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<TO>RUEHTA/AMBASSAY ALMAATA IMMEDIATE 0000
RUEHMO/AMBASSAY MOSCOW IMMEDIATE 0000

<SUBJ> UMBRELLA AGREEMENT FOR KAZAKHSTAN

<TEXT>
UNCLAS STATE 359985
E.O. 12356: N/A
TAGS: PARM, PREL, KZ, US
SUBJECT: UMBRELLA AGREEMENT FOR KAZAKHSTAN
REF: STATE 349359
1. UNCLASSIFIED - ENTIRE TEXT.
2. DRAFT US AGREEMENT IN PARA 3 IS TO BE USED BY SSD DEL AS DESCRIBED IN REFTEL.
3. BEGIN TEXT OF DRAFT US UMBRELLA AGREEMENT:

-- THE REPUBLIC OF KAZAKHSTAN AND THE UNITED STATES OF AMERICA, HEREINAFTER REFERRED TO AS THE PARTIES,

-- DESIRING TO FACILITATE THE DESTRUCTION OF INTERCONTINENTAL BALLISTIC MISSILES LOCATED IN THE REPUBLIC OF KAZAKHSTAN, HEREINAFTER REFERRED TO AS ICBMS.

AND THEIR SILO LAUNCHERS,

-- DESIRING TO FACILITATE THE ESTABLISHMENT OF ADDITIONAL VERIFIABLE MEASURES AGAINST THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION FROM THE REPUBLIC OF KAZAKHSTAN, AND TECHNOLOGY AND EXPERTISE RELATED TO SUCH WEAPONS,

-- NOTING THAT THE REPUBLIC OF KAZAKHSTAN WILL TAKE ALL THE MEASURES TO ACHIEVE THE STATUS OF A NON-NUCLEAR STATE.

-- HAVE AGREED AS FOLLOWS:

ARTICLE I

-- THE PARTIES SHALL COOPERATE IN ORDER TO ASSIST THE REPUBLIC OF KAZAKHSTAN IN ACHIEVING THE FOLLOWING OBJECTIVES:

(A) THE DESTRUCTION OF ICBMS AND THEIR SILO LAUNCHERS;

(B) THE ESTABLISHMENT OF ADDITIONAL VERIFIABLE MEASURES AGAINST THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION FROM THE REPUBLIC OF KAZAKHSTAN, AND TECHNOLOGY AND EXPERTISE RELATED TO SUCH WEAPONS; AND,

(C) THE EXPANSION OF EMERGENCY RESPONSE CAPABILITIES IN CONNECTION WITH THE REMOVAL OF NUCLEAR WEAPONS FROM THE REPUBLIC OF KAZAKHSTAN FOR DESTRUCTION AND THEIR RELATED TEMPORARY LOCATION ON THE TERRITORY OF THE REPUBLIC OF KAZAKHSTAN PENDING THEIR FINAL REMOVAL.

ARTICLE II

-- EACH PARTY SHALL DESIGNATE AN EXECUTIVE AGENT TO IMPLEMENT THIS AGREEMENT. FOR THE REPUBLIC OF KAZAKHSTAN, THE EXECUTIVE AGENT SHALL BE THE MINISTRY OF . FOR THE UNITED STATES OF AMERICA THE EXECUTIVE AGENT SHALL BE THE DEPARTMENT OF DEFENSE.

ARTICLE III

-- 1. THE PARTIES, THROUGH THEIR EXECUTIVE AGENTS, SHALL AS APPROPRIATE, ENTER INTO SUPPORTING AGREEMENTS FOR THE IMPLEMENTATION OF THIS AGREEMENT, HEREINAFTER REFERRED TO AS IMPLEMENTING AGREEMENTS, TO ACCOMPLISH THE OBJECTIVES SET FORTH IN ARTICLE I OF THIS AGREEMENT.

THESE IMPLEMENTING AGREEMENTS SHALL INCLUDE, INTER ALIA:

(A) A DESCRIPTION OF THE ACTIVITIES TO BE UNDERTAKEN

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ARTICLE IV
— The terms of this Agreement shall apply to all material, training, or services provided in accordance with this Agreement or implementing agreements, and to all activities and personnel related to the implementation of all of the above agreements.

ARTICLE V
— 1. The Republic of Kazakhstan shall facilitate the entry and exit of employees of the government of the United States of America and contractor personnel of the United States of America into and out of the territory of the Republic of Kazakhstan for the purpose of carrying out activities in accordance with this Agreement.
— 2. Aircraft and vessels, other than regularly scheduled commercial aircraft and vessels, used by the United States of America in connection with activities pursuant to this Agreement in the Republic of Kazakhstan shall be free of customs inspections, customs charges, landing fees, navigation charges, port charges, tolls, and any other charges assessed on the territory of the Republic of Kazakhstan.
— 3. If an aircraft other than a regularly scheduled commercial aircraft is used by the United States of America for transportation to the Republic of Kazakhstan, its flight plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft, including in the remarks section of the flight plan a confirmation that the appropriate clearance has been obtained. The Republic of Kazakhstan shall provide, at no expense to the United States, parking, security protection, servicing, and fuel for aircraft of the United States of America.

ARTICLE VI
— Unless the written consent of the United States of America has first been obtained, the Republic of Kazakhstan shall not transfer any material, knowledge obtained as a result of training, or services which have been provided pursuant to this Agreement, nor title thereto, to any entity, other than an officer, employee, or agent of the Republic of Kazakhstan and shall not permit the use of such material, knowledge, or services for purposes other than those for which it has been furnished.

ARTICLE VII
— 1. The Republic of Kazakhstan shall hold harmless and bring no legal proceedings against the United States of America and personnel, contractors, and contractors' personnel of the United States of America, for damage to or loss of property owned by the Republic of Kazakhstan, or death or injury to any personnel of the Republic of Kazakhstan, arising out of activities related to this Agreement.
— 2. Claims by third parties, arising out of the acts or omissions of any employees of the United States of
OR CONTRACTORS OR CONTRACTORS' PERSONNEL OF THE
UNITED STATES OF AMERICA RELATED TO THIS AGREEMENT, SHALL
BE THE RESPONSIBILITY OF THE REPUBLIC OF KAZAKHSTAN.
--- 3. THE PROVISIONS OF THIS ARTICLE SHALL NOT PREVENT
THE PARTIES FROM PROVIDING COMPENSATION IN ACCORDANCE WITH
THEIR NATIONAL LAWS.
--- 4. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO
PREVENT LEGAL PROCEEDINGS OR CLAIMS AGAINST NATIONALS OF
THE REPUBLIC OF KAZAKHSTAN OR PERMANENT RESIDENTS OF THE
REPUBLIC OF KAZAKHSTAN.

ARTICLE VIII
--- THE ACTIVITIES OF THE UNITED STATES OF AMERICA UNDER
THIS AGREEMENT ARE SUBJECT TO THE AVAILABILITY OF FUNDS
APPROPRIATED IN ACCORDANCE WITH THE LAWS OF THE UNITED
STATES OF AMERICA.

ARTICLE IX
--- 1. MILITARY AND CIVILIAN EMPLOYEES OF THE GOVERNMENT
OF THE UNITED STATES OF AMERICA AND THEIR FAMILIES PRESENT
IN THE TERRITORY OF THE REPUBLIC OF KAZAKHSTAN FOR
ACTIVITIES RELATED TO THIS AGREEMENT SHALL BE ACCORDED
PRIVILEGES AND IMMUNITIES EQUIVALENT TO THAT ACCORDED
ADMINISTRATIVE AND TECHNICAL STAFF UNDER THE VIENNA
CONVENTION ON DIPLOMATIC RELATIONS OF APRIL 18, 1961.
--- 2. THE OBLIGATIONS OF THE REPUBLIC OF KAZAKHSTAN
UNDER THIS ARTICLE SHALL REMAIN IN FORCE FOR THE DURATION
OF THIS AGREEMENT AND FOR THE PERIOD OF TIME THEREAFTER
REQUIRED FOR THE COMPLETION OF ACTIVITIES INITIATED UNDER
THIS AGREEMENT.

ARTICLE X
--- 1. THE UNITED STATES OF AMERICA, ITS PERSONNEL,
CONTRACTORS, AND CONTRACTORS' PERSONNEL SHALL NOT BE
LIABLE IN CONNECTION WITH ACTIVITIES UNDER THIS AGREEMENT
TO PAY ANY TAX OR SIMILAR CHARGE ASSESSED ON THE TERRITORY
OF THE REPUBLIC OF KAZAKHSTAN.
--- 2. THE UNITED STATES OF AMERICA, ITS PERSONNEL,
CONTRACTORS, AND CONTRACTORS' PERSONNEL MAY IMPORT INTO,
AND EXPORT OUT OF, THE REPUBLIC OF KAZAKHSTAN ANY
EQUIPMENT, SUPPLIES, MATERIAL OR SERVICES REQUIRED TO
IMPLEMENT THIS AGREEMENT. SUCH IMPORTATION AND
EXPORTATION OF ARTICLES OR SERVICES SHALL NOT BE SUBJECT
TO ANY LICENSE, OTHER RESTRICTIONS. TARIFFS, CUSTOMS.
DUTIES, TAXES, OR ANY OTHER CHARGES OR INSPECTIONS ON THE
TERRITORY OF THE REPUBLIC OF KAZAKHSTAN.
--- 3. THE OBLIGATIONS OF THE REPUBLIC OF KAZAKHSTAN
UNDER THIS ARTICLE SHALL REMAIN IN FORCE FOR THE DURATION
OF THIS AGREEMENT AND FOR THE PERIOD OF TIME THEREAFTER
REQUIRED FOR THE COMPLETION OF ACTIVITIES INITIATED UNDER
THE AGREEMENT.

ARTICLE XI
--- IN THE EVENT THAT THE UNITED STATES OF AMERICA AWARDS
CONTRACTS FOR THE ACQUISITION OF MATERIAL AND SERVICES,
INCLUDING CONSTRUCTION, TO IMPLEMENT THIS AGREEMENT, SUCH
CONTRACTS SHALL BE AWARDED IN ACCORDANCE WITH THE LAWS AND
REGULATIONS OF THE UNITED STATES OF AMERICA. ACQUISITION
OF MATERIAL AND SERVICES IN THE REPUBLIC OF KAZAKHSTAN BY
OR ON BEHALF OF THE UNITED STATES OF AMERICA FOR
IMPLEMENTING THIS AGREEMENT SHALL NOT BE SUBJECT TO ANY
TAXES' FEES, DUTIES, OR SIMILAR CHARGES ON THE TERRITORY
OF THE REPUBLIC OF KAZAKHSTAN.

ARTICLE XII
--- THE REPUBLIC OF KAZAKHSTAN SHALL TAKE ALL REASONABLE
MEASURES WITHIN ITS POWER TO ENSURE THE SECURITY OF
MATERIAL, KNOWLEDGE OBTAINED AS A RESULT OF TRAINING, OR
SERVICES PROVIDED PURSUANT TO THIS AGREEMENT AND SHALL
PROTECT THEM AGAINST SEIZURE OR CONVERSION.

ARTICLE XIII
UPON WRITTEN REQUEST PROVIDED THIRTY DAYS IN ADVANCE.
REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES OF
AMERICA SHALL HAVE THE RIGHT, DURING THE PERIOD OF THIS
AGREEMENT AND FOR THREE YEARS THEREAFTER, TO EXAMINE THE
USE OF ANY MATERIAL, KNOWLEDGE OBTAINED AS A RESULT OF
TRAINING, OR SERVICES PROVIDED IN ACCORDANCE WITH THIS
AGREEMENT AT SITES OF THEIR LOCATION OR USE, AND SHALL
HAVE THE RIGHT TO INSPECT AND AUDIT ANY AND ALL RECORDS OR
DOCUMENTATION RELATED TO THE USE OF MATERIAL, KNOWLEDGE
OBTAINED AS A RESULT OF TRAINING, OR SERVICES PROVIDED IN
ACCORDANCE WITH THIS AGREEMENT.

ARTICLE XIV

THIS AGREEMENT SHALL ENTER INTO FORCE UPON SIGNATURE
AND SHALL REMAIN IN FORCE FOR SEVEN YEARS OR UNTIL NINETY
DAYS AFTER THE RECEIPT BY EITHER PARTY OF WRITTEN
NOTIFICATION FROM THE OTHER PARTY OF ITS INTENTION TO
TERMINATE THIS AGREEMENT. THIS AGREEMENT MAY BE AMENDED
OR EXTENDED BY THE WRITTEN AGREEMENT OF THE PARTIES.
NOTWITHSTANDING THE TERMINATION OF THIS AGREEMENT OR THE
IMPLEMENTING AGREEMENTS, THE OBLIGATIONS OF THE REPUBLIC
OF KAZAKHSTAN IN ACCORDANCE WITH ARTICLES VI, VII AND XII
OF THIS AGREEMENT SHALL CONTINUE TO APPLY WITHOUT RESPECT
to Time, UNLESS OTHERWISE AGREED IN WRITING BY THE
PARTIES.

DONE AT

, THIS DAY OF

1992, IN

TWO COPIES, EACH IN THE RUSSIAN AND ENGLISH LANGUAGES
BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE REPUBLIC OF

KAZAKHSTAN:

EAGLEBURGER

NNNN

OF AMERICA:

NNNN

<SECTION>SECTION: 01 OF 01<SSN>9985<STOR>921104015647 M0040381
<TOR>921104020243