfactory. The Ukrainian stance on this issue has arisen from the premise that a state voluntarily getting rid of nuclear arms has a right to more reliable assurances.

The security guarantees requested by Ukraine include:

- not to use nuclear weapons or to threaten to use nuclear weapons against Ukraine;
- not to use conventional weapons against Ukraine;
- to refrain from economic and political pressure;
- to respect the sovereignty and territorial integrity of Ukraine.

Initially, Ukrainian officials proposed that these assurances to be provided in the form of declarations by other states. "It is likely to be a declaration by heads of state, if not all nuclear states, then the most important ones," stated Ukrainian Deputy Foreign Minister Boris Tarasiuk in early January 1993. "We are particularly interested in guarantees from nuclear states. If this is subsequently confirmed by the UN Security Council, we have no objections."<sup>30</sup> During the Ukrainian delegation's visit to Washington in January 1993, President Bush provided a summary of possible U.S. security assurances which included:

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<sup>29</sup> UN document S/RES/255, June 19, 1968.

<sup>30</sup> Ron Popeski, Reuters, January 10, 1993.

- a commitment to seek UN Security Council assistance if Ukraine were the subject to nuclear aggression or threats;
- Ukraine's security as a non-nuclear state, integrated within European security structures.

During Kravchuk's visit to the United Kingdom in mid-February 1993, British officials assured him that London would extend security guarantees to Ukraine in order to speed up its ratification of START and signature of the NPT. China offered security guarantees during Chinese Foreign Minister Qian Qichen's visit to Kiev in September 1993. Russia's readiness to provide Ukraine with security guarantees was initially announced by President Yeltsin at a meeting with Kravchuk in Moscow on January 15, 1993. Yeltsin stated that "Russia guarantees the preservation of Ukraine's territorial integrity and the defense of its borders... within the framework of the CIS...from nuclear attack."<sup>31</sup> Ukraine found Yeltsin's statement unsatisfactory because of Russia's pledge to respect Ukrainian borders "within the framework of the CIS." Ukraine has consistently opposed close ties to membership in the CIS.

The Ukrainian government was not satisfied with the content of the initial security declarations issued by Russia and the United States, or with the fact that the nuclear-weapon states would promulgate them officially only after ratification of START and the NPT by the Rada. Ukrainian officials claimed that security guarantees should be provided before ratification of these treaties. Since mid-1993, Ukraine had been insisting on signing a treaty with all nuclear-weapon states in which they would declare non-use of force or threat of force and respect for the sovereignty and territorial integrity of Ukraine. "Ukraine will prefer not declarations but a

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<sup>31</sup> Roman Solchanyk, "Ukraine's Search For Security," RFE/RL, May 21, 1993, pp. 1-6.

multilateral treaty-type legally binding document," said Tarasiuk in May 1993. Dissatisfaction with the proposed American and Russian security assurances has been reflected in the Ukraine's military doctrine and further debates on the START Treaty.

## *2. Financial Aid for Dismantlement of Nuclear Weapons*

The problem of financial aid for the dismantlement of nuclear weapons deployed in Ukraine has been the subject of talks between Ukraine and the United States only. Ukraine's stance on this issue has been based on the premise that since Ukraine itself can not afford the costs of denuclearization, it should be financed by wealthy states which are interested in doing so. Naturally, the United States is interested in Ukraine's nuclear disarmament, since the nuclear weapons deployed in Ukraine are targeted against the United States, and since they delay the implementation of the START arrangements. In terms of assistance, Ukraine has been asking Russia only to provide it with human expertise needed for warhead maintenance and removal, and monitoring of denuclearization activities.

The Nunn-Lugar assistance program initiated in 1991 provides Ukraine with \$175 million for the dismantlement of nuclear weapons. However, Ukrainian officials state that this money is not enough for the dismantlement of all nuclear weapons in Ukraine. According to Ukrainian Foreign Minister Anatoliy Zlenko, the \$175 million should be regarded as "a starting sum only ... which will increase later."<sup>32</sup> The calculations of costs may vary according to what is included. The cost of dismantling Ukraine's missiles outlined by the Rada's experts is as follows: destruction of missiles would cost \$2 billion, and their removal from the republic would

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<sup>32</sup> Tamara Kucherenko, Radio Ukraine, January 1, 1993, in FBIS-SU, January 5, 1993.

cost \$6 billion.<sup>33</sup> Ukrainian experts include in the cost of denuclearization the removal of arheads from missiles and their transportation to Russia, the dismantlement of missiles and silos, the social protection of retired officers who had serviced nuclear missiles, the conversion of the military-industrial complex, and environment restoration.

American insistence on dealing with Ukraine only after it ratifies START-1 hardened the position of the Ukrainian government and Rada deputies, and U.S. Ambassador-at-Large Strobe Talbott's visited Kiev in May 1993 to improve relations between the two countries. During U.S. Defense Minister Les Aspin's visit to Kiev in June 1993, an agreement was reached to form a joint group to re-examine the cost of nuclear disarmament in Ukraine. Aspin had promised to free up the aid as soon as Ukraine began to dismantle the missiles. In late July 1993 the United States decided to begin delivering \$175 million in nuclear dismantlement aid to Ukraine, dropping its earlier condition that Ukraine first join the NPT. This pledge came during a visit to Washington by Ukrainian Defense Minister Morozov who confirmed that Ukraine had started to dismantle ten SS-19s near Pervomaysk.

On October 25, 1993, Kiev finally signed an umbrella agreement which to some extent cleared the way for the United States to begin doling out \$175 million in aid for dismantling clear weapons in Ukraine. On December 2, 1993, the United States agreed to provide Ukraine with \$135 million to dismantle ICBMs and heavy bombers, and \$2.26 million to develop export controls. By mid-December 1993, Ukraine and the United States had signed three additional agreements which will provide Ukraine with \$2.4 million for government-to-government communications links, \$5 million for emergency equipment, and \$7.5 million for assistance in

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<sup>33</sup> Interfax, February 11, 1993, in FBIS-SU, February 12, 1993.

controlling civilian nuclear materials. The total sum the United States earmarked for Ukraine by the end of 1993 was \$176 million.<sup>34</sup>

However, no assistance has been delivered yet. Under the Nunn-Lugar legislation, each year the president must certify to Congress that recipient states are committed to "complying with all relevant arms control agreements." But the Rada has repudiated the commitment to accede to the NPT Treaty as a non-nuclear-weapon state.

### *3. Compensation for Nuclear Materials*

The third precondition for the Rada's ratification of START was the compensation for highly enriched uranium from Ukrainian nuclear weapons to be sent to Russia. Ukraine claims compensation for both tactical and strategic weapons. "Otherwise, we would have to sell the uranium to interested states," the Ukrainian Foreign Minister Zlenko said in June 1993.

After numerous heated Russian-Ukrainian talks, the two sides signed the Massandra nuclear weapon agreements on September 4, 1993. According to these agreements, Russia would convert HEU from Ukrainian weapons into low enriched uranium reactor fuel and ship the LEU back to Ukraine. However, Russia would not deliver the LEU until Ukraine placed its reactors under International Atomic Energy Agency safeguards. Plutonium would be stored in Russia until the two sides reached further agreement on its utilization. Under these agreements, Russia would deliver the compensation for each warhead within one year of its delivery to Russia.

The Rada has not been fully satisfied with the Massandra agreements, mostly because

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<sup>34</sup> Interfax, February 11, 1993, in FBIS-SU, February 12, 1993.

they failed to offer a statement on compensation for nuclear weapons removed from Ukraine in 1992. "Until the two sides reached agreement on this issue, Ukraine would transfer no warheads to Russia for dismantling, " said Deputy Foreign Minister Tarasiuk.<sup>35</sup> According to "preliminary estimates" mentioned by Environment Minister Kostenko, the value of tactical nuclear weapons removed from Ukraine is about \$10 billion.

Thus, the problem of "fair and timely" compensation for Ukraine's tactical and strategic arms, as well as problems of security guarantees and financial assistance, had not been solved by the time the Rada voted on START in November 1993.

## **B. Ratification and Implementation of START**

### *1. "Ratification" With Reservations*

Having been disappointed with the reluctance of Russia and the United States to meet its requirements, the Rada decided to ratify the START-1 Treaty with reservations. One option considered before voting was to ratify START without the Lisbon Protocol. Another option discussed was the ratification of START together with the Lisbon Protocol, but with Article 5 excluded from the Protocol.

On November 18, 1993, the Ukrainian Parliament voted by a surprisingly wide margin (254 to 9, out of 440 members) to ratify the START-1 Treaty, but attached thirteen conditions for its approval. The Rada's resolution stated that Ukraine did not consider itself bound by Article 5 of the Lisbon Protocol, the document that made Ukraine a party to the START-1 Treaty. The resolution also specified that 36 percent of launchers and 42 percent of warheads

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<sup>35</sup>Interfax, September 20, 1993 in FBIS-SU, September 21, 1993.

be dismantled. However, full implementation of this program is conditioned on the provision of security guarantees for Ukraine, financial assistance in weapons dismantlement, and adequate compensation for material from nuclear warheads, including the material contained in tactical warheads sent to Russia in 1992. The Rada stated that it would not consider the accession to the NPT until START-1 had been implemented. It stated as well that Ukraine would not exchange its instruments of ratification until Kravchuk and the Ukrainian government implemented these recommendations.

The U.S. Senate approved the START-1 Treaty, but made its implementation conditional on the START ratification and accession to the NPT as non-nuclear-weapon states by the three non-Russian republics party to START-1. In November 1992, the Russian Parliament said that Russia would not exchange its instruments of ratification for START-1 until after Ukraine acceded to the NPT and worked out START-1 implementation measures with Moscow. Actually, the Rada, in claiming ownership of the nuclear weapons on its territory, dropping Article 5 from the Lisbon Protocol, and stating that not all, but just a portion of Ukrainian nuclear weapons would be subject to elimination, prevented the entry into force of the START-1 and START-2 treaties. Russian Ambassador-at-Large Yuri Dubinin was absolutely right when he said to a Ukrainian reporter, "Your Rada has not ratified the START-1 Treaty. In fact, it has created a completely new document".<sup>36</sup>

Both the U.S. and Russian governments reacted negatively to the Ukrainian Parliament's conditional ratification of START. In response to the Ukrainian vote, the State Department released a statement saying, "We are concerned the Rada's actions could seriously delay or

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<sup>36</sup> Kievskie Vedomosti, January 6, 1994, p.3



prevent entry into force of START-1," and that the United States continues to "expect Ukraine to fulfill *all* its Lisbon Protocol obligations."<sup>37</sup> Clinton called Kravchuk to personally express his disappointment and to urge the Ukrainian Parliament reconsider its resolution on the treaty.

Russian Foreign Minister Andrei Kozyrev stated that the Rada's resolution left an "alarming impression" and that Ukraine was leaving open the possibility of not eliminating its weapons.<sup>38</sup> Some Russian Foreign Ministry officials suggested that Russia might apply economic pressure to force Ukraine to fully eliminate its nuclear weapons.<sup>39</sup> The NATO states agreed to exclude Ukraine from its new "Partnership for Peace" program as long as it stood in the way of progress on nuclear disarmament and nonproliferation. The other European institutions also expressed their disappointment with the Rada's resolution.

## *2. Trilateral Statement of January 14, 1994*

The severe critics of the Rada's conditional ratification of START forced the Ukrainian government to be actively involved in the intensive Russian-Ukrainian-American trilateral negotiations in December 1993 and early January 1994. These talks culminated in the Trilateral Statement on January 14, 1994 in Moscow. At the Moscow summit, the three presidents announced that Ukraine had finally agreed to send its strategic nuclear weapons to Russia for their subsequent dismantlement. The Trilateral Statement and the Annex to it address the Rada's preconditions for ratification of START and the NPT as well as other key issues of the

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<sup>37</sup> Dunbar Lockwood, "Ukrainian Rada Ratifies START-1, But Adds 13 Conditions for Approval," Arms Control Today (December 1993), p. 17.

<sup>38</sup> RFE/RL Summaries, November 22, 1993, #223.

<sup>39</sup> Izvestiya, November 23, 1993.

relationship between the United States, Russia, and Ukraine.

Security guarantees. Once the START-1 Treaty enters into force and Ukraine becomes a non-nuclear-weapon state party to the NPT, the United States and Russia will reaffirm their commitments to Ukraine, in accordance with the Conference on Security and Cooperation in Europe Final Act. The United States and Russia have agreed to respect the independence and existing borders of the CSCE member states and recognize that border changes can be made only by peaceful and consensual means; to reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state; and to refrain from economic coercion. These two states will also 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 the victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used, and will reaffirm their commitments not to use nuclear weapons against Ukraine as a non-nuclear-weapon state party to the NPT.

Thus, most of the security guarantees offered in the Trilateral Statement do not differ from these generally accepted security guarantees under the 1975 CSCE Final Act. Should Ukraine accede to the NPT as a non-nuclear-weapon state, it will be provided with the same security guarantees as all the other nuclear-free NPT members. According to the Trilateral Statement, once the START-1 Treaty enters into force and Ukraine becomes a non-nuclear-weapon state party to the NPT, the United States and Russia will just "reaffirm" their obligations under the international legal agreements but will not provide specific security guarantees exclusively for Ukraine. The only encouraging characteristic for the former Rada was that the United States and Russia would reaffirm their obligations to Ukraine, and that the signatures of

Presidents Clinton and Yeltsin provide additional reliability to the security assurances. "I put the honor of the United States at stake by signing this statement," Clinton said to Kravchuk.<sup>40</sup>

Financial and technical assistance. Clinton reaffirmed the American commitment to provide technical and financial assistance for the safe and secure dismantling of Ukrainian nuclear weapons and storage of fissile materials. The United States has agreed under the Nunn-Lugar program to provide Russia, Ukraine, Belarus, and Kazakhstan with nearly \$800 million in such assistance, including a minimum of \$175 million to Ukraine. The U.S. Congress has authorized additional Nunn-Lugar funds for this program, and the United States has pledged to work intensively with Russia, Ukraine, Belarus, and Kazakhstan to expand such assistance.

Thus, the United States has reaffirmed its previous pledge to provide Ukraine with \$175 million in denuclearization assistance to Ukraine, although Ukraine claims \$2.8 billion for this purpose. Later on, during Kravchuk's visit to Washington in early March 1994, Clinton announced that the United States would double its aid for dismantling of nuclear weapons in Ukraine to \$350 million.

Compensation for nuclear materials. The presidents have recognized the importance of compensation to Ukraine, Belarus, and Kazakhstan for the value of AEU in nuclear warheads located on their territories. Arrangements have been worked out to provide fair and timely compensation to Ukraine, Belarus, and Kazakhstan as the nuclear weapons from their territories are transferred to Russia for dismantling. The three presidents decided on simultaneous actions for transfer of nuclear weapons from Ukraine and delivery of compensation to Ukraine in the form of fuel assemblies for nuclear power stations.

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<sup>40</sup> RL Weekly Survey, January 16, 1994.

To some extent, these provisions for compensation meet the Rada's requirements. The pledge to provide compensation to Ukraine "simultaneously with the withdrawal of weapons can be viewed as Russia's concession and Ukraine's triumph. In his address to the Rada on February 3, 1994, Kravchuk stated that "the Presidents decided on the following: should one of the parties to the statement fail to fulfill its commitments, Ukraine will do the same. "<sup>41</sup>

However, the Trilateral Statement does not mention the issue of compensation for the tactical nuclear weapons removed to Russia in 1992. According to Ukraine's- preliminary estimates, the value of tactical nuclear weapons transferred to Russia is about \$10 billion. Ukrainian Environment Minister Kostenko stated that, "Assuming this sum, Russia is already in debt to Ukraine--not the other way around, as some are trying to have us believe today."<sup>42</sup> (Ukraine's debt to Russia is estimated at about \$2 billion.) Ukrainian, Russian, and American experts proceeded with estimation of value of tactical weapons in February 1994 but it is likely to be a long-term process.

Ukraine's obligations. Kravchuk reiterated his commitment that Ukraine accede to the NPT as a non-nuclear-weapon state in the shortest possible time, and send all nuclear weapons to Russia within three years. The Annex to the Trilateral Statement reads that at least 200 nuclear warheads from SS-19 and SS-24 would be transferred from Ukraine to Russia for dismantling within ten months. Ukrainian representatives would monitor the dismantling of these warheads. Within the same period, Russia would provide Ukraine with fuel assemblies for nuclear power stations containing 100 tons of LEU. All SS-24 missiles on the territory of

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<sup>41</sup>Holes Ukraine, February 5, 1994, p. 2.

<sup>42</sup>Nezavisimaya Gazeta, January 26, 1994, p. 3.

Ukraine would be deactivated within ten months by having their warheads removed.

The Moscow summit has established an ongoing process of total denuclearization of Ukraine, although the Trilateral Statement, described as a political declaration, can not guarantee the successful accomplishment of that end. The Rada deputies reacted to the Moscow Summit with a statement that Kravchuk lacked the authority to make such a deal. Some deputies claimed that Kravchuk was a "betrayers of Ukraine's interests" and called for his "impeachment."<sup>43</sup> Thus, in mid-January 1994 Kravchuk faced the very difficult task of proving the political and economic value of the Trilateral Statement. The Rada's resolution of February 3, 1994 may be viewed partly as the result of the Western pressure against Ukraine and partly as Kravchuk's triumph.

### *3. Verhovna Rada's Resolution of February 3, 1994*

On January 25, 1994, Kravchuk submitted a letter to the Rada asking it to reexamine the following decisions: to ratify the START-1 Treaty and the Lisbon Protocol; to instruct the government to exchange instruments of ratification of the START-1 Treaty; and to accede to the NPT as a nuclear-free state. Kravchuk's arguments in favor of such reexamination included Yeltsin's and Clinton's pledges to provide security guarantees to Ukraine; U.S. commitment to grant Ukraine a minimum of \$175 million for the dismantling of nuclear weapons; and simultaneous provision of compensation in the form of removed and processed nuclear fuel for nuclear power engineering. Kravchuk also stated that the United States had declared its readiness to help Ukraine to develop a market economy.

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<sup>43</sup> RL Weekly Survey, January 16, 1994.

Moreover, Kravchuk presented two additional points which the Rada seemed to find rather convincing. First, Kravchuk made clear that the SS-24 missiles would not be eliminated after the warheads were removed from them. He also pointed out that Ukraine preserves the right to determine which particular warheads (SS-19s or SS-24s) would be withdrawn to Russia (200 warheads within ten months). Actually, it meant that Kravchuk had promised not to withdraw SS-24 warheads in the near future. Second, the president managed to persuade the Rada to get rid of old, unsafe SS-19s. "If we withdraw warheads under the relevant agreement, we have legal grounds to claim compensation," argued Kravchuk. "If we ask for removal of our warheads because they are unsafe, the recipient state would dictate to us its own terms. This should be taken into account. "<sup>44</sup>

Kravchuk's arguments were supported by Foreign Minister Zlenko and Defense Minister Radetsky. They stated that Ukraine did not have real control over the nuclear weapons on its territory, and that the world community could isolate Ukraine politically and economically should it renounce its commitments to denuclearize.<sup>45</sup>

After an intense and emotional debate on February 3, 1994, the Rada voted overwhelmingly in favor of exchanging the instruments of ratification of the START-1 Treaty and the Lisbon Protocol. Consideration of the NPT accession has been referred to a committee for further discussion and will be inherited by the new Rada.

Actually, the resolution of February 3, 1994 has reaffirmed the Rada's previous commitments stated in the Declaration of the State Sovereignty on July 16, 1990 and the

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<sup>44</sup> Holos Ukrayiny, February 6, 1994, p.2.

<sup>45</sup> Holos Ukrayiny, February 5, 1994, p.2

Statement on the Non-Nuclear Status of Ukraine of October 24, 1991, but suspended by the November 18, 1993 resolution on START. Unfortunately, the first Rada of independent Ukraine failed to make the contribution to nuclear disarmament and nonproliferation regime that it had promised.

## **C. Threats to Nuclear Disarmament**

### *1. Prospects for Uncertainty*

The new Rada, new president, or both, to be elected in June 1994, could be advocates of retaining nuclear weapons in Ukraine, thus posing a threat to the nuclear disarmament process. The grounds for such threats derive from numerous international and domestic developments as well as from the combination of both.

The Russian-Ukrainian relationship. Unpredictable political developments in Russia and the prospects for a Russian-Ukrainian relationship could considerably affect Ukraine's nuclear stance. The victory of the right-wing forces in the December 1993 parliamentary elections in Russia, the ongoing territorial claims to Ukraine, and the policy of Yuri Meshkov, the secessionist-minded President of Crimea, could add to the arguments of advocates of nuclear status for Ukraine. The former Rada was unsatisfied with the security assurances provided by Russia and the United States, so the newly elected Parliament could be as well. Some American experts argue that under certain circumstances Ukraine could retarget some of the missiles against Russia, or at least make the Russians wonder whether or not it has control over its nuclear weapons. They also predict that Ukraine could build its own nuclear weapons later,

depending on the status of Russian-Ukrainian relations.<sup>46</sup>

Both of these scenarios seem to be unfeasible. It is highly unlikely that nuclear weapons in Ukraine would be aimed at Russia. The nuclear missiles, if retained, could not be viewed as means of military deterrence against Russia, but could give Ukraine room to maneuver in potential political and economic clashes with Russia. The former Rada was dominated by a very strong perception that if Ukraine should ratify the NPT as a non-nuclear-weapon state, it would be deprived of a very powerful political and economic lever in its relationship with Russia and the United States, and would be written off. The new Parliament may have the same worries.

Another set of reasons for delaying the ratification of the NPT and the removal of nuclear weapons to Russia could be purely economic.

Aid for dismantling nuclear weapons. The former Rada deputies were not fully satisfied by Clinton's announcement, during Kravchuk's visit to Washington in early March 1994, that the United States would double its aid for dismantling of nuclear weapons in Ukraine to \$350 million. The claim for \$2.8 million in aid for dismantling of weapons still stands. And there is a threat that Ukrainian experts could suspend dismantlement of weapons, arguing that they need additional financial support. The current dismantling of unsafe SS-19s has been provided by Ukraine at its own expense, and it may turn out to be a bargaining issue as well.

Compensation for tactical nuclear weapons. Another economic problem, which seems to be a long-term one, is the problem of compensation for tactical weapons removed from Ukraine to Russia in 1992. Former Rada deputies and Foreign Ministry officials had stated numerous

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<sup>46</sup> See DeWing, The Ukrainian Nuclear Arsenal: Problems of Command, Control, and Maintenance, p. 23, and Kincade, "Nuclear Weapons in Ukraine: Hollow Threat, Wasting Asset," p. 13.



times that Ukraine would not transfer warheads to Russia until the two sides reached an agreement on the issue of compensation for tactical weapons. As stated previously, according to Ukraine's preliminary estimates, the value of tactical nuclear weapons transferred to Russia is about \$10 billion. The new Rada deputies could view the issue of compensation for tactical weapons as a bargaining chip in Russian-Ukrainian trade disputes.

Ratification procedure for the Trilateral Statement. The new Rada could insist on a ratification procedure for the Trilateral Statement of January 14, 1994. The fact that this nuclear deal was a "statement," not an agreement, was condemned by Environment Minister Kostenko as "legal chicanery." "The Supreme Soviet, in line with the current constitution and entitled to consider all international agreements, is also to consider this document as well as give it a proper legal appraisal," said Kostenko in an interview in January 1994.<sup>47</sup> Hearings on this issue could take place in the new Parliament, with unpredictable outcomes.

Presidential elections. The last, but not the least, reason to be uncertain about the future of Ukraine's disarmament and nonproliferation is unpredictability of the results of the June 1994 presidential elections. Bowing to demands made by striking miners, Kravchuk has agreed to hold elections in June 1994 (they were originally scheduled for 1996). For the nearly three-year duration of his presidency, Kravchuk has been regarded, although not always persistently, as an advocate of nuclear-free status for Ukraine although not always persistently, who has sought a *modus vivendi* with Russia and the United States. Unfortunately, the former Rada's opposition had been lowering the value of Kravchuk's denuclearization pledges. The first president had lost the battle with the first parliament over Ukraine's denuclearization issues.

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<sup>47</sup> Nezavisimaya Gazeta, January 26, 1994, p.1.

Today it is very hard to predict who will be the next president of Ukraine. If Kravchuk's declaration that he would not seek another term of presidency is taken seriously, this would mean that the burden of nuclear disarmament and nonproliferation problems will be taken up by his successor. As a part of the presidential election campaign, some Ukrainian papers have blamed Kravchuk for his numerous mistakes in foreign policy, and particularly in nuclear disarmament issues. The article published by Vladimir Yavorsky in February of 1994 could be a vivid example of pro-nuclear opinions of a certain part of Ukrainians:

Ukraine can not keep its nuclear weapons because this is objectively impossible!--the mass media keep telling us. Is that really true? It is only half the truth. Ukraine really can not preserve its nuclear weapons--not because of objective reasons, however, but because of subjective ones. This does not mean that it is totally impossible, but that President Kravchuk and his team are unable to do that. The current Ukrainian leadership is unable to cope with the numerous problems facing the state, and it frequently surrenders in the face of those difficulties... Having something of colossal value such as nuclear weapons, one could use them as, a powerful lever to solve all economic and political problems... Still, what is impossible for the weak, such as our leadership, is possible for the strong.<sup>48</sup>

Articles of this kind being published in the very influential Kiev daily newspaper could signal the increasing influence of advocates of nuclear status for Ukraine.

If a nationalist hard-liner becomes president, the threat to effective nuclear disarmament would increase. On the other hand, Kravchuk has suggested that he might cancel the elections on the ground that it was wrong to yield to the miners' coercion. In this case, Kravchuk would control Ukraine's nuclear policy, together with the new Rada.

Thus, there are powerful reasons to expect Ukraine to remain a "problem country" in the period before, and possibly even after, its ratification of the NPT.

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<sup>48</sup> Vecherniv Kiev, February 10, 1994, p. 2.

## *2. Elimination of the SS-19s, Retention of the SS-24s*

The estimated CIS strategic nuclear weapons located in Ukraine are as follows:

- 90 SS-19 ICBMs located in Khmel'nitskiy (540 warheads);
- 40 SS-19 ICBMs located in Pervomaysk (240 warheads);
- 46 SS-24 ICBMs located in Pervomaysk (460 warheads);
- 22 Tu-95H Bear Bombers located in Uzin (352 warheads);
- 20 Tu-160 Blackjack Bombers located in Priluki (240 warheads).

The total number of delivery vehicles is 218; the total number of warheads, 1,832.

Some former Rada officials frequently argued that the four nuclear republics had to reach an accord on proportional reductions of their nuclear weapons to reach the START-1 limits. Claims for proportional nuclear disarmament had been reflected in reservations in the Rada's November 18, 1993 resolution on ratification of START. The Rada's resolution of February 3, 1994 has not removed these reservations.

The hard pressure from the Rada and interested military groups forced Kravchuk to make a statement in late July 1993 that: "SS-24s are not included in the START-1 Treaty, but we will 'solve this question, supplementing this treaty by a separate agreement between the United States, Russia and Ukraine. "<sup>49</sup> Severe opposition to this statement arose in the United States, and subsequent U.S. - Ukrainian talks resulted in a sort of compromise--in the Annex to the Trilateral Statement, Kravchuk pledged that "all SS-24s on the territory of Ukraine would be deactivated within ten months by having their warheads removed." However, Kravchuk wasted little time in calming the Rada deputies by stating that the SS-24 missiles would not be dismantled, and

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<sup>49</sup> Rostislav Khotin, Reuters, July 30, 1993.

their warheads would be kept in storage on Ukrainian territory.

Within the Ukrainian army, opposition to complete elimination of Ukraine's nuclear forces could also provoke debates over the SS-24s. The elimination of the strategic nuclear complex, along with Ukraine's joining the NPT as a nuclear-free state represents for many Ukrainian generals the complete end of their careers. This pro-nuclear sentiment in the army is supported by the Defense Ministry. The former Defense Minister Konstantin Morozov stated in July 1993 that Ukraine would not begin to dismantle SS-24s before all the SS-19s had been dismantled.<sup>50</sup> The present Defense Minister Vitaliy Radetsky, commenting on the Trilateral Statement on Ukrainian television on January 15, 1994, argued that: "We will need all the infrastructure of the 43rd Missile Army in future. And you, dear officers, do not worry, you will not lose your jobs. You will be left in the Ukraine's Armed Forces."<sup>51</sup> The probability of retaining nuclear weapons within Ukraine's Armed Forces was spelled out by Ivan Oliynyk, Deputy Defense Minister for arms issues, who said: "With regard to our security, we will rely on our own forces and create non-nuclear weapons that can enable us to protect our state; after all, we are great rocket and space power."<sup>52</sup>

The recent information about the withdrawal of the first sixty nuclear warheads taken from overaged SS-19 ICBMs and sent to Russia sounds encouraging.<sup>53</sup> Ukraine has already deactivated seventeen SS-24s and has plans to eventually deactivate the remaining twenty-nine

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<sup>50</sup> See Jeffrey Smith, Washington Post, July 28, 1993; Michael Gordon, New York Times, July 28, 1993; David Briscoe, Associated Press, July 28, 1993.

<sup>51</sup> Ukrinform, January 17, 1994.

<sup>52</sup> FBIS-SOV-94-012, January 19, 1994.

<sup>53</sup> New York Times, March 6, 1994, p. 18.

SS-24s. There is hope that once the removal of warheads starts it will continue until all have been moved. But, nevertheless, the status of the SS-24s remains unclear. The possible claims of the new Rada, a new president, or the Defense Ministry to retain SS-24 missiles, their removed warheads, or both could threaten the denuclearization of Ukraine and the implementation of START-1. Taking into account the seven-year period for complete elimination of all Ukrainian nuclear weapons under START-1, as well as the unpredictability of Ukraine's domestic and foreign policy, one can not exclude the possibility of some clashes in terms of the elimination of SS-24 ICBMs.

### *3. The Fate of the Strategic Cruise Missiles in Ukraine*

As mentioned previously, there are 42 bombers armed with air-launched cruise missiles (ALCM), with a total number of 592 warheads, located in air bases in Priluki and Uzin.<sup>54</sup> (Statements of some Ukrainian military officials that "cruise missiles were transferred to Russia in May 1992" seem to be incorrect.<sup>55</sup>) Very little information has been reported about the condition of the-bombers in Ukraine. The Ukrainian long-range bombers have been largely inactive, and pilot skills are bound to be marginal. The information about bomber-carried nuclear weapons is controversial. Some sources suggest that the targeting and mission data software and perhaps the recording devices were removed from Uzin-based aircraft and cruise missiles, but Tu- 160 Blackjack bombers at Priluki are still combat ready. Other sources state that

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<sup>54</sup> The numbers of bombers and warheads associated with them may vary by source.

<sup>55</sup> V. Izmalkov, Holos Ukrayiny, December 22, 1992, in FBIS-SU, January 13, 1993.

all bomber weapons in Ukraine have been rendered inoperable.<sup>56</sup>

Bombers do not normally have nuclear weapons "uploaded" on them. Their weapons are delivered to them by custodial crews from storage sites. However, there is little information about whether these bombs contain integral coded enabling locks or whether the enabling mechanisms are associated with the aircraft. The information is controversial as well in terms of safeguards against unauthorized seizure or use of the ALCMs. If strategic bomber armaments lacked technical safeguards, they could be operable nuclear weapons within Ukraine's Armed Forces.

The legal status of the ALCMs in Ukraine remains unclear. There are no specific provisions for reductions of ALCMs in the START-1 Treaty. It is quite obvious that the former Rada meant SS-19 ICBMs, not SS-24 ICBMs or ALCMs, when it established a proportion for reduction of weapons (36 percent of launchers and 42 percent of warheads). Despite Kravchuk's numerous pledges to remove all nuclear weapons from Ukraine, the Rada did its best to focus the attention on problems of withdrawal of SS-19s and compensation for tactical nuclear weapons, leaving the issue of ALCMs unsolved.

The new Rada, a new president of Ukraine, or both could view the future of the ALCMs in two ways. First, the cruise missiles, if decoded and retargeted, could serve as a means of deterrence against Russia or some other adversary. Many Ukrainians regret the removal of tactical weapons to Russia in 1992, and they may wish to retain the ALCMs to counterbalance Russia's "imperialist mentality." Kravchuk's edict of April 5, 1992, followed by an order issued

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<sup>56</sup> For more details, see DeWing, The Ukrainian Nuclear Arsenal: Problems of Command, Control, and Maintenance, pp. 7-8.

by the Ukrainian Defense Minister, incorporated the 46th Air Army into the Ukrainian Armed Forces. In May 1992 the personnel of two technical nuclear troop units of the 46th Air Army swore the Ukrainian military oath. To some extent, these developments may signal Ukraine's intention to fully control strategic cruise missiles on its territory. In early September 1993 the Defense Ministry and the Ukrainian General Staff were analyzing utilization of the Tu-160s and Tu-95s at Priluki and Uzin. Since Russia refused to trade the bombers, the General Staff would probably retain the Tu-95s, which were particularly reliable as far as maintenance. They would be equipped with non-nuclear cruise missiles with a range of 500 kilometers, which were being created at a Dnepropetrovsk plant.

Second, Ukraine could seek a separate agreement on compensation for nuclear material contained in the ALCMs. There have been no official figure of the costs of that nuclear material, but there is little doubt that Ukraine would try to sell it rather than just give it away for nothing. Ukraine has been constantly reaffirming its intention to be a non-nuclear state, but claims to own the components of the strategic nuclear weapons and not the weapons themselves. Russian-Ukrainian controversy over the issue of compensation for tactical weapons could be regarded by the new Ukrainian Parliament as a bitter lesson of rushed denuclearization.

#### ***IV. Conclusion***

Ukraine's case has reflected different perceptions of nuclear weapons in contemporary politics. The denuclearization of Ukraine has proven the value of nuclear weapons as political, economic, and military levers in relationships with the entire world. Ukraine's conditions for complete denuclearization have forced the United States and Russia to make the maximum

possible concessions to Ukraine in terms of security assurances, compensation for nuclear materials, and financial aid. Ukraine's denuclearization obligations under the Lisbon Protocol envisage withdrawal of all nuclear weapons from its territory. This is the principal document with which Ukraine's nuclear policy should be in compliance. Since the process of nuclear disarmament in Ukraine has already started, there is hope that it will last until the complete withdrawal of nuclear weapons from Ukraine. However, despite the signs of progress, Ukraine remains, and probably will remain for the next few years, a "problem country" with an unstable policy towards denuclearization.