

WEAPONS

Nonproliferation

**Agreement Between the
UNITED STATES OF AMERICA
and UKRAINE**

**Amending the Agreement of October 25, 1993
as extended**

Effectuated by Exchange of Notes at Kyiv
July 24, 2003 and September 18, 2003

Entered into force September 18, 2003



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 436

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Ukraine and has the honor to provide the following response to the Ministry's diplomatic note 414/23-196/51-1179 dated June 20, 2002.

The Embassy acknowledges receipt of the Ministry's Notes Nos. 324/20-196/51-618 dated April 20, 2001 and 414/23-196/51-1179 dated June 20, 2002 informing the Embassy of the delegation of responsibilities pursuant to Article II, Paragraph 1 of the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of Ukraine Concerning the Provision of Material, Services, and Related Training to Ukraine in Connection with the Elimination of Strategic Nuclear Arms, dated 5 December 1993, as Amended 18 December 1993, 21 March 1994, 1 April 1995, 27 June 1995, 4 June 1996, 1 May 1997, 12 June 1998, 10 July 1999, 28 July 2000, 4 December 2000 and 9 September 2002, and Extended 31 January 2001 (SNAE Agreement), and informing the Embassy of the change of Executive Agents in Ukraine under Article II of the Agreement

Between the United States of America and Ukraine
Concerning Assistance to Ukraine in the Elimination of
Strategic Nuclear Arms, and the Prevention of
Proliferation of Weapons of Mass Destruction, dated 25
October 1993, as Amended and Extended (Umbrella
Agreement), and proposing that Article II of the
Umbrella Agreement be amended to reflect that change.

In order to permit the establishment of more than
one Executive Agent under the Umbrella Agreement the
Embassy proposes instead that the first sentence of
Article II be amended by replacing the words "an
Executive Agent" with the words "one or more Executive
Agents". The first sentence of Article II would
therefore read as follows: "Each party shall designate
one or more Executive Agents to implement this
agreement."

The Embassy further proposes that the applicable
sentences of Article II be amended accordingly to
read: "For Ukraine, unless Ukraine notifies the United
States of America otherwise, the Executive Agent shall
be the National Space Agency of Ukraine in the areas
of the administration of disassembly of ICBMs at
Conversion or Elimination facilities, solid propellant
disposition from missile stages, and elimination of
ICBM components, production facilities and equipment,

and the Ministry of Defense for all other matters. For the United States of America, unless the United States of America notifies Ukraine otherwise, the Executive Agent shall be the Department of Defense."

If this proposal is acceptable to Ukraine, the Embassy proposes that this note together with the Ministry's note in reply shall constitute an agreement between the United States of America and Ukraine, which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurances of its highest consideration.

Embassy of the United States of America

Kyiv, July 24, 2003



No. 414/23-196/51-1656

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Embassy of the United States of America and referring to the U.S. Embassy Diplomatic Note #436 dated 24 June 2003, and to its own Notes #324/20-196/51-618 dated 20 April 2001, and #414/23-196/51-1179 dated 20 June 2002, and has the honor to inform of the following.

For the purposes of the Agreement between Ukraine and the United States of America concerning Assistance to Ukraine in the Elimination of Strategic Nuclear Arms, and the Prevention of Proliferation of Weapons of Mass Destruction dated 25 October 1993, the Ukrainian side agrees to amend the Agreement as proposed by the American side.

In the first sentence of Article II of the Agreement, the words "an Executive Agent" have been replaced with the words "one or more Executive Agents".

The applicable sentences of Article II have been amended accordingly to read: "For

Ukraine, unless Ukraine notifies the United States of America otherwise, the Executive Agent shall be the National Space Agency of Ukraine in the areas of the administration of disassembly of ICBMs at Conversion or Elimination facilities, solid propellant disposition from missile stages, and elimination of ICBM components, production facilities and equipment, and the Ministry of Defense for all other matters. For the United States of America, unless the United States of America notifies Ukraine otherwise, the Executive Agent shall be the Department of Defense."

The Ukrainian side agrees to the proposal by the American side to consider this Note, as well as the appropriate Note by the Embassy of the United States of America in Ukraine as the Notes that constitute the international Agreement that will be entered into force on the date of the most recent Note.

The Embassy of the United States of America
avails itself of this opportunity to renew to
the Ministry of Foreign Affairs of Ukraine the
assurances of its highest consideration.

Ministry of Foreign Affairs,
Kyiv, September 18, 2003.