

Foreign Policy  
at BROOKINGS

# THE TRILATERAL PROCESS: The United States, Ukraine, Russia and Nuclear Weapons

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Paper 6 • May 2011

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# 1. EXECUTIVE SUMMARY

## THE TRILATERAL PROCESS

The collapse of the Soviet Union in 1991 left Soviet strategic nuclear weapons—both strategic nuclear warheads and delivery systems—located on the territory of four newly independent states: Belarus, Kazakhstan, Russia and Ukraine. Soviet tactical nuclear weapons were even more widely scattered. Moscow quickly secured the return of all tactical nuclear warheads to Russia during the first half of 1992. Moscow also in relatively short order reached bilateral understandings with Belarus and Kazakhstan on the removal or elimination of the strategic nuclear weapon systems on the territory of those countries.

The process with Ukraine proved more difficult, as Kyiv sought to achieve particular objectives before giving up what was then the third largest nuclear arsenal in the world. Among other things, the Ukrainian government wanted acceptable answers to four key questions:

- Possession of nuclear weapons was seen to confer certain security benefits; what guarantees or assurances would there be for Ukraine's sovereignty and territorial integrity after it gave up strategic nuclear arms?
- The strategic nuclear warheads had commercial value in the form of the highly-enriched uranium (HEU) they contained, which could be blended down into low-enriched uranium (LEU) and used in fuel rods for nuclear power reactors; how would Ukraine ensure that it

received the value of the HEU in the nuclear warheads on its territory?

- Eliminating the intercontinental ballistic missiles (ICBMs), ICBM silos, strategic bombers and nuclear infrastructure in Ukraine would be an expensive proposition at a time when the new Ukrainian economy was sharply contracting; who would cover the costs of those eliminations?
- How, where and under what conditions would the strategic nuclear warheads, ICBMs and bombers be eliminated?

Bilateral Ukrainian-Russian negotiations grappled with these issues in the months after the fall of the Soviet Union. They began to identify solutions to some questions but never successfully came to closure. The September 1993 Massandra summit between Ukrainian President Leonid Kravchuk and Russian President Boris Yeltsin initially appeared to have achieved a formula for the transfer of the strategic nuclear warheads to Russia and the resolution of all ancillary issues. The bilateral deal, however, collapsed almost immediately.

Getting the nuclear weapons out of Ukraine topped the U.S. agenda with that country in its first years of independence. Washington wanted the nuclear warheads transferred to Russia but was sympathetic to some of the Ukrainian government's concerns and actively discussed the issue—and related questions such as compensation and security assurances—separately with both sides from early 1992 on.

The first trilateral meeting of American, Russian and Ukrainian diplomats took place in August 1993. Originally agnostic as to how the question would be resolved—as the result of a bilateral Ukrainian-Russian negotiation or of a process involving the United States—Washington concluded in the aftermath of the Massandra summit that it would have to become more directly involved in brokering a solution. Both the Russians and Ukrainians welcomed U.S. participation, the Russians because they understood that Washington shared their goal of getting the nuclear weapons out of Ukraine, the Ukrainians because they believed that, with American officials engaged in the process, they would have a friend in court and could achieve a deal that better answered their four key questions.

The trilateral discussions accelerated in December, producing the Trilateral Statement and accompanying annex, signed by Kravchuk, Yelstin and U.S. President Bill Clinton in Moscow on January 14, 1994. Those documents provided that Ukraine would transfer all strategic warheads on its territory to Russia for elimination and, in return, would receive security assurances, compensation for the commercial value of the HEU, and Nunn-Lugar assistance to help with the disposal of ICBMs, ICBM silos, bombers and other infrastructure on Ukrainian territory. Perhaps as importantly but less tangibly, the Trilateral Statement removed what would have been a major impediment to Ukraine's development of normal relations with the United States and the West.

The final act of the trilateral process played out in autumn 1994, with Ukraine's accession to the Non-proliferation Treaty (NPT) as a non-nuclear weapons state. Clinton, Yeltsin and newly-elected Ukrainian President Leonid Kuchma met on December 5 in Budapest on the margins of the Conference on Security and Cooperation in Europe summit. Kuchma transmitted Ukraine's instrument of accession to the NPT, the Strategic Arms Reduction Treaty (START I) entered into force, and the United States and Russia, joined by the United Kingdom, extended security assurances to Ukraine in what became known as the Budapest Memorandum of Security Assurances.

## LESSONS LEARNED

After the Trilateral Statement and Budapest Memorandum were signed, implementation proceeded relatively smoothly. By June 1, 1996, Ukraine had transferred the last of the nuclear warheads on its territory to Russia for elimination, and the last START I-accountable strategic nuclear delivery vehicle, an SS-24 missile silo, was eliminated in 2001. More broadly, Ukraine's denuclearization opened the way to an expanded U.S.-Ukrainian bilateral relationship. Among other things, by the end of the 1990s, Ukraine was among the top recipients in the world of U.S. assistance. Denuclearization also removed what would have been a major impediment to Ukraine's development of relations with Europe. In 1997, NATO and Ukraine agreed to a "distinctive partnership" and established the NATO-Ukraine Council.

Several factors explain the success of the trilateral process. They include:

***The ability to find a solution that met the interests of all parties.*** The trilateral process succeeded because it found a "win-win-win" solution that met the minimum requirements of all three participants. The minimum requirements for Russia and the United States were that Ukraine transfer or eliminate the strategic offensive arms, including the strategic warheads, on its territory. While Washington shared Moscow's minimum requirements, it also wanted to resolve the nuclear issue so that it could move to a regular relationship with Ukraine. For Ukraine, the minimum requirement was good answers to questions regarding security assurances for Ukraine, compensation for the economic value of the HEU in the nuclear warheads, assistance for eliminating the nuclear legacy on Ukrainian territory, and conditions for the elimination of the strategic missiles, bombers and warheads. The sides' minimum requirements allowed space for a solution acceptable to all, and Kyiv concluded that 1994 was the right time to cash in its nuclear chip. U.S. engagement made that easier for Kyiv by helping to rectify an inherent imbalance between Ukraine and Russia.

***The importance of “doing what works.”*** The trilateral process succeeded because the sides were prepared to look for practical solutions and “do what worked.” On issues ranging from security assurances, to dealing with troublesome language in resolutions passed by the Rada (Ukraine’s parliament), to the need to keep some commitments in private channels, the sides found practical solutions.

***The value of using events and presidential involvement to drive the process.*** U.S. officials used high-level meetings—including the possibility of expanding the January 1994 Clinton-Yeltsin meeting to include a trilateral session with Kravchuk and later the December 1994 Conference on Security and Cooperation in Europe summit in Budapest—to drive the trilateral process. Once these dates were fixed on presidential calendars, deadlines were established that forced the bureaucracies of all three countries to work harder and faster than they would have otherwise.

***The value of money in easing solutions.*** The U.S. ability to commit resources at key points facilitated moving the process along, including using Nunn-Lugar monies to fund the elimination of strategic offensive arms in Ukraine and finding funds to “jump start” the process of Russia providing fuel rods for nuclear reactors to compensate Ukraine for the value of the HEU in transferred nuclear warheads.

***The importance of understanding the other side’s needs.*** Understanding the other side’s needs and its internal political dynamics was critical to devising proposals that would yield a solution acceptable to all three parties. Both Washington and Moscow might have done better in this regard, especially during 1992 and 1993. For example, by focusing so heavily on nuclear weapons in the first two years of its relations with independent Ukraine, Washington failed to create confidence in Kyiv that there would be a robust Ukrainian-American relationship once the nuclear weapons issue was resolved. The initial U.S. fixation on nuclear weapons may well have had the unintended effect of increasing their value as a political bargaining chip in the minds of some Ukrainians.

These lessons may be applicable in other cases. Were North Korea or Iran to move away from their maximalist positions on nuclear weapons and open up some bargaining space, these lessons could prove useful in the Six-Party Talks and P-5 Plus One processes regarding those countries’ nuclear weapons programs. The circumstances that produced a successful trilateral process in 1993-94, however, were in certain ways unique, in particular in terms of the readiness of the Ukrainian and Russian governments to accept the United States as a participant. In the end, the three sides’ interests sufficiently coincided to produce a diplomatic success.

## 2. INTERESTS AND POSITIONS

### U.S. INTERESTS

The intelligence advisor in the State Department's Office of the Coordinator for the New Independent States kept a small sign on his desk in 1993. It read: "It's the nukes, stupid." That paraphrase of a 1992 Clinton presidential campaign theme—"It's the economy, stupid"—accurately captured the focus of the Bush and Clinton administrations' policies toward Ukraine in 1992 and 1993: eliminate nuclear weapons on Ukrainian territory as part of a broader effort to ensure that the break-up of the Soviet Union did not increase the number of nuclear weapons states. In practical terms, this meant ensuring that Russia emerged from the collapse of the USSR as the only nuclear weapons power.

Achieving this was seen as key to implementing the Strategic Arms Reduction Treaty (START I) signed in July 1991 by President George H. W. Bush and then-Soviet President Mikhail Gorbachev, just months before the Soviet Union broke up, especially after Russia conditioned START I's entry into force on Belarus, Kazakhstan and Ukraine first acceding to the Nonproliferation Treaty (NPT) as non-nuclear weapons states. Washington also regarded Ukrainian agreement to eliminate the nuclear weapons on its territory as critical for broader nonproliferation objectives, including the Clinton administration's goal of achieving an indefinite extension of the NPT at the 1995 review and extension conference.<sup>1</sup>

Washington's nuclear preoccupation with Kyiv had an understandable basis. In the aftermath of the Soviet Union's collapse at the end of 1991, Ukraine

had on its territory the world's third largest nuclear arsenal. Forty-six SS-24 intercontinental ballistic missiles (ICBMs), each armed with ten independently targetable nuclear warheads, sat in silos in the wheat fields of southern Ukraine near the city of Pervomaysk. Forty SS-19 ICBMs, older and less powerful than the SS-24s but nevertheless each armed with six nuclear warheads, rested in silos near Pervomaysk. Ninety more SS-19s were deployed in silos to the west around Khmelnytskyi.<sup>2</sup> The 176 ICBMs, capable of carrying 1,240 nuclear warheads, were designed to target the United States.

In addition to the ICBMs, Ukraine inherited 19 Tu-160 Blackjack and 25 Tu-95 Bear-H strategic bombers at air bases at Uzhin and Prylukiy as well as Kh-55 air-launched cruise missiles (ALCMs) for use by those aircraft. The Blackjacks and Bears could fly thousands of miles and carry six-12 nuclear-armed ALCMs each. Like the SS-24 and SS-19 ICBMs, the bombers could strike targets throughout the United States. All total, Ukraine had some 1,900 strategic nuclear warheads—considerably more than Britain, France and China combined.<sup>3</sup> Ukraine also had some 2,500 tactical nuclear warheads.<sup>4</sup> Dealing with these warheads, the strategic missiles and bombers that carried them, and the broader nuclear legacy posed the first major challenge for relations between the United States and the new Ukrainian state.

The Ukrainian government repeatedly reassured U.S. officials of its commitment to be a non-nuclear weapons state. Comments by Ukrainian parliamentarians, and even by some officials, however, raised uncertainties in Washington's mind about whether Kyiv would hold to its non-nuclear commitment



and, if so, how long it would take Ukraine to implement it. More specifically, the U.S. approach toward Kyiv in 1992-93 was dominated by three closely-related nuclear questions:

- First, multilateralizing the START I Treaty to take account of the fact that the Soviet missiles, bombers and warheads to be reduced and limited were now located in four independent countries, including Ukraine.
- Second, ensuring that the START I reductions process would eliminate all the strategic nuclear weapons in Ukraine (as well as those in Belarus and Kazakhstan); the United States did not want to see the break-up of the Soviet Union result in an increase in the number of nuclear weapons states.
- Third, getting Ukraine (as well as Belarus and Kazakhstan) to accede to the NPT as a non-nuclear weapons state.

Finally, Russia had conditioned entry into force of START I on ratification of START I and accession to the NPT as a non-nuclear weapons state by Ukraine, Belarus and Kazakhstan. The desire to begin implementing START I reductions gave Washington an additional interest in seeing the question of nuclear weapons in Ukraine resolved as rapidly as possible. Moreover, the START II Treaty, which had been signed in January 1993, contained deeper reductions, cutting the United States and Russia each to no more than 3,000-3,500 strategic nuclear warheads. Of particular interest to the United States, START II banned all ICBMs with multiple independently targeted warheads as well as all heavy ICBMs—the missiles most troubling for strategic stability and for U.S. military planners since the mid-1970s. Washington eagerly wanted to bring START I into force so that it could then quickly move on to ratification and entry into force of START II.

## RUSSIAN INTERESTS

Russia originally sought to maintain the former Soviet strategic nuclear forces under a joint

Commonwealth of Independent States (CIS) command. When it quickly became evident that the concept would not work, the Russian goal became the consolidation of all former Soviet nuclear warheads—strategic and tactical—on Russian territory so that Russia emerged as the sole post-Soviet nuclear weapons state. That meant reaching agreement with Belarus, Kazakhstan and Ukraine on returning to Russia the strategic warheads on those countries' territories, as well as removing all the more widely scattered tactical nuclear weapons located outside of Russia. Russia also wanted the elimination of strategic systems—such as ICBM silos—on the territory of other former Soviet states. Moscow was able to reach agreement with Belarus and Kazakhstan relatively quickly.

Belarus in 1991 had 81 mobile, single-warhead SS-25 ICBMs deployed on its territory, which operated out of two bases. Although the Belarusian government after Alexander Lukashenko became president in 1994 made some noises about perhaps keeping those weapons, no one in the West or Russia saw a serious risk that Belarus would challenge Moscow on this question. The Belarusian government ratified the START I Treaty in February 1993 and acceded to the NPT as a non-nuclear weapons state the following August. By the end of 1994, 45 of the mobile SS-25s had been relocated to Russia, and the remainder soon followed.<sup>5</sup>

Kazakhstan at the time of the Soviet Union's collapse had 104 SS-18 silo-based ICBMs on its territory. The SS-18—the largest missile in the Soviet arsenal—could carry up to ten independently targeted warheads. In addition, some 40 Tu-95 Bear-H bombers and their associated Kh-55 ALCMs were deployed at the Semipalatinsk air base in northeast Kazakhstan. Although Kazakhstani President Nursultan Nazarbayev originally inclined toward non-nuclear status, he closely followed the Ukrainian position in early 1992. Russian officials thought that he might seek to keep some strategic weapons or retain them as Russian strategic forces based in Kazakhstan, but he reverted to his original preference for non-nuclear status by May 1992.<sup>6</sup> Russia and Kazakhstan relatively quickly reached an

understanding on the disposition of strategic nuclear systems on Kazakhstan's territory. Since the START I Treaty required that the 308 Soviet SS-18 silo launchers be reduced by 50 percent, it was agreed to remove the SS-18 missiles in Kazakhstan and eliminate the 104 SS-18 missile silos. Kazakhstan ratified START I in July 1992 and acceded to the NPT as a non-nuclear weapons state in February 1994. By the end of 1994, 44 SS-18s had been removed and all 40 Bear bombers had redeployed to air bases in Russia.<sup>7</sup>

Securing Kyiv's agreement proved more difficult. Russia's effort to achieve the elimination of strategic nuclear forces with Ukraine was complicated by the broader agenda between Moscow and Kyiv. While managing the "divorce" between Russia and other post-Soviet states was easy in no instance, it proved particularly difficult in the case of Ukraine. Part of this was due to the long and complex history between Russia and Ukraine; Ukraine had been a part of Russia or the Soviet Union for most of the previous 300 years. Many in Russia did not reconcile easily with the idea of Ukraine as an independent state.

Moscow and Kyiv had a host of other difficult issues on their bilateral agenda. One question was the division of the Black Sea Fleet between the two countries. The Russians, moreover, wanted to continue to base their ships at port facilities in Sevastopol and elsewhere in Crimea (Russia did not have sufficient facilities in Russian Black Sea ports to handle its part of the Black Sea Fleet). Crimea, which had been part of Russia until it was transferred to Ukraine in 1954 and which had a large ethnic Russian population, posed an additional set of questions which had not arisen when both Russia and Ukraine were part of the Soviet Union or earlier, when Ukraine was part of Russia. The Ukrainians were concerned about the slow pace of demarcating and delineating the Ukrainian-Russian border, with some in Kyiv interpreting this as reflecting Russian unreadiness to accept Ukraine's independence. The two differed over the purpose and operation of the CIS. Another issue was the settlement of debts that Ukraine had accrued and continued to accrue throughout the early 1990s for natural gas that it bought from Russia. (Russia on occasion reduced gas flows to Ukraine but had

to handle the issue with care, as more than 80 percent of the gas that Russia sold to Western and Central Europe transited through Ukrainian pipelines.) Also, among the post-Soviet states, Ukraine was the one most strongly opposed to Moscow's suggestion of a "zero-zero" solution for Soviet international assets and debts, under which Russia would assume responsibility for all foreign debts of the Soviet Union but would take possession of all Soviet foreign assets, including diplomatic missions, gold holdings, etc.

Domestic politics and nationalists in both countries did not make the agenda any easier. Issues often became emotional, making rational policy-making more difficult. Russian nationalists challenged the idea of Ukraine as a sovereign state. They took particular issue with the notion of Crimea and its major port city, Sevastopol, being part of an independent Ukraine. The Supreme Soviet (Russian parliament, which became the Duma in December 1993) regularly took up the questions of Crimea and Sevastopol in unhelpful ways. These actions only fueled the concerns of Ukrainians, particularly in the Rada (Ukraine's parliament), that Russia posed the major threat to an independent and fully sovereign Ukrainian state.

The Russian government was, however, prepared to address some Ukrainian concerns in order to secure transfer of the strategic nuclear warheads, including the issues of security assurances and compensation. Working out specific details that would fully satisfy Kyiv would take a considerable period of time.

Moscow early on appeared to treat the strategic nuclear warheads and the delivery systems differently. The Russians insisted that the warheads did not belong to Ukraine and had to be transferred to Russia for elimination. Once it became clear that the concept of a joint CIS command over all former Soviet strategic nuclear forces was unworkable, the Russians accepted that the ICBMs and strategic bombers, as well as the nuclear infrastructure, were *de facto* Ukrainian property, albeit also subject to elimination. One advantage of such an approach for Moscow was that Russia would not have to bear the costs of eliminating missiles, bombers and ICBM

silos in Ukraine. For Kyiv, this constituted at least tacit recognition that Ukraine had inherited something from the USSR, bolstering Kyiv's claim to be a successor state to the Soviet Union. It also meant that Ukraine would have a major say in the disposition of those systems. (Toward the end of the 1990s, the Russians bought from Kyiv, usually by writing down Ukrainian debt, a number of SS-19 ICBMs and strategic bombers, and Ukraine "eliminated" them by transferring them to Russia.)

## UKRAINIAN INTERESTS

Early Ukrainian political pronouncements—even preceding the Soviet break-up—suggested that achieving the goal of a non-nuclear Ukraine should be relatively straightforward. In large part due to the still raw experience of the 1986 Chernobyl nuclear power plant disaster, Ukraine in 1990 had committed itself to the status of a non-nuclear weapons state. Section IX of the Declaration of State Sovereignty, passed by the Rada on July 16, 1990, declared "The Ukrainian SSR [Soviet Socialist Republic] ... adheres to three nuclear free principles: to accept, to produce and to purchase no nuclear weapons."<sup>8</sup> The Rada reaffirmed this position on October 24, 1991 in a statement on the non-nuclear status of Ukraine.

This was not a unanimously-held view within Ukraine. Ukrainian nationalists in the Rada and some officials in the executive branch opposed denuclearization, seeing nuclear weapons as giving Ukraine the possibility for a nuclear deterrent, particularly given fears about Russian encroachment on Ukrainian sovereignty. Moscow worried, particularly in the first half of 1992, that Kyiv might try to retain nuclear arms.<sup>9</sup> Others in Kyiv felt that Ukraine had no choice: it would not be allowed to keep nuclear weapons and remain an independent state.

Ukrainian officials briefly considered the question of retaining some strategic nuclear weapons. Shortly after independence, senior officers of the 43rd Rocket Army, responsible for all ICBMs deployed in Ukraine, met with foreign and defense ministry officials to explore what holding on to an independent

Ukrainian nuclear force would entail. The officers outlined the many technical considerations: Could Ukraine develop a system to control (and launch) the ICBMs? Could Ukraine maintain the nuclear warheads, which required delicate handling and had a service life of no more than 10-15 years? How would Ukraine manage issues such as production of tritium, which boosts the power of a nuclear detonation but decays over time? How would Ukraine dispose of old warheads and their fissile material? Could Ukraine have confidence—lacking its own test site and data from Soviet nuclear tests—in the reliability of the warheads? The bottom line after a day's discussion: the technological challenges of maintaining a nuclear force would be daunting, particularly as many of the warheads and ICBMs would reach the end of their service life by the end of the 1990s. Even if the challenges were surmountable—Ukraine certainly had the technical expertise to maintain an ICBM force—they would require that Ukraine devote major resources to develop a nuclear infrastructure at an unknown but large financial cost, certainly in the billions, if not tens of billions, of dollars. These technical and financial considerations reinforced ecological concerns (the legacy of Chernobyl). Finally, Ukrainian officials weighed the broader political considerations: It was unclear how retaining a nuclear force would help Kyiv deal with the political challenges expected from Moscow, while doing so would definitely raise tensions and major hurdles in Ukraine's relations with the United States and Europe.<sup>10</sup> The Ukrainian government did not publicly mention this review—which might have cooled the ardor of those arguing that Ukraine should retain nuclear weapons—perhaps because publicly acknowledging this in explicit terms could have weakened Kyiv's bargaining position.

The Ukrainian government thus accepted that Ukraine should give up the nuclear arms on its territory, although the decision was not an easy one, and some Ukrainians continued to make the case for retaining the weapons, even if only temporarily. The Ukrainian government was not prepared to relinquish the weapons for nothing. Several issues arose which Ukrainian officials decided would need to be addressed in order to secure Kyiv's assent:

- First, possession of nuclear weapons was seen to confer certain security benefits; what guarantees or assurances would there be for Ukraine's sovereignty and territorial integrity after it gave up strategic nuclear arms?
- Second, the strategic nuclear warheads had commercial value in the form of the highly-enriched uranium (HEU) they contained, which could be blended down into low-enriched uranium (LEU) and used in fuel rods for nuclear power reactors; how would Ukraine ensure that it received the value of the HEU in the nuclear warheads on its territory?<sup>11</sup>
- Third, eliminating the ICBMs, ICBM silos, strategic bombers and nuclear infrastructure in Ukraine would be an expensive proposition at a time when the new Ukrainian economy was sharply contracting; who would cover the costs of those eliminations?
- And fourth, how, where and under what conditions would the strategic nuclear warheads, ICBMs and bombers be eliminated?

The Ukrainian government was also concerned that, as a successor state to the Soviet Union, it had certain rights, including to ownership of the nuclear weapons on its territory. How would these rights be respected? Finally, President Leonid Kravchuk—and his successor, Leonid Kuchma—sought to manage this question in a manner that would not provoke undue discord with the Rada or with the Ukrainian public.

The question of nuclear weapons played out in the context of a broader Ukrainian foreign policy agenda. Kyiv was anxious to take steps that would establish and consolidate its standing as an independent and sovereign state, and many in the government worried that Russia—not fully reconciled to an independent Ukraine—would try to frustrate Kyiv's efforts. The Ukrainians, moreover, wanted to build robust relations with the United States, major European countries, and European and trans-Atlantic institutions such as the European Union and NATO. Ukrainian officials believed that such links would help Ukraine integrate into Europe and give it greater freedom of maneuver vis-à-vis Moscow.

### 3. THE LISBON PROTOCOL

#### BACKGROUND

Russian President Boris Yeltsin, Belarusian Supreme Soviet Chairman Stanislav Shushkevich and Kravchuk met on December 8, 1991 at Belovezhska Pushcha, Belarus. They proclaimed the end of the Soviet Union as “a subject of international law” and agreed to the establishment of the Commonwealth of Independent States, to be composed of the 12 republics that still made up the Soviet Union at the time (Estonia, Latvia and Lithuania had already asserted their independence). Coming just one week after the Ukrainian people voted for independence in a national referendum, with 90 percent voting in favor, the meeting effectively signaled the death knell for the Soviet Union. Other Soviet republics soon joined the CIS, and Gorbachev accepted the reality on December 25: the Soviet hammer-and-sickle came down from the flagpoles over the Kremlin to be replaced by the Russian tricolor, and Gorbachev transferred custody of the nuclear launch codes for Soviet strategic nuclear forces to Yeltsin, the president of the new independent state of Russia.

As the CIS began sorting out what the Soviet Union’s demise meant in practical terms, arrangements for managing Soviet nuclear arms topped the list. Eleven of 12 CIS leaders met in Alma-Ata (now Almaty), Kazakhstan on December 21 to discuss how the Commonwealth would function. They issued a declaration that included language stating that “in order to ensure international strategic stability and security, allied command of the military-strategic forces and a single control over nuclear weapons will be preserved...”<sup>12</sup> The December 30,

1991 agreement on strategic forces concluded by 11 CIS leaders in Minsk recognized “the need for joint command of strategic forces and for maintaining unified control of nuclear weapons;” said that a decision on use of nuclear weapons would be taken by the Russian president in agreement with the heads of Belarus, Kazakhstan and Ukraine and in consultation with other CIS leaders; and stated that nuclear weapons in Ukraine “shall be under the control of the Combined Strategic Forces Command, with the aim that they shall not be used and be dismantled by the end of 1994, including tactical weapons by 1 July 1992.”<sup>13</sup>

Russia took the position that the control of nuclear weapons should be consolidated under Russian/CIS command, but control of the weapons and, specifically the launch of ICBMs based in Ukraine, posed a major issue for the new Ukrainian government. In April 1992, the Ukrainian Ministry of defense began to assert “administrative control” as former Soviet strategic rocket forces officers and troops in Ukraine became part of the Ukrainian military (former Soviet military personnel in Ukraine had the option of taking an oath to Ukraine and joining the Ukrainian military, leaving the military, or returning to Russia). Ultimately, arrangements were developed under which the Ukrainian military had responsibility for day-to-day missile operations, including maintenance, while receiving some “operational planning” from the Russian strategic rocket forces command center. According to statements from both capitals, neither the Russians nor the Ukrainians could alone launch the ICBMs; an arrangement was worked out between Kyiv and Moscow under which Ukrainian-

based ICBMs required launch orders from both Russian strategic rocket forces headquarters and the Ukrainian president.<sup>14</sup>

U.S. officials had begun thinking about the fate of Soviet nuclear weapons even before the Soviet Union finally collapsed in December 1991. Some in the Bush administration saw value in an independent Ukraine retaining nuclear arms. They believed a Ukrainian nuclear force could serve as a hedge to protect Kyiv's sovereignty against a possibly resurgent Russia, and the fewer weapons in Moscow's hands, the better. Secretary of State James Baker took a sharply different view. No one in Washington seriously feared that Ukraine would threaten or carry out a nuclear attack on the United States, but Baker strongly believed it in America's interest that only a single nuclear power remain in the post-Soviet space. He saw no value to potential nuclear rivalries between Moscow and its neighbors. Baker thus argued for moving quickly and forcefully to ensure removal of all nuclear weapons from the post-Soviet republics outside of Russia, which would leave Russia as the sole nuclear power. While some in the Office of the Secretary of Defense and elsewhere did not share Baker's view, no one in the U.S. government chose to challenge it. Ukraine's denuclearization became the central plank of Washington's policy toward Kyiv.<sup>15</sup>

Baker made the issue of strategic nuclear forces a personal priority during his last months as secretary of state. One of the immediate questions facing the United States was how to manage the 1991 START I Treaty. START I was the first arms control agreement to provide for reductions of—rather than just limitations on—strategic offensive arms. It limited the United States and Soviet Union each to no more than 1,600 strategic nuclear delivery vehicles (strategic bombers plus launchers for ICBMs and submarine-launched ballistic missiles) and no more than 6,000 strategic nuclear warheads. These levels represented significant reductions; in 1990 each side deployed more than 2,200 strategic nuclear delivery vehicles and more than 10,000 strategic nuclear warheads. The United States now faced a situation in which the Soviet Union no longer existed, and

Soviet strategic weapons were deployed on the territory of four independent states.

## GETTING TO LISBON

Negotiations produced the Lisbon Protocol to the START I Treaty in May 1992. Signed by Baker and representatives from Belarus, Kazakhstan, Russia and Ukraine, the protocol made the latter four countries parties to START I, committing them to carry out the Soviet START I obligations. The protocol also obligated Belarus, Kazakhstan and Ukraine to adhere to the NPT as non-nuclear weapons states as soon as possible. A letter from Kravchuk to Bush accompanied the protocol, reaffirming Ukraine's non-nuclear status and pledging elimination of all nuclear weapons, including strategic arms, within seven years, the period for implementation of reductions specified in START I.

Getting to Lisbon required intense diplomacy. Baker traveled to Moscow, Bishkek, Alma-Ata, Minsk and Kyiv December 15-19, 1991, in the immediate aftermath of the December 1 Ukrainian independence referendum and December 8 Belavezhska Pushcha agreement establishing the Commonwealth of Independent States. As he foreshadowed in a December 13 press briefing, the secretary made the nuclear weapons issue a central focus of his discussions. In Kyiv, Kravchuk assured him that Ukraine would destroy all nuclear weapons on its territory.

Under Secretary of State for International Security Reginald Bartholomew led an interagency team to Moscow, Kyiv, Almaty and Minsk in January 1992, focusing on how to handle the START I Treaty. Bartholomew suggested to Russian, Ukrainian, Kazakhstani and Belarusian foreign ministry officials two options. Under the first option, the United States could conclude a bilateral protocol with Russia regarding the START I Treaty, and leave it to the Russians to deal with Belarus, Kazakhstan and Ukraine on multilateralizing the START I obligations of the Soviet Union. One possible outcome could be that Russia remained the sole nuclear weapons state but based some of its strategic systems in one or more of the other three countries. Under the second option,

all five states could negotiate and sign a protocol. Russian officials preferred the former; Ukrainian officials (as well as those of Belarus and Kazakhstan) strongly favored the latter. Washington nevertheless decided to give Moscow some time to see if it could make the first option work.<sup>16</sup>

It soon became clear the Russians could not. The Ukrainians, for their part, made very clear their desire to be treated as an equal party and a successor state to the Soviet Union as far as START I was concerned. Bartholomew and U.S. officials begin to pursue the second option, a multilateral protocol, and the United States was driving the process by the beginning of April. The Russians seemed content to let Washington work the problem with the other three states. Bartholomew traveled to the region several times to work on language for the protocol to provide that Russia, Belarus, Kazakhstan and Ukraine would assume the Soviet Union's START I obligations and that the latter three states would adhere to the NPT as non-nuclear weapons states.<sup>17</sup>

Meanwhile, the process of withdrawing tactical nuclear weapons from Ukraine had begun at the end of 1991. In February 1992 Kravchuk stated that half of the tactical nuclear warheads had already been transferred, putting Ukraine well on the course to meet the July 1 deadline that it had agreed to the previous December. Nationalist deputies in the Rada, however, began to challenge the ongoing transfers and question Kravchuk's overall handling of the agreements reached in December.<sup>18</sup> The transfer of tactical nuclear weapons hit a bump when Kravchuk announced at a March 12 press conference Kyiv's decision to halt the movement of tactical nuclear weapons to Russia. Kravchuk asserted that Ukraine had no guarantees that the weapons transferred were actually being dismantled.<sup>19</sup>

The decision provoked consternation in Washington, particularly as Kravchuk had assured Bush in a telephone conversation two weeks before that Ukraine would meet the July 1 deadline for elimination—i.e., transfer to Russia—of all the tactical nuclear weapons on its territory. Baker publicly implied that the provision of American assistance to post-Soviet states

was linked to their implementation of commitments regarding nuclear arms. Kravchuk's decision to suspend the tactical nuclear weapons transfer was followed by a very difficult meeting with Yeltsin on the margins of a CIS summit, during which the Russians asserted the right to ownership of all former Soviet nuclear weapons, a position the Ukrainians rejected. Within one month, however, the Ukrainians and Russians worked out arrangements that allowed the resumption of the transfer of tactical nuclear weapons, despite continuing differences over strategic force issues.<sup>20</sup> Kyiv dropped its demand for international supervision of the disassembly process, while Moscow agreed to permit Ukrainians to monitor the warhead dismantlements.<sup>21</sup>

This came just in time for Kravchuk's visit to Washington. Kravchuk met with Bush on May 6. They released a joint declaration, which reiterated Ukraine's commitment to remove all tactical nuclear weapons from its territory by July 1 and the rest of the nuclear weapons within seven years. The two presidents made clear in their press conference that the nuclear issue had occupied center stage in their discussions, noting that progress had been made toward achieving a protocol that would multilateralize START I. Bush publicly mentioned the possibility of U.S. assistance for weapons destruction in Ukraine. Much hard work took place behind the scenes, as Baker and Kravchuk hammered out the language for a START I protocol and for a Kravchuk letter to Bush affirming Ukraine's commitment to join the NPT as a non-nuclear weapons state and to eliminate all strategic offensive arms—missiles, missile silos and bombers—on its territory within seven years (the letter was finalized in Washington and dated May 7 but formally passed over later that month when the Lisbon Protocol was signed).<sup>22</sup>

Kravchuk was caught short, however, on the question of tactical nuclear weapons. Asked at a press conference about a report from Moscow to the effect that all tactical weapons had been transferred from Ukraine, Kravchuk said that the process was ongoing, that about half of the weapons had been removed, and that Ukraine would meet the July 1 deadline. The next day, however, he stated that all

tactical nuclear weapons, except for those belonging to the Black Sea Fleet (whose ownership remained disputed between Moscow and Kyiv) had been removed from Ukraine.<sup>23</sup> Whatever the reason for the confusion—whether it reflected a disconnect between the Ukrainian president and his defense ministry or Russian removal of the weapons without keeping Ukrainian officials informed—Ukraine had fulfilled its commitment regarding the transfer of tactical nuclear weapons, and with almost two months to spare. The manner in which the tactical weapons were withdrawn, however, left a bad aftertaste in Kyiv that likely complicated further discussions between Ukraine and Russia on the strategic nuclear weapons.<sup>24</sup>

The stage was set for Lisbon. American, Russian, Belarusian, Kazakhstani and Ukrainian negotiators gathered to hammer out the final language for what became known as the Lisbon Protocol to the START I Treaty. U.S. negotiator Thomas Graham easily closed issues with the Belarusian and Kazakhstani sides but found coming to closure with his Ukrainian counterparts difficult. They indicated uncertainty as to whether Foreign Minister Anatoliy Zlenko would be able to sign the protocol. They resisted the document’s “inequality.” It could hardly be otherwise: the protocol’s intent was to leave Russia as the only former Soviet state possessing strategic nuclear arms. The U.S. side had thought this was understood. Graham contacted the secretary’s party, which was in London and due to arrive in Lisbon the next day. Baker called Zlenko directly. While the call proved very difficult, American officials believed it did the trick.<sup>25</sup>

More work was needed on the ground in Lisbon, as the sides continued to haggle over details on May 23. They finally reached agreement, and Baker and Zlenko joined Russian Foreign Minister Andrey Kozыrev, Belarusian Foreign Minister Pyotr Kravchenko and Kazakhstani State Counselor for Strategic Affairs Tulegen Zhukeyev to sign the “Lisbon Protocol to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms.”

The protocol provided that Belarus, Kazakhstan, Russia and Ukraine, as successor states to the Soviet Union, would assume the Soviet Union’s START I obligations. It required that Belarus, Kazakhstan and Ukraine accede to the NPT as non-nuclear weapons states “in the shortest possible time” and begin “immediately” to pursue the internal constitutional steps necessary to accomplish that. The protocol was accompanied by the May 7 letter from Kravchuk to Bush stating that Ukraine would “have a non-nuclear status,” would “abide by the three non-nuclear principles [of its July 1990 Declaration of State Sovereignty] in the future,” and would eliminate “all nuclear weapons, including strategic offensive arms located in its territory” within START I’s seven-year period for implementation of reductions. Finally, Kravchuk’s letter noted the importance of international monitoring to confirm that the nuclear charges removed from the nuclear weapons were not reused.<sup>26</sup> (Shushkevich and Nazarbayev sent parallel letters confirming that the nuclear weapons in Belarus and Kazakhstan would be eliminated within seven years; U.S. officials had worked with Belarusian and Kazakhstani diplomats to secure those letters along with those countries’ agreement to the Lisbon Protocol, though neither required as much work as Ukraine.) The protocol recognized Ukraine as a successor to the Soviet Union for purposes of START I, a key point for Kyiv. Although the practical impact was minimal, the Ukrainians appreciated the political acknowledgment of Ukraine as a successor state (the Lisbon Protocol remains the only legal document in which Moscow recognized Ukraine’s claim to successor state status.)<sup>27</sup>

The Lisbon Protocol proved a milestone. Looking back on the process, a senior Ukrainian foreign ministry official later observed that, following Lisbon, Ukraine was committed on a path to giving up all of the nuclear weapons on its territory. The issue then was the terms under which Ukraine would transfer the nuclear warheads.<sup>28</sup> Moscow also became more convinced that, however haltingly, the Ukrainians were prepared to give up the weapons.<sup>29</sup>

With the Lisbon Protocol completed, the U.S. Senate voted in October 1992 to give its advice and



consent to ratification of the START I Treaty. The Russian Supreme Soviet followed two months later and approved the treaty's ratification. The Supreme Soviet's ratification, however, came with a condition: it required that the instruments of ratification for START I—the necessary step to bring START I into force—could be exchanged only once Belarus, Kazakhstan and Ukraine had acceded to the NPT as non-nuclear weapons states.

Behind the scenes, there was unease in Washington. Although Ukraine had at the end of 1991 agreed in CIS documents to the withdrawal of all nuclear weapons from its territory by the end of 1994, Kravchuk in his May 7, 1992 letter had committed to elimination of all strategic nuclear weapons only within seven years of START I's entry into force. Ukrainian officials, moreover, had begun to talk of the possibility of holding on to some of the more modern SS-24 missiles.<sup>30</sup>

## 4. UKRAINIAN-RUSSIAN NEGOTIATIONS

### BILATERAL EXCHANGES

The fate of the strategic nuclear arms in Ukraine posed one of the key issues on the agenda between Moscow and Kyiv. In early 1993, Moscow appointed veteran Russian diplomat Yuriy Dubinin to negotiate with Ukraine on the range of issues associated with implementation of START I and the Lisbon Protocol as well as the disposition of strategic nuclear arms on Ukrainian territory.

The discussion was complicated by debates in the Ukrainian Rada, where deputies had begun to offer proposals that conflicted with Ukraine's commitments under the Lisbon Protocol. Some suggested that Ukraine should keep the SS-24 ICBMs and arm them with conventional warheads and/or that Ukraine should implement the Lisbon Protocol over 14 years and only then accede to the NPT, rather than eliminate all strategic offensive arms on its territory within seven years as provided for by Kravchuk's May 1992 letter. Rada deputy Dmytro Pavlychko, for example, argued that Ukraine should eliminate the SS-19 ICBMs over seven years, eliminate the SS-24 ICBMs over the following seven years, and only then accede to the NPT.<sup>31</sup> A number of deputies argued, moreover, that Ukraine could not accede to the NPT as a non-nuclear weapons state because it "owned" nuclear weapons as a successor state to the Soviet Union.

Early in the bilateral discussions, Moscow indicated its readiness to consider a number of issues of interest to Kyiv, including providing security guarantees and offering fuel for Ukrainian nuclear reactors as

compensation for the HEU in the strategic nuclear warheads that Ukraine transferred to Russia for elimination—provided that Kyiv agree to the transport of all nuclear warheads to Russia. Dubinin's opposite number, Environment Minister Yuriy Kostenko, indicated that Ukraine had a "right to own nuclear munitions" and had yet to decide where the nuclear warheads should be dismantled. This followed a December 1992 memorandum circulated by the Ukrainian Foreign Ministry that raised Ukraine's "right to own all components of nuclear warheads ... deployed on its territory."<sup>32</sup>

The Russians adamantly opposed any claim by Kyiv to "ownership" of the nuclear weapons. Russian diplomats argued that, if Ukraine "owned" the weapons, it could not accede to the NPT as a non-nuclear weapons state, and the treaty made no provision for a nuclear weapons state to join the treaty, even if it was giving up those weapons. Russian concerns increased when Ukrainian officials, such as Defense Minister Kostyantyn Morozov, asserted that Ukraine would have to have a unique NPT status, under which it would be a state that temporarily had nuclear weapons (a status not provided for by the terms of the NPT) or when Prime Minister Leonid Kuchma stated that Ukraine should "confirm itself temporarily as a nuclear state."<sup>33</sup> The Russians further argued that they could not participate in any way in a change of Ukraine's status from a non-nuclear weapons state, as the Rada had earlier proclaimed it to be, to a nuclear weapons state or a state that "owned" nuclear weapons.<sup>34</sup> U.S. officials tended to agree with the Russians on this question but were less dogmatic and largely tried to sidestep

the “ownership” issue. Washington firmly believed, however, that Ukraine had ownership rights to the economic value of the HEU contained in the nuclear warheads.

Ukrainian-Russian discussions over the first months of 1993 proceeded in three working groups. One addressed the schedule for transferring nuclear warheads from Ukraine to Russia. A second group discussed the amount of the compensation that Ukraine should receive for the weapons. A third group worked on arrangements for servicing and maintaining ICBMs deployed on the other country’s territory.<sup>35</sup> The third group was necessary because, although the SS-24s in Ukraine had been produced in Ukraine, the SS-19s had been built in and were maintained from facilities in Russia. Likewise, SS-18s and SS-24s deployed with Russian strategic rocket forces in Russia had been produced in Ukraine. The sides needed to work together to maintain the ICBMs in the two countries.

Russian negotiators also offered proposals to begin reducing the alert status of the strategic nuclear weapons on Ukrainian territory. These included removing the targeting data from all ICBMs; removing the warheads from all ICBMs and transferring them to Russia; and reducing the alert status of nuclear ALCMs and removing them to Russia. The Ukrainians did not respond to these proposals.<sup>36</sup>

Negotiations between Kyiv and Moscow were not helped when 162 Rada deputies (out of a total of 450) issued a statement in April terming Ukraine a “nuclear state”—fueling concern about Kyiv’s ultimate intentions. The deputies argued, among other things, that Kyiv could not ratify START I and the Lisbon Protocol and assume the obligations under those documents to eliminate strategic nuclear weapons if Ukraine did not own the missiles, bombers and warheads it was to eliminate. In early July, the Rada went a step further, adopting by a vote of 226-15 a foreign policy doctrine embodying Ukraine’s claim to ownership over nuclear weapons in Ukraine. The doctrine stated that the country had “acquired its own nuclear weapons for historical reasons” but went on to say that Ukraine would not

employ them. Many, both in Russia and the United States, read this doctrine as close to a declaration of Ukraine having a nuclear weapons state status.<sup>37</sup>

Relations between Kyiv and Moscow took a further hit in July, when the Russian Supreme Soviet voted unanimously to confirm the “Russian federal status” of Sevastopol, the largest city in Crimea and major port for the Black Sea Fleet (the ownership of which remained disputed between Kyiv and Moscow). The Russian government distanced itself from the Supreme Soviet’s action. Ukraine appealed to the UN Security Council, which produced—with tacit support from the Russian delegation—a presidential statement reaffirming Ukraine’s territorial integrity. In late July, however, Kravchuk asserted that START I did not cover the 46 SS-24 ICBMs deployed in Ukraine and that Ukraine would keep them.<sup>38</sup>

## THE MASSANDRA SUMMIT

An August meeting between Prime Ministers Victor Chernomyrdin and Kuchma appeared to clear the air and resulted in a new Dubinin visit to Kyiv. Dubinin wrote that, as a result of his talks in Kyiv, virtually all nuclear issues were agreed. Ukraine would transfer the strategic nuclear warheads to Russia, where they would be disassembled, and Ukraine would receive compensation for the warheads: Russia would remove the HEU from the weapons and return to Ukraine fuel rods with an equivalent amount of LEU, less the costs of converting the HEU into LEU. The only open issue was the exact schedule for the transfer of the nuclear warheads. The sides prepared draft agreements on elimination of the nuclear warheads, the main principles for eliminating the nuclear warheads, and procedures for maintaining ICBMs deployed in Russia and Ukraine. Dubinin regarded this as a major breakthrough.<sup>39</sup>

Yeltsin and Kravchuk met in Massandra, Crimea at the beginning of September to discuss the range of issues on the bilateral agenda. They concluded by announcing several major agreements. One settled the disposition of the naval vessels of the Black Sea Fleet. Kravchuk agreed to sell Ukraine’s portion of the ships to Russia in exchange for Moscow writing

off \$2.5 billion in energy debts owed by Ukraine. The presidents also announced agreement on the nuclear weapons issue. They confirmed the draft agreements reached in August and further agreed that the transfer of all nuclear weapons on Ukrainian territory to Russia would be completed within two years of Rada ratification of START I and the Lisbon Protocol.

Massandra appeared to have resolved several of the biggest and thorniest issues on the Ukrainian-Russian agenda: ownership of the Black Sea Fleet, settlement of Ukraine's energy debt to Russia, and disposition of nuclear warheads in Ukraine. The agreements, however, quickly collapsed. Kravchuk faced huge criticism in the Rada and from other quarters in Kyiv for having given up too much for too little. A flurry of charges and countercharges ensued between Kyiv and Moscow, including Russian charges that Ukraine had sought to alter the

agreement on transfer of all nuclear weapons and no longer agreed to transfer "all" weapons. Kravchuk's foreign policy advisor, Anton Buteyko, reportedly deleted "all" from the agreement on transferring nuclear weapons to Russia, although Ukrainian and Russian officials dispute when the change was made—before or after the document was finalized and initialed.<sup>40</sup>

Despite the collapse of the Massandra agreements, the bilateral Ukrainian-Russian discussions had provided a foundation for further negotiations and defined several elements of the ultimate solution. Dubinin believed, as did other Russian officials, that the Ukrainian-Russian bilateral channel had come close to success and, left on its own, would eventually have produced an agreement. Ukrainian officials at the time, however, strongly disagreed. They saw little future in the bilateral channel and turned instead to a trilateral negotiation involving the United States.<sup>41</sup>

## 5. THE TRILATERAL NEGOTIATION

### SECURITY ASSURANCES, COMPENSATION AND OTHER ISSUES

The unresolved issue of nuclear weapons in Ukraine was one of the primary foreign policy challenges that the Clinton administration inherited when it took office in January 1993. Many pieces of the trilateral solution, however, were already taking shape.

There had been something of a trilateral process operating since early 1992. In parallel with the ongoing bilateral negotiations between Ukraine and Russia, Washington had been discussing issues such as compensation and security assurances in separate dialogues with Moscow and Kyiv, though there was no trilateral process in the sense of the three sides sitting down together until August 1993.

The Ukrainians had raised security guarantees or assurances earlier with U.S. officials during the Bush administration. Baker initially in 1992 showed no enthusiasm for the idea, fearing that extending Ukraine security assurances would trigger a flood of requests from other former Soviet states. However, Bartholomew's senior adviser, James Timbie, pointed out that, once Kyiv acceded to the NPT as a non-nuclear weapons state, it would automatically receive a "negative security assurance" from Washington, i.e., the United States had stated that it would not use nuclear weapons against any non-nuclear weapons state that was a party to the NPT unless that state was attacking the United States or a U.S. ally in conjunction with a state armed with nuclear weapons. Baker proved amenable to packaging such assurances for Ukraine, provided that the

U.S. government would be reiterating existing commitments, not undertaking new obligations.<sup>42</sup>

Timbie later suggested adding other assurances which the United States had already provided all signatories of the Final Act of the Helsinki Conference on Security and Cooperation in Europe. Baker agreed, again since these were not new commitments. These included commitments to respect Ukraine's independence, sovereignty and existing borders, to refrain from the threat or use of force, and to refrain from economic coercion. As discussions proceeded with the Ukrainians, Timbie conducted parallel conversations with Russian and British embassy officers in Washington. Washington saw it essential that the Russians also provide Kyiv security assurances. The logic for including the British stemmed from the fact that Britain, like the United States and Russia, was a depositary state for the NPT.<sup>43</sup>

American officials decided the assurances would have to be packaged in a document that was not legally-binding. Neither the Bush nor Clinton administrations wanted a legal treaty that would have to be submitted to the Senate for advice and consent to ratification. State Department lawyers thus took careful interest in the actual language, in order to keep the commitments of a political nature. U.S. officials also continually used the term "assurances" instead of "guarantees," as the latter implied a deeper, even legally-binding commitment of the kind that the United States extended to its NATO allies.<sup>44</sup>

Drawing from documents such as the Helsinki Final Act, U.S. officials began drafting what a set of secu-

rity assurances might look like. U.S. Ambassador to Ukraine Roman Popadiuk discussed the text of possible assurances with Deputy Foreign Minister Borys Tarasyuk in the fall of 1992.<sup>45</sup> Tarasyuk traveled to Washington the following January to continue this discussion.

The Americans began in early 1993 to consider more closely the compensation issue as well. Given the large energy debt owed by Ukraine to Russia (primarily for natural gas), U.S. officials suggested that Russia could compensate Ukraine for the economic value of the HEU in the strategic nuclear warheads by writing off some or all of Ukraine's energy debt. The Russians did not like that idea and instead favored—though with little enthusiasm in their discussions with U.S. officials—providing LEU in the form of fuel rods for Ukraine's nuclear reactors as compensation. American officials pressed the Russians to make this part of the package for getting the strategic weapons out of Ukraine.<sup>46</sup> The formula worked out primarily in the Ukrainian-Russian channel was that Russia would provide to Ukraine nuclear fuel containing an amount of LEU equivalent to the amount of HEU in the strategic warheads, less the cost of converting the HEU to LEU and producing the nuclear fuel rods.

American and Russian negotiators in February 1993 concluded an agreement—sometimes referred to as “megatons to megawatts”—under which Russia would convert 500 metric tons of HEU extracted from dismantled Soviet nuclear warheads, blend it down to LEU, and sell the LEU to the United States for fuel for nuclear reactors. U.S. officials soon thereafter informed their Russian counterparts that implementation of the agreement would require that arrangements be worked out so that Kyiv was fairly compensated for HEU from weapons that had been deployed in Ukraine.

The Nunn-Lugar program (launched by Senators Sam Nunn and Richard Lugar, later referred to as the Cooperative Threat Reduction program) was first authorized by Congress in 1991, providing an initial \$400 million to help reduce the former Soviet nuclear arsenal. While the administration and

Congress assumed that the bulk of the money would go to Russia, which retained most of the former Soviet Union's strategic nuclear arsenal, American officials suggested to their Ukrainian counterparts that Ukraine could receive a portion of this assistance. Ukrainian officials expressed interest and also raised this idea directly with Lugar during what became a series of regular visits by the senator to Kyiv. By the end of 1992, Bush had told Kravchuk in a letter that the United States was ready to provide Nunn-Lugar funding to assist with the costs of Ukraine's nuclear disarmament.<sup>47</sup> Clinton reiterated that commitment in a phone call to Kravchuk just after taking office in January 1993.

While Washington was forming its own views on the issues during the first months of 1993, it continued to leave the principal action and responsibility to Ukrainian and Russian negotiators in their bilateral channel. As the lack of progress between Kyiv and Moscow became clear in the spring of 1993, the U.S. government conducted a review of its overall policy toward Ukraine. All interagency participants agreed on the importance of eliminating nuclear weapons in Ukraine. The main debate centered on whether to use more carrots or sticks and how to put this issue in the context of a broader approach to Kyiv. The review concluded that the U.S. government should seek a broader relationship with Kyiv and engage on a range of political, economic, assistance and security issues, progress on which would be tied to progress on the nuclear question. Nuclear weapons remained the number one issue in Washington's view. Ambassador-at-Large Strobe Talbott traveled to Ukraine in May to begin this broader discussion.<sup>48</sup> Talbott also informed Kravchuk that Washington was prepared to work to improve relations between Ukraine and Russia, provided that both sides agreed.<sup>49</sup>

American officials also began to press Ukraine for commitments regarding deactivation of the SS-24 ICBMs. The older SS-19s were rapidly approaching the end of their service life. The SS-24s were more modern, carried more warheads, and could remain in service longer. Moreover, there had been suggestions in Ukraine about retaining some SS-24s, perhaps armed with conventional warheads, and,

since the SS-24s had been built at the Pavlohrad factory in Ukraine, the Ukrainians were believed to be in a better position to maintain and support the missiles. Secretary of Defense Les Aspin visited Kyiv in June and suggested that Ukraine deactivate the SS-24s by removing the warheads, even if the warheads would be stored for a time in Ukraine before being sent to Russia. U.S. officials noted that action to deactivate SS-24s would be seen as a positive and welcome step.

In June, the U.S. government also modified its position on when Ukraine could become eligible for Nunn-Lugar assistance. Previously, Washington had conditioned provision of the assistance on prior Rada ratification of the Lisbon Protocol and approval of Ukraine's accession to the NPT as a non-nuclear weapons state. The new U.S. position expressed readiness to begin providing assistance once Ukraine began to deactivate its strategic missiles by removing their warheads.

Tarasyuk visited Washington in July for consultations on the nuclear question. One issue was the draft of a charter on U.S.-Ukraine relations. U.S. officials had previously taken the position that the charter—ultimately to be signed by the presidents—had to reflect the Lisbon Protocol in the past tense, that is, the charter could only be signed after the Rada had ratified START I and the protocol, and Ukraine had joined the NPT as a non-nuclear weapons state. The effect was to create a precondition for a Kravchuk visit to Washington. This time, Talbott and NSC Senior Director Nicholas Burns told Tarasyuk that a Kravchuk visit would be possible provided that Ukraine committed to and had begun substantial deactivation of its ICBMs. Tarasyuk responded positively to this idea. He also, however, proposed a treaty on security guarantees; U.S. officials pushed back hard against the idea of a treaty.<sup>50</sup>

Morozov came to Washington shortly thereafter. His American interlocutors pressed hard for including SS-24s in the deactivation process. Morozov responded that doing so would be politically very difficult in Kyiv; Aspin told him that excluding the

SS-24s would alarm the Russians as well as be a problem in securing Senate support for Nunn-Lugar assistance for Ukraine.<sup>51</sup>

Meanwhile, the Ukrainians began, with Russian concurrence and some technical assistance, to remove warheads from two regiments of the older SS-19 missiles (two regiments amounted to 20 missiles). Ambassador James Goodby, head of the U.S. delegation for the Safe and Secure Dismantlement of Nuclear Weapons, traveled to Kyiv to begin negotiation of an umbrella agreement and implementing accord for providing Nunn-Lugar assistance.<sup>52</sup>

In early July, Clinton and Yeltsin met on the margins of the G-7 summit in Tokyo and discussed the question of nuclear weapons in Ukraine. Yeltsin suggested an idea that had begun to be considered at lower levels in the U.S., Ukrainian and Russian governments: a trilateral process involving the United States. Clinton quickly agreed.<sup>53</sup>

The first trilateral meeting took place in London in August, with Talbott joined by Tarasyuk from Ukraine and Russian Deputy Foreign Minister Georgiy Mamedov, as well as Dubinin. They reviewed the issues that were being addressed in the Ukrainian-Russian negotiations and discussed the way forward. The Ukrainians made clear their insistence on compensation not just for the HEU in the strategic nuclear warheads they would be returning, but also for the HEU in the tactical nuclear warheads transferred to Russia in 1992. The Russians were not prepared to agree to provide nuclear fuel to compensate for the tactical warheads. Talbott subsequently suggested to Mamedov that Moscow consider writing off a portion of Ukraine's energy debt as compensation for the HEU in the tactical warheads. Ukraine owed Russia \$1.5-2 billion for natural gas. Talbott noted that, given the dire state of the Ukrainian economy, Russia had little real prospect of collecting this money; so why not trade it to satisfy the Ukrainian demand for compensation? Dubinin, who continued to believe that Moscow and Kyiv could resolve the nuclear issue themselves, felt the American side at the meeting sought to undercut his bilateral channel.<sup>54</sup>

## MOVING FROM BILATERAL TO TRILATERAL TALKS

Following the London meeting, U.S. officials thought the tentative agreements reached by the Ukrainians and Russians earlier in August were sound. They remained prepared to see a solution worked out in Ukrainian-Russian bilateral channels, as long as it resulted in the elimination of the strategic nuclear arms in Ukraine. The collapse of the Massandra summit's outcome in early September persuaded them, however, that the bilateral Ukrainian-Russian channel was not working and that frictions between Kyiv and Moscow might derail the process of getting the nuclear weapons out of Ukraine. Washington thus concluded that it would need to be more directly involved.<sup>55</sup> The U.S. embassies in Moscow and Kyiv, including Ambassadors Thomas Pickering and William Miller, began regular dialogues on what a trilateral solution might look like with host country officials, in particular with Mamedov and Tarasyuk, the point officials on this issue on the Russian and Ukrainian sides.

Washington's sense of urgency climbed a notch in the autumn when it became apparent that at least some nuclear weapons were solely under Ukrainian physical control. U.S. officials had been told that any launch of an ICBM in Ukraine would require an order from both the Russian and Ukrainian presidents, although Russian officials regularly asserted that the Ukrainians were seeking to gain unilateral launch authority. American officials believed Ukraine might have the technical capability to do so but tended to discount the Russian concerns as overstated. Quite apart from the question of launch authority for the ICBMs was the issue of spare ICBM warheads and the nuclear charges for the air-launched cruise missiles. These were kept in storage bunkers. American officials had assumed these bunkers were manned by Russian guards, with Ukrainian guards providing an outer layer of security. When American officials in an off-hand discussion suggested this was how nuclear weapons in Ukraine were stored, Ukrainian officials essentially responded "why would you think that? The only Russian military personnel in Ukraine are those in the Black Sea Fleet." Indeed, all military

personnel in Ukraine except for those in the Black Sea Fleet had taken loyalty oaths to Ukraine, and the fleet had no responsibility for strategic nuclear weapons.<sup>56</sup>

American officials subsequently confirmed with Russian officials that only Ukrainian military forces were guarding—and thus physically controlling—nuclear warheads at storage sites in Ukraine as well as manning the ICBM launch control posts and strategic bombers. Surprisingly, Russian officials did not seem particularly concerned. In retrospect, Washington could have taken some comfort from this. Whatever the political tensions between Kyiv and Moscow, this arrangement suggested a certain trust by Russian military commanders in the Ukrainian armed forces. Indeed, Russian military officers—because they had served side-by-side in the Soviet Strategic Rocket Forces with the Ukrainian officers running the 43<sup>rd</sup> Rocket Army, manning the launch centers, and guarding the weapons in storage bunkers—had confidence that their Ukrainian counterparts would act responsibly with the nuclear weapons; the Russian military saw no threat and trusted the Ukrainian military's ability to secure and appropriately care for the warheads.<sup>57</sup> The Russians, however, lacked total confidence: they had removed the firing devices from the warheads in the storage bunkers.<sup>58</sup> Concerns persisted in Moscow about whether the Ukrainians could provide the necessary servicing and care for the warheads; Russian officials also worried that, as warheads were removed from missiles, there could be an overcrowding problem in warhead storage facilities.<sup>59</sup>

Secretary of State Warren Christopher visited Kyiv in late October. The issue of nuclear weapons figured prominently in his talks with Ukrainian officials, and Kravchuk assured him of Ukraine's intention to fulfill its commitments under the Lisbon Protocol, a message reiterated in separate meetings with Zlenko and at the Rada. By the end of Christopher's visit, the sides had concluded the Nunn-Lugar umbrella agreement that needed to be in place in order for Ukraine to receive Nunn-Lugar assistance for eliminating strategic arms. The secretary also followed up on the message that Talbott had carried to Kyiv



in May regarding the U.S. view of a broader bilateral relationship. He spent particular time discussing the daunting economic problems facing the Ukrainian economy (which had gone into virtual free-fall following the collapse of the Soviet Union), the importance of economic reform and possible U.S. assistance. Ukrainian officials began to have greater confidence that Washington intended to shape an active bilateral relationship above and beyond the nuclear weapons question.

## THE RADA RATIFIES START I ... OR DOES IT?

On November 18, the Rada at last took action on the START I Treaty and Lisbon Protocol, approving a resolution of ratification. The Rada resolution, however, incorporated numerous conditions that provoked consternation in Washington. One condition effectively renounced the Lisbon Protocol article committing Ukraine to accede to the NPT “in the shortest possible time.” Another suggested Ukraine was required to eliminate only 36 percent of the strategic launchers and 42 percent of the warheads on its territory as opposed to all warheads, missiles, bombers and silos.<sup>60</sup> Still other conditions asserted Ukrainian ownership of the nuclear weapons, conditioned their elimination on receipt of security guarantees and financial assistance, and demanded compensation for the HEU in the tactical nuclear weapons removed to Russia in 1992. As one former Ukrainian diplomat later observed, while the Rada’s resolution raised concerns in both the United States and Russia, it effectively laid out Kyiv’s view of the issues that needed to be resolved in order to bring START I into force and secure Ukraine’s accession to the NPT.<sup>61</sup>

In the eyes of many, however, the Rada’s conditions called into question Ukraine’s commitment to become a non-nuclear weapons state. Although the U.S. embassy in Kyiv believed that the Rada action could nevertheless help move the process forward, Washington found the resolution’s language jarring and unacceptable as an instrument of ratification: how could the Rada ratify START I and the Lisbon Protocol while rejecting key provisions of those

documents and the associated Kravchuk letter? The Rada action provoked a flurry of unhappy communications between Washington and Kyiv, including a phone call from Clinton to Kravchuk, to express concern that Ukraine appeared to be backing away from its commitments. Ukrainian officials tried to reassure their American contacts. Kravchuk stated on November 19 that “we must get rid of “[these nuclear weapons]. This is my viewpoint from which I have not and will not deviate.” He added that “I shall try to bring before a new parliament a proposal concerning START I and joining the NPT.”<sup>62</sup> The Ukrainians also informed Washington that they had begun the deactivation process for some SS-24s by removing their warheads.

Clinton was scheduled to travel to Moscow to meet Yeltsin on January 13-14, 1994. Although frustrated by the latest twist in the Rada, U.S. officials began to think of the Moscow visit as a target: if the trilateral process could be brought to a successful conclusion, the three presidents—Clinton, Yeltsin and Kravchuk—could meet there to release or sign documents recording the agreement. U.S. officials intensified their engagement in Moscow and Kyiv with this goal in mind. The Russians, also frustrated with Ukraine, largely let Washington take the lead in pushing back on Kyiv.

Vice President Al Gore visited Moscow on December 15-16 for a previously planned meeting of the U.S.-Russia Binational Commission, which he co-chaired with Chernomyrdin. On the margins of the commission meeting, Gore had a good discussion with Chernomyrdin on the possibility of concluding a trilateral arrangement, though the prime minister complained that Kyiv was telling Moscow and Washington different things. Talbott, a member of the vice president’s party, suggested that he and Mamedov travel to Kyiv to ensure the Ukrainians were giving the Americans and Russians the same line. Gore and Chernomyrdin agreed. Deputy Secretary of Defense Bill Perry, who had his own military aircraft, set off for Kyiv with Talbott, Assistant Secretary of Defense Ashton Carter and NSC Director Rose Gottemoeller. Mamedov, tasked by Chernomyrdin to accompany Perry, went along, composing

a Russian delegation of one. In Kyiv, Deputy Prime Minister Valeriy Shmarov led the Ukrainian delegation, which included Tarasyuk.<sup>63</sup>

The Kyiv discussions covered all of the major pieces for a trilateral agreement—including security assurances, U.S. assistance for dismantling the strategic nuclear systems in Ukraine and compensation for the HEU in the nuclear warheads—and went well. Shmarov impressed U.S. officials for his straightforward and practical approach, and Washington saw a strong possibility to bring the deal to closure. After the Americans returned home, Talbott extended invitations to Mamedov, Shmarov and Tarasyuk to visit Washington in early January to finalize the agreement.

## CLOSING THE DEAL

When the Russians and Ukrainians arrived in Washington, the main elements of what became the Trilateral Statement were on the table, and the U.S. side had prepared drafts of both the Trilateral Statement and an accompanying annex.<sup>64</sup> As the sides discussed the texts, they agreed that Ukraine would confirm its commitment to eliminate all strategic nuclear weapons on its territory and to accede to the NPT as a non-nuclear weapons state “in the shortest possible time.” The statement, taking account of discussions among Ukrainian, Russian and American officials over the previous year, described the specific security assurances that Ukraine would receive from the United States and Russia once START I entered into force and Ukraine acceded to the NPT, in language not very different from what U.S. officials had described to the Ukrainians in late 1992. The statement added that the United Kingdom, as an NPT depositary state, would join in providing the assurances. Russia would agree to compensate Ukraine for the HEU in the strategic warheads by providing an equivalent amount of LEU in the form of nuclear fuel rods. The United States would commit to provide Nunn-Lugar assistance to help Ukraine defray the costs of eliminating the missiles, bombers, silos and nuclear infrastructure on its territory.

The statement also recorded the sides’ agreement that the transfer of nuclear weapons to Russia and

Russian delivery to Ukraine of the compensating nuclear fuel rods would take place simultaneously. The annex set out a number of early actions to be taken by the sides. It specified that, within ten months, Russia would provide nuclear fuel rods containing 100 tons of LEU, and Ukraine would in the same period transfer at least 200 ICBM warheads to Russia for dismantling, in order to get the warheads and fuel rod flows moving. One issue concerned timing: the Russian Ministry of Atomic Energy would have to incur expenses almost immediately in order to prepare and ship fuel rods to Ukraine but was financially stretched. The U.S. government arranged to advance Russia \$60 million to “jump start” the process. The \$60 million would be credited as an advance payment against the Russian contract with the U.S. Enrichment Corporation, under which Russia would provide the United States LEU blended down from the HEU extracted from dismantled nuclear warheads. The statement also recorded the U.S. commitment to provide Ukraine a minimum of \$175 million in Nunn-Lugar Cooperative Threat Reduction funds and to seek to expand that assistance.

The statement observed that Ukraine had already begun deactivating both SS-19 and SS-24 ICBMs by removing their warheads. The annex noted that warheads would be removed from all SS-24s within ten months.

Negotiations between the three delegations took most of January 3 and 4. At the end of the second day, two questions held up agreement. First, the agreed language in the draft annex said that Ukraine would transfer the warheads to Russia “in the shortest possible time” but left that time undefined. Shmarov indicated that Ukraine was prepared to commit to transfer all warheads by June 1, 1996 but, for political reasons, did not want to disclose that date. Given domestic political sensitivities, Kyiv did not want to make public the fact that it would be transferring the nuclear warheads in considerably less than the seven-year elimination period specified in START I. Second, the Ukrainians continued to insist on compensation for the HEU in the tactical nuclear weapons that had been removed from

Ukraine in 1992. The Russians indicated a readiness to write off Ukrainian energy debt as compensation, but Mamedov said Moscow could not state publicly that it was providing this compensation (neither the statement nor annex made any reference to tactical nuclear weapons). The Russian government feared that disclosing this would trigger similar demands from other former Soviet republics that had had Soviet tactical nuclear weapons on their territory removed to Russia.<sup>65</sup>

The negotiations ended without agreement on these final points, and Mamedov departed for New York. U.S. officials then came up with a possible solution: the Ukrainian commitment to the June 1, 1996 end date for transfer of all nuclear warheads and Russian commitment to compensate Ukraine for the HEU in the tactical nuclear weapons did not need to be contained in the Trilateral Statement or its annex. The three presidents would exchange private letters: Kravchuk's letter would provide the end date for removal of all nuclear warheads from Ukraine (24½ months after the planned mid-January meeting in Moscow, which equated to June 1, 1996); Yeltsin's letter would commit to provide Ukraine compensation for the HEU in the tactical weapons and to work out the exact figure within four months; and Clinton's would note that he had received letters reflecting those points.<sup>66</sup> In a hastily arranged meeting at the Ukrainian embassy, Shmarov and Tarasyuk agreed to this approach and the U.S.-provided draft texts. Talbott caught Mamedov by phone in New York, and Mamedov tentatively agreed as well.

U.S. officials moved quickly on January 5 to lock in agreement. The State Department prepared an instruction cable to the U.S. embassies in Kyiv and Moscow with the texts of the Trilateral Statement and annex, as well as of the presidential letters. At the White House, Gottemoeller got to Clinton—just as he was preparing to depart for Little Rock after learning of the death of his mother—and secured his approval of the texts. On January 6, U.S. embassy officials in Kyiv and Moscow handed over the texts that had been worked out in Washington, noting that Clinton had personally approved them and would be prepared to sign the statement at a

trilateral meeting of the three presidents in Moscow, which could be added to the January 14 program for Clinton's Moscow visit.

Also on January 6, Shmarov and the Ukrainian delegation went to the White House and met with National Security Advisor Tony Lake. Lake informed Shmarov that, if it would be convenient for the Ukrainian side, Clinton was interested in making a short stop in Kyiv the evening of January 12 on his way to Moscow, something U.S. officials understood that the Ukrainians very much wanted. This would be in addition to the meeting of the three presidents in Moscow, and was offered as a nod to Kravchuk for his role in the trilateral process.

Washington believed the deal was close but not yet fully in the bag. U.S. officials traveled to Moscow on January 10 to conform the texts of the statement and annex ("conforming" refers to ensuring that texts in different languages say the same thing; it is particularly important for documents that will be signed at the presidential level). The process with the Russian delegation, headed by Igor Neverov, deputy head of the foreign ministry's U.S. section, went relatively smoothly. Conforming proved more difficult with the Ukrainians, as the Ukrainian delegation under Kostyantyn Hryshchenko, head of the foreign ministry's disarmament department, appeared to have instructions to seek revisions of certain aspects of the statement. The U.S. delegation made clear that it had no authority to reopen the texts; ensuring that the Ukrainian- and Russian-language texts matched the English—and that the Ukrainian and Russian texts matched one another—was the remaining task.

One key detail took place in a joint meeting of the three delegations. English draws a distinction between "guarantee" and "assurance," while both words translate into "guarantee" in Ukrainian and Russian. U.S. officials read for the formal negotiating record a statement to the effect that, whenever "guarantee" appeared in the Ukrainian and Russian language texts of the Trilateral Statement, it was to be understood in the sense of the English word "assurance." The Ukrainian and Russian delegations confirmed that understanding.

Meanwhile, Clinton arrived in Kyiv for his brief stop the evening of January 12 and found Kravchuk having second thoughts (this likely explained the approach of the Ukrainian delegation conforming the text in Moscow). With the press already reporting expectations of a deal, a breakdown at this point would have been seen as a failure for all three presidents and would have badly—if not irretrievably—damaged the trilateral process. Clinton privately stressed to Kravchuk that giving way to second thoughts would jeopardize his welcome in Moscow, set back—if not destroy—the trilateral process, and risk major damage to U.S.-Ukraine relations. Kravchuk set aside his doubts and told Clinton he would agree. Late the next evening (January 13), the Ukrainian presidential party arrived in Moscow, and Buteyko met the Ukrainian delegation with instructions to finalize the conforming process. (At about the same time as the Ukrainian party arrived in Moscow, Clinton in a dinner with Yeltsin had to dissuade the Russian president from reopening issues related to the Trilateral Statement, noting that he had had to do the same the

previous evening in Kyiv.<sup>67</sup>) With the Ukrainian delegation under instructions to finish the process—and the Russian delegation not receiving new instructions to reopen issues—the final language questions in the trilateral documents were resolved in the early hours of January 14.

Later the morning of January 14, Clinton, Kravchuk and Yeltsin met briefly in the Kremlin, then appeared before the press to sign the Trilateral Statement. U.S. officials left Moscow regarding the trilateral signing as a major achievement but recognizing that significant work remained. Ukraine still had to accede to the NPT, plus a number of details to implement the Trilateral Statement and annex had yet to be agreed: a schedule for transferring all warheads, a schedule for provision of compensatory fuel rods, and an agreement on how much debt Russia would write off to provide compensation for the HEU in the tactical nuclear warheads transferred in 1992. U.S. officials expected to have to engage intensely to broker agreement on these details.

## 6. GETTING TO BUDAPEST

### EARLY IMPLEMENTATION

To Washington's happy surprise, Ukrainian and Russian officials met in early February and resolved the key implementing questions. They agreed on precise monthly schedules for warhead transfers and shipment of fuel rods, as well as a debt write-off in the range of \$400-520 million to compensate Ukraine for the HEU in the tactical nuclear weapons. They also agreed on provisions that would allow Ukrainian experts to monitor the elimination of the strategic warheads transferred to Russia. Kyiv appreciated Moscow's agreement on this, as it would let the Ukrainians confirm that the weapons transferred to Russia had in fact been disassembled and would not be reused. For its part, the Russian military regarded this as a nearly unprecedented step. The sensitivity of this question—Russian experts decidedly did not want to discuss details of warhead dismantlement in front of Americans—provided the Russian side an incentive to work these implementing issues out bilaterally with the Ukrainians.<sup>68</sup>

On February 3, 1994, the Rada took a second vote on ratifying the START I Treaty and Lisbon Protocol. This time, it approved ratification by a vote of 260-3 without the troublesome conditions that it had attached the previous November. The Rada failed, however, to pass a bill regarding accession to the NPT. The White House nevertheless welcomed this “unconditional” ratification of START I and the Lisbon Protocol and noted that, under the protocol, Kyiv was committed to accede to the NPT in the shortest possible time. Washington decided to take the bird in the hand and to keep working on Ukraine's NPT accession.

In early March, Clinton hosted Kravchuk in Washington. While the nuclear issue was discussed, the main headline was U.S. assistance for Ukraine. The United States at that time intended to provide Ukraine with \$700 million in assistance, counting both Nunn-Lugar funds for denuclearization and FREEDOM Support Act funds to support economic and political reform. Following up on the Christopher visit to Kyiv five months earlier, Washington had begun to fill out a broader bilateral U.S.-Ukrainian relationship.

The trilateral process took a breather for much of the spring. In March, good news began to arrive from both Moscow and Kyiv regarding implementation. Russian officials confirmed to the U.S. embassy in Moscow that warheads were being transferred per the agreed schedule—the first 60 warheads were moved to Russia in March—and Ukrainian and Russian officials soon thereafter publicly announced that shipment of nuclear warheads to Russia for dismantlement had begun. Although the Ukrainians at first complained that the Russians were slow to begin shipping fuel rods for Ukrainian nuclear power plants, in April Ukrainian officials advised that Ukraine had begun to receive the fuel rods.<sup>69</sup> The warhead and fuel rod flows continued, albeit with some minor delays and complaints about the other side. Despite some bumps, both Russia and Ukraine appeared to be abiding by the Trilateral Statement and the subsequent implementing agreements that they had worked out bilaterally.

That summer, U.S. officials began to consider how to complete the process. The December summit of the Conference on Security and Cooperation in

Europe (CSCE) in Budapest offered a venue at which the relevant leaders—including the American, Russian and Ukrainian presidents—could be present. U.S. officials set Budapest as the target for achieving Ukraine’s accession to the NPT, the formal extension of the security assurances set out in the Trilateral Statement, and START I’s entry into force.

Meanwhile, Ukrainians went to the polls on June 26 to elect a new president. Kuchma had resigned as prime minister the previous fall in order to contest the presidency against Kravchuk, who was running for his second term. Although Kravchuk came in first in the balloting, he failed to secure 50 percent of the vote, requiring a run-off. Kuchma won the second ballot on July 10, in an election that was judged largely free and fair. He became president on July 19. Washington had taken no public position between the candidates, but U.S. officials generally regarded Kravchuk as a known quantity who had delivered on the nuclear question. U.S. officials had had less contact with Kuchma and were less certain of his views, though given his background as a former director of the Pivdenmash rocket factory in Dnipropetrovsk, he likely understood the technical and financial challenges that Ukraine would face if it tried to maintain nuclear weapons. Washington pondered how to engage the newly-elected president and ensure fulfillment of the Trilateral Statement.

By happenstance, Gore was to be in Warsaw July 30-August 1 for previously-scheduled meetings with the Polish leadership. NSC officials Burns and Gortemoeffer suggested that, rather than flying directly home on August 2, the vice president make a brief stop in Kyiv. Gore agreed and became the first senior foreign official to pay a call on Kuchma following his election. In the context of a broad discussion of the U.S.-Ukraine relationship, Gore noted the opportunity to complete the trilateral process in Budapest and formally extend security assurances to Ukraine. Kuchma expressed interest. Gore and Kuchma also discussed the possibility of an early Kuchma visit to Washington to meet Clinton, which was later scheduled for November. Kuchma subsequently publicly pledged to seek Rada agreement for Ukraine to accede to the NPT.

U.S. officials followed up by pressing their Ukrainian counterparts to move forward with Rada ratification to enable closure at Budapest. They finalized the language of the security assurances that had been promised in the January Trilateral Statement and secured Russian and British agreement to the text. The Ukrainians indicated the text was acceptable, particularly as it now included a provision that the parties would “consult in the event of a situation arising which raises a question” concerning the statement’s commitments. This added a dispute-resolution mechanism that was very important to Kyiv.<sup>70</sup> As Kuchma’s November 21-23 visit to Washington neared, U.S. officials made clear that a prior Rada vote on NPT accession would give his visit a far more positive atmosphere than would be the case without.

### COMING TO CLOSURE AFTER ANOTHER RADA SURPRISE

Kuchma pressed the Rada to move forward on NPT accession, addressing the body directly on the need to act, and the Rada on November 16 passed a resolution of accession by a vote of 301-8. The resolution, however, contained a twist: instead of affirming Ukraine’s accession as a non-nuclear weapons state, the resolution declared Ukraine an owner of nuclear arms.<sup>71</sup> This reaffirmed a position that many Ukrainians had taken since 1991—that Ukraine owned the weapons by right of being a successor state to the Soviet Union even if Kyiv intended to be a non-nuclear weapons state. The resolution provoked serious questions. Did it mean Ukraine would join the NPT as a non-nuclear weapons state? The language of the resolution was, at best, ambiguous.

State Department lawyers noted that, as a depositary state for NPT instruments of accession, the United States (as well as Russia and the United Kingdom) had a certain leeway under international law to interpret ambiguous instruments. In their view, the U.S. government could accept the language of the Rada resolution as meaning that Ukraine had acceded as a non-nuclear weapons state.

Washington quickly consulted with Moscow and London on this, sharing the advice of the State

Department's lawyers. British Foreign Office lawyers concurred in State's legal view. The Russians, however, had less flexible legal advisors. Russian Foreign Ministry officials told the U.S. embassy in Moscow that they found the Rada resolution unacceptable; it did not meet their requirement for Ukraine to accede to the NPT as a non-nuclear weapons state. It thus would not suffice to allow START I entry into force or extension of security assurances to Ukraine. On November 17, the Russian Foreign Ministry issued a statement addressing the Rada vote:

“Moscow appreciates the Ukrainian leadership's efforts to resolve the issue of Ukraine's accession to the Nonproliferation Treaty of July 1, 1968. In this connection, we were satisfied to hear the news that the Supreme Soviet of Ukraine [the Rada] yesterday passed a law on accession to this treaty. At the same time, we cannot ignore the fact that the adopted law stipulated some conditions. The content of these terms makes unclear the status—nuclear or non-nuclear—in which Ukraine is planning to join the NPT... These questions must be answered because the NPT depositaries are now completing the drafting of a document on security guarantees [assurances] for Ukraine, which are planned to be given to it as a state not possessing nuclear weapons. The importance of clarifying these issues is quite understandable.”<sup>72</sup>

In Washington, the White House took a more positive line, issuing a November 17 press statement welcoming the Rada vote and noting that it cleared the way for Ukraine to accede to the NPT as a non-nuclear weapons state. The statement concluded by noting that Ukraine's accession to the NPT opened a new period of expanded U.S.-Ukrainian cooperation and commended Kuchma for his efforts to achieve a successful Rada vote.<sup>73</sup>

State Department officials meanwhile weighed how to deal with the obstacle posed by the Rada language and the Russian rejection of it. Asking the Rada to vote a new resolution, as Russian officials

suggested, was clearly a non-starter. No one in the U.S. embassy in Kyiv or the State Department saw any chance that the Rada would take up the question again. The problem boiled down to finding a way to “clarify” the Rada's ambiguous language so that it satisfied the Russian demand for an unambiguous statement that Ukraine was acceding to the NPT as a non-nuclear weapons state. The problem became more complicated when Ukrainian officials advised that the Rada's resolution of ratification would have to be transmitted to the U.S., Russian and British governments as part of Ukraine's instrument of accession to the NPT.

Kuchma's visit to Washington proved successful, covering a wide range of issues on the bilateral agenda. The two presidents signed a “Charter on American-Ukrainian Partnership, Friendship and Cooperation” and reached a number of other agreements. Clinton announced that the United States would provide \$200 million in assistance in Fiscal Year 1995, and the presidents agreed to cooperate to close Chornobyl. The sides agreed on the Budapest venue, and the joint statement of the two presidents noted that they looked “forward to early entry into force of the START I Treaty and agreed that the Lisbon Protocol signatories should exchange instruments of ratification on the margins of the Budapest CSCE summit.”<sup>74</sup>

In the meantime, U.S. officials hit on a possible solution to the problem posed by the Rada's resolution of accession to the NPT: have the Ukrainian government “clarify” the resolution. U.S. officials suggested to the Ukrainians that, when Kuchma transferred the resolution of ratification to Clinton, Yeltsin and British Prime Minister John Major in Budapest, he hand it over under cover of a diplomatic note stating that Ukraine acceded to the NPT as a non-nuclear weapons state.

This proposal satisfied the Russians in principle, and the Ukrainians were amenable to the approach, though working out the precise language for the diplomatic note went down to the wire. With leaders planning to gather in Budapest on December 5, discussions between the U.S. embassy in Kyiv and

Ukrainian officials failed to come to terms on December 3. Christopher met with Kozyrev late the evening of December 4 in Budapest; the Russian foreign minister essentially gave the Americans a Russian proxy to work out the final language with the Ukrainian side. U.S. officials followed up with Ukrainian Foreign Minister Gennadiy Udovenko, Hryshchenko and the Ukrainian team into the early hours of December 5. They finally reached agreement on the language for the diplomatic note just hours before the signing ceremony.

In a carefully orchestrated ceremony later that morning, Kuchma passed to Clinton, Yeltsin and Major the Rada's instrument of accession to the NPT, covered by the agreed diplomatic note making clear that Ukraine joined the treaty as a non-nuclear weapons state. The four leaders then signed the Budapest Memorandum of Security Assurances for Ukraine, following which Clinton, Kuchma, Yeltsin, Nazarbayev and Lukashenko exchanged the documents to bring the START I Treaty into force.<sup>75</sup> For Clinton, the ceremony was the only positive event in an otherwise difficult visit to the Hungarian capital that featured a public Yeltsin blast against the prospect of NATO enlargement.<sup>76</sup>

The Budapest memorandum provided security assurances packaged in a way that was politically useful for Kyiv, bolstering its standing vis-à-vis Moscow. The document also created a mechanism to which Ukraine could resort were there any questions about fulfillment of the memorandum's assurances. France and China separately extended parallel security assurances to Ukraine, meaning that the newly independent state had assurances from all five permanent members of the UN Security Council. The political importance that Ukraine attached to the

memorandum and assurances was evident by the fact that Kyiv treated the memorandum as, in effect, an international treaty, including by publishing the document in a compendium of Ukraine's international treaties.<sup>77</sup>

## FOLLOW-UP

For all the challenges of completing the Trilateral Statement and Budapest Memorandum, implementation proceeded in a remarkably smooth fashion. Beginning in early 1994, trains carrying warheads removed from SS-19 and SS-24 ICBMs and Kh-55 ALCMs regularly departed Ukraine for Russia, where the weapons were delivered to a dismantlement facility. In return, the Russians made regular shipments of assembled fuel rods for use in Ukrainian nuclear power plants. The Ukrainian and Russian governments kept Washington informed on the progress in meeting the schedules for warhead and fuel rod shipments. There were some brief delays, but no major hitches. A last-minute problem in May 1996 over debt write-off to compensate Ukraine for the HEU from tactical nuclear weapons threatened to stop the final warhead transfers, but Kyiv and Moscow worked it out.

The last two trains carrying nuclear warheads departed Ukraine on May 31, so that all nuclear warheads had been transferred by the June 1, 1996 deadline. With significant Nunn-Lugar assistance from the United States, Ukraine removed the SS-19s and SS-24s from their silos, destroyed the silos, and chopped up its Blackjack and Bear-H bombers.<sup>78</sup> In October 2001, the last SS-24 silo in Ukraine was destroyed, eliminating the final START I-accountable strategic nuclear delivery vehicle on its territory.



## 7. LESSONS LEARNED

### AFTER THE TRILATERAL SOLUTION

Implementation of the Trilateral Statement proceeded despite tensions—sometimes sharp tensions—between Kyiv and Moscow over other questions. In 1994-95, Kyiv struggled to deal with secessionist elements in Crimea who favored a closer association with Russia, while the Russian Duma and politicians such as Moscow Mayor Yuriy Luzhkov kept advancing claims of Russian sovereignty over Sevastopol. Ukrainian and Russian officials continued to spar over issues related to the Black Sea Fleet, particularly the subject of its future basing. The Black Sea Fleet questions were not finally resolved until May 1997.

Ukraine's decision to get rid of the nuclear weapons on its territory won it significant credit in nonproliferation discussions, particularly in the run-up to the 1995 conference to review and extend the NPT. The conference extended the NPT—originally signed as a 25-year agreement—indefinitely.

The conclusion of the Budapest Memorandum also largely removed the nuclear weapons issue from the high-level U.S.-Ukrainian agenda. When Clinton paid a visit to Kyiv in May 1995, the talking points for his meetings with Kuchma dealt with the nuclear question in short order, praising Kuchma for Ukraine's implementation of the commitments under the Trilateral Statement and noting the great nonproliferation example that Ukraine had set at the NPT review and extension conference.

The years 1995-1997 saw a major expansion of U.S.-Ukrainian relations. The bilateral dialogue

increasingly focused on questions related to economic reform within Ukraine and support for reform by international financial institutions such as the International Monetary Fund and World Bank. U.S. assistance for economic and democratic reform, as well as Nunn-Lugar funding, moved Ukraine into the top ranks of recipients of American aid in the last half of the 1990s. The U.S. government took the lead within the G-7 in mobilizing international resources to assist in the closure of Chernobyl, including construction of a new sarcophagus to encase the reactor that exploded in 1986. The United States and Ukraine negotiated a commercial space launch agreement that allowed Ukraine to market space launch services to American commercial satellite producers. In 1996, Washington and Ukraine established the U.S.-Ukraine Binational Commission, co-chaired by Gore and Kuchma, as a mechanism to ensure high-level attention to the bilateral agenda, and the sides began to refer to the relationship as a “strategic partnership.” Much of this would not have happened had the nuclear weapons issue not been resolved in 1994.

Likewise, Ukraine's decision to get rid of nuclear weapons opened doors to Europe and key Western institutions. Ukraine joined NATO's “Partnership for Peace” in 1994 as part of its effort to deepen relations with the Alliance and the West. As NATO considered enlargement and a parallel effort to build a cooperative relationship with Russia, U.S. officials advocated that NATO also shape a special relationship with Kyiv. In 1997, as the Alliance set up a Permanent Joint Council with Russia and invited Poland, the Czech Republic and Hungary to join,

NATO and Ukraine concluded a “distinctive partnership” and established the NATO-Ukraine Council, launched with a meeting between NATO leaders and Kuchma in Madrid. As with the deepening in Ukraine’s relations with the United States, it is difficult to see how this development in NATO-Ukraine relations would have been possible had the trilateral process not resolved the nuclear weapons issue.

Conclusion and implementation of the Trilateral Statement also benefitted relations between Kyiv and Moscow. The Russians clearly were not prepared to accept Ukraine as a nuclear weapons state. Any effort by Ukraine to keep nuclear arms or a lengthy delay in their transfer to Russia for elimination would have posed a major problem for Ukrainian-Russian relations, perhaps resulting in a crisis. It certainly would have complicated and delayed resolution of other issues on the bilateral agenda, such as final division and basing of the Black Sea Fleet.

### WHY DID KYIV GIVE UP THE NUCLEAR WEAPONS?

Giving up the world’s third largest nuclear arsenal—and the perceived security benefits it offered—was by no means a trivial decision. There was a predisposition to do so, influenced heavily by the 1986 Chernobyl disaster, and Ukraine’s first assertion of state sovereignty in 1990 referred to its intended non-nuclear weapons status. The challenge for the United States and Russia was to come up with terms acceptable to Ukraine on issues such as security assurances and compensation. These offered Kyiv important incentives to come to closure, while both Washington and Moscow also applied a fair amount of diplomatic pressure. In the end, Ukraine received a politically valuable document, the Budapest Memorandum, compensation for the HEU in the nuclear weapons, and assistance in eliminating the strategic delivery systems on its territory.

Implicit in the U.S. approach was the threat that Ukraine’s failure to eliminate the nuclear weapons would create a sharp divide between the West and Ukraine, one that could prevent fully normal relations, let alone the partnership relations that

developed in the mid-1990s with Washington and NATO. Ukrainian officials understood this; they wanted links with the West at a time of uncertainty in their relations with Moscow and about where Russia was going, especially after the strong showing by Vladimir Zhirinovskiy’s nationalist Liberal Democratic Party in the December 1993 Duma elections.

The costs of retaining nuclear weapons, moreover, would have been all but impossible for the new Ukrainian state to bear. Given that many missiles and warheads were nearing the end of their service life, the nuclear arsenal represented a wasting asset. While holding on to nuclear weapons might confer prestige on Ukraine, it might also make Kyiv a nuclear pariah state. And what real security purpose would the weapons serve? As tense as political relations between Kyiv and Moscow often seemed, few saw a risk of a major military clash. The costs of keeping the nuclear weapons were too high, given that they would provide little or no real benefits.

### LESSONS LEARNED

Several factors explain the success of the trilateral process. They include:

*The ability to find a solution that met the interests of all parties.* The trilateral process succeeded because it found a “win-win-win” solution that met the minimum requirements of all three participants. The minimum requirements for Russia and the United States were that Ukraine transfer or eliminate the strategic offensive arms, including the strategic nuclear warheads, on its territory. While Washington shared Moscow’s minimum requirements, it also wanted to resolve the nuclear issue so that it could move to a regular relationship with Ukraine. For Ukraine, the minimum requirement was good answers to four questions: security assurances for Ukraine, compensation for the economic value of the HEU in the nuclear warheads, assistance for eliminating the nuclear legacy on Ukrainian territory, and satisfactory conditions for the elimination the strategic missiles, bombers and warheads. The sides’ minimum requirements allowed space for a solution acceptable to all. As the sides came to

define objectives—and recognize that there was common space—the process moved more easily.

U.S. engagement in the trilateral process helped to rectify an inherent imbalance between Ukraine and Russia. Although Washington played the process as one of three equal parties, U.S. officials recognized that Ukraine—a new state still establishing its institutions and finding its way in international relations—had a difficult time dealing as an equal with Russia (which inherited Soviet institutions). The Russians understood that Washington shared their goal of eliminating the nuclear weapons in Ukraine, but U.S. officials could look for ways to support, and sometimes even console, the Ukrainians on the difficult questions they faced.

Reaching a successful outcome would have been far more difficult had the minimum requirements differed. Had Ukraine instead wanted to keep even just a handful of nuclear weapons, the process would have failed. Had Russia and the United States not been prepared to take serious account of Ukraine's key requirements, the process also would have failed.

Contributing to success in 1994 was Ukrainian government's concern that further dragging out the process could isolate Kyiv from the United States and the West at a difficult time. The strong showing of Zhirinovskiy and his party in the December 1993 Duma elections was unsettling to many Ukrainians (as well as to others). The Ukrainian government faced an uneasy situation in Crimea, and difficult issues burdened the relationship with Moscow. Kyiv concluded that it was the right time to cash the nuclear chip, which it correctly calculated would lead to a strengthening of its relations with the United States and Europe.

***The importance of “doing what works.”*** The trilateral process succeeded because the sides were prepared to look for practical solutions and “do what worked,” as one participant in the negotiations put it. Once Washington engaged, this became a hallmark of the American approach. Baker initially was very reluctant to meet Ukraine's insistence on security assurances, fearing that it would trigger a host of requests from other post-Soviet states. U.S. officials responded by

repackaging assurances that the United States would give Ukraine in any event as a member of the Conference on Security and Cooperation in Europe (renamed in December 1994 the Organization for Security and Cooperation in Europe) and as a non-nuclear weapons state party to the NPT. While the assurances were not “new,” their packaging in a Ukraine-specific document certainly was. Kyiv saw this as politically important and useful, in particular in bolstering its sovereignty in the early years of its independence.

The November 1994 Rada resolution of accession to the NPT, with its ambiguous language regarding whether Ukraine was acceding as non-nuclear weapons state, could have posed an insurmountable obstacle. What worked in the end—with the assistance of flexible legal advice—was the U.S. proposal to ask the Ukrainian government to “clarify” the ambiguity in the resolution voted by its legislative branch.

Doing what worked also required a readiness to address the sides' political and other concerns. Ukrainian officials made clear in the January 3-4, 1994 negotiations in Washington that, given political considerations in the Rada, it would be impossible for Kravchuk to commit *publicly* to transfer all nuclear weapons to Russia by June 1, 1996. They were also adamant that no deal would be possible unless Ukraine received compensation for the HEU in the tactical nuclear weapons previously removed to Russia. In the same vein, Russian officials made very clear that they needed a date certain for completion of the transfer of all warheads. And Moscow could not commit *publicly* to compensate Ukraine for the HEU from the tactical weapons—even if just in the form of writing off Ukrainian energy debt that might well prove uncollectable in any case—as that would likely trigger demands for similar treatment from other post-Soviet states. U.S. negotiators suggested that the solution to these conflicting requirements would be to record the Ukrainian and Russian commitments in a private exchange of letters among the three presidents.

***The value of using events and presidential involvement to drive the process.*** U.S. officials used high-level meetings—including the possibility of

expanding the January 1994 Clinton-Yeltsin meeting to include a trilateral session with Kravchuk and the December 1994 CSCE summit in Budapest—to drive the trilateral process. Following December 1993 discussions in Moscow and Kyiv, closure on the Trilateral Statement appeared possible, so U.S. officials made the January Moscow meeting a target. They applied the same reasoning the following summer to make Budapest the venue for Ukraine’s accession to the NPT, conveying security assurances, and exchanging START I instruments of ratification. Once these dates were fixed on presidential calendars—even if just in pencil—deadlines were established that forced the bureaucracies of all three countries to work harder and faster than they might have otherwise. Washington also understood that Kyiv valued contacts with the U.S. president and used presidential meetings—such as the proposed January 12, 1994 stopover in Kyiv—to encourage and lock in Ukrainian agreement to the trilateral results.

***The value of money in easing solutions.*** The U.S. ability to commit resources at key points facilitated moving the trilateral process along. With the passage of the Nunn-Lugar Act, Washington was in a position already in late 1992 to promise Ukraine a significant portion of the disarmament funds, and the Trilateral Statement recorded the U.S. commitment of an initial \$175 million. When Russian officials reported that a cash-strapped Ministry of Atomic Energy did not have the funds to begin converting HEU into LEU for Ukraine, the U.S. government arranged an advance of \$60 million.

***The importance of understanding the other side’s needs.*** Understanding the other side’s needs, including its internal political dynamics, was critical to devising proposals that would yield a solution acceptable to all three parties. Both Washington and Moscow might have done better in this regard, especially during 1992 and 1993, in particular in understanding that Kravchuk (and later Kuchma) could not make decisions single-handedly but had to deal with Rada deputies who often held different views.

Moreover, by focusing so heavily on nuclear weapons in the first two years of its relations with

independent Ukraine, Washington failed to create confidence in Kyiv that there would be a robust Ukrainian-American relationship—or much U.S. interest at all—once the nuclear weapons issue was resolved. In fact, many reasons argued for strong bilateral relations: Ukraine’s key geopolitical position and potential contribution to a more stable and secure Europe; the possibility of mutually beneficial commercial and investment relations; and Ukrainian support in addressing other proliferation issues, such as control of missile technology. The initial U.S. fixation on nuclear weapons may well have had the unintended effect of increasing their value as a political bargaining chip in the minds of some Ukrainians. It is more than coincidental that final progress toward conclusion of the Trilateral Statement followed Christopher’s October 1993 visit to Kyiv and his outlining of the U.S. vision for a broader bilateral relationship with Ukraine.

For their part, the Russians also did not always show the best understanding of Ukraine and the internal political dynamics there. Some Russian tactics, particularly during the bilateral Ukrainian-Russian negotiations, did not go down well in Kyiv and proved counterproductive.<sup>79</sup> Ukrainian officials regarded both American and Russian tactics at times as overbearing and too demanding; a more nuanced approach might have yielded a smoother negotiation. Of course, the fact that Kyiv appeared, particularly in the early months of 1992, to waver on the question of eliminating the nuclear weapons made it more difficult for Washington and Moscow to understand the Ukrainian position.

These lessons may be applicable in other cases. Were North Korea or Iran to move away from their maximalist positions on nuclear weapons and open up some bargaining space, these lessons could prove useful in the Six-Party Talks and P-5 Plus One processes regarding those countries’ nuclear weapons programs. The circumstances that produced the trilateral process, however, were in some ways unique, in particular in terms of the readiness of both the Ukrainian and Russian governments to accept the United States as a participant.<sup>80</sup> Had Russia not understood that Washington shared its goal of getting

nuclear weapons out of Ukraine, or had Ukraine not understood that U.S. officials were prepared to seek solutions that addressed Kyiv's key concerns and thus could strength the Ukrainian bargaining position, the trilateral process would never have been launched. As it was, the sides' interests sufficiently coincided, and the process proved a diplomatic success.

# APPENDIX I: THE TRILATERAL STATEMENT AND ANNEX

## TRILATERAL STATEMENT BY THE PRESIDENTS OF THE UNITED STATES, RUSSIA AND UKRAINE

Presidents Clinton, Yeltsin and Kravchuk met in Moscow on January 14. The three Presidents reiterated that they will deal with one another as full and equal partners and that relations among their countries must be conducted on the basis of respect for the independence, sovereignty and territorial integrity of each nation.

The three Presidents agreed on the importance of developing mutually beneficial, comprehensive and cooperative economic relations. In this connection, they welcomed the intention of the United States to provide assistance to Ukraine and Russia to support the creation of effective market economies.

The three Presidents reviewed the progress that has been made in reducing nuclear forces. Deactivation of strategic forces is already well underway in the United States, Russia and Ukraine. The Presidents welcomed the ongoing deactivation of RS-18s (SS-19s) and RS-22s (SS-24s) on Ukrainian territory by having their warheads removed.

The Presidents look forward to the entry into force of the START I Treaty, including the Lisbon Protocol and associated documents, and President Kravchuk reiterated his commitment that Ukraine accede to the Nuclear Nonproliferation Treaty as a non-nuclear-weapon state in the shortest possible time. Presidents Clinton and Yeltsin noted that entry into force of START I will allow them to seek early ratification of START II. The Presidents discussed, in this regard, steps their countries would take to resolve certain nuclear weapons questions.

The Presidents emphasized the importance of ensuring the safety and security of nuclear weapons pending their dismantlement.

The Presidents recognize the importance of compensation to Ukraine, Kazakhstan and Belarus for the value of the highly-enriched uranium in nuclear warheads located on their territories. Arrangements have been worked out to provide fair and timely compensation to Ukraine, Kazakhstan and Belarus as the nuclear warheads on their territory are transferred to Russia for dismantling.

Presidents Clinton and Yeltsin expressed satisfaction with the completion of the highly-enriched uranium contract, which was signed by appropriate authorities of the United States and Russia. By converting weapons-grade uranium into uranium which can only be used for peaceful purposes, the highly-enriched uranium agreement is a major step forward in fulfilling the countries' mutual nonproliferation objectives.

The three Presidents decided on simultaneous actions on transfer of nuclear warheads from Ukraine and delivery of compensation to Ukraine in the form of fuel assemblies for nuclear power stations. Presidents Clinton and Yeltsin informed President Kravchuk that the United States and Russia are prepared to provide security assurances to Ukraine. In particular, once the START I Treaty enters into force and Ukraine becomes a non-nuclear-weapon state party to the Nuclear Nonproliferation Treaty (NPT), the United States and Russia will:

- Reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE

Final Act, to respect the independence and sovereignty and the existing borders of the CSCE member states and recognize that border changes can be made only by peaceful and consensual means; and reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state, and that none of their weapons will ever be used except in self-defense or otherwise in accordance with the Charter of the United Nations;

- Reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by another CSCE participating state of the rights inherent in its sovereignty and thus to secure advantages of any kind;
- Reaffirm their commitment to 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 a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used; and
- Reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the NPT, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

Presidents Clinton and Yeltsin informed President Kravchuk that consultations have been held with the United Kingdom, the third depositary state of the NPT, and the United Kingdom is prepared to offer the same security assurances to Ukraine once it becomes a non-nuclear-weapon state party to the NPT.

President Clinton reaffirmed the United States commitment to provide technical and financial assistance

for the safe and secure dismantling of nuclear forces and storage of fissile materials. The United States has agreed under the Nunn-Lugar program to provide Russia, Ukraine, Kazakhstan and Belarus with nearly USD 800 million in such assistance, including a minimum of USD 175 million to Ukraine. The United States Congress has authorized additional Nunn-Lugar funds for this program, and the United States will work intensively with Russia, Ukraine, Kazakhstan and Belarus to expand assistance for this important purpose. The United States will also work to promote rapid implementation of the assistance agreements that are already in place.

For the United States of America: William J. Clinton

For Ukraine: Leonid Kravchuk

For the Russian Federation: Boris Yeltsin

### **ANNEX TO THE JANUARY 14 TRILATERAL STATEMENT BY THE PRESIDENTS OF THE UNITED STATES, RUSSIA AND UKRAINE**

The three Presidents decided that, to begin the process of compensation for Ukraine, Russia will provide to Ukraine within ten months fuel assemblies for nuclear power stations containing 100 tons of low-enriched uranium. By the same date, at least 200 nuclear warheads from RS-18 (SS-19) and RS-22 (SS-24) missiles will be transferred from Ukraine to Russia for dismantling. Ukrainian representatives will monitor the dismantling of these warheads. The United States will provide USD 60 million as an advance payment to Russia, to be deducted from payments due to Russia under the highly-enriched uranium contract. These funds would be available to help cover expenses for the transportation and dismantling of strategic warheads and the production of fuel assemblies.

All nuclear warheads will be transferred from the territory of Ukraine to Russia for the purpose of their subsequent dismantling in the shortest possible time. Russia will provide compensation in the form of supplies of fuel assemblies to Ukraine for the needs of its nuclear power industry within the same time period.

Ukraine will ensure the elimination of all nuclear weapons, including strategic offensive arms, located on its territory in accordance with the relevant agreements and during the seven-year period as provided by the START I Treaty and within the context of the Verkhovna Rada Statement on the non-nuclear status of Ukraine. All SS-24s on the territory of Ukraine will be deactivated within ten months by having their warheads removed.

Pursuant to agreements reached between Russia and Ukraine in 1993, Russia will provide for the

servicing and ensure the safety of nuclear warheads and Ukraine will cooperate in providing conditions for Russia to carry out these operations.

Russia and the United States will promote the elaboration and adoption by the IAEA of an agreement placing all nuclear activities of Ukraine under IAEA safeguards, which will allow the unimpeded export of fuel assemblies from Russia to Ukraine for Ukraine's nuclear power industry.



## APPENDIX II: THE BUDAPEST MEMORANDUM OF SECURITY ASSURANCES

### MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH UKRAINE'S ACCESSION TO THE TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The United States of America, the Russian Federation, Ukraine, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the accession of Ukraine to the Treaty on the Nonproliferation of Nuclear Weapons as a non-nuclear-weapon state,

Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces,

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of Ukraine.
2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of

Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations.

3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind.
4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon state party to the Treaty on the Nonproliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.
5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm, in the case of the Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the Treaty on the Nonproliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The United States of America, the Russian Federation, Ukraine, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature.

Signed in four copies having equal validity in the English, Russian and Ukrainian languages.

FOR THE UNITED STATES OF AMERICA

FOR THE RUSSIAN FEDERATION

FOR UKRAINE

FOR THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND

Budapest, December 5, 1994

## ENDNOTES

- <sup>1</sup> The NPT, which entered into force in 1970, originally had a term of 25 years with a provision for extension.
- <sup>2</sup> U.S. Arms Control and Disarmament Agency, “Memorandum of Understanding on the Establishment of the Data Base Relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms,” *Arms Control and Disarmament Agreements: START Treaty between the United States of America and Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms*, 1991, pp. 165-168.
- <sup>3</sup> According to a knowledgeable participant in a December 2008 closed workshop on the trilateral negotiations organized by the Carnegie Moscow Center, the precise number of strategic warheads in Ukraine when the Soviet Union collapsed was 1,272 warheads for SS-19 and SS-24 ICBMs, and 672 air-launched cruise missiles for the Blackjack and Bear-H bombers deployed in Ukraine. The participants in the Carnegie workshop, which was conducted on the basis of Chatham House rules, included Americans, Russians and Ukrainians who had participated directly in the trilateral process.
- <sup>4</sup> The White House Office of the Press Secretary, Fact Sheet: Removal of Nuclear Warheads from Ukraine, June 1, 1996. Other sources assert that there were as many as 4,000 tactical nuclear weapons in Ukraine in 1991; see Mitchell Riess, *Bridled Ambitions: Why Countries Constrain Their Nuclear Capabilities* (The Woodrow Wilson Center Press, 1995), p. 94.
- <sup>5</sup> NRDC Nuclear Notebook, “Russian (C.I.S.) Strategic Nuclear Forces, End of 1994,” *Bulletin of the Atomic Scientists*, vol. 51, no. 2, March/April 1995, p. 79.
- <sup>6</sup> Exchange with former Russian Foreign Ministry official, March 2011.
- <sup>7</sup> “Russian (C.I.S.) Strategic Nuclear Forces, End of 1994,” pp. 78-79.
- <sup>8</sup> Verkhovna Rada website, “Declaration of State Sovereignty of Ukraine,” July 16, 1990, [http://gska2.rada.gov.ua/site/postanova\\_eng/Declaration\\_of\\_State\\_Sovereignty\\_of\\_Ukraine\\_rev1.htm](http://gska2.rada.gov.ua/site/postanova_eng/Declaration_of_State_Sovereignty_of_Ukraine_rev1.htm).
- <sup>9</sup> Exchange with former Russian Foreign Ministry official, March 2011.
- <sup>10</sup> Interview with Ukrainian Foreign Ministry official, June 2008 and observations from December 2008 Carnegie workshop.
- <sup>11</sup> Some of the nuclear warheads also contained plutonium. However, unlike HEU, which could be blended down into LEU for use as fuel for nuclear reactors, plutonium had no legal commercial value.
- <sup>12</sup> The Alma-Ata Declaration, issued by the leaders of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, December 21, 1991.
- <sup>13</sup> Agreement on Strategic Forces concluded between the 11 members of the Commonwealth of Independent States on December 30, 1991.
- <sup>14</sup> Discussion at December 2008 Carnegie workshop. One participant recounted how, in a meeting with Kravchuk, Kravchuk had held out an envelope and explained that it contained the codes for authorizing launch of the SS-19s and SS-24s in Ukraine.
- <sup>15</sup> James A. Goldgeier and Michael McFaul, *Power and Purpose: U.S. Policy toward Russia after the Cold War* (Brookings Institution Press, 2003), pp. 41-49.
- <sup>16</sup> Interview with U.S. State Department official, August 2008; exchange with former Russian Foreign Ministry official, March 2011.
- <sup>17</sup> Interview with U.S. State Department official, August 2008.
- <sup>18</sup> *Bridled Ambitions: Why Countries Constrain Their Nuclear Capabilities*, pp. 94-95.
- <sup>19</sup> Serge Schmemmann, “Ukraine Halting A-Arms Shift to Russia,” *New York Times*, March 13, 1992, <http://www.nytimes.com/1992/03/13/world/ukraine-halting-a-arms-shift-to-russia.html?src=pm>.
- <sup>20</sup> Roman Popadiuk, “American-Ukrainian Nuclear Relations,” McNair Paper No. 55 (Institute for National Strategic Studies, National Defense University, October 1996), pp. 3-4.
- <sup>21</sup> John Buntin, “The Decision to Denuclearize: How Ukraine Became a Non-Nuclear Weapons State,” Kennedy School of Government Case Program, C14-98-1452.0, 1997, p. 7.

- <sup>22</sup> Interview with U.S. State Department official, August 2008.
- <sup>23</sup> Don Oberdorfer, “Ukraine Paves Way for Further Disarmament,” *The Washington Post*, May 7, 1992, <http://tech.mit.edu/V112/N26/ukraine.26w.html>.
- <sup>24</sup> According to discussion at December 2008 Carnegie workshop, the withdrawal of the tactical nuclear weapons was conducted in a generally professional manner but left some issues—including the question of compensation to Ukraine for the value of the highly-enriched uranium in the warheads—unresolved.
- <sup>25</sup> Thomas Graham, *Disarmament Sketches: Three Decades of Arms Control and International Law* (University of Washington Press, 2002), pp. 135-36.
- <sup>26</sup> Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, “Treaty Compliance, START I: Lisbon Protocol,” <http://www.dod.gov/acq/acic/treaties/start1/protocols/lisbon.htm>.
- <sup>27</sup> Exchange with former Ukrainian Foreign Ministry official, March 2011.
- <sup>28</sup> Interview with Ukrainian Foreign Ministry official, June 2008.
- <sup>29</sup> Exchange with former Russian Foreign Ministry official, March 2011.
- <sup>30</sup> “American-Ukrainian Nuclear Relations,” pp. 3, 7.
- <sup>31</sup> “American-Ukrainian Nuclear Relations,” pp. 16-17.
- <sup>32</sup> Yuriy Dubinin, “Ukraine’s Nuclear Ambitions: Reminiscences of the Past,” *Russia in Global Affairs*, No. 2, April-June 2004, pp. 2-3, <http://eng.globalaffairs.ru/printver/533.html>.
- <sup>33</sup> John Dunn, “The Ukrainian Nuclear Weapons Debate,” *Jane’s Intelligence Review*, August 1993, pp. 339-342, as cited in Mark D. Sokolov, “An Annotated Chronology of Post-Soviet Nuclear Disarmament 1991-94,” *The Nonproliferation Review*, Spring/Summer 1995, p. 75.
- <sup>34</sup> “Ukraine’s Nuclear Ambitions: Reminiscences of the Past,” p. 3.
- <sup>35</sup> “Ukraine’s Nuclear Ambitions: Reminiscences of the Past,” p. 3.
- <sup>36</sup> “Ukraine’s Nuclear Ambitions: Reminiscences of the Past,” pp. 4-5.
- <sup>37</sup> “American-Ukrainian Nuclear Relations,” which describes in detail Rada views from 1992-1993 on the nuclear weapons issue.
- <sup>38</sup> Dunbar Lockwood, “Ukraine’s Position Hardens Despite Some Positive Signs,” *Arms Control Today*, September 1993, p. 25, 30 as cited in “An Annotated Chronology of Post-Soviet Nuclear Disarmament 1991-94.”
- <sup>39</sup> “Ukraine’s Nuclear Ambitions: Reminiscences of the Past,” p. 6.
- <sup>40</sup> *Bridled Ambitions: Why Countries Constrain Their Nuclear Capabilities*, p. 109.
- <sup>41</sup> Former Ukrainian and Russian officials continue to disagree sharply on whether the nuclear issue could have been settled bilaterally between Kyiv and Moscow or whether the trilateral process was necessary, as evidenced by exchanges at December 2008 Carnegie workshop.
- <sup>42</sup> Interview with U.S. State Department official, August 2008.
- <sup>43</sup> Interview with U.S. State Department official, August 2008.
- <sup>44</sup> While the Ukrainians (and Russians) originally talked of security “guarantees,” U.S. officials were only prepared to discuss security “assurances.” “Guarantees” suggest commitments of the nature that could require Senate approval in the form of a vote on treaty ratification. “Assurances,” on the other hand, suggest a less binding commitment. The problem was made more complicated by the fact that the Ukrainian and Russian languages use “guarantees” for both English words, “guarantees” and “assurances.”
- <sup>45</sup> The text of the assurances discussed was very close to the text of the assurances described in the final Trilateral Statement; interview with former U.S. State Department official, January 2011.
- <sup>46</sup> Interview with U.S. State Department official, August 2008.
- <sup>47</sup> “American-Ukrainian Nuclear Relations,” p. 19.
- <sup>48</sup> Sherman W. Garnett, *Keystone in the Arch: Ukraine in the Emerging Security Environment of Central and Eastern Europe* (Carnegie Endowment for International Peace, 1997), pp. 118-119.
- <sup>49</sup> “American-Ukrainian Nuclear Relations,” p. 31.
- <sup>50</sup> Exchange with former State Department official, March 2011.
- <sup>51</sup> Exchange with former State Department official, March 2011.
- <sup>52</sup> James Goodby, *Europe Undivided: The New Logic of Peace in U.S.-Russian Relations* (United States Institute of Peace, 1998), pp. 81-83.

- <sup>53</sup> Strobe Talbott, *The Russia Hand* (Random House, 2002), p. 81.
- <sup>54</sup> Discussion at December 2008 Carnegie workshop.
- <sup>55</sup> While both Kyiv and Moscow accepted U.S. engagement, Mamedov cautioned Talbott that there would be unhappiness in both capitals: “Those people that you’re dealing with in Kyiv will resent your taking away the strongest card in their hand, and many on our side will resent your meddling in something that they believe is none of your business. Remember, anything between us and the Ukrainians is a family affair, and any disagreement we have is a family feud.” *The Russia Hand*, p. 80.
- <sup>56</sup> Discussion at December 2008 Carnegie workshop.
- <sup>57</sup> Discussion at December 2008 Carnegie workshop; participants confirmed the Ukrainians had sole responsibility for guarding stored nuclear weapons and described senior Russian military officers as not unduly concerned by that.
- <sup>58</sup> Interview with Ukrainian Foreign Ministry official, June 2008.
- <sup>59</sup> Exchange with former Russian Foreign Ministry official, March 2011.
- <sup>60</sup> These percentages were apparently derived from Ukrainian calculations as to what would be their “share” of the launcher and warhead reductions mandated by START I.
- <sup>61</sup> Exchange with former Ukrainian Foreign Ministry official, March 2011.
- <sup>62</sup> Alexander Tkachenko, “Kravchuk Says Ukraine Must Disarm Fully,” *Reuters*, November 19, 1993 as cited in “An Annotated Chronology of Post-Soviet Nuclear Disarmament 1991-94.”
- <sup>63</sup> *The Russia Hand*, pp. 108-109.
- <sup>64</sup> U.S. officials titled the document the “Trilateral Statement” instead of “Trilateral Agreement” on advice of State Department lawyers, as a statement was politically-binding while an “agreement” might seem to be legally-binding and thus require Senate approval. At one point, U.S. officials believed that the annex—which addressed secondary issues and details—might have to be kept as a private document. In the end, all three sides agreed that it could be made public along with the statement.
- <sup>65</sup> Discussion at December 2008 Carnegie workshop.
- <sup>66</sup> Word of these letters eventually became public, though they were sometimes referred to as secret protocols; see, for example, “American-Ukrainian Nuclear Relations,” pp. 42-43.
- <sup>67</sup> Exchange with former State Department official, March 2011.
- <sup>68</sup> Interview with Ukrainian Foreign Ministry official, June 2008; discussion at December 2008 Carnegie workshop.
- <sup>69</sup> Dunbar Lockwood, “Ukraine Begins Transfer of Strategic Nuclear Warheads,” *Arms Control Today*, April 1994, p. 20 and “Moscow Trilateral Statement Implementation Begins,” *Arms Control Today*, May 1994, p. 24, as cited in “An Annotated Chronology of Post-Soviet Nuclear Disarmament 1991-94.”
- <sup>70</sup> Exchange with second former Ukrainian Foreign Ministry official, March 2011.
- <sup>71</sup> The Rada’s positions regularly proved frustrating to Washington and revealed a conflict of interest in the U.S. approach to Ukraine between its denuclearization and democratization goals. On the one hand, Washington desired a smooth resolution of the nuclear question that resulted in the rapid removal of nuclear weapons from Ukraine, one in which the Rada would support the Ukrainian government’s decisions to get rid of nuclear weapons. On the other hand, the U.S. interest in seeing Ukraine develop as a modern democratic state meant support for a robust and independent legislative branch, one that might on occasion challenge the Ukrainian president. U.S. officials sometimes speculated whether there was quiet coordination between the Ukrainian president and Rada, in a sort of “good cop, bad cop” ploy.
- <sup>72</sup> “Ukraine’s Nuclear Ambitions: Reminiscences of the Past,” p. 8.
- <sup>73</sup> White House, Office of the Press Secretary, “Statement by the Press Secretary: Ukraine’s Vote to Accede to the Nonproliferation Treaty,” November 17, 1994.
- <sup>74</sup> White House, Office of the Press Secretary, “Joint Summit Statement by President Clinton and President of Ukraine Leonid D. Kuchma,” November 22, 1994.
- <sup>75</sup> Similar memoranda of security assurances were also provided to Belarus and Kazakhstan at the Budapest summit meeting. Acting separately, France and China—the other two permanent UN Security Council members—subsequently provided Ukraine, Belarus and Kazakhstan parallel assurances.
- <sup>76</sup> *The Russia Hand*, pp. 140-142.
- <sup>77</sup> Exchange with second former Ukrainian Foreign Ministry official, March 2011.

<sup>78</sup> The SS-19 missiles were defueled and destroyed, though some were sold to Russia (such transfer was permitted under START I). The SS-24 missiles have been broken down into stages; their final elimination has been delayed as Ukraine and the United States worked out an agreed process for removing the solid fuel from the missile stages. Most of the bombers were eliminated, though in 1999 Ukraine agreed to transfer some bombers to Russia.

<sup>79</sup> Discussion at December 2008 Carnegie workshop.

<sup>80</sup> Flush with the success of the Trilateral Statement in early 1994, U.S. officials at the National Security Council, State Department and Pentagon pondered whether American intervention might help resolve other questions troubling the Ukrainian-Russian agenda. They considered the Black Sea Fleet, particularly the issue of basing Russian Black Sea Fleet ships in Sevastopol and Crimea. One of the challenges for Kyiv and Moscow was to find an arrangement that protected Ukrainian sovereignty while allowing the Russian Black Sea Fleet operational flexibility. The U.S. Navy, with basing agreements in force with a host of countries around the globe, had loads of experience on such questions. The Defense Department translated a number of U.S. Navy basing agreements into Ukrainian and Russian, and U.S. diplomats delivered copies to Ukrainian and Russian officials along with a U.S. offer to engage if the parties felt it would be helpful. The Ukrainians eagerly agreed; the Russian responded with silence, clearly not wanting to repeat a trilateral process on the Black Sea Fleet.

## ABOUT THE AUTHOR

**STEVEN PIFER** is a senior fellow in the Center on the United States and Europe and director of the Arms Control Initiative at the Brookings Institution. A retired Foreign Service officer, he served more than 25 years with the Department of State, including as deputy assistant secretary of state with responsibility for Russia and Ukraine, ambassador to Ukraine, and special assistant to the president and National Security Council senior director for Russia, Ukraine and Eurasia. He also served at the U.S. embassies

in London, Moscow and Warsaw, in addition to assignments in Washington and in Geneva with the U.S. delegation to the negotiation on intermediate-range nuclear forces. He was a part of the U.S. team that negotiated the Trilateral Statement.

Pifer has authored numerous policy reports, academic articles and opinion pieces on arms control, Ukraine and Russia. He frequently comments on these issues in the media.



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