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SECSTATE WASHDC

<TO>RUEHTA/AMEMBASSY ALMA ATA IMMEDIATE 0000  
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*Turn-Lugar -  
Kazakhstan*

<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:  
AGREEMENT BETWEEN THE REPUBLIC OF KAZAKHSTAN AND THE  
UNITED STATES OF AMERICA CONCERNING EMERGENCY RESPONSE,  
THE DESTRUCTION OF INTERCONTINENTAL BALLISTIC MISSILES AND  
THEIR SILO LAUNCHERS, AND THE PREVENTION OF PROLIFERATION  
OF WEAPONS OF MASS DESTRUCTION

-- 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

PROVISIONS CONCERNING THE SEQUENCE OF THESE

PROVISIONS;

PROVISIONS CONCERNING PARTICIPATION, AS APPROPRIATE, REPRESENTATIVES OF THE REPUBLIC OF KAZAKHSTAN AT TRAINING COURSES, SEMINARS, AND OTHER ACTIVITIES RELATED TO THE IMPLEMENTATION OF THIS AGREEMENT IN THE UNITED STATES, AS WELL AS PROVISIONS ADDRESSING TRANSPORTATION OF SUCH REPRESENTATIVES TO AND FROM THE UNITED STATES; AND, (D) OTHER PROVISIONS AS APPROPRIATE.

-- 2. IN CASE OF ANY INCONSISTENCY BETWEEN THIS AGREEMENT AND IMPLEMENTING AGREEMENTS, THE PROVISIONS OF THIS AGREEMENT SHALL PREVAIL.

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

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...CA 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  
FOR THE UNITED STATES  
KAZAKHSTAN:

OF AMERICA:

EAGLEBURGER  
NNNN

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

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