

## The Ukrainian Parliament's Resolution on START-1 Ratification

The Ukrainian parliament's resolution on the ratification of the START-1 treaty is approximately two pages long and consists of eleven points, of which most stipulate the conditions for full ratification and implementation of the treaty. In the first point the Ukrainian parliament reaffirms Ukraine's ownership of the nuclear weapons and warheads located in Ukraine. The third point asserts administrative control over the nuclear weapons. Ukraine's commitment not to use nuclear weapons is also reiterated.

The second point of the resolution is perhaps the most important one; it renounces Article 5 of the Lisbon protocol, which committed Ukraine to acceding to the nuclear nonproliferation treaty as a nonnuclear state. The wording is clear: Article 5 is held to be "not binding" on Ukraine. This move had been discussed previously and thus came as no surprise, but it has cast doubt on Ukraine's claims to aspire to nonnuclear status. The trend in the Ukrainian parliament has been to argue that Ukraine's special situation is not covered in the nuclear nonproliferation treaty. Some deputies hold that Ukraine cannot be considered a nuclear state because, as required by the treaty, it did not test a weapon before 1967 and does not control the nuclear weapons on its territory. Other deputies argue that Ukraine is not a nonnuclear state because it owns the nuclear weapons on its territory. In any case, Ukrainian legislators maintain, Ukraine cannot sign the treaty. Consequently there is a strong argument for postponing debate on accession to the nuclear nonproliferation treaty until 1995, when a review conference is to be held. Ukraine is likely to demand that in 1995 the treaty be revised to allow some form of "transitional" status for Ukraine, as it slowly moves to divest itself of all nuclear arms. However, it appears increasingly unlikely that Ukraine will carry out full denuclearization, and the postponement of accession to the treaty appears a means of delaying the final decision on nuclear status.

The resolution contains a number of points on which complete ratification of the treaty depends. It states that "Ukraine will only exchange instruments of ratification after Points 5, 6, 7, 8, 9, 10, and 11 are fulfilled." These points stipulate very tough conditions, which are summarized below.

**Point 5: Security Guarantees.** Ukraine confirms that it is "moving toward" nonnuclear status but that it requires security guarantees from the nuclear powers to do so. This point calls for guarantees not to use nuclear or conventional arms against Ukraine and to safeguard Ukraine's territorial integrity and sovereignty; it also

calls for the exertion of economic pressure on Ukraine to be prohibited.

**Point 6: START-1 Coverage.** Ukraine considers itself responsible for reducing the number of launchers on its territory by 36%, which would result in a 42% reduction of warheads on Ukrainian territory. (This 36% figure was calculated on the basis of the START-1 treaty's call for proportional cuts in launchers. Ukrainian government officials have stated on other occasions that the SS-19 intercontinental ballistic missiles will be dismantled first.)

**Point 7: Economic Assistance.** Ukraine will be able to dismantle the missiles only if foreign financial assistance is provided. (The Ukrainian authorities have estimated the total cost at \$2.8 billion.)

**Point 8: Technology Limits.** Once the agreement is in force, it is not to be used by any party to gain advantages in the area of rocket technology or the peaceful use of nuclear energy.

**Point 9: Warhead Dismantling.** Ukraine must be allowed to monitor the dismantling of warheads removed from its territory. (This requirement first appeared during the spring of 1992, when the transfer of Ukrainian tactical nuclear warheads to Russia was temporarily halted. Some limited monitoring was allowed in that case.)

**Point 10: Warhead Compensation.** Ukraine must be compensated for fissile material removed from the nuclear warheads. It must also be compensated for material from tactical nuclear warheads removed in 1992.

**Point 11: Security Guarantees, Funding.** This point, like Point 5, calls for Ukrainian President Leonid Kravchuk to obtain through negotiations additional security guarantees and assistance that are to be accorded Ukraine by unspecified international organizations and states. As well as reaffirming many of the positions outlined in other parts of the resolution, Point 11 calls for economic and technical aid, assistance with the maintenance of nuclear weapons, and guarantees for the peaceful use of, and compensation for, nuclear materials. Funding for dismantling is to be included in the state budget for 1994.

None of these conditions is particularly surprising: the Ukrainian government had been articulating its position for almost a year. Yet the Ukrainian parliament's linking these conditions directly to the START-1 treaty makes them legally binding on the government.