

(CTR)

June 4, 1992

CERTIFICATION OF COMMITMENTS OF KAZAKHSTAN:
JUSTIFICATION

Funds may be obligated pursuant to section 108 of the FY 1992 Dire Emergency Supplemental Appropriations Act (Public Law 102-229) for U.S. assistance in destroying nuclear and other weapons, if the President certifies to the Congress "that the proposed recipient is committed to:

- (1) making a substantial investment of its resources for dismantling or destroying such weapons;
- (2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;
- (3) forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons;
- (4) facilitating United States verification of weapons destruction carried out under section 212;
- (5) complying with all relevant arms control agreements; and
- (6) observing internationally recognized human rights, including the protection of minorities."

In making the required certification, the Deputy Secretary of State has reached a judgment about the commitment now of Kazakhstan to behave in certain ways in the future. The oral and written representations made by the leadership of Kazakhstan, and Kazakhstan's activities, practices and trends or patterns of activity provide the basis for the Deputy Secretary of State's conclusion that Kazakh commitments satisfy the requirements of the above sub-paragraphs of section 108.

With respect to each sub-paragraph of section 108, the facts, trends and representations have been weighed and balanced. We would not consider mere words or promises to constitute a commitment where the facts clearly point in the opposite direction. On the other hand, a commitment need not be fully implemented before we can determine that such a commitment exists.

The international political context of this certification must be clearly understood. Since this legislation was enacted, the Soviet Union has ceased to exist. A government pledged to democratic and free market reforms leads a newly independent Kazakhstan. However, Kazakhstan has not made a great deal of progress in actually implementing those reforms. A great many positive developments have occurred both inside the newly

independent states of the former Soviet Union, and in our relations with them. Still, reform of a 70-year old totalitarian regime, and smooth functioning of a newly independent state, do not occur overnight.

The long-term survival of the democratic experiment of the new states of the former Soviet Union depends on a multiplicity of factors. Just as the political volatility of the past several months helped bring democratic governments to power, continued pressures on these governments to implement successful economic reform, in a most difficult and potentially turbulent environment, create uncertainty as to the outcome. This analysis is mindful of that fact.

- (1) Making a Substantial Investment of Its Resources for Dismantling or Destroying Such Weapons.

Dismantling nuclear warheads safely and efficiently requires detailed technical knowledge of weapons design and fabrication, in addition to the proper equipment and facilities. This capability currently exists only in Russia. Construction of a new disassembly facility alone would take several years and be prohibitively expensive. We have no indication of any Kazakh interest in acquiring such a facility.

The fact that the facilities to destroy nuclear weapons exists only in Russia limits Kazakhstan in its ability to make a direct, substantial investment in the dismantlement and destruction of nuclear warheads. During January 1992 consultations held in Moscow with Under Secretary Reginald Bartholomew, CIS officials described a large-scale effort to consolidate tactical nuclear weapons inside Russia in preparation for dismantlement. Kazakhstan appears to have made its only, but nonetheless substantial, contribution to the dismantlement process by allowing the safe and secure transport of nuclear warheads to the Russian republic.

As a party to the December 1991 Alma-Ata and Minsk agreements, Kazakhstan is committed to the transfer of all tactical nuclear warheads to Russia for destruction by July 1, 1992. CIS officials have repeatedly stated that the withdrawal of tactical nuclear warheads from Kazakhstan is complete.

- (2) Forgoing Any Military Modernization Program That Exceeds Legitimate Defense Requirements and Forgoing the Replacement of Destroyed Weapons of Mass Destruction.

The following chart summarizes the START forces which the Soviet Union declared to be located in Kazakhstan as of September 1, 1990:

ICBM Bases: 2
 Number of Deployed ICBMS: 104 SS-18s
 Number of Non-Deployed ICBMS: 5 SS-18s
 Total Number of START-Accountable Warheads: 1040

Test Ranges: 1
 Number of Non-Deployed ICBMS: 6 (4 SS-18s and 2 SS-19s)

Air Bases for Heavy Bombers: 1
 Number of Heavy Bombers: 40 Bear-H
 Total Number of START Accountable Warheads: 320

Kazakhstan, tying its future security to the CIS and to bilateral arrangements with Russia, has announced plans to form a small national guard.

For some months, Kazakhstan's intentions were ambiguous regarding the strategic nuclear warheads and delivery vehicles located on its territory. In May 1992, however, President Nazarbayev formally committed to adhere to the Nuclear Non-Proliferation Treaty (NPT) as a non-nuclear-weapon state in the shortest possible time. He also formally agreed to guarantee the elimination of all nuclear weapons, including strategic offensive arms, from Kazakhstan in accordance with the START Treaty.

Only Russia has facilities for the production of nuclear weapons, and there are no indications of any Kazakh intention to acquire such facilities. Kazakh officials have complained publicly about the presence of the Semipalatinsk nuclear weapons test site in Kazakhstan and its long-term effect on the surrounding environment and population. In August 1991, President Nazarbayev issued a decree permanently closing this site.

We believe that Kazakhstan is committed not to replace destroyed weapons of mass destruction, and is also committed to forgoing military modernization programs that exceed legitimate defense requirements.

(3) Forgoing Any Use of Fissionable and Other Components of Destroyed Nuclear Weapons in New Nuclear Weapons.

The legislation requires Kazakhstan be committed to forgoing the use in new nuclear weapons of fissionable components and other components of destroyed nuclear weapons.

There are no indications of any Kazakh intention to acquire the capability to dismantle the nuclear warheads on its territory, retrieve the resultant nuclear material, and/or build new nuclear warheads. Kazakhstan has agreed to adhere to the NPT as a non-nuclear weapon state in the shortest possible time, and

to guarantee the elimination of all nuclear weapons, including strategic offensive arms, from its territory in accordance with the START Treaty. The Government of Kazakhstan has also closed the Semipalatinsk Test Site, and is firmly opposed to any resumption of nuclear testing on its territory. For all those reasons, we believe that Kazakhstan is committed to forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons.

(4) Facilitating United States Verification of Weapons Destruction Carried Out Under Section 212.

The United States has not identified any projects under section 212 to aid the Government of Kazakhstan in weapons destruction. Nuclear weapons currently or formerly located on Kazakh territory will be destroyed in Russia. As a result, this condition may not be relevant to Kazakhstan. Nevertheless, the United States will insist on monitoring the use of any assistance to Kazakhstan under section 212.

(5) Complying With All Relevant Arms Control Agreements.

Kazakhstan was an integral part of the former Soviet Union, but has been in existence for only a few months as an independent state. Consequently, Kazakhstan cannot be held responsible for the non-compliant behavior of the former Soviet Union. Kazakh commitment to compliance with arms control agreements must be judged on Kazakhstan's behavior since it became an independent state.

Kazakhstan has formally declared its willingness and intent to accept all the relevant arms control obligations of the former Soviet Union -- to include those undertaken in the signed, but not yet ratified, CFE and START Treaties. It has also agreed to adhere to the NPT as a non-nuclear weapon state, and to guarantee the elimination of all nuclear weapons from its territory.

President Nazarbayev and other senior Kazakh officials have repeatedly expressed their commitment to joining arms control agreements and complying with their provisions. On that basis, the United States judges that the new Government of Kazakhstan is committed to arms control compliance. We will observe Kazakh behavior in this area very carefully.

(6) Observing Internationally Recognized Human Rights. Including the Protection of Minorities.

In joining the Conference on Security and Cooperation in Europe (CSCE) in January 1992, Kazakhstan accepted all

commitments and responsibilities contained in the Helsinki Final Act, the Charter of Paris for a New Europe, and all other documents of the CSCE. It stated its determination to act in accordance with the provisions of these documents, thus demonstrating its commitment to observing internationally recognized human rights standards, including the protection of minorities.

However, Kazakhstan has not made a great deal of progress to complete reform of its political system and institute human rights principles. Although political opposition is allowed, President Nazarbayev and his staff control most major decisions and institutions. President Nazarbayev ran unopposed in the December 1 presidential elections and only those who wanted to vote against him were required to mark their ballot. Several political parties and numerous smaller interest and social groups do operate with relative freedom.

Kazakh law prohibits unauthorized demonstrations, and some opponents of President Nazarbayev have been arrested for participating in unauthorized demonstrations. There is some concern over the independent media's ability to operate without government influence. The republic KGB is now responsible directly to President Nazarbayev.

Kazakhstan has adopted a law which will phase in the use of the Kazakh language as the official language. This law has led to concern among the large Russian/European population in the northern part of the republic. Some Russians in the five northern oblasts have called for union with Russia; this has brought a strong reaction from Kazakh nationalists. On the other hand, Kazakhstan's Jewish community -- numbering some 12,000 -- appears to be experiencing a cultural and religious revival.

In sum, we believe that the Government of Kazakhstan is committed to observing internationally recognized human rights, including the protection of minorities. However, it has not yet fully implemented that commitment. We will continue to watch this area very carefully.