

Online Study Materials on
**GENERAL STATEMENTS, PROTOCOLS
AND CHARTERS FOR PEACE**

99

**Chronology Concerning
the Atlantic Charter**

- September 27, 1940 Tripartite Pact signed in Berlin between Germany, Italy and Japan "considering it as a condition precedent of any lasting peace..." and agreeing to "the leadership of Germany and Italy ...in Europe" and "the leadership of Japan in Greater East Asia".
- January 6, 1941 President Roosevelt's "Four Freedoms" Message on the State of the Union to the Congress.
- March 11, 1941 Land and Lease Act.
- May 27, 1941 Radio address of President Roosevelt "accepting only a world consecrated to freedom of speech and expression... of worship of God-freedom from want and freedom from terror".
- June 12, 1941 Inter-allied meeting in London at St. James Palace adopting a resolution for "a world in which, relieved of the menace of aggression, all may enjoy economic and social security".
- August 14, 1941 Joint Declaration, known as the Atlantic Charter, by President Roosevelt and Prime Minister W. Churchill (55 Statute 1600 EAS 236).
- August 21, 1941 Message of President Roosevelt to the Congress on the "Atlantic Charter".
- August 24, 1941 Broadcast of Prime Minister Churchill of the U.K. elaborating the meaning and significance of the Atlantic Charter.

September 1, 1941	Labour Day Address by President Roosevelt.
September 9, 1941	Statement of Prime Minister Churchill in the House of Commons on the purposes of the Atlantic Charter.
September 24, 1941	Inter-allied meeting in London at St. James Palace adopting the Atlantic Charter and its fundamental principles with the adhesion of the Soviet Government (Free France Gazette No. 13 of December 9, 1941).
November 6, 1941	President Roosevelt, at the White House in Washington, during the 14th Session of the International Labour Office where 13 states were represented, reaffirms solemnly the principles of the Atlantic Charter.
December 7 & 8, 1941	Japan's armed attack against Pearl Harbor.
December 11, 1941	Declaration of war by Germany and Italy against the United States.
December 22, 1941- January 14, 1942	"Arcadia" Conference at Washington between Roosevelt and Churchill.
January 1, 1942	Declaration by United Nations, "having subscribed to the Atlantic Charter", signed in Washington at the State Department by 26 nations. (EAS 236, 55 Statute 1600—British Treaty Series 5, 1942 Cmd 6388—Soviet Treaties, Sbornik nos. 445-446) put in effect immediately.
January 15-28, 1942	The Rio de Janeiro Inter-American Conference resolves its support and adherence to the principles of the Atlantic Charter "which constitute a part of the juridical heritage of America".
January 29, 1942	Treaty of Alliance between the United Kingdom and the Soviet Union and Iran, signed in Tehran "having in view the principles of the Atlantic Charter" put in effect immediately (144 B.S.P. 1017; 93 U.N.T.S. 279).
February 22, 1942	Generalissimo Chiang Kai-Shek expresses the adherence of China to the Atlantic Charter.
May 26, 1942	Formal Treaty, signed in London between the U.K. of Great Britain and Northern Ireland

- and the Soviet Union "on the basis of the principles enunciated in the Declaration made on August 14, 1941..." (League of Nations Treaty Series, 1942, p. 354-362, registered No. 4813).
- June 5, 1942 Declaration of war by Bulgaria, Hungary, and Rumania against the United States.
- June 11, 1942 to September 1942 Mutual aid agreements between the United States on one hand and Belgium, Czechoslovakia, Greece, the Netherlands, Norway, Poland, Yugoslavia, the U.S.S.R., Great Britain, Australia, New Zealand and France (Fighting) on the other, "as signatories of the Declaration by United Nations of January 1, 1942 having subscribed to a common program... made on August 14, 1941, known as the Atlantic Charter". (League of Nations and United Nations Treaty Series-American Journal of International Law, vol. 36 suppl).
- October 29, 1942 Registration sub No. 4817 and publication of the Declaration by United Nations of January 1, 1942 with related documents of the Atlantic Charter of August 14, 1941 and the Tripartite Pact of September 27, 1940 (League of Nations Treaty Series, 1942, p. 382-386).
- January 5, 1943 Declaration by 17 Allied Governments in London for the invalidity of measures of expropriation and transfers of property by the enemy government in the occupied territories.
- January 13, 1943 Declaration by United Nations in London for the protection of war criminals.
- October 19-30, 1943 Moscow Conference of Foreign Ministers of the United States, Great Britain, the Soviet Union and China proclaims in a declaration to act as "associated according to the Declaration by United Nations of January 1, 1942" and "recognising the necessity to establish soon an international general organisation for the maintenance of international peace and security".

November 1, 1943	Declaration on the German atrocities, signed by Roosevelt, Churchill and Stalin "speaking for <i>the interests of thirty-two United Nations</i> ".
November 28 to December 1, 1943	Declaration published in Tehran by the three Powers about Iran, calling on the participation of Iran and of all other peace-loving nations to establish international peace, security and prosperity after the war, <i>according to the principles of the Atlantic Charter</i> , subscribed to by the four governments and signed by Churchill, Stalin and Roosevelt.
November- December 1943	At Atlantic City, Conference creating the <i>United Nations Relief and Rehabilitation (U.N.R.R.A.)</i> , agreement signed November 9, 1944 by 44 states "being United Nations or, being associated with the United Nations" at Hot Springs, Virginia. United Nations Conference creates the Food and Agriculture Organisation (F.A.O.), its Final Act, with Resolution No. 23 reaffirming "freedom from want cannot be achieved without freedom from fear."
February 22, 1944	United Nations Declaration about the gold robbed, liquidated or detained by the Axis. Declaration of Philadelphia of the International Labour Organisation at its 26th session with a resolution reaffirming the social objective of the Atlantic Charter.
July 1944	At Bretton Woods, "United Nations Economic and Monetary Conference" with 44 states represented, institutes by its Final Act in December 1944 the International Monetary Fund (I.M.F.) and the International Bank of Reconstruction and Development (I.B.R.D.)
September 12, 1944	UN Armistice with Rumania.
September 19, 1944	UN Armistice with Finland.
September 28, 1944	UN Armistice with Bulgaria.
November 1944	At Rye, 51 states forming the United Nations or associated with them participated in a

- conference for the industrial and commercial problems.
- December 7, 1944 United Nations Conference in Chicago on Civil Aviation with 52 states represented with an agreement on rules on the navigation by air and commercial transports.
- December 22, 1944 French Government signs the United Nations Declaration of January 1, 1942.
- January 6, 1945 President Roosevelt's Annual Message to Congress recognises that France's "formal adherence to the Declaration by United Nations a few days ago... demonstrates the extent to which France has resumed her proper position of strength and leadership."
- February 21-
war March 8, 1945 Inter-American Conference on problems of peace in Mexico City at its plenary session of March 7, 1945 reaffirms faithfully the sound principles of the Atlantic Charter.
- February 4-11, 1945 Crimea Conference at Yalta between Churchill, Roosevelt and Stalin, reaffirming in their final communique their pledge to the Atlantic Charter for Liberated Europe and their union for a secure and lasting peace.
- February 12, 1945 At Varkiza, in Greece, signature of an agreement between the Greek government and the armed forces of the civil war, to establish the democratic freedoms on the basis of the Atlantic Charter and the Teheran Declarations. (Official Gazette of Greece No. 68, March 23, 1945, p. 235-241).
- June 26, 1945 At the conclusion of the United Nations Conference on an International organisation, in which only the signatory governments of the declaration by United Nations participated, the Charter of the Peoples of the United Nations was signed, with the statute of the International/Court of Justice as an integral part of the Charter. It went into effect on October 24, 1945.
- February 10, 1947 At the conclusion of the Paris Conference held in the Luxembourg Palace since July 29, 1946,

- five Peace Treaties were signed respectively with Italy, Rumania, Bulgaria, Hungary, and Finland. With many references by the delegates to the principles of the Atlantic Charter.
- November 3, 1948 During the blockade of Berlin, the General Assembly of the UN at its third session in Paris in Resolution No. 190 (III) "has recalled the Yalta Declarations of February 11, 1945 in which the signatories reaffirmed their faith in the principles of the Atlantic Charter, their pledge in the Declaration by United Nations" recommending "the Powers to associate with them the signatories to the Declaration by United Nations of January 1, 1942 and the States which adhere to the said Declaration".
- November 3, 1950 The General assembly, at its 302 plenary session, in Resolution No. 377 (V) with the title of "Uniting for Peace" has recalled its above mentioned Resolution 190 (III).
- September 8, 1951 In San Francisco, Peace Treaty with Japan, accessible to the signatories of the UN Declaration.
- June 29, 1954 In Washington, President Eisenhower and W. Churchill in a Six-Point Declaration, known as the *Potomac Charter* reaffirm "to secure world peace based upon the principles of the Atlantic Charter".
- February 13, 1956 President Eisenhower and Prime Minister Anthony Eden reaffirm in their Joint Declaration: "We are Parties to the Atlantic Charter, to the *Potomac Charter*".

100

List of Documents Concerning the Atlantic Charter

1. Four Freedoms speech, Roosevelt, January 6, 1941.
2. Interallied meeting, London, June 12, 1941.
3. Atlantic Charter, Eight Points, August 14, 1941 with Roosevelt's Message to Congress of August 21, 1941 about the Atlantic Charter and Hull's comment
4. Interallied meeting, London, September 24, 1941.
5. Declaration by United Nations of January 1, 1942 as published by U.S. Statements, as published by League of Nations Treaty Series.
6. Treaties in Force (January 1, 1985) Department of State, U.S. Legal Advisor.
7. Treaty of Alliance of May 26, 1942 Great Britain-Soviet Union.
8. Treaty of Alliance of January 29, 1942 Great Britain, Soviet Union and Iran.
9. Mutual Aid Agreement U.S.A.—U.S.S.R. June 11, 1942.
10. Mutual Aid Agreement U.S.A.—Greece July 10, 1942.
11. Mutual Aid Agreement U.S.A.—Norwegian Government July 11, 1942.
12. Yearbook of the United Nations" 1947-1948 reproducing the United Nations Declarations and their signatories, the Atlantic Charter, the Moscow Declaration on General Security (1943)
13. Resolution of Conferences of American States, 1942-1954.
14. Protocol of the Crimea Conference Yalta, February 11, 1945.
15. Resolution adopted November 3, 1948 190 (III) by the General Assembly of the UN.

16. Declaration on Captive Peoples submitted by President Eisenhower to the Congress, March 2, 1953.
17. Six Point Declaration by Churchill and Eisenhower, Washington, June 29.
18. Churchill's speech in the House of commons, April 17, 1945, celebrating Roosevelt as the "The Greatest Champion of Freedom".
19. Churchill's speech Zurich, September 19, 1946 on European Unity.
20. Charter of United Nations, Articles 3, 4, 103; 110.
21. Inter-American Conference on Problems of War and Peace

101

Four Freedoms Speech, Roosevelt, January 6, 1941

President Roosevelt's Annual Message to Congress January 6, 1941:

"The four freedoms".

"... In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression, everywhere-in-the world. The second is freedom of every person to worship God in his own way, everywhere in the world. The third is freedom from want, which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants, everywhere in the world. The fourth is freedom from fear, which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbour, anywhere in the world..." C.W. Langsam, Documents and Readings in the history of Europe since 1918-1951 Chicago—Philadelphia—New York, 911.

102

The Atlantic Charter: Joint Declaration by the President and the Prime Minister, 12th August 1941

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandisement, territorial or other.

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned.

Third, they respect the rights of all peoples to choose the form of government under which they will live, and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.

Fourth, they will endeavour, with due respect to their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity.

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field, with the object of securing for all improved labour standards, economic advancement, and social security.

Sixth, after the final destruction of the Nazi tyranny they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want.

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance.

Eighth, they believe that all the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea, or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and more permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

103

Agreement between the United States of America and Greece Relating to the Principles Applying to Mutual Aid in the Prosecution of the War against Aggression, signed at Washington, on 10th July 1942, No. 319

Whereas the Governments of the United States of America and Greece declare that they are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the bases of just and enduring world peace securing order under law to themselves and all nations;

And whereas the Governments of the United States of America and Greece, as signatories of the Declaration by United Nations of January 1, 1942 have subscribed to a common program of purposes and principles embodied in the Joint Declaration made on August 14, 1941 by the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, known as the Atlantic Charter;

And whereas the President of the United States of America has determined, pursuant to the Act of Congress of March 11, 1941, that the defense of Greece against aggression is vital to the defense of the United States of America;

And whereas the United States of America has extended and is continuing to extend to Greece aid in resisting aggression;

And whereas it is expedient that the final determination of the terms and conditions upon which the Government of Greece receives such aid and of the benefits to be received by the United States of

America in return therefore should be deferred until the extent of the defense aid is known and until the progress of events makes clearer the final terms and conditions and benefits which will be in the mutual interests of the United States of America and Greece and will promote the establishment and maintenance of world peace.

And whereas the Governments of the United States of America and Greece are mutually desirous of concluding now a preliminary agreement in regard to the provision of defense aid and in regard to certain considerations which shall be taken into account in determining such, terms and conditions and the making of such an agreement has been in all respects duly authorised.

104

Churchill's Speech Zurich, September 19, 1946 on European Unity

I feel greatly honoured that you should have, invited me to enter the United States Senate Chamber and address the representatives of both branches of Congress. The fact that my American forebears have for so many generations played their part in the life of the United States, and that here I am, an Englishman, welcomed in your midst, makes this experience one of the most moving and thrilling in my life, which is already long and has not been entirely uneventful. I wish indeed that my mother, whose memory I cherish across the vale of years, could have been here to see. By the way, I cannot help reflecting that if my father had been American and my mother British, instead of the other way round, I might have got here on my own. In that case, this would not have been the first time you would have heard my voice. In that case I should not have needed any invitation, but if I had, it is hardly likely it would have been unanimous. So perhaps things are better as they are. I may confess, however, that I do not feel quite like a fish out of water in a legislative assembly where English is spoken.

I am a child of the House of Commons. I was brought up in my father's house to believe in democracy. 'Trust the people—that was his message. I used to see him cheered at meetings and in the streets by crowds of working men way back in those aristocratic Victorian days when, as Disraeli said, the world was for the few, and for the very few. Therefore I have been in full harmony all my life with the tides which have flowed on both sides of the Atlantic against privilege and monopoly, and I have steered confidently towards the Gettysburg ideal of 'government of the people by the people for the people'. I owe my advancement entirely to the House of Commons, whose servant I am. In my country, as in yours, public men are proud to be the servants of

the State and would be ashamed to be its masters. On any day, if they thought the people wanted it, the House of Commons could by a simple vote remove me from my office. But I am not worrying about it at all. As a matter of fact, I am sure they will approve very highly of my journey here, for which I obtained the King's permission in order to meet the President of the United States and to arrange-with him all that mapping-out of our military plans, and for all those intimate meetings of the high officers of the armed services of both countries, which are indispensable to the successful prosecution of the war.

I should like to say first of all how much I have been impressed and encouraged by the breadth of view and sense of proportion which I have found in all quarters over here to which I have had access. Anyone who did not understand the size and solidarity of the foundations of the United States might easily have expected to find an excited, disturbed, self-centred atmosphere, with all minds fixed upon the novel, startling and painful episodes of sudden war as they hit America. After all, the United States have been attacked and set upon by three most powerfully armed dictator States. The greatest military power in Europe, the greatest military power in Asia, German and Japan, Italy, too, have all declared, and are making, war upon you, and a quarrel is opened, which can only end in their overthrow or yours. But here in Washington, in these memorable days, I have found an Olympian fortitude which, far from being based, upon complacency, is only the mask of an inflexible purpose and the proof of a sure and well-grounded confidence in the final outcome. We in Britain had the same feeling in our darkest days. We, too, were sure in the end all would be well. You do not, I am certain, underrate the severity of the ordeal to which you and we have still to be subjected. The forces ranged against us are enormous. They are bitter, they are ruthless. The wicked men and their factions who have launched their peoples on the path of war and conquest know that they will be called to terrible account if they cannot beat down by force of arms the peoples they have assailed. They will stop at nothing. They have a vast accumulation of war weapons of all kinds. They have highly trained, disciplined armies, navies, and air services. They have plans and designs which have long been tried and matured. They will stop at nothing that violence or treachery can suggest.

It is quite true that, on our side, our resources in man-power and materials are far greater than theirs. But only a portion of your resources is as yet mobilised and developed, and we both of us have much to learn in the cruel art of war. We have therefore, without doubt, a time of tribulation before us. In this time some ground will be

lost which it will be hard and costly to regain. Many disappointments and unpleasant surprises await us. Many of them will afflict us before the full marshalling of our latent and total power can be accomplished. For the best part of twenty years the youth of Britain and America have been taught that war is evil, which is true, and that it would never come again, which has been proved false.—For the best part of twenty years the youth of Germany, Japan and Italy have been taught that aggressive war is the noblest duty of the citizen, and that it should be begun as soon as the necessary weapons and organisation had been made. We have performed the duties and tasks of peace. They have plotted and planned for war. This, naturally, has placed us in Britain and now places you in the United States at a disadvantage, which only time, courage and strenuous, untiring exertions can correct.

We have indeed to be thankful that so much time has been granted to us. If Germany had tried to invade the British Isles after the French collapse in June 1940, and if Japan had declared war on the British Empire and the United States at about the same date, no one could say what disasters and agonies might not have been our lot. But now at the end of December 1941, our transformation from easy-going peace to total war efficiency has made very great progress. The broad flow of munitions in Great Britain has already begun. Immense strides have been made in the conversion of American industry to military purposes, and now that the United States are at war it is possible for orders to be given every day which a year or eighteen months hence will produce results in war power beyond anything that has yet been seen or foreseen in the dictator States. Provided that every effort is made, that nothing is kept back, that the whole man-power, brain power, virility, valour and civic virtue of the English-speaking world with all its galaxy of loyal, friendly, associated communities and States—provided all that is bent unremittingly to the simple and supreme task, I think it would be reasonable to hope that the end of 1942 will see us quite definitely in a better position than we are now, and that the year 1943 will enable us to assume the initiative upon an amole scale.

Some people may be startled or momentarily depressed when, like your 'President', I speak of a long and hard war. But our peoples would rather know the truth, sombre though it be. And after all, when we are doing the noblest work in the world, not only defending our hearths and homes but the cause of freedom in other lands, the question of whether deliverance comes in 1942, 1943 or 1944 falls into its proper place in the grand proportion of human history. Sure I am that this day—now—we are the masters of our fate; that the task which has

been set us is not above our strength; that its pangs and toils are not beyond our endurance. As long as we have faith in our cause and an unconquerable will-power, salvation will not be denied us. In the words of the Psalmist, 'He shall not be afraid of evil tidings; his heart is fixed, trusting in the Lord.' Not all the tidings will be evil.

On the contrary, mighty strokes of war have already been dealt against the enemy; the glorious defence of their native soil by the Russian armies and people have inflicted wounds upon the Nazi tyranny and system which have bitten deep, and will fester and inflame not only in the Nazi body but in the Nazi mind. The boastful Mussolini has crumbled already. He is now but a lackey and serf, the merest utensil of his master's will. He has inflicted great suffering and wrong upon his own industrious people. He has been stripped of his African empire, Abyssinia has been liberated. Our armies in the East, which so weak and ill-equipped at the moment of French desertion, now control all the regions from Teheran to Benghazi, and from Aleppo and Cyprus to the sources of the Nile.

For many months we devoted ourselves to preparing to take the offensive in Libya. The very considerable battle, which has been proceeding for (he last six weeks in the desert, has been most fiercely fought on both sides. Owing to the difficulties of supply on the desert flanks, we were never able to bring numerically equal forces to bear upon the enemy. Therefore, we had to rely upon a superiority in the numbers and quality of tanks and aircraft, British and American. Aided by these, for the first time, we have fought the enemy with equal weapons. For the first time we have made the Hun feel the sharp edge of those tools with which he had enslaved Europe. The armed forces of the enemy in Cyrenaica amounted to about 156,000, of whom about one-third were Germans. General Auchinleck set out to destroy totally that armed force. I have every reason to believe that his aim will be fully accomplished. I am glad to be able to place before you, members of the Senate and of the House of Representatives, at this moment when you are entering the war, proof that with proper weapons and proper organisation we are able to beat the life out of the savage Nazi. What Hitler is suffering in Libya is only a sample and foretaste of what we must give him and his accomplices, wherever this war shall lead us, in every quarter of the globe.

There are good tidings also from blue water. The life-line of supplies which joins our two nations across the ocean, without which all might fail, is flowing steadily and freely in spite of all the enemy can do. It is a fact that the British Empire, which many thought eighteen months

ago was broken and ruined, is now incomparably stronger, and is growing stronger with every month. Lastly, if you will forgive me for saying it, to me the best tidings of all is that the United States, united as never before, have drawn the sword for freedom and cast away the scabbard.

All these tremendous facts have led the subjugated peoples of Europe to lift up their heads again in hope. They have put aside for ever the shameful temptation of resigning themselves to the conqueror's will. Hope has returned to the hearts of scores of millions of men and women, and with that hope there burns the name of anger against the brutal, corrupt invader, and still more fiercely burns the fires of hatred and contempt for the squalid quislings whom he has suborned. In a dozen famous ancient States now prostrate under the Nazi yoke, the masses of the people of all classes and creeds await the hour of liberation, when they too will be able once again to play their part and strike their blows like men. That' hour will strike, and its solemn peal will proclaim that the night is past and that the dawn has come.

The onslaught upon us so long and so secretly planned by Japan has presented both our countries with grievous problems for which we could not be fully prepared. If people ask me—as they have a right to ask me in England—why is it that you have not got ample equipment of modern aircraft and Army weapons of all kinds in Malaya and in the East Indies, I can only point to the victories General Auchinleck has gained in the Libyan campaign. Had we diverted and dispersed our gradually growing resources between Libya and Malaya, we should have been found wanting in both theatres. If the United States have been found at a disadvantage at various points in the Pacific Ocean, we know well that it is to no small extent because of the aid you have been giving us in munitions for the defence of the British Isles and for the Libyan campaign, and, above all, because of your help in the battle of the Atlantic, upon which all depends, and which has in consequence been successfully and prosperously maintained. Of course it would have been much better, I freely admit, if we had enough resources of all kinds to be at full strength at all threatened points; but considering how slowly and reluctantly we brought ourselves to large-scale preparations, and how long such preparations take, we had no right to expect to be in such a fortunate position.

The choice of how to dispose of our hitherto limited resources had to be made by Britain in time of war and by the United States in time of peace; and I believe that history will pronounce that upon the whole—and it is upon the whole that these matters must be judged—the

choice made was right. Now that we are together, now that we are linked in a righteous comradeship of arms, now that our two considerable nations, each in perfect unity, have joined all their life energies in a common resolve, a new scene opens upon which a steady light will glow and brighten.

Many people have been astonished that Japan should in a single day have plunged into war against the United States and the British Empire. We all wonder why, if this dark design, with all its laborious and intricate preparations, had been so long filling their secret minds, they did not choose our moment of weakness eighteen months ago. Viewed quite dispassionately, in spite of the losses we have suffered and the further punishment we shall have to take, it certainly appears to be an irrational act. It is, of course, only prudent to assume that they have made very careful calculations and think they see their way through. Nevertheless, there may be another explanation. We know that for many years past the policy of Japan has been dominated by secret societies of subalterns and junior officers of the Army and Navy, who have enforced their will upon successive Japanese Cabinets and Parliaments by the assassination of any Japanese statesman who opposed, or who did not sufficiently further, their aggressive policy. It may be that these societies, dazzled and dizzy with their own schemes of aggression and the prospect of early victories, have forced their country against its better judgement into war. They have certainly embarked upon a very considerable undertaking. For after the outrages they have committed upon us at Pearl Harbor; in the Pacific Islands, in the Philippines, in Malaya, and in the Dutch East Indies, they must now know that the stakes for which they have decided to play are mortal.

When we consider the resources of the United States and the British Empire compared to those of Japan, when we remember those of China, which has so long and valiantly withstood invasion and when also we observe the Russian menace which hangs over Japan, it becomes still more difficult to reconcile Japanese action with prudence or even with sanity. What kind of a people do they think we are? Is it possible they do not realize that we shall never cease to persevere against them until they have been taught a lesson which they and the world will never forget?

Members of the Senate and members of the House of Representatives, I turn for one moment more from the turmoil and convulsions of the present to the broader basis of the future. Here we are together facing a group of mighty foes who seek our ruin; here we

are together defending all that to free men is dear. Twice in a single generation the catastrophe of world war has fallen upon us; twice in our lifetime has the long arm of fate reached across the ocean to bring the United States into the forefront of the battle. If we had kept together after the last War, if we had taken common measures for our safety, this renewal of the curse need never have fallen upon us.

Do we not owe it to ourselves, to our children, to mankind tormented, to make sure that these catastrophes shall not engulf us for the third time? It has been proved that pestilence may break out in the Old World, which carry their destructive ravages into the New World, from which, once they are afoot, the New World cannot by any means escape. Duty and prudence alike command first that the germ-centres of hatred and revenge should be constantly and vigilantly surveyed and treated in good time, and, secondly, that an adequate organisation should be set up to make sure that the pestilence can be controlled at its earliest beginnings before it spreads and rages throughout the entire earth.

Five or six years ago it would have been easy, without shedding a drop of blood, for the United States and Great Britain to have insisted on fulfilment of the disarmament clauses of the treaties which Germany signed after the Great War; that also would have been the opportunity for assuring to Germany those raw materials which we declared in the Atlantic Charter should not be denied to any nation, victor or vanquished. That chance has passed it is gone. Prodigious hammer-strokes have been needed to bring us together again, or if you will allow me to use other language, I will say that he must indeed have a blind soul who cannot see that some great purpose and design is being worked out here below, of which we have the honour to be the faithful servants. It is not given to us to peer into the mysteries of the future. Still, I avow my hope and faith, sure and inviolate, that in the days to come the British and American peoples will for their own safety and for the good of all walk together side by side in majesty, in justice and in peace.

HOUSE OF COMMONS, 17 APRIL 1945

My friendship with great man to whose work and fame we pay our tribute today began and ripened during this war. I had met him, but only for a few minutes, after the close of the last war, and as soon as I went to the Admiralty in September 1939, he telegraphed, inviting me to correspond with him direct on naval or other matters if at any time I felt inclined. Having obtained the permission of the Prime Minister,

I did so. Knowing President Roosevelt's keen interest in sea warfare, I furnished him with a stream of information about our naval affairs, and about the various actions, including especially the action of the Plate River, which lighted the first gloomy winter of the war.

When I became Prime Minister, and the war broke out in all its hideous fury, when our own life and survival hung in the balance, I was already in a position to telegraph to the President on terms of an association which had become most intimate and, to me most agreeable. This continued through all the ups and downs of the world struggle until Thursday last, when I received my last messages from him. These messages showed no falling-off in his accustomed clear vision and vigour upon perplexing and complicated matters. I may mention that this correspondence which, of course, was greatly increased after the United States' entry into the war, comprises, to and fro between us, over 1,700 messages. Many of these were lengthy messages, and the majority dealt with those difficult points which come to be discussed upon the level of Heads of Governments only after official solutions have not been reached at other stages. To this correspondence there must be added our nine meetings—at Argentinia, three in Washington, at Casablanca, at Teheran, two at Quebec and, last of all, at Yalta, comprising in all about 120 days of close personal contact, during a great part of which I stayed with him at the White House, or at his home, at Hyde Park or in his retreat in the Blue Mountains, which he called 'Shangri-la'.

I conceived an admiration for him as a statesman, a man of affairs, and a war leader. I felt the utmost confidence in his upright, inspiring character and outlook, and a personal regard—affection I must say—for him beyond my power to express today. His love of his own country, his respect for its constitution, his power of gauging the tides and currents of its mobile public, opinion, were always evident, but added to these were the beatings of that generous heart which was always stirred to anger and to action by spectacles of aggression and oppression by the strong against the weak. It is, indeed, a loss, a bitter loss to humanity that those heart-beats are stilled for ever.

President Roosevelt's physical affliction lay heavily upon him. It was a marvel that he bore up against it through all the many years of tumult and storm. Not one man in ten millions', stricken and crippled as he was, would have attempted to plunge into a life of physical and mental exertion and of hard, ceaseless political controversy. Not one in ten millions would have tried, not one in a generation would have succeeded, not only in entering this sphere, not only in acting

vehemently in it, but in becoming indisputable master of the scene. In this extraordinary effort of the spirit over the flesh, of will-power over physical infirmity, he was inspired and sustained by that noble woman his devoted wife, whose high ideals marched with his own, and to whom the deep and respectful sympathy of the House of Commons flows out today in all fullness.

There is no doubt that the President foresaw the great dangers closing in upon the pre-war world with far more prescience than most well-informed people on either side of the Atlantic, and that he urged forward with all his power such precautionary military preparations as peace-time opinion in the United States could be brought to accept. There never was a moment's doubt, as the quarrel opened, upon which side his sympathies lay. The fall of France, and what seemed to most people outside this Island the impending destruction of Great Britain, were to him an agony, although he never lost faith in us. They were an agony to him not only on account of Europe, but because of the serious perils to which the United States herself would have been exposed had we been overwhelmed or the survivors cast down under the German yoke. The bearing of the British nation at that time of stress, when we were all alone, filled him and vast numbers of his countrymen with the warmest sentiments towards our people. He and they felt the blitz of the stern winter of 1940-41, when Hitler set himself to rub out the cities of our country, as much as any of us did, and perhaps more indeed, for imagination is often more torturing than reality. There is no doubt that the bearing of the British and, above all, of the Londoners, kindled fires in American bosoms far harder to quench than the conflagrations from which we were suffering. There was also at that time, in spite of General Wavell's victories—all the more, indeed, because of the reinforcements which were sent from this country to him—the apprehension widespread in the United States that we should be invaded by Germany after the fullest preparation in the spring of 1941. It was in February that the President sent to England the late Mr. Wendell Willkie, who, although a political rival and an opposing candidate, felt as he did on many important points. Mr. Willkie brought a letter from Mr. Roosevelt, which the President had written in his own hand, and this letter contained the famous lines of Longfellow:

*... Sail on, O ship of State!
Sail on, O Union, strong and great!
Humanity with all Us fears,
With all the hopes of future years,
Is hanging breathless on thy fate!*

At about that same time he devised the extraordinary measure of assistance called Lend-Lease, which will stand forth as the most unselfish and unsordid financial act of any country in all history. The effect of this was greatly to increase British fighting power, and for all the purposes of the war effort to make us, as it were, a much more numerous community. In that autumn I met the President for the first time during the war at Argentia in Newfoundland, and together we drew up the Declaration which has since been called the Atlantic Charter, and which will, I trust, long remain a guide for both our peoples and for other peoples of the world.

All this time, in deep and dark and deadly secrecy, the Japanese were preparing their act of treachery and greed. When next we met in Washington, Japan, Germany and Italy had declared war upon the United States, and both our countries were in arms, shoulder to shoulder. Since then we have advanced over the land and over the sea through many difficulties and disappointments, but always with a broadening measure of success. I need not dwell upon the series of great operations which have taken place in the Western Hemisphere, to say nothing of that other immense war proceeding on the other side of the world. Nor need I speak of the plans which we made with our great Ally, Russia, at Teheran, for these have now been carried out for all the world to see.

But at Yalta I noticed that the President was ailing. His captivating smile, his gay and charming manner, had not deserted him, but his face had a transparency, an air of purification, and often there was a faraway look in his eyes. When I took my leave of him in Alexandria harbour I must confess that I had an indefinable sense of fear that his health and his strength were on the ebb. But nothing altered his inflexible sense of duty. To the end he faced his innumerable tasks unflinching. One of the tasks of the President is to sign maybe a hundred or two State papers with his own hand every day, commissions and so forth. All this he continued to carry out with the utmost strictness. When death came suddenly upon him 'he had finished his mail.' That portion of his day's work was done. As the saying goes, he died in harness, and we may well say in battle harness, like his soldiers, sailors, and airmen, who side by side with ours are carrying on their task to the end all over the world. What an enviable death was his! He had brought his country through the worst of its perils and the heaviest of its toils. Victory had cast its sure and steady beam upon him.

In the days of peace he had broadened and stabilised the foundations of American life and union. In war he had raised the

strength, might and glory of the great Republic to a height never attained by any nation in history. With her left hand she was leading the advance of the conquering Allied Armies into the heart of Germany, and with her right, on the other side of the globe, she was irresistibly and swiftly breaking up the power of Japan. And all the time ships, munitions; supplies and food of every kind were aiding on a gigantic scale her Allies, great and small, in the course of the long struggle.

But all this was no more than worldly power and grandeur, had it not been that the causes of human freedom and of social justice, to which so much of his life had been given, added a lustre to this power and pomp and warlike might, a lustre which will long be discernible among men. He has left behind him a band of resolute and able men handling the numerous interrelated parts of the vast American war machine. He has left a successor who comes forward with firm step and sure conviction to carry on the task to its appointed end. For us, it remains only to say that in Franklin Roosevelt there died the greatest American friend we have ever known, and the greatest champion of freedom who has ever brought help and comfort from the new world to the old.

ZURICH, 19 SEPTEMBER 1946

I wish to speak to you today about the tragedy of Europe. This noble continent, comprising on the whole the fairest and the most cultivated regions of the earth, enjoying a temperate and equable climate, is the home of all the great parent races of the western world. It is the fountain of Christian faith and Christian ethics. It is the origin of most of the culture, arts, philosophy and science both of ancient and modern times. If Europe were once united in the sharing of its common inheritance, there would be no limit to the happiness, to the prosperity and glory which its three or four hundred million people would enjoy. Yet it is from Europe that have sprung that series of frightful nationalistic quarrels, originated by the Teutonic nations, which we have seen even in this twentieth century and in our own lifetime, wreck the peace and war the prospects of all mankind.

And what is the plight to which Europe has been reduced? Some of the smaller States have indeed made a good recovery, but over wide areas a vast quivering mass of tormented, hungry, care-worn and bewildered human beings gape at the ruins of their cities and homes, and scan the dark horizons for the approach of some new peril, tyranny or terror. Among the victors there is a babel of jarring voices; among the vanquished the sullen silence of despair. That is all that Europeans,

grouped in so many ancient States and nations, that is all that the Germanic Powers have got by tearing each other to pieces and spreading havoc far and wide. Indeed, but for the fact that the great Republic across the Atlantic Ocean has at length realised that the ruin or enslavement of Europe would involve their own fate as well, and has stretched out hands of succour and guidance, the Dark Ages would have returned in all their cruelty and squalor. They may still return.

Yet all the while there is a remedy which, if it were generally and spontaneously adopted, would as if by a miracle transform the whole scene, and would in a few years make all Europe, or the greater part of it, as free and as happy as Switzerland is today. What is this sovereign remedy? It is to re-create the European Family, or as much of it as we can, and provide it with a structure under which it can dwell in peace, in safety and in freedom. We must build a kind of United States of Europe. In this way only will hundreds of millions of toilers be able to regain the simple joys and hopes which make life worth living. The process is simple. All that is needed is the resolve of hundreds of millions of men and women to do right instead of wrong and gain as their reward blessing instead of cursing.

Much work has been done upon this task by the exertions of the Pan-European Union which owes so much to Count Coudenhove-Kalergi and which commanded the services of the famous French patriot and statesman, Aristide Briand. There is also that immense body of doctrine and procedure, which was brought into being amid high hopes after the First World War, as the League of Nations. The League of Nations did not fail because of its principles or conceptions. It failed because these principles were deserted by those States who had brought it into being. It failed because the Governments of those days feared to face the facts and act while time remained. This disaster must not be repeated. There is, therefore, much knowledge and material with which to build; and also bitter dear-bought experience.

I was very glad to read in the newspapers two days ago that my friend President Truman had expressed his interest and sympathy with this great design. There is no reason why a regional organisation of Europe should in any way conflict with the world organisation of the United Nations. On the contrary, I believe that the larger synthesis will only survive if it is founded upon coherent natural groupings. There is already a natural grouping in the Western Hemisphere. We British have our own Commonwealth of Nations. These do not weaken, on the contrary they strengthen, the world organisation. They are in fact its main support. And why should there not be a European group

which could give a sense of enlarged patriotism and common citizenship to the distracted peoples of this turbulent and mighty continent and why should it not take its rightful place with other great groupings in shaping the destinies of men? In order that this should be accomplished there must be an act of faith in which millions of families speaking many languages must consciously take part.

We all know that the two world wars through which we have passed arose out of the vain passion of a newly united Germany to play the dominating part in the world. In this last struggle crimes and massacres have been committed for which there is no parallel since the invasions of the Mongols in the fourteenth century and no equal at any time in human history. The guilty must be punished. Germany must be deprived of the power to rearm and make another aggressive war. But when all this has been done, as it will be done, as it is being done, there must be an end to retribution. There must be what Mr. Gladstone many years ago called 'a blessed act of oblivion'. We must all turn our backs upon the horrors of the past. We must look to the future. We cannot afford to drag forward across the years that are to come the hatreds and revenges which have sprung from the injuries of the past. If Europe is to be saved from infinite misery, and indeed from final doom, there must be an act of faith in the European family and an act of oblivion against all the crimes and follies of the past.

Can the free peoples of Europe rise to the height of these resolves of the soul and instincts of the spirit of man? If they can, the wrongs and injuries which have been inflicted will have been washed away on all sides by the miseries which have been endured. Is there any need for further floods of agony? Is it the only lesson of history that mankind is unteachable? Let there be justice, mercy and freedom. The peoples have only to will it, and all will achieve their hearts' desire.

I am now going to say something that will astonish you. The first step in the re-creation of the European family must be a partnership between France and Germany. In this way only can France recover the moral leadership of Europe. There can be no revival of Europe without a spiritually great France and a spiritually great Germany. The structure of the United States of Europe, if well and truly built, will be such as to make the material strength of a single state less important. Small nations will count as much as large ones and gain their honour by their contribution to the common cause. The ancient states and principalities of Germany, freely joined together for mutual Convenience in a federal system, might each take their individual place among the United States of Europe. I shall not try to make a

detailed programme for hundreds of millions of people who want to be happy and free, prosperous and safe, who wish to enjoy the four freedoms of which the great President Roosevelt spoke, and live in accordance with the principles embodied in the Atlantic Charter. If this is their wish, they have only to say so, and means can certainly be found, and machinery erected, to carry that wish into full fruition.

But I must give you warning. Time may be short. At present there is a breathing-space. The cannon have ceased firing. The fighting has stopped; but the dangers have not stopped. If we are to form the United States of Europe or whatever name or form it may take, we must begin now.

In these present days we dwell strangely and precariously under the shield and protection of the atomic bomb. The atomic bomb is still only in the hands of a State and nation which we know will never use it except in the cause of right and freedom. But it may well be that in a few years this awful agency of destruction will be widespread and the catastrophe following from its use by several warring nations will not only bring to an end all that we call civilisation, but may possibly disintegrate the globe itself.

I must now sum up the propositions which are before you. Our constant aim must be to build and fortify the strength of UNO. Under and within that world concept we must re-create the European family in a regional structure called, it may be, the United States of Europe. The first step is to form a Council of Europe. If at first all the States of Europe are not willing or able to join the Union, we must nevertheless proceed to assemble and combine those who will and those who can. The salvation of the common people of every race and of every land from war of servitude must be established on solid foundations and must be guarded by the readiness of all men and women to die rather than submit to tyranny. In all this urgent work, France and Germany must take the lead together. Great Britain, the British Commonwealth of Nations, mighty America, and I trust Soviet Russia—for then indeed all would be well—must be the friends and sponsors of the new Europe and must champion its right to live and shine.

105

Charter of the United Nations, Art. 3, 4, 103 and 110

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to making, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and

CHAPTER II: MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organisation at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgement of the Organisation, are able and willing to carry out the obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles, contained in the present Charter may be expelled from the Organisation by the General Assembly upon the recommendation of the Security Council.

CHAPTER III: ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER XVI: MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

CHAPTER XIX: RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratification shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organisation when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

In faith where of the representatives of the Governments of the United Nations have signed the present Charter.

Done at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

106

United Nations Model Rules for the Conciliation

11 December 1995

CHAPTER I

APPLICATION OF THE RULES

Article 1

1. These rules apply to the conciliation of disputes between States where those States have expressly agreed in writing to their application.

2. The States which agree to apply these rules may at any time, through mutual agreement, exclude or amend any of their provisions.

CHAPTER II

INITIATION OF THE CONCILIATION PROCEEDINGS

Article 2

1. The conciliation proceedings shall begin as soon as the States concerned (henceforth: the parties) have agreed in writing to the application of the present rules, with or without amendments, as well as on a definition of the subject of the dispute, the number and emoluments of members of the conciliation commission, its seat and the maximum duration of the proceedings, as provided in article 24. If necessary, the agreement shall contain provisions concerning the language or languages in which the proceedings are to be conducted and the linguistic services required.

2. If the States cannot reach agreement on the definition of the subject of the dispute, they may by mutual agreement request the assistance of the Secretary-General of the United Nations to resolve the difficulty. They may also by mutual agreement request his

assistance to resolve any other difficulty that they may encounter in reaching an agreement on the modalities of the conciliation proceedings.

CHAPTER III

NUMBER AND APPOINTMENT OF CONCILIATORS

Article 3

There may be three conciliators or five conciliators. In either case the conciliators shall form a commission.

Article 4

If the parties have agreed that three conciliators shall be appointed, each one of them shall appoint a conciliator, who may not be of its own nationality. The parties shall appoint by mutual agreement the third conciliator, who may not be of the nationality of any of the parties or of the other conciliators. The third conciliator shall act as president of the commission. If he is not appointed within two months of the appointment of the conciliators appointed individually by the parties, the third conciliator shall be appointed by the Government of a third State chosen by agreement between the parties or, if such agreement is not obtained within two months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next member of the Court in order of seniority who is not a national of the parties. The third conciliator shall not reside habitually in the territory of the parties or be or have been in their service.

Article 5

1. If the parties have agreed that five conciliators should be appointed, each one of them shall appoint a conciliator who may be of its own nationality. The other three conciliators, one of whom shall be chosen with a view to his acting as president, shall be appointed by agreement between the parties from among nationals of third States and shall be of different nationalities. None of them shall reside habitually in the territory of the parties or be or have been in their service. None of them shall have the same nationality as that of the other two conciliators.

2. If the appointment of the conciliators whom the parties are to appoint jointly has not been effected within three months, they shall be appointed by the Government of a third State chosen by agreement between the parties or, if such an agreement is not reached within three months, by the President of the International Court of Justice. If

the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next judge in order of seniority who is not a national of the parties. The Government or member of the International Court of Justice making the appointment shall also decide which of the three conciliators shall act as president.

3. If, at the end of the three-month period referred to in the preceding paragraph, the parties have been able to appoint only one or two conciliators, the two conciliators or the conciliator still required shall be appointed in the manner described in the preceding paragraph. If the parties have not agreed that the conciliator or one of the two conciliators whom they have appointed shall act as president, the Government or member of the International Court of Justice appointing the two conciliators or the conciliator still required shall also decide which of the three conciliators shall act as president.

4. If, at the end of the three-month period referred to in paragraph 2 of this article, the parties have appointed three conciliators but have not been able to agree which of them shall act as president, the president shall be chosen in the manner described in that paragraph.

Article 6

Vacancies which may occur in the commission as a result of death, resignation or any other cause shall be filled as soon as possible by the method established for appointing the members to be replaced.

CHAPTER IV FUNDAMENTAL PRINCIPLES

Article 7

The commission, acting independently and impartially, shall endeavour to assist the parties in reaching an amicable settlement of the dispute. If no settlement is reached during the consideration of the dispute, the commission may draw up and submit appropriate recommendations to the parties for consideration.

CHAPTER V PROCEDURES AND POWERS OF THE COMMISSION

Articles 8

The commission shall adopt its own procedure. *Article 9*

1. Before the commission begins its work, the parties shall designate their agents and shall communicate the names of such agents to the

president of the commission. The president shall determine, in agreement with the parties, the date of the commission's first meeting, to which the members of the commission and the agents shall be invited.

2. The agents of the parties may be assisted before the commission by counsel and experts appointed by the parties.

3. Before the first meeting of the commission, its members may meet informally with the agents of the parties, if necessary, accompanied by the appointed counsel and experts to deal with administrative and procedural matters.

Article 10

1. At its first meeting, the commission shall appoint a secretary.

2. The secretary of the commission shall not have the nationality of any of the parties, shall not reside habitually in their territory and shall not be or have been in the service of any of them. He may be a United Nations official if the parties agree with the Secretary-General on the conditions under which the official will exercise these functions.

Article 11

1. As soon as the information provided by the parties so permits, the commission, having regard, in particular, to the time-limit laid down in article 24, shall decide in consultation with the parties whether the parties should be invited to submit written pleadings and, if so, in what order and within what time-limits, as well as the dates when, if necessary, the agents and counsel will be heard. The decisions taken by the commission in this regard may be amended at any later stage of the proceedings.

2. Subject to the provisions of article 2.0, paragraph 1, the commission shall not allow the agent or counsel of one party to attend a meeting without having also given the other party the opportunity to be represented at the same meeting.

Article 12

The parties, acting in good faith, shall facilitate the commission's work and, in particular, shall provide it to the greatest possible extent with whatever documents, information and explanations may be relevant.

Article 13

1. The commission may ask the parties for whatever relevant information or documents, as well as explanations, it deems necessary

or useful. It may also make comments on the arguments advanced as well as the statements or proposals made by the parties.

2. The commission may accede to any request by a party that persons whose testimony it considers necessary or useful be heard, or that experts be consulted.

Article 14

In cases where the parties disagree on issues of fact, the commission may use all means disposal, such as the joint expert advisers mentioned in article 15, or consultation with experts, to ascertain the facts.

Article 15

The commission may propose to the parties that they jointly appoint expert advisers to assist it in the consideration of technical aspects or the dispute. If the proposal is accepted, its implementation shall be conditional upon the expert advisers being appointed by the parties by mutual agreement and accepted by the commission and upon the parties fixing their emoluments.

Article 16

Each party may at any time, at its own initiative or at the initiative of the commission, make proposals for the settlement of the dispute. Any proposal made in accordance with this article shall be communicated immediately to the other party by the president, who may, in so doing, transmit any comment the commission may wish to make thereon.

Article 17

At any stage of the proceedings, the commission may, at its own initiative or at the initiative of one of the parties, draw the attention of the parties to any measures which in its opinion might be advisable or facilitate a settlement.

Article 18

The commission shall endeavour to take its decisions unanimously but, if unanimity proves impossible, it may take them by a majority of votes of its members. Abstentions are not allowed. Except in matters of procedure, the presence of all members shall be required in order for a decision to be valid.

Article 19

The commission may, at any time, ask the Secretary-General of the United Nations for advice or assistance with regard to the administrative or procedural aspects of its work.

CHAPTER VI

CONCLUSION OF THE CONCILIATION PROCEEDINGS

Article 20

1. On concluding its consideration of the dispute, the commission may, if full settlement has not been reached, draw up and submit appropriate recommendations to the parties for consideration. To that end, it may hold an exchange of views with the agents of the parties, who may be heard jointly or separately.

2. The recommendations adopted by the commission shall be set forth in a report communicated by the president of the commission to the agents of the parties, with a request that the agents inform the commission, within a given period, whether the parties accept them. The president may include in the report the reasons which, in the commission's view, might prompt the parties to accept the recommendations submitted. The commission shall refrain from presenting in its report any final conclusions with regard to facts or from ruling formally on issues of law, unless the parties have jointly asked it to do so.

3. If the parties accept the recommendations submitted by the commission, a proces-verbal shall be drawn up setting forth the conditions of acceptance. The proces-verbal shall be signed by the president and the secretary. A copy thereof signed by the secretary shall be provided to each party. This shall conclude the proceedings.

4. Should the commission decide not to submit recommendations to the parties, its decision to that effect shall be recorded in a proces-verbal signed by the president and the secretary. A copy thereof signed by the secretary shall be provided to each party. This shall conclude the proceedings.

Article 21

1. The recommendations of the commission will be submitted to the parties for consideration in order to facilitate an amicable settlement of the dispute. The parties undertake to study them in good faith, carefully and objectively.

2. If one of the parties does not accept the recommendations and the other party does, it shall inform the latter, in writing, of the reasons why it could not accept them.

Article 22

1. If the recommendations are not accepted by both parties but the latter wish efforts to continue in order to reach agreement on different

terms, the proceedings shall be resumed. Article 24 shall apply to the resumed proceedings, with the relevant time-limit, which the parties may, by mutual agreement, shorten or extend, running from the commission's first meeting after resumption of the proceedings.

2. If the recommendations are not accepted by both parties and the latter do not wish further efforts to be made to reach agreement on different terms, a proces-verbal signed by the president and the secretary of the commission shall be drawn up, omitting the proposed terms and indicating that the parties were unable to accept them and do not wish further efforts to be made to reach agreement on different terms. The proceedings shall be concluded when each party has received a copy of the proces-verbal signed by the secretary.

Article 23

Upon conclusion of the proceedings, the president of the commission shall, with the prior agreement of the parties, deliver the documents in the possession of the secretariat of the commission either to the Secretary-General of the United Nations or to another person or entity agreed upon by the parties. Without prejudice to the possible application of article 26, paragraph 2, the confidentiality of the documents shall be preserved.

Article 24

The commission shall conclude its work within the period agreed upon by the parties. Any extension of this period shall be agreed upon by the parties.

CHAPTER VII

CONFIDENTIALITY OF THE COMMISSION'S WORK AND DOCUMENTS

Article 25

1. The commission's meetings shall be closed. The parties and the members and expert advisers of the commission, the agents and counsel of the parties, and the secretary and the secretariat staff, shall maintain strictly the confidentiality of any documents or statements, or any communication concerning the progress of the proceedings unless their disclosure has been approved by both parties in advance.

2. Each party shall receive, through the secretary, certified copies of any minutes of the meetings at which it was represented.

3. Each party shall receive, through the secretary, certified copies of any documentary evidence received and of experts' reports, records of investigations and statements by witnesses.

Article 26

1. Except with regard to certified copies referred to in article 25, paragraph 3, the obligation to respect the confidentiality of the proceedings and of the deliberations shall remain in effect for the parties and for members of the commission, expert advisers and secretariat staff after the proceedings are concluded and shall extend to recommendations and proposals which have not been accepted.

2. Notwithstanding the foregoing, the parties may, upon conclusion of the proceedings and by mutual agreement, make available to the public all or some of the documents that in accordance with the preceding paragraph are to remain confidential, or authorize the publication of all or some of those documents.

CHAPTER VIII

OBLIGATION NOT TO ACT IN A MANNER WHICH MIGHT HAVE AN ADVERSE EFFECT ON THE CONCILIATION

Article 27

The parties shall refrain during the conciliation proceedings from any measure which might aggravate or widen the dispute. They shall, in particular, refrain from any measures which might have an adverse effect on the recommendations submitted by the commission, so long as those recommendations have not been explicitly rejected by either of the parties.

CHAPTER IX

PRESERVATION OF THE LEGAL POSITION OF THE PARTIES

1. Except as the parties may otherwise agree, neither party shall be entitled in any other proceedings, whether in a court of law or before arbitrators or before any other body, entity or person, to invoke any views expressed or statements, admissions or proposals made by the other party in the conciliation proceedings, but not accepted, or the report of the commission, the recommendations submitted by the

commission or any proposal made by the commission, unless agreed to by both parties.

2. Acceptance by a party of recommendations submitted by the commission in no way implies any admission by it of the considerations of law or of fact which may have inspired the recommendations.

CHAPTER X

COSTS

Article 29

The costs of the conciliation proceedings and the emoluments of expert advisers appointed in accordance with article 15, shall be borne by the parties in equal shares.

107

Security Assurances of France*

New York, 6 April 1995

In a letter to the Secretary-General, the Permanent Representative of France to the United Nations drew attention to the contents of the following statement on security assurances made on behalf of France by its Permanent Representative to the Conference on Disarmament on 6 April 1995.

The issue of security assurances given by the nuclear Powers to the non-nuclear-weapon States is, for my delegation, an important one:

Firstly, because it corresponds to a real expectation on the part of the non-nuclear-weapon States, particularly those which, have renounced atomic weapons by signing the Treaty on the Non-Proliferation of Nuclear Weapons;

Secondly, because it involves our particular responsibilities as a nuclear Power;

Finally, because it has acquired new meaning since the end of the Cold War, with the growing awareness of the threat which the proliferation of nuclear weapons represents for everyone.

It is in order to meet that expectation, to assume its responsibilities and to make its contribution to efforts to combat the proliferation of nuclear weapons that France has decided to take the following steps:

Firstly, it reaffirms, and clarifies, the negative security assurances which it gave in 1982, specifically:

France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other

* A/50/154-S/1995/264.

attack on France, its territory, its armed forces or other troops, or against its allies or a State towards which it has a security commitment, carried out or sustained by such a State in alliance or association with a nuclear-weapon State.

It seems to us natural that it is the signatory countries to the Treaty on the Non-Proliferation of Nuclear Weapons—that is to say, the overwhelming majority of countries in the world—who should benefit from these assurances, since they have made a formal non-proliferation commitment. Furthermore, in order to respond to the request of a great many countries, France has sought as much as possible to harmonize the content of its negative assurances with those of the other nuclear Powers. We are pleased that this effort has been successful. The content of the declarations concerning the negative security assurances of France, the United States of America, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland are henceforth practically identical.

Secondly, and for the first time, France has decided to give positive security assurances to all non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Its accession to the Treaty made this decision both possible and desirable. Accordingly:

“France considers that any aggression which is accompanied by the use of nuclear weapons would threaten international peace and security. France recognises that the non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons are entitled to an assurance that, should they be attacked with nuclear weapons or threatened with such an attack, the international community and, first and foremost, the United Nations Security Council, would react immediately in accordance with the obligations set forth in the Charter.”

“Having regard to these considerations, France makes the following declaration:

“France, as a Permanent Member of the Security Council, pledges that, in the event of attack with nuclear weapons or the threat of such attack against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, France will immediately inform the Security Council and act within the Council to ensure that the latter takes immediate steps to provide, in accordance with the Charter, necessary assistance to any State which is the victim of such an act or threat of aggression.

“France reaffirms in particular the inherent right, recognised in Article 51 of the Charter, of individual or collective self-defence if an

armed attack, including an attack with use of nuclear weapons, occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security."

In this area too, we are pleased that the content of these positive assurances has been the subject of close consultations with the other nuclear Powers.

Thirdly, France, with the four other nuclear Powers, has decided to submit to the United Nations Security Council a draft resolution which constitutes a first in many respects, and which reflects our intention to meet the expectations of the international community globally, collectively and specifically.

Globally: for the first time, a draft resolution deals with both negative and positive assurances;

Collectively: for the first time, a resolution of the Security Council specifies the measures which the Security Council could take in the event of aggression, in the areas of the settlement of disputes, humanitarian assistance and compensation to the victims.

The draft resolution solemnly reaffirms the need for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully respect their obligations. That is not a *petitio principii*, but a reminder of a fundamental rule. The draft resolution also emphasises the desirable nature of universal accession to the Treaty.

The decisions which I have just announced correspond to our intention to consolidate the non-proliferation regime and particularly the Treaty on the Non-Proliferation of Nuclear Weapons, which is the cornerstone of that regime. It is our hope and firm conviction that the initiatives we have just taken will contribute thereto.

108

Helsinki Document 1992 (Excerpts)*

Helsinki, 9-10 July 1992

CSCE Forum for Security Co-operation

The participating States of the Conference on Security and Co-operation in Europe,

1. Reaffirming their commitments undertaken in the Charter of Paris for a New Europe and, in particular, their determination to establish new negotiations on disarmament and confidence- and security-building open to all participating States,

2. A Encouraged by the opportunities for new co-operative approaches to strengthening security offered by the historic changes and by the process of consolidation of democracy in the CSCE community of States,

3. Welcoming the adoption of the Vienna Document 1992 on Confidence- and Security-building Measures, the conclusion of the Treaty on Open Skies and the adoption of the CSCE Declaration on the Treaty on Open Skies and the Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe as well as the imminent entry into force of the Treaty on Conventional Armed Forces in Europe,

4. Determined to build upon those important achievements and to give a new impetus to arms control, disarmament and confidence- and security-building, security co-operation and conflict prevention in order to better contribute to the strengthening of security and stability and the establishment of a just and lasting peace within the CSCE community of States,

* A/47/361 - S/24370, sect. V.

5. Underlining the equality of rights and the equal respect for the security interests of all CSCE participating States,

6. Reaffirming their right to choose their own security arrangements,

7. Recognising that security is indivisible and that the security of every participating State is inseparably linked to that of all others,

8. Have decided

- to start a new negotiation on arms control, disarmament and confidence- and security-building,
- to enhance regular consultation and to intensify co-operation among them on matters related to security, and
- to further the process of reducing the risk of conflict.

9. To carry out these tasks the participating States have decided to establish a new CSCE Forum for Security Co-operation, with a strengthened Conflict Prevention Centre, as an integral part of the CSCE.

10. The participating States will ensure that their efforts in the Forum towards arms control, disarmament and confidence- and security-building, security co-operation and conflict prevention are coherent, interrelated and complementary.

Objectives

11. The participating States will strengthen security and stability through the negotiation of concrete measures aimed at keeping or achieving the levels of armed forces to a minimum commensurate with common or individual legitimate security needs within Europe and beyond. These new measures may entail reductions of and limitations on conventional armed forces and may, as appropriate, include measures of a regional character.

12. They will address the question of the harmonisation of obligations agreed among participating States under the various existing instruments arms control, disarmament and confidence- and security-building.

13. They will develop the Vienna Document 1992 on the basis of a review of its implementation.

14. They will negotiate new stabilising measures in respect of military forces and new confidence- and security-building measures designed to ensure greater transparency in the military field. Such

measures may be of a regional character and/or may apply in relation to certain border areas.

15. The participating States will aim at establishing among themselves new security relations based upon co-operative and common approaches to security. To this end, they will develop consultation, goal-oriented continuing dialogue and co-operation in the field of security.

16. They will promote increased predictability about their military plans, programmes and capabilities, including the introduction of major new weapons systems.

17. They will support and enhance regimes on non-proliferation and arms transfers.

18. They will enhance contacts, liaison, exchanges and co-operation between their armed forces.

19. They will promote consultation and co-operation in respect of challenges to their security from outside their territories.

20. They will also consider other measures to foster security among the participating States in order to contribute to a just and lasting peace among them, including the possibility of further strengthening the norms of behaviour among them through the elaboration of additional security instruments.

21. They will make every effort to prevent conflict and give full effect to relevant provisions.

22. They will further enhance the capability of the CPC to reduce the risks of such conflicts through relevant conflict prevention techniques.

23. They will foster their co-operation in the field of the implementation and verification of existing and future arms control, disarmament and confidence- and security-building agreements.

24. The negotiations on new measures of arms control, disarmament and confidence- and security-building will proceed in distinct phases, taking into account progress made in the implementation of existing arms control agreements. They will also take into consideration ongoing reduction, restructuring and redeployment processes regarding armed forces as well as further relevant political and military developments. Such new measures will build upon the achievements of existing agreements and will be effective, concrete and militarily significant.

25. All measures negotiated in the Forum will be developed in a way which precludes circumvention.

ANNEX**PROGRAMME FOR IMMEDIATE ACTION**

(46) The participating States have decided to give "early attention to the following:

A. Arms Control, Disarmament and Confidence and Security-Building

Measures to be negotiated under paragraphs 1-3 will apply to the territory of the participating States in Europe or in Asia as defined below in relation to the area of application of each measure. Measures to be negotiated under paragraphs 4 and 5 will apply to the conventional armed forces and facilities of the participating States both on the territory of all the participating States and beyond. Measures to be negotiated under paragraph 6 will apply to the territory or part thereof of the participating States involved in the measures. Exceptions to these rules on the area of application may be agreed by consensus.

1. Harmonisation of Obligations Concerning Arms Control, Disarmament and Confidence- and Security-Building

An appropriate harmonisation of the obligations of participating States under existing international instruments applicable to conventional armed forces in Europe, in particular of those concerning the exchange of information, verification and force levels. The harmonisation of obligations concerning arms control, disarmament and confidence- and security-building will apply to the areas of application in respect of which the obligations have been undertaken.

2. Development of the Vienna Document 1992

Improvement and further development of confidence- and security-building measures contained in this document. The area of application will be as set out in the Vienna Document 1992.

3. The Further Enhancement of Stability and Confidence

The negotiation of new stabilising measures and confidence-building measures related to conventional armed forces, including, with due regard to the specific characteristics of the armed forces of individual participating States, measures to address force generation capabilities of active and non-active forces. These measures may be of a constraining kind. They will apply within the area of application set out in the Vienna Document 1992. This is without prejudice to the possibility that participating States may, if they so choose, decide to offer certain

assurances in respect of their conventional armed forces in parts of their territory adjacent to this area of application if they consider such forces relevant to the security of other CSCE participating States.

4. Global Exchange of Military Information

The negotiation of further transparency by means of a global annual appropriately aggregated or disaggregated exchange of information encompassing armaments and equipment, including information on armaments and equipment categories limited by the CFE Treaty, and personnel in the conventional armed forces of the participating States. The regime will also include information on the production of military equipment. The regime will be separate from other information exchange regimes and, because of its special nature, will not involve limitations, constraints or verification.

5. Co-operation in Respect of Non-Proliferation

Co-operation in respect of the strengthening of multilateral non-proliferation regimes, including the transfer of sensitive expertise, and the establishment of a responsible approach to international armaments transfers.

6. Regional Measures

The negotiation by the participating States of suitable measures, including, where appropriate, reductions or limitations in accordance with the objectives set out above, for example in relation to certain regions or border areas. The area of application will be the territory or part thereof of the participating States' territories involved in a regional measures.

B. Security Enhancement and Co-operation

Proposals for and dialogue on measures and activities under paragraphs 7-12 will apply to all participating States, unless otherwise agreed or specified below.

7. Force Planning

The elaboration of provisions to provide transparency about each CSCE participating State's intentions in the medium to long term as regards the size, structure, training and equipment of its armed forces, as well as defence policy, doctrines and budgets related thereto. Such a system should be based on each participating State's national practice, and should provide the background for a dialogue among the participating States.

8. Co-operation in Defence Conversion

The development of a programme of exchanges, co-operation and the sharing of expertise in the field of defence conversion throughout all the territory of the participating States.

9. Co-operation in Respect of Non-Proliferation

Co-operation in respect of the strengthening of multilateral non-proliferation regimes, including the transfer of sensitive expertise, and the establishment of a responsible approach to international armaments transfers.

10. Development of Provisions on Military Co-operation and Contacts

The development of a programme of military contacts, liaison arrangements, co-operation and exchanges, particularly in the fields of the training and organisation of armed forces. Participation in this programme will be open to all CSCE participating States in respect of all their armed forces and territory.

11. Regional Security Issues

Discussion and clarification of regional security issues or specific security problems for example in relation to border areas.

12. Security Enhancement Consultations

Goal-oriented dialogue and consultations aimed at enhancing security co-operation, including through the further encouragement of responsible and co-operative norms of behaviour on politico-military aspects of security. The participating States will undertake consultations with a view to strengthening the role of the CSCE, by establishing a code of conduct governing their mutual relations in the field of security.

C. Conflict Prevention

Consistent with and further to the decisions taken in Paris, Prague and Helsinki about the tasks of the CPC, the following parts of this work programme will be undertaken in the CPC:

13. Relevant Techniques

Without prejudice to other tasks of the CPC or to the competence of the Committee of Senior Officials in the field of conflict prevention and crisis management, the Consultative Committee will, particularly in the light of experience gained in the execution of its own tasks,

maintain under consideration the need for improvements in relevant techniques.

14. Co-operation in the Field of Verification

The encouragement of practical co-operation, through training, exchanges and participation in evaluation and inspection teams, in the implementation of the verification provisions of arms control, disarmament and confidence- and security-building agreements among CSCE participants who are parties to such agreements. The area of application will correspond to that of the relevant agreements.

109

Missile Technology Control Regime Plenary Meeting*

Oslo, 29 June-2 July 1992

The Plenary Meeting in Oslo adopted the following press release on 2 July 1992:

“A Plenary Meeting of the Missile Technology Control Regime (MTCR) was held in Oslo on 29 June–2 July and chaired by Norway. Greece, Ireland, Portugal and Switzerland, the new members of the Regime, attended for the first time. This multilateral non-proliferation regime thus comprises the following 22 countries: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Partners agreed that the MTCR Guidelines for Sensitive Missile-relevant Transfers of 16 April 1987 remain an essential mechanism for preventing proliferation of missiles capable of carrying nuclear weapons.

In view of the Partners' concern about the use of missiles to deliver all kinds of weapons of mass destruction, the member countries agreed to amend the Guidelines to extend the scope of the Regime to missiles capable of delivering biological and chemical as well as nuclear weapons.

The Partners took note with satisfaction of the decision of a growing number of countries to observe the MTCR Guidelines and issued a

* Royal Norwegian Ministry of Foreign Affairs, Press Release 119/92.

joint appeal to all states to do likewise. The text of the appeal is annexed.

The next Plenary will be held in Canberra 8-11 March 1993."

ANNEX

Joint Appeal

Participating countries in the Missile Technology Control Regime (MTCR)—Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America—appeal to all states to adopt the Guidelines of Sensitive Missile-relevant Transfers. The Partners welcome that a growing number of countries have indicated to them or in national statements their commitment to observe the Guidelines. Observance by as many states as possible of export control measures in accordance with these Guidelines will contribute to limiting the risks of proliferation of delivery systems for weapons of mass destruction and to fostering international security.

Oslo, 2 July 1992

110

Joint United States-Russian Statements*

Washington, 17 June 1992

Joint Understanding on the Elimination of MIRVed ICBMs and Further Reductions in Strategic Offensive Arms

The President of the United States of America and the President of the Russian Federation have agreed to substantial further reductions in strategic offensive arms. Specifically, the two sides have agreed upon and will promptly conclude a Treaty with the following provisions:

Within the seven-year period following entry into force of the START Treaty, they will reduce their strategic forces to no more than:

- an overall total number of warheads for each between 3800 and 4250 (as each nation shall determine) or such lower number as each nation shall decide.
- 1200 MIRVed ICBM warheads.
- 650 heavy ICBM warheads.
- 2160 SLBM warheads.

By the year 2003 (or by the end of the year 2000 if the United States can contribute to the financing of the destruction or elimination of strategic offensive arms in Russia), they will:

- reduce the overall total to no more than a number of warheads for each between 3000 and 3500 (as each nation shall determine) or such lower number as each nation shall decide.
- eliminate all MIRVed ICBMs.
- reduce SLBM warheads to no more than 1750.

For the purpose of calculating the overall totals described above:

* Text obtained from the White House, Office of the Press Secretary, Washington, DC.

The number of warheads counted for heavy bombers with nuclear roles will be the number of nuclear weapons they are actually equipped to carry.

Under agreed procedures, heavy bombers not to exceed 100 that were never equipped for long-range nuclear ALCMs and that are reoriented to conventional roles will not count against the overall total established by this agreement.

- Such heavy bombers will be based separately from heavy bombers with nuclear roles.
- No nuclear weapons will be located at bases for heavy bombers with conventional roles.
- Such aircraft and crews will not train or exercise for nuclear missions.
- Current inspection procedures already agreed in the START Treaty will help affirm that these bombers have conventional roles. No new verification procedures are required.
- Except as otherwise agreed, these bombers will remain subject to the provisions of the START Treaty, including the inspection provisions.

The reductions required by this agreement will be carried out by eliminating missile launchers and heavy bombers using START procedures, and, in accordance with the plans of the two sides, by reducing the number of warheads on existing ballistic missiles other than the SS-18. Except as otherwise agreed, ballistic missile warheads will be calculated according to START counting rules.

The two Presidents directed that this agreement be promptly recorded in a brief Treaty document which they will sign and submit for ratification in their respective countries. Because this new agreement is separate from but builds upon the START Treaty, they continue to urge that the START Treaty be ratified and implemented as soon as possible.

For the United States of America: For the Russian Federation:

George Bush

Boris Yeltsin

Joint Statement on a Global Protection System

The Presidents continued their discussion of the potential benefits of a Global Protection System (GPS) against ballistic missiles, agreeing that it is important to explore the role for defenses in protecting against limited ballistic missile attacks. The two Presidents agreed that their

two nations should work together with allies and other interested states in developing a concept for such a system as part of an overall strategy regarding the proliferation of ballistic missiles and weapons of mass destruction. Such cooperation would be a tangible expression of the new relationship that exists between Russia and the United States and would involve them in an important undertaking with other nations of the world community.

The two Presidents agreed it is necessary to start work without delay to develop the concept of the GPS. For this purpose they agreed to establish a high-level group to explore on a priority basis the following practical steps:

- The potential for sharing of early warning information through the establishment of an early warning center.
- The potential for cooperation with participating states in developing ballistic missile defense capabilities and technologies.
- The development of a legal basis for cooperation, including new treaties and agreements and possible changes to existing treaties and agreements necessary to implement a Global Protection System.

For the United States of America:
George Bush

For the Russian Federation:
Boris Yeltsin

111

Permanent Five Interim Guidelines Related to Weapons of Mass Destruction*

29 May 1992

The People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Reaffirming their objectives and commitments as expressed in the communiqués following their meetings in Paris and London; Determined to work towards maintaining world peace and freeing mankind from the threat of weapons of mass destruction; Affirming that international non-proliferation efforts should not prejudice the legitimate rights and interests of states in the exclusively peaceful uses of science and technology for development; Recalling the announcement made by each of the parties of its commitment to or support for the Missile Technology Control Regime (MTCR); Recalling their respective positions on the application of International Atomic Energy Agency (IAEA) safeguards to nuclear cooperation with non-nuclear-weapons states; Calling upon states that have not yet done so to accede to the Treaty on the Non-Proliferation of Nuclear Weapons. Declare that they will observe and consult upon the following guidelines:

1. Not assist, directly or indirectly, in the development, acquisition, manufacture, testing, stockpiling, or deployment of nuclear weapons by any non-nuclear-weapons state;
2. Promptly notify the International Atomic Energy Agency of the export to a non-nuclear weapons state of any nuclear materials, equipment, or facilities and place them under IAEA safeguards;
3. Exercise restraint in the transfer of sensitive nuclear facilities, technology, and weapons-usable material having in mind existing

* Text obtained from the British American Security Information Council.

international practice and not export for peaceful purposes equipment, material, services or technology which could be used in the manufacture of nuclear-weapons-useable material except when satisfied that such exports would not contribute to the development or acquisition of nuclear weapons or to any nuclear activity not subject to safeguards;

4. Not assist, directly or indirectly, in the development, acquisition, manufacture, testing, stockpiling, or deployment of chemical weapons by any recipient whatsoever;

5. Not export equipment, materials, services, or technology which could be used in the manufacture of chemical weapons except when satisfied, for example, by recipient country guarantees or confirmation by the recipient, that such exports would not contribute to the development or acquisition of chemical weapons;

6. Strictly abide by the provision of the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, undertake to maintain and support efforts for enhancing the effectiveness of the convention and implement in earnest the confidence-building measures adopted by the Third Review Conference of the Parties to the convention;

7. Not export equipment, material, services, or technology which could be used in the manufacture of biological weapons except when satisfied, for example, by recipient country guarantees or confirmation by the recipient, that such exports would not contribute to the development or acquisition of biological weapons;

8. In considering whether to authorize the export for permitted purposes of the relevant items which might be of use in the manufacture of weapons of mass destruction, take into account:

- (a) the capabilities, objectives, policies, and practices of the recipient, and any related proliferation concerns;
- (b) the significance and appropriateness of the items to be transferred;
- (c) an assessment of the proposed end-use, including relevant assurances by the government of the recipient state and controls on retransfer,

9. Maintain export control systems in accordance with their national laws or regulations to enable these guidelines to be effectively implemented;

10. Work together to increase the effectiveness of export controls pursuant to these guidelines.

112

Excerpts from the Report of the Secretary-General of the United Nations on Cambodia*

19 February 1992

Military Component

1. Functions

The Agreement** deals with the military aspects of UNTAC's mandate in three sets of provisions. Article 11 of the Agreement provides the general framework; section C of annex 1 to the Agreement enumerates the main functions; and annex 2 contains the detailed provisions regarding the specific undertakings of the Cambodian parties and neighbouring States and the role and activities of the military component of UNTAC.

The objectives of the military arrangements during the transitional period are to stabilize the security situation and build confidence among the parties to the conflict. The achievement of these objectives is a necessary precursor to the successful conduct of the functions of the other components and, in particular, the repatriation programme.

The main functions of the military component of UNTAC can be grouped into four categories, as follows:

- (a) Verification of the withdrawal and non-return of all categories of foreign forces and their arms and equipment;

* S/23613, sect. II.

** Agreement on a comprehensive political settlement of the Cambodia conflict, signed in Paris on 23 October 1991, reproduced in document A/46/608-S/23177, annex, sect. II. The Agreement provides for the establishment of the United Nations Transitional Authority in Cambodia (UNTAC). Excerpts from the Agreement are reproduced in *Disarmament: A Periodic Review by the United Nations*, vol. XV, No. 2 (1992).

- (b) Supervision of the ceasefire and related measures, including regroupment, cantonment, disarming and demobilisation;
- (c) Weapons control, including monitoring the cessation of outside military assistance, locating and confiscating caches of weapons and military supplies throughout Cambodia, storing of the arms and equipment of the cantoned and the demobilised military forces;
- (d) Assisting with mine-clearance, including training programmes and mine awareness programmes.

In addition, under the Agreement, the military component is charged with the task of undertaking investigations, on complaint from one of the parties or on its own, of alleged non-compliance with any of the provisions relating to military arrangements (art. X of annex 2 to the Agreement). It is also called upon to provide assistance in relation to the release of prisoners-of-war (art. XI of annex 2 to the Agreement) and in the repatriation of Cambodian refugees and displaced persons (art XII of annex 2 to the Agreement).

To ensure the smooth carrying out of the military component's responsibilities, the Agreement calls for the establishment of a mixed military working group, on which military representatives of all Cambodian parties are represented. The working group has already been established and is currently functioning under the chairmanship of the Senior Military Liaison Officer of the United Nations Advance Mission in Cambodia (UNAMIC). Once UNTAC has been established, the Commander of the military component of UNTAC, or his designated representative, would chair the working group. As the scale of UNTAC's activities increases, similar liaison arrangements would be made at other command levels.

(a) Verification of the Withdrawal and Non-return of Foreign Forces

As of the entry into force of the Agreement on 23 October 1991, all foreign forces, advisers and military personnel remaining in Cambodia, together with their weapons, ammunition and equipment, were to have been withdrawn from Cambodia. Once the UNTAC military component is deployed, it would have a continuing role in verifying the non-presence and non-return of any foreign forces.

(b) Ceasefire and Related Measures

The first phase of the ceasefire entered into effect with the signing of the agreements on 23 October 1991 and the good offices mechanism provided in the Agreement has been in place since 9 November 1991,

when UNAMIC was deployed. Upon the deployment of UNTAC, UNAMIC will be absorbed into it and the good offices functions would be continued and expanded.

The exact time and date at which the second phase of the ceasefire begins would be determined by the Commander of the military component of UNTAC, in consultation with the parties. UNTAC would supervise, monitor and verify the second phase of the ceasefire.

The regroupment, cantonment, disarming and demobilisation of the military forces of the Cambodian parties are essential elements both for the ceasefire and for the achievement of the other objectives of UNTAC. Moreover, timely completion of these elements is indispensable if UNTAC is to be able to carry out its mandate in an effective and cost-efficient manner. In this connection, it is noted that paragraph 1 of article V of annex 2 to the Agreement foresees the balanced demobilisation of at least 70 per cent of the military forces of the parties prior to the end of the process of registration for the elections and their subsequent total demobilisation.

During the visit of the military survey mission to Cambodia in November-December 1991, information provided by the four Cambodian parties revealed that their regular military forces totalled over 200,000, deployed in some 650 separate locations. In addition, militias, totalling some 250,000, operate in almost all villages throughout the country. These forces are armed with over 300,000 weapons of all types and some 80 million rounds of ammunition.

While the Agreement provides that all forces of the parties, with their weapons, should be regrouped and cantoned, the magnitude of the forces indicated above would mean that the regroupment and cantonment of all forces, including the militias, would necessitate a massive deployment of UNTAC military personnel for an extended period. It would also entail a serious disruption of the social and economic life of Cambodia, since most of the militia members are engaged in fanning and other civilian activities while being organised and armed to protect their communities. In order to achieve economy in the operation of UNTAC and in order not to cripple the economy of Cambodia, practical arrangements have been worked out and agreed to by the parties whereby the militia forces would not be physically cantoned but would be disarmed in the following manner. The members of the militia forces would report to the nearest local headquarters (to be designated by UNTAC) in order to hand over their weapons to UNTAC. UNTAC would collect all weapons and transfer them to more secure centralised locations.

With respect to the regrouping and cantonment of the regular forces of the four parties, the military survey mission obtained the acceptance by the respective commanders-in-chief of the forces of the Cambodian parties to reduce the number of regroupment areas from their desired total of 325 to 95 and the number of cantonment areas from their desired total of 317 to 52. This reduction is expected significantly to enhance efficiency and economy in carrying out this task of the UNTAC military component. The 95 regroupment areas and 52 cantonment areas would comprise the following:

- (a) 48 regroupment areas and 33 cantonments for the Cambodian People's Armed Forces;
- (b) 30 regroupment areas and 10 cantonments for the National Army of Democratic Kampuchea;
- (c) 8 regroupment areas and 6 cantonments for the Khmer People's National Liberation Armed Forces;
- (d) 9 regroupment areas and 3 cantonments for the National Army of Independent Kampuchea.

Soon after the start of phase two of the ceasefire, regroupment of forces would begin and, as agreed by the Cambodian parties and in accordance with the timetable to be drawn up by the Commander of the military component of UNTAC, would proceed on a simultaneous basis countrywide. The regrouped forces would then proceed with their commanders to the designated cantonment areas. The forces of the four Cambodian parties would use separate regroupment and cantonment areas. The four parties are expected to produce all troops, weapons, ammunition and equipment declared by them. There would be no demobilisation of regular forces by any of the parties without the supervision of UNTAC. When the Commander of the military component of UNTAC has satisfied himself that proper account has been rendered by all parties, the demobilisation process would begin and be conducted according to the timetable to be drawn up by UNTAC in consultation with the parties.

The naval forces of the Cambodian People's Armed Forces comprise a maritime branch and a riverine branch, totalling some 4,000 and equipped with 18 naval and 38 riverine vessels. These naval forces would be regrouped and cantoned in the same manner as the regular land forces, except that a limited number would be retained to patrol coastal and riverine areas, under the close supervision and control of UNTAC.

In addition, engineer and logistic units, although they would be regrouped and cantoned in the same manner as other units of the

regular forces, would be subject to special arrangements in view of their role in the Cambodian demining programme as well as in supplying and supporting the cantoned forces.

The Ministry of Defence and its personnel located in Phnom Penh would also require special arrangements as far as the regroupment and cantonment processes are concerned. Since Phnom Penh will be the hub of all political activity in the country, every effort must be made to ensure that the Ministry of Defence and its military personnel there do not constitute and are not seen to pose a threat to any of the parties. At the same time, it would be necessary to allow the Ministry of Defence as well as the command groups of the forces of the other three parties to continue to exercise command of and provide support to the troops being regrouped and cantoned in the field under UNTAC supervision.

In order to reconcile these conflicting requirements as far as military personnel in Phnom Penh are concerned, the Commander of the military component of UNTAC would, before the start of the second phase of the ceasefire and in consultation with the appropriate military authorities, select a number of locations in and around Phnom Penh and draw up a timetable for the regroupment and cantonment of the military personnel deployed in the Phnom Penh area. All such personnel would be required to report to one of these locations in accordance with the timetable. Commanders of the various departments and units of the Ministry would be required to account for all military personnel, arms, ammunition and equipment under their command. In accordance with the provisions of the Agreement, all such arms, ammunition and equipment would be placed in the custody of UNTAC. On completion of the accounting process, all those involved in command and providing essential logistic and support services to the troops cantoned in the field would be allowed to resume their functions under the control and supervision of UNTAC.

The specific tasks which the military component would need to perform in relation to the regroupment and cantonment processes are as follows:

- (a) Ensuring the demining of envisaged regroupment and cantonment areas, as necessary;
- (b) Establishing the regroupment and cantonment areas and supervising their operation;
- (c) Recording and verifying numbers of personnel of the military forces of the Cambodian parties and escorting them from the regroupment to the cantonment areas;

-
- (d) Ensuring that all of the military forces are cantoned and disarmed;
 - (e) Monitoring and supervising the cantonments;
 - (f) Implementing a phased demobilisation of 70 per cent (or more, if possible) of the cantoned forces prior to the end of the process of registration for the elections, as well as their subsequent demobilisation in accordance with an agreed schedule.

In the regroupment and cantonment processes, the possible need to assist the parties with transporting their personnel to the regroupment areas, constructing shelters to accommodate the cantoned troops and resupplying or feeding them might require special attention. UNTAC may be required in particular to provide food. The UNTAC rehabilitation component would also play a role in vocational retraining and reintegration of the demobilised forces (see para. 154 below).

(c) Weapons Control

The UNTAC military component would have ongoing duties to monitor the cessation of outside military assistance. This would be accomplished in part through the manning of fixed posts at ingress/egress points, as discussed above, and in part through the monitoring and investigative activities of the mobile teams, also discussed above. The naval unit within the military component would supervise the patrolling of coastal areas and inland waterways by the retained units of the naval forces (see paras. 69 and 71 above). In addition, UNTAC military liaison officers stationed in neighbouring States would support activities in this area of UNTAC's mandate (see para. 60 above).

UNTAC mobile teams of engineers would be responsible for promptly investigating reports of caches of weapons and military supplies inside Cambodia. Any such caches found would be confiscated and destroyed.

Reduction and control of weapons in Cambodia is a major element of the ceasefire and related measures. The military component would undertake the following sequence of activities:

- (a) Disarming the militia;
- (b) Ensuring that all of the cantoned military forces are disarmed and that no weapons, ammunition or equipment is subsequently brought into the cantonments;
- (c) Ensuring that all of the reported arms, ammunition and equipment are placed under UNTAC custody;

- (d) Once in custody, ensuring that the arms, ammunition and equipment are secure;
- (e) Implementing a phased reduction of the arms, ammunition and equipment held in custody at the cantonments and their progressive transfer to designated areas, in keeping with the phased demobilisation of the forces, and ensuring their security during the transfer process.

In order to accomplish these tasks, secure facilities would be established at the 52 cantonment areas, where the weapons, ammunition and equipment of the forces would be deposited into UNTAC custody. This number may be reduced over time as the demobilisation process proceeds and cantonment areas are consolidated or closed.

(d) Mine Programmes

In accordance with the mandate provided to it by the Security Council on 16 October 1991, and expanded on 8 January 1992 (see resolution 728 (1992)), UNAMIC (United Nations Advance Mission in Cambodia) is already charged with the task of undertaking mine-awareness, mine-recording and marking and mine-clearance training programmes, as well as providing assistance in mine-clearance itself. Once UNTAC is established and deployed, these programmes will be taken over by its military component and expanded. Continuation and management of these programmes would be entrusted to the engineer unit within the military component. The magnitude of the mine problem in Cambodia requires that a sizeable and intense effort should be undertaken in the very early stages to facilitate UNTAC's deployment and its manifold activities.

113

Developments in the El Salvador Peace Process*

New York Act

New York, 31 December 1991

The Government of El Salvador and the Frente Farabundo Marti para la Liberacion Nacional (FMLN) hereby declare that they have reached definitive agreements which, combined with those previously signed at San Jose, Mexico City and New York, complete the negotiations on all substantive items of the Caracas Agenda and the New York "Compressed Negotiations". Their implementation will put a final end to the Salvadorian armed conflict.

An agreement has also been reached on all technical and military aspects relating to the separation of the warring parties and the cessation of the armed conflict, which includes the end of the military structure of the FMLN and the reintegration of its members, within a framework of full legality, into the civil, political and institutional life of the country.

The parties have also agreed that the cessation of the armed conflict shall take effect formally on 1 February 1992 and shall conclude on 31 October 1992.

A further meeting between the parties has been scheduled for 5 January 1992 to negotiate the timetable for implementing the agreements and the procedure for ending the military structure of the FMLN and reintegrating its members, within a framework of full legality, into the civil, political and institutional life of the country.

Such negotiations must be successfully concluded by 10 January 1992 at the latest. Otherwise, the parties undertake to accept, by 14

* A/46/863-S/23504, annex I.

January 1992 at the latest, a formula for resolving outstanding issues to be proposed to them by the Secretary-General of the United Nations. The Final Peace Agreements will be signed at Mexico City on 16 January 1992.

The parties undertake to preserve the atmosphere necessary for maintaining and expanding the unilateral decisions which they have taken in order to avoid all military activity.

New York, 31 December 1991

Representing the Government of El Salvador

(Signed) Oscar Santamaria

(Signed) Col. Mauricio Ernesto Vargas

(Signed) David Escobar Galindo

(Signed) Col. Juan Martinez Varela

(Signed) Abelardo Torres

(Signed) Rafael Hernan Contreras

Representing the Frente

Farabundo Marti para la

Liberacion Nacional

(Signed) Cmdr. Schafik Handal

(Signed) Cmdr. Francisco Jovel

(Signed) Cmdr. Salvador Sanchez Ceren

(Signed) Cmdr. Eduardo Sancho

(Signed) Cmdr. Joaquin Villalobos

(Signed) Alvaro De Soto

Representative of the Secretary-General
of the United Nations

114

Excerpts from the Final Act of Paris Conference on Cambodia

Paris, 23 October 1991

Concerned by the tragic conflict and continuing bloodshed in Cambodia, the Paris Conference on Cambodia was convened, at the invitation of the Government of the French Republic, in order to achieve an internationally guaranteed comprehensive settlement which would restore peace to that country. The Conference was held in two sessions, the first from 30 July to 30 August 1989, and the second from 21 to 23 October 1991.

At the second session, the Conference adopted the following instruments:

1. *Agreement on a Comprehensive Political Settlement of the Cambodia Conflict*, with annexes on the mandate for UNTAC, military matters, elections, repatriation of Cambodian refugees and displaced persons, and the principles for a new Cambodian constitution;
2. *Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia*; and
3. *Declaration on the Rehabilitation and Reconstruction of Cambodia*.

Agreement on a Comprehensive Political Settlement of the Cambodia Conflict

The States participating in the Paris Conference on Cambodia, namely Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, the French Republic, the Republic of India, the Republic of Indonesia, Japan, the Lao People's Democratic Republic,

Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Socialist Republic of Vietnam and the Socialist Federal Republic of Yugoslavia,

In the presence of the Secretary-General of the United Nations,

In order to maintain, preserve and defend the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia,

Desiring to restore and maintain peace in Cambodia, to promote national reconciliation and to ensure the exercise of the right to self-determination of the Cambodian people through free and fair elections,

Convinced that only a comprehensive political settlement to the Cambodia conflict will be just and durable and will contribute to regional and international peace and security,

Welcoming the Framework document of 28 August 1990, which was accepted by the Cambodian Parties in its entirety as the basis for settling the Cambodia conflict, and which was subsequently unanimously endorsed by Security Council resolution 668 (1990) of 20 September 1990 and General Assembly resolution 45/3 of 15 October 1990,

Noting the formation in Jakarta on 10 September 1990 of the Supreme National Council of Cambodia as the unique legitimate body and source of authority in Cambodia in which, throughout the transitional period, national sovereignty and unity are enshrined, and which represents Cambodia externally,

Welcoming the unanimous election, in Beijing on 17 July 1991, of H.R.H. Prince NORODOM SIHANOUK as the President of the Supreme National Council,

Recognising that an enhanced United Nations role requires the establishment of a United Nations Transitional Authority in Cambodia (UNTAC) with civilian and military components, which will act with full respect for the national sovereignty of Cambodia,

Noting the statements made at the conclusion of the meetings held in Jakarta on 9-10 September 1990, in Paris on 21-23 December 1990, in Pattaya on 24-26 June 1991, in Beijing on 16-17 July 1991, in Pattaya on 26-29 August 1991, and also the meetings held in Jakarta on 4-6 June 1991 and in New York on 19 September 1991,

Welcoming United Nations Security Council resolution 717 (1991) of 16 October 1991 on Cambodia,

Recognising that Cambodia's tragic recent history requires special measures to assure protection of human rights, and the non-return to the policies and practices of the past,

Have agreed as follows:

ANNEX-1

UNTAC MANDATE

Section C. Military Functions

1. UNTAC will supervise, monitor and verify the withdrawal of foreign forces, the ceasefire and related measures in accordance with annex 2, including:

- (a) Verification of the withdrawal from Cambodia of all categories of foreign forces, advisers and military personnel and their weapons, ammunition and equipment, and their non-return to Cambodia;
- (b) Liaison with neighbouring Governments over any developments in or near their territory that could endanger the implementation of this Agreement;
- (c) Monitoring the cessation of outside military assistance to all Cambodian Parties;
- (d) Locating and confiscating caches of weapons and military supplies throughout the country;
- (e) Assisting with clearing mines and undertaking training programmes in mine clearance and a mine awareness programme among the Cambodian people.

2. UNTAC will supervise the regrouping and relocating of all forces to specifically designated cantonment areas on the basis of an operational time-table to be agreed upon, in accordance with annex 2.

3. As the forces enter the cantonments, UNTAC will initiate the process of arms control and reduction specified in annex 2.

4. UNTAC will take necessary steps regarding the phased process of demobilisation of the military forces of the parties, in accordance with annex 2.

5. UNTAC will assist, as necessary, the International Committee of the Red Cross in the release of all prisoners of war and civilian internees.

ANNEX-2

WITHDRAWAL, CEASEFIRE AND RELATED MEASURES

Article I

Ceasefire

1. All Cambodian Parties (hereinafter referred to as "the Parties") agree to observe a comprehensive ceasefire on land and water and in the air. This ceasefire will be implemented in two phases. During the first phase, the ceasefire will be observed with the assistance of the Secretary-General of the United Nations through his good offices. During the second phase, which should commence as soon as possible, the ceasefire will be supervised, monitored and verified by UNTAC. The commander of the military component of UNTAC, in consultation with the Parties, shall determine the exact time and date at which the second phase will commence. This date will be set at least four weeks in advance of its coming into effect.

2. The Parties undertake that, upon the signing of this Agreement, they will observe a ceasefire and will order their armed forces immediately to disengage and refrain from all hostilities and any deployment, movement or action that would extend the territory they control or that might lead to a resumption of fighting, pending the commencement of the second phase. "Forces" are agreed to include all regular, provincial, district, paramilitary, and other auxiliary forces. During the first phase, the Secretary-General of the United Nations will provide his good offices to the Parties to assist them in its observance. The Parties undertake to co-operate with the Secretary-General or his representatives in the exercise of his good offices in this regard.

3. The Parties agree that, immediately upon the signing of this Agreement, the following information will be provided to the United Nations:

- (a) Total strength of their forces, organisation, precise number and location of deployments inside and outside Cambodia. The deployment will be depicted on a map marked with locations of all troop positions, occupied or unoccupied, including staging camps, supply bases and supply routes;
- (b) Comprehensive lists of arms, ammunition and equipment held by their forces, and the exact locations at which those arms, ammunition and equipment are deployed;

- (c) Detailed record of their mine-fields, including types and characteristics of mines laid and information of booby traps used by them together with any information available to them about mine-fields laid or booby traps used by the other Parties;
- (d) Total strength of their police forces, organisation, precise numbers and locations of deployments, as well as comprehensive lists of their arms, ammunition and equipment, and the exact locations at which those arms, ammunition and equipment are deployed.

4. Immediately upon his arrival in Cambodia, and not later than four weeks before the beginning of the second phase, the Commander of the military component of UNTAC will, in consultation with the Parties, finalize UNTAC's plan for the regroupment and cantonment of the forces of the Parties and for the storage of their arms, ammunition and equipment, in accordance with Article III of this annex. This plan will include the designation of regroupment and cantonment areas, as well as an agreed timetable. The cantonment areas will be established at battalion size or larger.

5. The Parties agree to take steps to inform their forces at least two weeks before the beginning of the second phase, using all possible means of communication, about the agreed date and time of the beginning of the second phase, about the agreed plan for the regroupment and cantonment of their forces and for the storage of their arms, ammunition and equipment and, in particular, about the exact locations of the regroupment areas to which their forces are to report. Such information will continue to be disseminated for a period of four weeks after the beginning of the second phase.

6. The Parties shall scrupulously observe the ceasefire and will not resume any hostilities by land, water or air. The commanders of their armed forces will ensure that all troops under their command remain on their respective positions, pending their movement to the designated regroupment areas, and refrain from all hostilities and from any deployment or movement or action which would extend the territory they control or which might lead to a resumption of fighting.

Article II

Liaison System and Mixed Military Working Group

A Mixed Military Working Group (MMWG) will be established with a view to resolving any problems that may arise in the observance of the ceasefire. It will be chaired by the most senior United Nations military officer in Cambodia or his representative. Each Party agrees

to designate an officer of the rank of brigadier or equivalent to serve on the MMWG. Its composition, method of operation and meeting places will be determined by the most senior United Nations military officer in consultation with the Parties. Similar liaison arrangements will be made at lower military command levels to resolve practical problems on the ground.

Article III

Regroupment and Cantonment of the Forces of the Parties and Storage of Their Arms, Ammunition and Equipment

1. In accordance with the operational timetable referred to in paragraph 4 of article I of the present annex, all forces of the Parties that are not already in designated cantonment areas will report to designated regroupment areas, which will be established and operated by the military component of UNTAC. These regroupment areas will be established and operational not later than one week prior to the date of the beginning of the second phase. The Parties agree to arrange for all their forces, with all their arms, ammunition and equipment, to report to regroupment areas within two weeks after the beginning of the second phase. All personnel who have reported to the regroupment areas will thereafter be escorted by personnel of the military component of UNTAC, with their arms, ammunition and equipment, to designated cantonment areas. All Parties agree to ensure that personnel reporting to the regroupment areas will be able to do so in full safety and without any hindrance.

2. On the basis of the information provided in accordance with paragraph 3 of article I of the present annex, UNTAC will confirm that the regroupment and cantonment processes have been completed in accordance with the plan referred to in paragraph 4 of article I of this annex. UNTAC will endeavour to complete these processes within four weeks from the date of the beginning of the second phase. On the completion of regroupment of all forces and of their movement to cantonment areas, respectively, the Commander of the military component of UNTAC will so inform each of the four Parties.

3. The Parties agree that, as their forces enter the designated cantonment areas, their personnel will be instructed by their commanders to immediately hand over all their arms, ammunition and equipment to UNTAC for storage in the custody of UNTAC.

4. UNTAC will check the arms, ammunition and equipment handed over to it against the lists referred to in paragraph 3 (b) of article I of this annex, in order to verify that all the arms, ammunition and

equipment in the possession of the Parties have been placed under its custody.

Article IV

Resupply of Forces During Cantonment

The military component of UNTAC will supervise the resupply of all forces of the Parties during the regroupment and cantonment processes. Such resupply will be confined to items of a non-lethal nature such as food, water, clothing and medical supplies as well as provision of medical care.

Article V

Ultimate Disposition of the Forces of the Parties and of Their Arms, Ammunition and Equipment

1. In order to reinforce the objectives of a comprehensive political settlement, minimize the risks of a return to warfare, stabilize the security situation and build confidence among the Parties to the conflict, all Parties agree to undertake a phased and balanced process of demobilisation of at least 70 per cent of their military forces. This process shall be undertaken in accordance with a detailed plan to be drawn up by UNTAC on the basis of the information provided under Article I of this annex and in consultation with the Parties. It should be completed prior to the end of the process of registration for the elections and on a date to be determined by the Special Representative of the Secretary-General.

2. The Cambodian Parties hereby commit themselves to demobilize all their remaining forces before or shortly after the elections and, to the extent that full demobilisation is unattainable, to respect and abide by whatever decision the newly elected government that emerges in accordance with Article 12 of this Agreement takes with regard to the incorporation of parts or all of those forces into a new national army. Upon completion of the demobilisation referred to in paragraph 1, the Cambodian Parties and the Special Representative of the Secretary-General shall undertake a review regarding the final disposition of the forces remaining in the cantonments, with a view to determining which of the following shall apply:

- (a) If the Parties agree to proceed with the demobilisation of all or some of the forces remaining in the cantonments, preferably prior to or otherwise shortly after the elections, the Special Representative shall prepare a time table for so doing, in consultation with them.

(b) Should total demobilisation of all of the residual forces before or shortly after the elections not be possible, the Parties hereby undertake to make available all of their forces remaining in cantonments to the newly elected government that emerges in accordance with Article 12 of this Agreement, for consideration for incorporation into a new national army. They further agree that any such forces which are not incorporated into the new national army will be demobilised forthwith according to a plan to be prepared by the Special Representative. With regard to the ultimate disposition of the remaining forces and all the arms, ammunition and equipment, UNTAC, as it withdraws from Cambodia, shall retain such authority as is necessary to ensure an orderly transfer to the newly elected government of those responsibilities it has exercised during the transitional period.

3. UNTAC will assist, as required, with the reintegration into civilian life of the forces demobilised prior to the elections.

4. (a) UNTAC will control and guard all the arms, ammunition and equipment of the Parties throughout the transitional period;

(b) As the cantoned forces are demobilised in accordance with paragraph 1 above, there will be a parallel reduction by UNTAC of the arms, ammunition and equipment stored on site in the cantonment areas. For the forces remaining in the cantonment areas, access to their arms, ammunition and equipment shall only be on the basis of the explicit authorisation of the Special Representative of the Secretary-General;

(c) If there is a further demobilisation of the military forces in accordance with paragraph 2 (a) above, there will be a commensurate reduction by UNTAC of the arms, ammunition and equipment stored on site in the cantonment areas;

(d) The ultimate disposition of all arms, ammunition and equipment will be determined by the government that emerges through the free and fair elections in accordance with article 12 of this Agreement.

Article VI

Verification of Withdrawal from Cambodia and Non-Return of All Categories of Foreign Forces

1. UNTAC shall be provided, no later than two weeks before the commencement of the second phase of the ceasefire, with detailed

information in writing regarding the withdrawal of foreign forces. This information shall include the following elements:

- (a) Total strength of these forces and their organisation and deployment;
- (b) Comprehensive lists of arms, ammunition and equipment held by these forces, and their exact locations;
- (c) Withdrawal plan (already implemented or to be implemented), including withdrawal routes, border crossing points and time of departure from Cambodia.

2. On the basis of the information provided in accordance with paragraph 1 above, UNTAC will undertake an investigation in the manner it deems appropriate. The Party providing the information will be required to make personnel available to accompany UNTAC investigators.

3. Upon confirmation of the presence of any foreign forces, UNTAC will immediately deploy military personnel with the foreign forces and accompany them until they have withdrawn from Cambodian territory. UNTAC will also establish checkpoints on withdrawal routes, border crossing points and airfields to verify the withdrawal and ensure the non-return of all categories of foreign forces.

4. The Mixed Military Working Group (MMWG) provided for in article II of this annex will assist UNTAC in fulfilling the above-mentioned tasks.

Article VII

Cessation of Outside Military Assistance to All Cambodian Parties

1. All Parties undertake, from the time of the signing of this Agreement, not to obtain or seek any outside military assistance, including weapons, ammunition and military equipment from outside sources.

2. The Signatories whose territory is adjacent to Cambodia, namely, the Government of the Lao People's Democratic Republic, the Kingdom of Thailand and the Socialist Republic of Vietnam, undertake to:

- (a) Prevent the territories of their respective States, including land territory, territorial sea and air space, from being used for the purpose of providing any form of military assistance to any of the Cambodian Parties. Resupply of such items as food, water, clothing and medical supplies through their territories will be

allowed, but shall, without prejudice to the provisions of subparagraph (c) below, be subject to UNTAC supervision upon arrival in Cambodia;

- (b) Provide written confirmation to the Commander of the military component of UNTAC, not later than four weeks after the second phase of the ceasefire begins, that no forces, arms, ammunition or military equipment of any of the Cambodian Parties are present on their territories;
- (c) Receive an UNTAC liaison officer in each of their capitals and designate an officer of the rank of colonel or equivalent, not later than four weeks after the beginning of the second phase of the ceasefire, in order to assist UNTAC in investigating, with due respect for their sovereignty, any complaints that activities are taking place on their territories that are contrary to the provision of the comprehensive political settlement.

3. To enable UNTAC to monitor the cessation of outside assistance to all Cambodian Parties, the Parties agree that, upon signature of this Agreement, they will provide to UNTAC any information available to them about the routes and means by which military assistance, including weapons, ammunition and military equipment, have been supplied to any of the Parties. Immediately after the second phase of the ceasefire begins, UNTAC will take the following practical measures:

- (a) Establish check-points along the routes and at selected locations along the Cambodian side of the border and at airfields inside Cambodia;
- (b) Patrol the coastal and inland waterways of Cambodia;
- (c) Maintain mobile teams at strategic locations within Cambodia to patrol and investigate allegations of supply of arms to any of the Parties.

Article VIII

Caches of Weapons and Military Supplies

1. In order to stabilize the security situation, build confidence and reduce arms and military supplies throughout Cambodia, each Party agrees to provide to the Commander of the military component of UNTAC, before a date to be determined by him, all information at its disposal, including marked maps, about known or suspected caches of weapons and military supplies throughout Cambodia.

2. On the basis of information received, the military component of UNTAC shall, after the date referred to in paragraph 1, deploy

verification teams to investigate each report and destroy each cache found.

Article IX

Unexploded Ordnance Devices

1. Soon after arrival in Cambodia, the military component of UNTAC shall ensure, as a first step, that all known mine-fields are clearly marked.

2. The Parties agree that, after completion of the regroupment and cantonment processes in accordance with Article III of the present annex, they will make available mine-clearing teams which, under the supervision and control of UNTAC military personnel, will leave the cantonment areas in order to assist in removing, disarming or deactivating remaining unexploded ordnance devices. Those mines or objects which cannot be removed, disarmed or deactivated will be clearly marked in accordance with a system to be devised by the military component of UNTAC.

3. UNTAC shall:

- (a) Conduct a mass public education programme in the recognition and avoidance of explosive devices;
- (b) Train Cambodian volunteers to dispose of unexploded ordnance devices;
- (c) Provide emergency first-aid training to Cambodian volunteers.

Article X

Investigation of Violations

1. After the beginning of the second phase, upon receipt of any information or complaint from one of the Parties relating to a possible case of non-compliance with any of the provisions of the present annex or related provisions, UNTAC will undertake an investigation in the manner which it deems appropriate. Where the investigation takes place in response to a complaint by one of the Parties, that Party will be required to make personnel available to accompany the UNTAC investigators. The results of such investigation will be conveyed by UNTAC to the complaining Party and the Party complained against, and if necessary to the SNC.

2. UNTAC will also carry out investigations on its own initiative in other cases when it has reason to believe or suspect that a violation of this annex or related provisions may be taking place.

Article XI

Release of Prisoners of War

The military component of UNTAC will provide assistance as required to the International Committee of the Red Cross in the latter's discharge of its functions relating to the release of prisoners of war.

Article XII

Repatriation and Resettlement of Displaced Cambodians

The military component of UNTAC will provide assistance as necessary in the repatriation of Cambodian refugees and displaced persons carried out in accordance with articles 19 and 20 of this Agreement, in particular in the clearing of mines from repatriation routes, reception centres and resettlement areas, as well as in the protection of the reception centres.

115

Closing Communiqué of the Meeting of the Five on Arms Transfers and Non-Proliferation

London, 17-18 October 1991

In accordance with their agreement in Paris on 8 and 9 July 1991, representatives of the United States of America, the People's Republic of China, France, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics met in London on 17 and 18 October to take forward their discussions on issues related to conventional arms transfers and to the non-proliferation of weapons of mass destruction.

Recalling the statement which was issued in Paris on 9 July, they:

Agreed common guidelines for the export of conventional weapons (annexed). They expressed hope that other arms exporting countries will adopt similar guidelines of restraint;

Agreed to inform each other about transfers to the region of the Middle East, as a matter of priority, of tanks, armoured combat vehicles, artillery, military aircraft and helicopters, naval vessels, and certain missile systems, without prejudice to existing commitments to other Governments;

Agreed to make arrangements to exchange information for the purpose of meaningful consultation, bearing in mind their shared concern to ensure the proper application of the agreed guidelines, and to continue discussions on how best to develop these arrangements on a global and regional basis in order to achieve this objective;

Welcomed work at the United Nations General Assembly on the early establishment of a UN register of conventional arms transfers, and supported the current consultations on this issue between a wide

range of UN members in which they are actively participating. They called for universal support for this work;

Noted the threats to peace and stability posed by the proliferation of nuclear weapons, chemical and biological weapons, missiles, etc., and undertook to seek effective measures of non-proliferation and arms control in a fair, reasonable, comprehensive and balanced manner on a global as well as a regional basis. They reaffirmed the importance of maintaining stringent and, as far as possible, harmonised guidelines for exports in this area. They embarked on a comparison of their national export controls on equipment related to weapons of mass destruction and agreed to examine the scope for further harmonisation of those controls. They agreed to pursue discussions at their next meeting on these subjects;

Agreed to continue discussing the possibilities for lowering tension and arms levels, including the development of further measures of restraint concerning arms transfers and ways of encouraging regional and global efforts towards arms control and disarmament;

Agreed to continue to give these efforts high priority and meet again in the new year in the United States to take forward their discussions, and to meet regularly thereafter at least once a year.

Agreed Guidelines on Conventional Arms Transfers

The People's Republic of China, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Recalling and reaffirming the principles which they stated as a result of their meeting in Paris on 8 and 9 July 1991,

Mindful of the dangers to peace and stability posed by the transfer of conventional weapons beyond levels needed for defensive purposes,

Reaffirming the inherent right to individual or collective self-defence recognised in Article 51 of the Charter of the United Nations, which implies that States have the right to acquire means of legitimate self-defence.

Recalling that in accordance with the Charter of the United Nations, UN member States have undertaken to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources,

Seeking to ensure that arms transferred are not used in violation of the purposes and principles of the UN Charter,

Mindful of their special responsibility for the maintenance of international peace and security,

Reaffirming their commitment to seek effective measures to promote peace, security, stability and arms control on a global and regional basis in a fair, reasonable, comprehensive and balanced manner,

Noting the importance of encouraging international commerce for peaceful purposes,

Determined to adopt a serious, responsible and prudent attitude of restraint regarding arms transfers,

Declare that, when considering under their national control procedures conventional arms transfers, they intend to observe rules of restraint, and to act in accordance with the following guidelines:

1. They will consider carefully whether proposed transfers will:
 - (a) Promote the capabilities of the recipient to meet needs for legitimate self-defense;
 - (b) Serve as an appropriate and proportionate response to the security and military threats confronting the recipient country;
 - (c) Enhance the capability of the recipient to participate in regional or other collective arrangements or other measures consistent with the Charter of the United Nations or requested by the United Nations;
2. They will avoid transfers which would be likely to:
 - (a) Prolong or aggravate an existing armed conflict;
 - (b) Increase tension in a region or contribute to regional instability;
 - (c) Introduce destabilising military capabilities in a region;
 - (d) Contravene embargoes or other relevant internationally agreed restraints to which they are parties;
 - (e) Be used other than for the legitimate defense and security needs of the recipient State;
 - (f) Support or encourage international terrorism;
 - (g) Be used to interfere with the internal affairs of sovereign States;
 - (h) Seriously undermine the recipient State's economy.

116

The Compressed Negotiations*

New York, 25 September 1991

Article 1

Aims and Principles

Compression of the negotiations aims to secure, at one go, political agreements to:

- (a) Coordinate an end to the armed conflict and to every act that violates the rights of the civilian population, under United Nations verification, subject to the approval of the Security Council; and
- (b) Establish the guarantees and conditions needed to reintegrate members of FMLN into the civilian, institutional and political life of the country in absolute legality.

Accordingly, all the substantive items on the Agenda would be negotiated and settled prior to the end of the armed conflict. This will mean a ceasefire of pre-determined length, short and dynamic, during which there would not be any substantive negotiations but only the measures necessary to put the agreements reached into practice.

This implies that the Agenda approved at Caracas should be reshaped to take account of the above aims and of the outcome of the negotiations conducted since then.

Article 2

Subjects for Negotiation

The matters to be negotiated are as follows:

* A/46/502/Add. 1-S/23082/Add.1, annex.

I. Armed Forces¹

This item includes:

1. Doctrine.
2. Training system.
3. Purification.
4. Reduction.²
5. Waiver of impunity.
6. Public Security Forces:⁴
 - Establishment of the NCP.⁵ Doctrine. Juridical regime.
 - Disbandment of the National Guard and the Treasury Police, as Public Security Forces.
 - Personnel of the NCP. Vetting of National Police personnel. Enlistment of new personnel. Pluralistic and non-discriminatory selection and training system.
 - Profiles and training.
 - International advisory services and support.
 - Transitional regime.
- 6 *[sic]* Intelligence services:⁶
 - Disbandment of the DNI.
 - Establishment of the OIE. Doctrine. Juridical regime.
 - Personnel of the OIE.
 - Monitoring.
7. Rapid deployment infantry battalions.
8. Subordination to the civil power.
9. Paramilitary entities:
 - Civil defence.
 - Regime of the Salvadorian Armed Forces reserves.
 - Eradication of illegal groups.
 - Regulation of private security.
 - Monitoring.
10. Suspension of conscription.
11. Preventive and promotional methods.
12. Relocation and reduction.
13. International verification.

II. Judicial System

Implementation of the political agreements for the development of the constitutional reform adopted in the Mexico agreements of 27 April 1991.

III. Electoral System

Implementation of the political agreements for the development of the constitutional reform adopted in the Mexico agreements of 27 April 1991.

IV. Ratification of the Constitutional Reform

This item is inferred from the Mexico agreements of 27 April 1991. It is an indispensable prerequisite for the concretisation of other political agreements, such as many of those referring to the electoral and judicial systems, as well as the agreement relating to the National Civil Police, for example. Consequently, progress should be made in that direction without further delay.

V. Economic and Social Questions

VI. Conditions for the Cessation of the Armed Confrontation

The work that has been done with regard to this question will have to be adapted to the arrangements for the ceasefire described above, and particularly to its dynamic character, the consequence of the compression of the negotiations.

VII. Political Participation by FMLN

VIII. Verification by the United Nations

IX. Timetable for Implementation

New York, 25 September 1991

Representing the Government of El Salvador:

Dr. Oscar Santamaria

Col. Mauricio Ernesto Vargas

Dr. David Escobar Galindo

Representing Frente Farabundo Marti para la Liberacion Nacional:

Cmdr. Schafik Handal

Cmdr. Francisco Jovel

Cmdr. Salvador Sanchez Ceren

Cmdr. Eduardo Sancho

Cmdr. Joaquin Villalobos

Alvaro de Soto

Representative of the Secretary-General of the United Nations

REFERENCES

1. Most of the sub-items under this point are fairly advanced on the basis of the working document prepared by the intermediary.
2. The question will be considered within the scope defined by the New York Agreement.
3. See "Comision de la Verdad" (Truth Commission) in the Mexico agreements of 27 April 1991. The working paper on the Armed Forces sets forth the connection between the subject and that Commission.
4. This question has also reached an advanced stage, on the basis of an additional document prepared by the intermediary.
5. In view of the complexity of the task and the time required to carry it out, the process of organising the new National Civil Police needs to begin immediately, i.e. without awaiting other political agreements or the cessation of the armed confrontation.
6. This question has also reached an advanced stage, on the basis of an additional document prepared by the intermediary.

117

Democratic People's Republic of Korea and the International Atomic Energy Agency Secretariat Complete Safeguards Agreement Text*

16 July 1991

Representatives of the Democratic People's Republic of Korea (DPRK) and the secretariat of the International Atomic Energy Agency (IAEA) today agreed to the text of a draft safeguards agreement permitting inspection of nuclear material in the DPRK.

The draft agreement, which follows the standard pattern of safeguards agreements signed between parties to the Non-Proliferation Treaty and the IAEA, was drawn up in its final form during discussions held in Vienna, July 12-16.

The agreement will be submitted to the meeting of the IAEA Board of Governors to be held in Vienna on September 11, 1991 for approval.

The DPRK side was led by Chang Mun Son, Director of the Legal Affairs Department of the DPRK Foreign Ministry.

* Press release PR 91/23 issued by IAEA.

118

Communique from Paris Meeting of Five on Arms Transfers and Non-Proliferation*

Paris, 8-9 July 1991

1. Representatives of the United States of America, the People's Republic of China, France, the United Kingdom, and the Union of Soviet Socialist Republics met in Paris on the 8th and 9th of July to review issues related to conventional arms transfers and to the non-proliferation of weapons of mass destruction.

They noted with concern the dangers associated with the excessive build-up of military capabilities, and confirmed they would not transfer conventional weapons in circumstances which would undermine stability. They also noted the threats to peace and stability posed by the proliferation of nuclear weapons, chemical and biological weapons and missiles, and undertook to seek effective measures of non-proliferation and arms control in a fair, reasonable, comprehensive and balanced manner on a global as well as on a regional basis.

2. They had a thorough and positive exchange of views on the basis of the arms control initiatives presented in particular by President Bush, President Mitterrand, Prime Minister Major and on other initiatives which address these problems globally and as a matter of urgency in the Middle East. They also agreed to support continued work in the United Nations on an arms transfers register to be established under the aegis of the UN Secretary-General, on a non-discriminatory basis, as a step towards increased transparency on arms transfers and in general in military matters.

* As issued by the five permanent members of the United Nations Security Council following their meeting in Paris.

They stressed that the ultimate response to the threat of proliferation is verifiable arms control and disarmament agreements amongst the parties concerned. They expressed strong support for full implementation of existing arms control regimes. For their part, they will contribute to this objective by developing and maintaining stringent national and, as far as possible, harmonised controls to ensure that weapons of mass-destruction related equipments and materials are transferred for permitted purposes only and are not diverted.

They also strongly supported the objective of establishing a weapons of mass destruction-free zone in the Middle East. They expressed their view that critical steps toward this goal include full implementation of UNSC resolution 687 and adoption by countries in the region of a comprehensive programme of arms control for the region, including:

- A freeze and ultimate elimination of ground to ground missiles in the region;
- Submission by all nations in the region of all of their nuclear activities to IAEA safeguards;
- A ban on the importation and production of nuclear weapons usable materials;
- Agreements by all States in the region to undertake to becoming parties to the CW Convention as soon as it is concluded in 1992.

3. They acknowledged that article 51 of the UN Charter guarantees every State the right to self-defense. That right implies that States have also the right to acquire means with which to defend themselves. In this respect, the transfer of conventional weapons, conducted in a responsible manner, should contribute to the ability of States to meet their legitimate defense, security and national sovereignty requirements and to participate effectively in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security.

They recognised that indiscriminate transfers of military weapons and technology contribute to regional instability. They are fully conscious of the special responsibilities that are incumbent upon them to ensure that such risks be avoided, and of the special role they have to play in promoting greater responsibility, confidence and transparency in this field. They also recognize that a long term solution to this problem should be found in close consultation with recipient countries.

4. They expressed the intention that:

- When considering under their national control procedures conventional weapons transfers, they will observe rules of restraint. They will develop agreed guidelines on this basis;
- Taking into account the special situation of the Middle East as a primary area of tension, they will develop modalities of consultation and of information exchanges concerning arms transfers to this region as a matter of priority;
- A group of experts will meet in September with a view to reaching agreement on this approach;
- Another plenary meeting will be held in October at London;
- Further meetings will be held periodically to review these issues.

5. They expressed the conviction that this process of continuing cooperation will contribute to a worldwide climate of vigilance in this field which other countries will share.

119

Communique of the Political Consultative Committee of the Warsaw Treaty Member States and Protocol Signed*

Prague, 1 July 1991

Communique

The Political Consultative Committee of the Warsaw Treaty Member States held a session in Prague on July 1, 1991. Present at the talks were:

For the Republic of Bulgaria—Zhelyu Zhelev, President of the Republic of Bulgaria; Dimitri Popov, Chairman of the Council of Ministers of the Republic of Bulgaria; Viktor Valkov, Deputy Chairman of the Council of Ministers and Minister of Foreign Affairs of the Republic of Bulgaria.

For the Republic of Hungary—Jozsef Antall, Prime Minister of the Republic of Hungary; Geza Jeszenszki, Minister of Foreign Affairs of the Republic of Hungary; Ferenc Somogyi, State Secretary of the Ministry of Foreign Affairs of the Republic of Hungary.

For the Republic of Poland—Lech Walesa, President of the Republic of Poland; Jan Krzysztof Bielecki, Chairman of the Council of Ministers of the Republic of Poland; Krzysztof Skubiszewski, Minister of Foreign Affairs of the Republic of Poland.

For Romania—Ion Iliescu, President of Romania; Petre Roman, Prime Minister of Romania; Adrian Nastase, Minister of Foreign Affairs of Romania.

* A/46/300-S/22782, annex I (communique) and annex II (Protocol).

For the Union of Soviet Socialist Republics—G.I. Yanayev, Vice-President of the USSR; A.A. Bessmertnykh, Minister of Foreign Affairs of the USSR.

For the Czech and Slovak Federal Republic—Vaclav Havel, President of the Czech and Slovak Federal Republic; Marien Calfa, Prime Minister of the Czech and Slovak Federal Republic; Jiri Dienstbier, Deputy Prime Minister and Minister of Foreign Affairs of the Czech and Slovak Federal Republic.

A Protocol on terminating the validity of the Treaty of Friendship, Cooperation and Mutual Assistance, signed in Warsaw on May 14, 1955, and of the Protocol extending the validity of the mentioned treaty of April 26, 1985, were signed at the session. The document signed at the session is subject to ratification.

The participants of the session proclaimed the following:

They agreed the present situation in Europe that endowed with qualitatively new relations of good neighbourliness, partnership, mutual respect and friendly cooperation among the equal and sovereign states represented at the session.

Proceeding from the above-mentioned, they support the development of relations in all areas on a renewed bilateral contractual-and-legal basis.

They voiced support for the further development of the all European process in the interest of creating new structures of security and cooperation on the continent in accordance with the results achieved at the CSCE summit in November, 1990, and they promoted the formation of an All-European framework of cooperation in the areas of security, economics, law, culture, ecology and the humanitarian sphere, as it was stated in the Paris Charter for a New Europe.

According to the identical views expressed by the States represented at the session—stability, prosperity and the further development of democracy based on respect for human rights and fundamental freedoms in the countries of central and eastern Europe are in the interest of all participating states of the CSCE process.

The participants of the session expressed the readiness of their countries to hold, in the event of any such interest, bilateral or multilateral consultations on *ad hoc* basis, on topical issues of common interest including issues linked with the fulfilment of the Treaty on Conventional Armed Forces in Europe.

They confirmed the provisions included in the Proclamation of the member states of the Warsaw Treaty approved at the extraordinary

session of the Political Consultative Committee in Budapest, on February 25, 1991.

Protocol

on terminating the validity of the Treaty of Friendship, Cooperation and Mutual Assistance, signed in Warsaw on May 14, 1955, and of the Protocol on extending its validity, signed in Warsaw on April 26, 1985.

The States—parties to the Treaty of Friendship, Cooperation and Mutual Assistance, signed in Warsaw on May 14, 1955,

bearing in mind the profound changes currently underway in Europe, which are bringing to an end the era of confrontation and division of the continent,

resolved to actively develop, in the new situation, their relations on a bilateral and, if interested, on a multilateral basis,

recalling the significance of the Joint Declaration of twenty-two states, which signed the Treaty on Conventional Armed Forces in Europe, and which declared that they are no longer enemies, and that they will build new relations of partnership and cooperation,

resolved to promote gradual transition to all-European security structures, in the spirit of the arrangements made at the Paris summit of the Conference on Security and Cooperation in Europe in November, 1990, have agreed as follows:

Article 1

The Treaty of Friendship, Cooperation and Mutual Assistance, signed in Warsaw on May 14, 1955 (henceforth referred to only as the Warsaw Treaty), and the Protocol extending the validity of the Treaty of Friendship, Cooperation and Mutual Assistance, signed in Warsaw on April 26, 1985, will cease to be valid on the day this Protocol enters into force.

Article 2

The Parties to this Protocol declare they claim no property towards one another, arising from the Warsaw Treaty.

Article 3

1. This protocol is subject to ratification

2. The original of the Protocol and the ratification instruments will be retained in the archives of the government of the Czech and Slovak Federal Republic. The government of the Czech and Slovak Federal Republic will inform the other Parties to this Protocol on depositing every ratification instrument.

Article 4

The Protocol will enter into force on the day when the last ratification instrument is deposited in the archives.

Done in Prague on July 1, 1991, in one copy in each of the Czech, Bulgarian, Hungarian, Polish, Romanian and Russian languages, with all versions having equal validity. The authorised copies of this Protocol will be given by the government of the Czech and Slovak Federal Republic to all other Parties to this Protocol.

For the Czech and Slovak Federal Republic

Vaclav Havel

President of the Czech and Slovak

Federal Republic

For the Republic of Bulgaria

Zhelyu Zhelev

President of the Republic of Bulgaria

For the Republic of Hungary

Jozsef Antall

Prime Minister of the Republic of Hungary

For the Republic of Poland

Lech Walesa

President of the Republic of Poland

Lech Walesa

President of Romania

For the Union of Soviet Socialist Republics

G.I. Yanayev

Vice-President of the Union of Soviet Socialist Republics

120

Final Document of the Seminar for High-Level Military and Civilian Officials

Yaounde, 21 June 1991

The seminar on conflict resolution, crisis prevention and management and confidence-building among the member States of the Economic Community of Central African States (ECCAS) was held at Yaounde (Cameroon), from 17 to 21 June 1991.

I. Organisation of the Seminar and Activities Conducted

1. The seminar was organised by the United Nations Department for Disarmament Affairs, in conjunction with the Government of the Republic of Cameroon.

2. The seminar brought together high-level civilian and military officials from the following countries:

Burundi, Cameroon, Central African Republic, Chad, Congo, Equatorial Guinea, Gabon, Rwanda, Sao Tome and Principe, Zaire

3. The opening ceremonies on 17 June 1991 were presided over by Jacques-Roger Booh Booh, Minister for Foreign Affairs of Cameroon, who gave the welcoming address on behalf of the Government of the host country. A direction was given to the work done during the seminar by the important statements made by the Minister for Foreign Affairs of Cameroon, by Yasushi Akashi, United Nations Under-Secretary-General for Disarmament Affairs, by Melanio Ebendeng Nsomo, Minister of Defence of the Republic of Equatorial Guinea and representative of the current President of the Economic Community of Central African States (ECCAS), by Ambassador Kasasa Cinyante Mutati, Secretary-General of the Economic Community of Central African States.

4. The goal of the seminar-workshop was to provide information and training to high-level civilian and military officials from ECCAS

member States on techniques for preventing and managing crises, and on political, economic and military steps conducive to confidence-building, transparency and the social and economic development of our countries domestically and at the subregional level. The participants considered a number of complex questions dealt with by high-level specialists, namely:

The international political, military and economic issues of the day and their relationship to peace, security, disarmament and confidence-building among African States;

The militarisation of African affairs and its implications for the peace and development of the continent;

The peaceful settlement of disputes and the non-use of force: the law and the actuality;

The new international system and its implications for peace and security in Africa, with a focus on the Central African subregion;

Public administration reforms as a factor in peace and progress in Africa, with a focus on the Central African subregion;

Structural adjustment and sustained economic growth as factors in peace and progress in Africa;

The role and function of the defence committee of the Organisation of African Unity.

5. A model United Nations Security Council meeting was organised on "the mandate, establishment and management of a peacekeeping force". In addition, the delegates took part in:

A "brainstorming" meeting on "democratisation, human rights and peace in the African context";

A group discussion on the topics: "Should African military expenditures be reduced? If so, why and how? Central Africa as a case in point".

6. During an evaluation meeting on 20 June 1991, the participants expressed the belief that the seminar had achieved its dual goal, namely, to serve as a forum for an exchange of ideas and outlooks among the representatives, and to provide practical training in the skills and modern techniques needed for the peaceful settlement of disputes, crisis prevention and management and confidence-building.

II. Conclusions and Recommendations

The participants in the seminar-workshop on conflict resolution, crisis prevention and management and confidence-building among the

member States of the Economic Community of Central African States adopted a resolution at the conclusion of their work that will be submitted to the forty-sixth session of the United Nations General Assembly. They expressed the hope that the international community would continue to give its support to the huge undertaking by the Central African States, which should result in:

The conclusion of a non-aggression pact and the adoption of legal instruments providing for a system of mutual assistance and collective defence at the subregional and regional levels;

The creation of a strategic studies centre within the framework of existing university or military training facilities in our subregion and the establishment of subregional cooperation in military training;

The organisation of joint military exercises and mixed patrols;

The creation under United Nations auspices of a standing advisory committee responsible for security questions;

An expansion of each State's actual diplomatic presence in all the other countries;

A plan for reducing the military and security budgets and allocating the funds thus released to social and economic development and especially to regional and national development projects;

The establishment of hotlines between our heads of State; and

The strengthening of economic cooperation, as envisaged in the Treaty establishing the Economic Community of Central African States (ECCAS).

The participants further expressed their deep gratitude to the United Nations Department for Disarmament Affairs for its assistance in the preparation and organisation of the seminar.

Paying tribute to the Secretary-General of the United Nations, the participants, in conclusion, asked him to continue to provide their countries with the advice and assistance needed to achieve the proposed aims of the action that will be taken to promote confidence-building, security and development in Central Africa.

121

Excerpt on Nuclear Disarmament and Non-Proliferation from the French Arms Control and Disarmament Plan*

3 June 1991

I. Objectives Regarding Individual Weapons Categories

Nuclear disarmament remains an essential goal. France supports the efforts of the two major Powers to reduce their nuclear arsenals. It confirms that it will participate in the process as soon as the conditions laid down by it in 1983 have been fulfilled.

At the same time, it is important to avoid proliferation of nuclear weapons beyond the five existing nuclear Powers.

France, which already applies all of the provisions of the Non-Proliferation Treaty, has decided in principle to sign it and hopes that all States will accede to it.

* The French arms control and disarmament plan, put forward by the President of the French Republic, was transmitted to the Secretary-General on 3 June 1991 and circulated in document A/46/212-S/22667, annex.

122

Final Document of Extraordinary Conference of States Parties to the CFE Treaty, Oslo, 5 June 1992*

The Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Czech and Slovak Federal Republic the Kingdom of Denmark, the French Republic, the Republic of Georgia, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, the Italian Republic, the Republic of Kazakhstan, the Grand Duchy of Luxembourg, the Republic of Moldova, the Kingdom of the Netherlands, the kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Russian Federation the Kingdom of Spain, the Republic of Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred to as the States Parties,

Reaffirming their determination to bring into force the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred to as the Treaty, by the time of the Helsinki Summit Meeting of the Conference on Security and Cooperation in Europe on July 9-10, 1992,

Desiring to meet the objectives and requirements of the Treaty while responding to the historic changes which have occurred in Europe since the Treaty was signed.

Recalling in this context, the undertaking in paragraph 4 of the Joint Declaration of Twenty-Two States signed in Paris on November

* Document issued at the Extraordinary Conference, 5 June 1992, Oslo. Text obtained from the Royal Norwegian Ministry of Foreign Affairs.

19,1990, to maintain only such military capabilities as are necessary to prevent war and provide for effective defence and to bear in mind the relationship between military capabilities and doctrines, and confirming their commitment to that undertaking,

Having met together at an Extraordinary Conference chaired by the Kingdom of Spain in Oslo on June 5,1992, pursuant to Article XXI, paragraph 2, of the Treaty, as provisionally applied,

Have agreed as follows:

1. The understandings, notifications, confirmations and commitments contained or referred to in this Final Document and its Annexes A and B, together with the deposit of instruments of ratification by all the States Parties, shall be deemed as fulfilling the requirements for entry into force of the Treaty in accordance with its provisions. Accordingly, the Treaty shall enter into force 10 days after the last such instrument has been deposited.

2. In this context, the States Parties note the Agreement of May 15, 1992, on the Principles and Procedures of Implementation of the Treaty on Conventional Armed Forces in Europe, the four Protocols to that Agreement and the Joint Declaration of May 15, 1992, in relation to the Treaty on Conventional Armed Forces in Europe, as transmitted on June 1, 1992, by that Agreement's Depositary to all States Parties to the Treaty. In this regard, Articles 1, 2, 3, 4, 5, 6, 10, 11, and 12 of that Agreement, the four Protocols to that Agreement, and the Joint Declaration of May 15, 1992, in relation to the Treaty on Conventional Armed Forces in Europe contain necessary confirmations and information.

3. The States Parties confirm the understandings as elaborated in the Joint Consultative Group, and specified in Annex A of this Final Document.

4. The States Parties confirm all decisions and recommendations adopted by the Joint Consultative Group.

5. This Final Document, in no way alters the rights and obligations of the States Parties as set forth in the Treaty and its associated documents.

6. This final document shall enter into force upon signature by all of the States Parties.

7. This final document, together with its Annexes A and B, which are integral to it, in all the official languages of the Conference on Security and Cooperation in Europe, shall be deposited with the

Government of the Kingdom of the Netherlands, as the designated Depository for the Treaty, which shall circulate copies of this Final Document to all the States Parties.

ANNEX A

UNDERSTANDINGS

1. The first paragraph of the Preamble of the Treaty shall be understood to read:

“the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Czech and Slovak Federal Republic, the Kingdom of Denmark, the French Republic, the Republic of Georgia, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, the Italian Republic, the Republic of Kazakhstan, the Grand Duchy of Luxembourg, the Republic of Moldova, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Russian Federation the Kingdom of Spain, the Republic of Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, hereinafter referred to as the States Parties.”

2. The second paragraph of the Preamble of the Treaty shall be understood to read:

“Guided by the Mandate for Negotiation on Conventional Armed Forces in Europe of January 10, 1989,”

The third paragraph of the Preamble of the Treaty shall be understood to read:

“Guided by the objectives and the purposes of the Conference on Security and Cooperation in Europe, within the framework of which the negotiation of this Treaty was conducted in Vienna beginning on March 9, 1989.”

3. With regard to the ninth paragraph of the Preamble of the Treaty, it is noted that the Treaty of Warsaw of 1955 is no longer in force, and that some of the States Parties in the first group specified in paragraph 4 of this Annex did not sign or accede to that Treaty.

4. The “groups of States Parties” referred to in paragraph 1(a) of Article II of the Treaty shall be understood to consist of:

“the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Bulgaria, the Czech and Slovak Federal Republic, the Republic of Georgia, the Republic of Hungary, the Republic of Kazakhstan, the Republic of Moldova, the Republic of Poland, Romania, the Russian Federation, and Ukraine,”

and

“the Kingdom of Belgium, Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the Republic of Iceland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Spain, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America.”

5. The first two sentences of paragraph 1(b) of Article II of the Treaty shall be understood to read:

“the term ‘area of application means the entire land territory of the States Parties in Europe from the Atlantic Ocean to the Ural Mountains which includes all the European island territories of the States Parties, including the Faroe Islands of the Kingdom of Denmark, Svalbard including Bear Island of the Kingdom of Norway, the Islands of Azores and Madeira of the Portuguese Republic, the Canary Islands of the Kingdom of Spain and Franz Josef Land and Novaya Zemlya of the Russian Federation. In the case of the Russian Federation and the Republic of Kazakhstan, the area of application includes all territory lying West of the Ural River and the Caspian Sea.”.

6. In Article IV of the Treaty, in accordance with the map provided by the former Union of Soviet Socialist Republics at signature of the Treaty:

- the second sentence of the second part of paragraph 1 shall be understood to read:

“such designated permanent storage sites may also be located in the Republic of Moldova, that part of Ukraine comprising the portion of the former Odessa Military District on its territory, and that part of the territory of the Russian Federation comprising the southern part of the Leningrad Military District.”

- the first sentence of paragraph 2 shall be understood to read:

“within the area consisting of the entire land territory in Europe, which includes all the European island territories, of the Republic of Belarus, the Kingdom of Belgium, the Czech and Slovak Federal Republic, the Kingdom of Denmark including the Faroe islands, the French Republic, the Federal Republic of Germany, the Republic of Hungary, the Italian Republic, that part of the Republic of Kazakhstan within the area of application, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic including the islands of Azores and Madeira, that part of the Russian Federation comprising the portion of the former Baltic Military District on its territory, the Moscow Military District and the portion of the Volga-Ural Military District on its territory west of the Ural Mountains, the Kingdom of Spain including the Canary Islands, that/part of the territory of Ukraine

comprising the former Carpathian and former Kiev Military Districts and the United Kingdom of Great Britain and Northern Ireland, each State Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles and artillery so that, 40 months after entry into force of this Treaty and thereafter, for the group of States Parties to which it belongs the aggregate numbers do not exceed:"

- the first sentence of paragraph 3 shall be understood to read:

"within the area consisting of the entire land territory in Europe, which includes all the European island territories, of the Republic of Belarus, the Kingdom of Belgium, the Czech and Slovak Federal Republic, the Kingdom of Denmark including the Faroe Islands, the French Republic, the Federal Republic of Germany, the Republic of Hungary, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Poland, that part of the Russian Federation comprising the portion of the former Baltic Military District on its territory, that part of the territory of Ukraine comprising the former Carpathian and former Kiev Military Districts and the United Kingdom of Great Britain and Northern Ireland, each State Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles and artillery so that, 40 months after entry into force of this Treaty and thereafter, for the group of States Parties to which it belongs the aggregate numbers of active units do not exceed":

- the first sentence in paragraph 3(d) shall be understood to read:
"in that part of Ukraine comprising the former Kiev military district, the aggregate numbers in active units and designated permanent storage sites together shall not exceed:"

7. The first sentence of paragraph 1 (a) of Article V of the Treaty shall be understood, in accordance with the map provided by the former Union of Soviet Socialist Republics at signature of the Treaty, to read:

"within the area consisting of the entire land territory in Europe, which includes all the European island territories of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, the Republic of Georgia, the Hellenic Republic, the Republic of Iceland, the Republic of Moldova, the Kingdom of Norway. Romania, that part of the Russian Federation comprising the Leningrad and North Caucasus Military Districts, the part of the Republic of Turkey within the area of application and that part of Ukraine comprising the portion of the former Odessa Military District on its territory, each State Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles and artillery so that, 40 months after entry into force of this Treaty and thereafter, for the group of States Parties to which it belongs the aggregate numbers in active units do not exceed the difference between the overall numerical limitations set forth in Article IV, paragraph 1, and those in Article IV, paragraph 2, that is:"

8. Paragraph 3 of Section I of the Protocol Governing, the Categorisation of Combat Helicopters and the Recategorisation of Multi-Purpose Attack Helicopters shall be understood to read:

“Notwithstanding the provisions in paragraph 2 of this Section and is a unique, exception to that paragraph, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Georgia, the Republic of Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine may hold an aggregate total not to exceed 100 MI-24R and MI-24K helicopters equipped for reconnaissance, spotting, or chemical/biological/radiological sampling which shall not be subject to the limitations on attack helicopters in Articles IV and VI of the Treaty. Such helicopters shall be subject to exchange of information in accordance with the Protocol on Information Exchange and to internal inspection in accordance with Section VI, paragraph 30 of the Protocol on Inspection. MI-24R and MI-24K helicopters in excess of this limit shall be categorised as specialised attack helicopters regardless of how they are equipped and shall count against the limitations on attack helicopters in Articles IV and VI of the Treaty.”.

9. With reference to paragraph 11 of the Protocol on the Joint Consultative Group, the proportion of the expenses of the Joint Consultative Group allocated to the Union of Soviet Socialist Republics shall become the collective responsibility of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Georgia, the Republic of Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine.

ANNEX B

NOTIFICATIONS, CONFIRMATIONS AND COMMITMENTS

I. Notifications

1. The States Parties note that each State Party has provided to all other States Parties notifications of maximum levels for its holdings of conventional armaments and equipment limited by the Treaty (Article VII, paragraph 2) in advance of the Extraordinary Conference.

2. Each State Party shall provide the following notifications and information, where applicable, to all other States Parties no later than July 1, 1992:

- (a) in view of the inspection requirements in the Treaty, information on its objects of verification and declared sites effective as of November 19, 1990 (Protocol on Notification and

- Exchange of Information, Section V and Annex on the Format for the Exchange of Information, Section V);
- (b) list of its points of entry/exit (Annex on Format for the Exchange of Information, Section V, paragraph 3);
 - (c) notification of changes to its points of entry/exit (Protocol on Inspection, Section III, paragraph 11);
 - (d) lists of its proposed inspectors and transport crew members (Protocol on Inspection, Section III, paragraph 3)
 - (e) notification of deletions from the lists of inspectors and transport crew members (Protocol on Inspection, Section III, paragraphs 4 and 7);
 - (f) notification of its standing diplomatic clearance numbers for transportation means (Protocol on Inspection, Section III, paragraph 9);
 - (g) notification of the official language or languages to be used by inspection teams (Protocol on Inspection, Section III, paragraph 12);
 - (h) notification of its active inspection quota for the baseline Validation period (Protocol on Inspection, Section II, paragraph 24);
 - (i) notification of entry into service of new types, models or versions of conventional armaments and equipment subject to the Treaty (Protocol on Existing Types, Section IV, paragraph 3);
 - (j) notification in the event of destruction by accident, and documentary evidence supporting destruction by accident, of conventional armaments and equipment limited by the Treaty (Protocol on Reduction, Section IX, paragraphs 2 and 3).

II. Confirmations

1. With regard to Article VIII, paragraph 7, of the Treaty, the States Parties confirm that, except as otherwise provided for in the Treaty, their respective reduction liabilities in each category shall be no less than the difference between their respective holdings notified, in accordance with the Protocol on Information Exchange, as of the signature of the Treaty, and their respective maximum levels for holdings notified pursuant to Article VII. In this regard, for those States Parties that have jointly confirmed the validity for them of holdings as of the signature of the Treaty, the sum of their reduction liabilities in each category shall, except as otherwise provided for in the Treaty, be no less than the difference between the jointly confirmed

holdings and the sum of their maximum levels for holdings notified pursuant to Article VII.

2. The States Parties confirm their commitment, in the Declaration of the States Parties to the Treaty on Conventional Armed Forces in Europe with Respect to Personnel Strength of November 19, 1990, not to increase during the period of the negotiations referred to in Article XVIII of the Treaty the total peacetime authorised personnel strength of their conventional armed forces pursuant to the Mandate in the area of application.

3. The States Parties confirm their commitment to the Declaration of the States Parties to the Treaty on Conventional Armed Forces in Europe with Respect to Land-Based Naval Aircraft of November 19, 1990.

4. The States Parties confirm their adherence to the agreement set out in the Statement by the Chairman of the Joint Consultative Group on October 18, 1991.

III. Commitments

A. COSTS

1. In accordance with Article XVI, paragraph 2(f), of the Treaty, and with reference to paragraph 11 of the Protocol on the Joint Consultative Group, the Joint Consultative Group shall review its scale of distribution of expenses after entry into force of the treaty in the light of decisions taken on the scale of distribution of expenses of the Conference on Security and Cooperation in Europe.

B. ARTICLE XII

1. In order to meet the security interests of all States Parties in light of new circumstances in Europe, the States Parties shall as a first priority seek to reach agreement, immediately after entry into force of the Treaty, on Article XII, paragraph 1, of the Treaty.

2. In this context, the States Parties will cooperate to respect the security objectives of Article XII within the area of application of the Treaty. In particular, no State Party will increase, within the area of application, its holdings of armoured infantry fighting vehicles held by organisations designed and structured to perform in peacetime internal security functions above that aggregate number held by such organisations at the time of signature of the Treaty, as notified pursuant to the information exchange effective as of November 19, 1990.

3. Notwithstanding the political commitment set forth in paragraph 2 above, any State Party that had an aggregate number of armoured

infantry fighting vehicles held by organisations designed and structured to perform in peacetime internal security functions on its territory, as notified effective as of November 19, 1990, that was less than five per cent of its maximum levels for holdings for armoured combat vehicles, as notified pursuant to Article VII, paragraph 2, of the Treaty, or less than 100 such armoured infantry fighting vehicles, whichever is greater, will have the right to increase its holdings of such armoured infantry fighting vehicles to an aggregate number not to exceed five per cent of its maximum levels for holdings for armoured combat vehicles, as notified pursuant to Article VII, paragraph 2, of the Treaty, or to an aggregate number not to exceed 100, whichever is greater.

REFERENCES

1. The Treaty of Friendship Cooperation and Mutual Assistance signed in Warsaw, 14 May 1955.
2. The Treaty of Economic. Social and Cultural Collaboration and Collective Self-defence signed in Brussels on 17 March 1948.
3. The North Atlantic Treaty signed in Washington 4 April 1949.
4. This multi-purpose lightly armoured vehicle may be exceptionally modified within 40 months of entry into force of the Treaty into an armoured personnel carrier look-alike listed in Section II, paragraph 1 of this Protocol as MT-LB-AT by alteration of the interior of the vehicle through the removal of the left-hand combat infantry squad seating and the welding of the ammunition racking to the side and the floor at a minimum of six points so that the vehicle is not capable of transporting a combat infantry squad. Such modifications may be accomplished at locations other than reduction sites. MT-LB armoured personnel carriers that have not been modified shall be reported in accordance with the Protocol on Information. Exchange as armoured personnel carriers.
5. Pursuant to Section I, paragraph 3 of the Protocol on Helicopter Recategorisation.

123

Memorandum on the European Security Commission Issued on 6 April 1990 by the Federal Ministry of Foreign Affairs of the Federal Republic of Czechoslovakia

Political developments in the world, and particularly in Europe, are unfolding with such speed that the existing institutions are no longer in step with them. After years of confrontation, Europe finds itself at the start of a new stage. This gives rise to new possibilities, but also to certain risks. The security structure of the Continent stemming from the post-war realities is still based on the principle of a balance of forces between the two blocs. Its foundations, however, are not solid, because they rest on artificial dividing lines. The division of Europe into two parts, as well as the division of Germany into two States, has outlived itself.

The sources of potential European conflicts are more heterogeneous than has until now been envisaged by the bipolar confrontational system. From that follows the necessity of conceiving European security more broadly and of including in it, in addition to political and military aspects, also economic, environmental and humanitarian aspects, as well as the possibility of other threats. Such security, however, cannot be safeguarded by the existing confrontational security system, but only by a new Europe-wide structure of peace, stability and confidence. The profound political changes in Central and Eastern Europe add to the urgency of the need for such a modern structure.

The Warsaw Treaty and NATO operate today under different conditions than those under which they came into being. Those organisations, which, until now, have divided Europe, should shift the

focus of their activity primarily to the field of disarmament. We assume that further development will enhance their political role and will gradually tone down their military role. This process, at the same time, will not have to proceed symmetrically, since, in many aspects of their activities, the two groupings are not identical.

We believe that the best suitable basis on which to build a unified all-European security system is provided by the CSCE process. The new situation in Europe demands of this process to be heading with greater momentum in the direction of a second generation of Helsinki understandings. These should create the prerequisites for the gradual establishment of a common system of European security. The attainment of that goal calls for institutionalising our joint efforts within the Conference on Security and Co-operation in Europe (CSCE) and creating effective mechanisms of a new type.

A longer-term outlook of building a modern security system calls for making full use of the experience of the existing institutions of multilateral co-operation such as the Council of Europe and others, which should gradually become Europe-wide.

Seeking new possible approaches, we proceed from the positive lessons learned so far in the CSCE process, as well as from the need to respond to the development in Germany and to the profound social changes in Central and Eastern Europe.

In keeping with the purposes and principles of the Charter of the United Nations and of the Conference on Security and Co-operation in Europe, Czechoslovakia proposes, in the first stage, the establishment of a European Security Commission comprising the participating States of the Helsinki process.

Its justification is seen by us in the fact that it would provide a permanent all-European platform for the consideration of questions relating to security on the Continent, and for seeking their solution, which, until now, has been missing. This European Security Commission would operate side-by-side with the existing two groupings and independently of them.

The formation of an effective system of European Security would, in the second stage, be facilitated by the establishment, on a treaty basis, of an Organisation of European States, including the United States and Canada.

The third stage would culminate in a confederated Europe of free and independent States.

The European Security Commission would operate on the basis of consensus. It would initially fulfil consultative, co-ordinating and certain verification functions and, later on, such functions as would be agreed by the participating States. This would include, in particular, the following tasks:

- Considering international political correlations of European Security and proposing the adoption of appropriate measures;
- Forestalling threats to European peace and security, the rise of exacerbated situations, disputes, military incidents and conflicts, and recommending, as well as offering, means of their settlement (good offices, mediation, fact-finding, conciliation etc.);
- Dealing with questions of threats to, and violations of, security that are due to economic, ecological and humanitarian causes and assume large proportions and have international implications;
- Creating a scope for direct contacts and negotiations of the two groupings and their members, attended, if need be, also by the European neutral and non-aligned countries;
- Commenting on the conduct of negotiations by the European disarmament and security forums and proposing their further orientation;
- Considering the possibilities of expanding the agenda of the existing disarmament forums and the establishment of new ones;
- Considering reports by verification and consultation centres on compliance with European arms control and security agreements;
- Informing each other on doctrinal, structural, organisational and budgetary changes relating to the armed forces of the participating States and on the introduction of new weapon systems by them;
- Informing the United Nations, as well as regional organisations, on the results achieved in the sphere of European disarmament and security.

The Commission would meet at the level of Ministers for Foreign Affairs and their Permanent Representatives. Regular sessions at the level of Ministers would be held at least once a year. Extraordinary sessions could be convened at the request of participating States.

Sessions of Permanent Representatives would be held once a month or more frequently, if so requested by a participating State.

Subordinated to the Commission would be a Military Committee composed of military representatives of the CSCE participating States. It would meet at least once a year and would deal with questions specified by the Commission. For the purpose of the implementation of its tasks, the Commission may establish auxiliary bodies. The necessary technical services for the Commission would be secured by a not very sizeable, operative, permanent secretariat.

Czechoslovakia offers Prague as the permanent seat of the Commission. At the request of the participating States, the Commission could also meet elsewhere.

The forthcoming Summit of the 35 participating countries, which will consider important questions of the further development of security and co-operation in Europe, could adopt a decision concerning the creation of organisational pre-requisites for the establishment of the European Security Commission as a nucleus of a new security structure on the Continent.

Czechoslovakia, for historical, political-strategic and other reasons, has an eminent interest in the creation of such a structure. While drafting our proposal, we took into account the suggestions which have so far been submitted by the other CSCE participating countries and which came close to our concept of European security. This proposal is open to discussion.

The dynamic development on the Continent creates conditions for various approaches to the shaping of all-European structures and their appropriate mechanisms. The goal however, should be to create a new, sufficiently flexible and future-oriented model of European security.

Such a development should be in the interest not only of Europe, but of the whole world.

124

Summary of Conclusions of the Meeting of the Five Permanent Members of the Security Council on the Cambodian Problem*

Paris, 15-16 January 1990

The five permanent members of the United Nations Security Council, meeting in Paris on 15-16 January 1990, agreed that they would be guided by the following principles in working for a resolution of the Cambodian problem:

- No acceptable solution can be achieved by force of arms.
- An enduring peace can only be achieved through a comprehensive political settlement, including the verified withdrawal of foreign forces, a ceasefire, and cessation of outside military assistance.
- The goal should be self-determination for the Cambodian people through free, fair and democratic elections.
- All accept an enhanced United Nations role in the resolution of the Cambodian problem.
- There is an urgent need to speed up diplomatic efforts to achieve a settlement.
- The complete withdrawal of foreign forces must be verified by the United Nations.
- The five permanent members would welcome an early resumption of a constructive dialogue among the Cambodian factions which is essential to facilitating the transition process, which should not be dominated by any one of them.

* Issued as United Nations document S/21087 of 18 January 1990.

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- An effective United Nations presence will be required during the transition period in order to assure internal security.
 - A special representative of the United Nations Secretary-General is needed in Cambodia to supervise United Nations activities during a transition period culminating in the inauguration of a democratically elected government.
 - The scale of the United Nations operation should be consistent with the successful implementation of a Cambodian settlement, and its planning and execution should take account of the heavy financial burden that may be placed on Member States.
 - Free and fair elections must be conducted under direct United Nations administration.
 - The elections must be conducted in a neutral political environment in which no party would be advantaged.
 - The five permanent members commit themselves to honouring the results of free and fair elections.
 - All Cambodians should enjoy the same rights, freedoms and opportunities to participate in the election process.
 - A Supreme National Council might be the repository of Cambodian sovereignty during the transition process.
 - Questions involving Cambodian sovereignty should be resolved with the agreement of the Cambodian parties.
 - The five permanent members support all responsible efforts by regional parties to achieve a comprehensive political settlement, and will remain in close touch with them with a view to reconvening the Paris Conference at an appropriate time.

125

Principles that should Govern Further Actions of the States in the Field of the Freezing and Reduction of Military Budgets

15 December 1989

1. Concerted efforts should be made by all States, in particular by those States with the largest military arsenals and by the appropriate negotiating forums, with the objective of concluding international agreements to freeze and reduce military budgets, including adequate verification measures acceptable to all parties. Such agreements should contribute to genuine reductions of armed forces and armaments of States parties, with the aim of strengthening international peace and security at lower levels of armed forces and armaments. Definite agreements on the freezing and reduction of military expenditures are assuming special importance and should be reached within the shortest period of time in order to contribute to the curbing of the arms race, alleviate international tensions and increase the possibilities of re-allocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries.

2. All efforts in the field of the freezing and reduction of military expenditures should take into account the principles and purposes of the Charter of the United Nations and the relevant paragraphs of the Final Document of the Tenth Special Session of the General Assembly.

3. Pending the conclusion of agreements to freeze and reduce military expenditures, all States, in particular the most heavily armed States, should exercise self-restraint in their military expenditures.

4. The reduction of military expenditures on a mutually agreed basis should be implemented gradually and in a balanced manner,

either on a percentage or on an absolute basis, so as to ensure that no individual State or group of States may obtain advantage over others at any stage, and without prejudice to the right of all States to undiminished security and sovereignty and to undertake the necessary measures of self-defence.

5. While the freezing and reduction of military budgets is the responsibility of all States, to be implemented in stages in accordance with the principle of greatest responsibility, the process should begin with those nuclear-weapon States with the largest military arsenals and the biggest military expenditures, to be followed immediately by other nuclear weapon States and militarily significant States. This should not prevent other States from initiating negotiations and reaching agreements on the balanced reduction of their respective military budgets at any time during this process.

6. Human and material resources released through the reduction of military expenditures should be devoted to economic and social development, particularly for the benefit of the developing countries.

7. Meaningful negotiations on the freezing and reduction of military budgets would require that all parties to such negotiations have accepted and implemented transparency and comparability. The elaboration of agreed methods of measuring and comparing military expenditures between specified periods of time and between countries with different budgeting systems would be required. To this end, States should utilise the reporting system adopted by the General Assembly in 1980.

8. Armaments and military activities that would be the subject of physical reductions within the limits provided for in any agreement to reduce military expenditures will be identified by every State party to such agreements.

9. The agreements to freeze and reduce military expenditures should contain adequate and efficient measures of verification, satisfactory to all parties, in order to ensure that their provisions are strictly applied and fulfilled by all States parties. The specific methods of verification or other compliance procedure should be agreed upon in the process of negotiation depending upon the purposes, scope and nature of the agreement.

10. Unilateral measures undertaken by States concerning the freezing and reduction of military expenditures, especially when they are followed by similar measures adopted by other States on the basis of mutual example, could contribute to favourable conditions for the

negotiation and conclusion of international agreements to freeze and reduce military expenditures.

11. Confidence-building measures could help to create a political climate conducive to the freezing and reduction of military expenditures. Conversely, the freezing and reduction of military expenditures could contribute to the increase of confidence among States.

12. The United Nations should play a central role in orienting, stimulating and initiating negotiations on freezing and reducing military expenditures, and all Member States should co-operate with the Organisation and among themselves, with a view to solving the problems implied by this process.

13. The freezing and reduction of military expenditures may be achieved, as appropriate, on a global, regional or subregional level, with the agreement of all States concerned.

14. The agreements on the freezing and reduction of military budgets should be viewed in a broader perspective, including respect for and implementation of the security system of the United Nations, and be interrelated with other measures of disarmament, within the context of progress towards general and complete disarmament under effective international control. The reduction of military budgets should therefore be complementary to agreements on the limitation of armaments and disarmament and should not be considered as a substitute for such agreements.

15. The adoption of the above principles should be regarded as a means of facilitating meaningful negotiations on concrete agreements on the freezing and reduction of military-budgets.

126

Government-Industry Conference against Chemical Weapons: Summary Statement by the Chairman Canberra, 22 September 1989*

I. Introduction

1. This Conference has been a unique event, bringing together not only Governments, which have the responsibility for negotiating and implementing the forthcoming chemical weapons convention, but also representatives of the world's chemical industry, who will be directly affected by its implementation.

2. Building on the Paris Conference Declaration of January 1989, and in particular its call for a redoubling of effort to conclude the convention at the earliest date, government and industry representatives have come together to reinforce and give new momentum to a dialogue that is crucially necessary for two purposes:

- (a) To assist in the resolution of technical issues and the identification of workable and realistic solutions to other outstanding problems, to enable the early conclusion of the Convention;
- (b) To convey a clear understanding of the industry's concerns, and an appreciation of how the chemical weapons convention will impact on the industry, so as to ensure not only speedy conclusion of the convention, but its effective practical implementation.

3. This Conference has been the occasion for a number of important developments, including:

* A/C. 1/44/4.

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- (a) The first collective statement by the world's chemical industry of its commitment to assist Governments in bringing about a total ban on chemical weapons through a comprehensive chemical weapons convention;
 - (b) Extensive dialogue between Governments and industry on issues relating to both the conclusion and implementation of the treaty, and detailed exploration of ways of progressing that dialogue in the future;
 - (c) The identification of a number of measures in support of the objectives of the chemical weapons convention, which both Governments and industry are either implementing, or have indicated a willingness to consider, in advance of its coming into effect;
 - (d) A renewed expression of commitment by Governments to conclude and implement a comprehensive chemical weapons convention at the earliest date.

4. There was at the Conference clearly evident total support for the achievement of a chemical weapons convention of comprehensive scope, which would be effective, verifiable and workable in practice, non-discriminatory in impact and attract universal adherence. It was acknowledged that no interim regime could be a substitute for such a convention. The long quest for a comprehensive, global and effectively verifiable ban on chemical weapons, to which we are all firmly committed, has been brought closer to realisation by the assembly here in Canberra of the relevant diplomatic skills and industrial expertise needed to complete and implement the chemical weapons convention.

II. Concluding the Convention

5. The conceptual framework of the convention is already substantially settled, and many of its detailed provisions have already been elaborated. In bringing the convention to conclusion, 1990 is seen by most delegations as a critical year. I have clearly discerned in the contributions' of all delegations both the political and practical will to work through and resolve, as fast as the complexity of the subject matter allows, remaining outstanding issues in the convention negotiations. The general view is that the major substantive issues for negotiation should be able to be completed within the coming year.

6. Much of the discussion at the Conference focused on those issues whose resolution could clearly benefit from industry input and co-operation, in particular:

- (a) Verification regimes;
- (b) Protection of confidential commercial information;
- (c) Structure of the international authority and its relationship through national authorities with chemical industries;
- (d) Technical questions in relation to the destruction of existing stock piles and production facilities;
- (e) Within the convention context, promotion of the free and non-discriminatory exchange of chemicals and technology only for peaceful purposes, and assistance to developing States parties.

7. In order to assist in the process of resolving outstanding issues, many countries have brought to the negotiations their own national experience with various matters relevant to the convention, and these were reported to the Conference. These exercises have enabled the outstanding issues to be considered from a very practical perspective, and have helped give a better understanding of what is required under the convention. In particular:

- (a) A number of countries have conducted national trial inspections, and others are planning to do so;
- (b) Other countries have been conducting, or are planning to conduct, trial challenge inspections.

8. It was recognised that the negotiating environment for an early conclusion of the convention would be significantly enhanced by Governments being as frank and open as possible in their approach to chemical weapons issues, bringing their activities into conformity with their commitment to the convention, and by taking other specific steps—in the period before the Convention is concluded—to increase confidence in it. Such steps could include:

- (a) Acknowledgement of their chemical weapons stocks by weapons-possessing states;
- (b) Bilateral and multilateral data exchanges as provided for in the rolling text: information could be provided on chemical weapon stockpiles, chemical weapon production facilities, chemical weapon destruction facilities, and production of chemicals included in schedules 1, 2 and 3;
- (c) Trial inspections of stockpiles and production facilities on a bilateral and multilateral basis;
- (d) Establishing facilities to allow for the environmentally sound destruction of chemical weapon stocks, and exchanging the technology relevant to this process;

- (e) Taking steps to eliminate existing chemical weapon stockpiles;
- (f) Making unequivocal undertakings not to acquire chemical weapons and acting accordingly, as part of exercising restraint and acting responsibly in accordance with the purpose of the Geneva negotiations;
- (g) Informing Governments outside the Conference on Disarmament on the negotiations for a chemical weapons conference (as has been done, e.g., by the Chairman of the *Ad Hoc* Committee, and through Australia's Regional Initiative).

III. Implementing the Convention

9. The effectiveness of the convention will be maximised by the adherence of all States, and there were many calls for Governments to work actively towards that objective. The convention will provide equal security benefits to its adherents, and the value of those benefits will be strengthened by widespread support. At the same time, the operation of the chemical weapons convention will assure industry that its products can readily be traded and distributed on a non-discriminatory basis for purposes not prohibited by the convention. The convention will provide for equal treatment for all countries and all industrial entities. All Governments and their industries have a strong interest in confirming that these objectives are realised in practice.

10. A number of countries are already implementing in advance some of the provisions of the draft convention, adapting existing national measures to the convention framework, or adopting other measures which will assist in its implementation. For example, in addition to the trial inspections already referred to Governments are:

- (a) Establishing the framework for the national authorities which will implement the convention (e.g., the decision of Australia to establish its national chemical weapons convention authority and the interest of others in doing likewise);
- (b) Establishing technical assistance programmes for the identification and training of personnel who might be required to carry out the obligations of the convention (e.g., the programme established by Finland);
- (c) Legislating to prohibit certain activities which will be proscribed under the convention (e.g., the Federal Republic of Germany's recent amendments to the War Weapons Control Act).

Developments of this kind will contribute momentum to the negotiations, and will help avoid misapprehensions and delays in

implementing the convention. Taking such measures will also contribute to a collective understanding of the extent to which the convention can be implemented within the existing operations of Governments and industry.

11. It was proposed that all nations should consider the mechanisms they will need to put in place to implement the convention's requirements. Since the impact of the convention will vary considerably according to differing circumstances, special attention will need to be paid to the concerns of those countries with small or non-existent industries, or whose bureaucracies may require technical assistance in handling the complex requirements of the convention.

12. It was also proposed by some delegations that consideration be given to establishing a group or groups which could form the nucleus of the technical secretariat to be established under the Convention, contribute to the resolution of certain outstanding issues in the negotiation of the convention, or both; this is a matter which will need to be taken up in Geneva.

IV. Industry's Role

13. The effective implementation of the precise mechanisms to achieve the Convention and its objectives will depend to a significant extent on the co-operation and commitment of the chemical industry. At this Conference the industry has made very clear its support for the conclusion of a Convention, that it believes such a convention will in fact be in its own interests, and that it wants to help make that convention as effective and practicable as possible. The statement adopted this week by the representatives of the world's chemical industry is an especially important and historic one. It:

- (a) Expresses their unequivocal abhorrence of chemical warfare;
- (b) Expresses their willingness to work actively with Governments to achieve a global ban on chemical weapons and contribute additional momentum to the Geneva negotiating process;
- (c) Affirms their desire to foster international co-operation for the legitimate civil uses of chemical products and their opposition to the diversion of industry's products for the manufacture of chemical weapons;
- (d) Declares their support for efforts to conclude and implement the chemical weapons convention at the earliest date.

14. The chemical industry representatives present here have also announced this week the establishment of a new international industry

forum as a focal point for its essential practical input into the convention-making and implementation process. The group will meet in Geneva and involve an extension of present informal arrangements so as to include representatives of all the world's chemical industries, not just the developed countries.

15. The role which the chemical industry has played in promoting the economic development and improving the living standards of all peoples was frequently mentioned, and acknowledged by Government representatives. It is clear that the industry wishes to continue vigorously to pursue its positive contribution to the raising of the quality of life of the people of all nations by the development of its products and their proper dissemination and use.

16. It was noted during the Conference that while the regulatory burden of the Convention on industry would be significant, it would not be significantly different in kind from that which the industry already experiences. There are many countries areas of extensive interaction between Governments and the chemical industry. Examples include:

- (a) National reporting arrangements for environmental, health, safety and transport reasons;
- (b) National inspections of the chemical industry for these purposes;
- (c) Consultation and co-operation in establishing the facts of industry activity.

In view of these already existing national measures, and new steps announced at the Conference, many parts of the industry will be well aware of the general kinds of requirements which will have to be addressed under a convention regime. Both Government and industry representatives accepted the desirability of very substantial consultations occurring in the period ahead to ensure that common objectives are achieved in the least costly and intrusive manner possible.

17. Preparations for the implementation of the convention will entail specific actions by Government and industry. At this Conference, a number of such matters specifically involving industry have been raised, including:

- (a) The need by Governments for additional inputs from all sections of industry, including policy-level direction, management, technical experts and the research community;
- (b) The need for a more substantial time commitment by representatives of industry to the Geneva negotiating process,

and in particular extension of the formal sessions presently devoted to industry consultation;

- (c) The need to include workers and their representatives as part of the industry resource for Governments as they draft and implement the convention;
- (d) The need for more trial inspections, and trials to prepare for other aspects of implementing the convention's requirements, such as the collection and assembly of relevant data about the characteristics of the national chemical industry;
- (e) The need for industry to apply its code of responsible care so as to ensure, amongst other things, the compatibility of its activities with objectives of the convention, including the objective, shared with Governments, of non-diversion of its products for the manufacture of chemical weapons.

V. Conclusion

18. This Conference has not been a substitute for, or an alternative to, the negotiations on a chemical weapons convention at the Conference on Disarmament at Geneva. What we have endeavoured to do, and I believe succeeded in doing, is contribute to the early success of those negotiations. There was widespread support for continuing and expanding the dialogue between Government and industry both at the national level and in direct support of the negotiating process at Geneva. The Conference heard many calls for the earliest completion and implementation of the chemical weapons convention. The chemical industry stated its full and unequivocal support for such an outcome.

19. The tasks ahead for Governments are:

- (a) To work for the earliest conclusion of the negotiations at Geneva;
- (b) To build confidence in the convention through initial steps;
- (c) To develop appropriate mechanisms to prepare for, and, when ready, to implement the chemical weapons convention;
- (d) To continue and expand the dialogue with industry with the objective of both resolving outstanding questions in the Geneva negotiations and preparing the ground for the effective practical implementation of the convention once concluded.

20. The tasks ahead for industry are:

- (a) To consider the detailed requirements for the conclusion and implementation of the chemical weapons convention and to continue to expand its dialogue between Government and industry;

- (b) To help to define practical, workable and effective solutions to outstanding problems being addressed in the Geneva negotiations;
- (c) To co-operate in ensuring that their products are not diverted for the manufacture of chemical weapons;
- (d) To collaborate with Governments and with other sections of the industry in ensuring that the chemical weapons convention's provisions are implemented fully and effectively and apply equally to all parties: industry representatives at the Canberra Conference will no doubt wish to be in contact with those elements of the industry not physically present here to discuss with them in detail the issues raised at this meeting.

21. Above all else, the Government-Industry Conference against Chemical Weapons has affirmed the commitment of Governments and the world's chemical industry to work together to bring to fruition at the earliest date a comprehensive, global chemical weapons convention—long intensely desired, and now widely anticipated—which will operate to rid the world once and for all of these universally detested weapons. All of us want a chemical industry operating in the cause not of death, but of life.

127

Joint United States-Soviet Statement on Chemical Weapons

*Jackson Hole, 23 September 1989**

During their meeting on 22 and 23 September 1989 at Jackson Hole, Wyoming, Secretary of State James A. Baker, III, and Foreign Minister Eduard A. Shevardnadze reaffirmed the commitment of the United States of America and the Union of Soviet Socialist Republics to pursue aggressively the prohibition of chemical weapons and the destruction of all stockpiles of such weapons on the basis of a comprehensive, effectively verifiable and truly global ban. Both sides consider the early conclusion and entry into force of a convention to this effect to be one of the highest priorities for the international community. They believe that with the active and constructive participation of all States, it will be possible to resolve expeditiously the remaining issues and to conclude the convention at the earliest date, and call upon all parties to the negotiations to join them in achieving this objective.

The two sides also believe that greater openness between them and among other countries could contribute to the prospects for reaching an early agreement on an effective ban on chemical weapons. As a concrete expression of the commitment of their two countries toward this end, the Secretary of State and the Foreign Minister signed a memorandum of understanding regarding a bilateral verification experiment and data exchange. The steps agreed upon in the Memorandum are intended to facilitate the process of negotiation, signature and ratification of a comprehensive, effectively verifiable and truly global convention on the prohibition and destruction of chemical weapons.

* A/C. 1/44/2.

The verification experiment and data exchange will be conducted in two phases. Phase I involves the exchange of general data on the sides' chemical weapons capabilities and a series of visits to relevant military and civil facilities on their respective territories. In phase II, the sides will exchange detailed data and permit on-site inspections to verify the accuracy of the information exchanged.

The sides also agreed to undertake a co-operative effort with respect to the destruction of chemical weapons. They agreed to reciprocal visits to monitor destruction operations of the other side, and to the exchange of information on past, current and planned destruction activities and procedures.

The sides noted their agreement on some procedures for conducting challenge inspections and on the provisions governing the order of destruction of chemical weapons and of chemical weapons production facilities. These two approaches will be introduced into the multilateral negotiations at Geneva in an effort to contribute to those negotiations. They also stressed the need to concentrate in the near future on resolving remaining verification-related issues. The two sides intend to pursue intensively their bilateral discussions on a chemical weapons ban with the view to helping to achieve further progress in the multilateral negotiations.

The Secretary of State and the Foreign Minister expressed their grave concern about the growing danger posed to international peace and security by the risk of the illegal use of chemical weapons as long as such weapons exist and are spread. They reaffirmed the importance of, and their commitment to, the final declaration of the Paris Conference on the prohibition of chemical weapons held earlier this year as well as their commitment to the 1925 Geneva Protocol. The two sides emphasised the obligation of all States not to use chemical weapons in violation of international law and urged that prompt and effective measures be taken by the international community if that obligation is violated. In this regard, they underscored their support for the Secretary-General of the United Nations in investigating reports of violations of the Geneva Protocol or other relevant rules of customary international law.

The sides welcomed Australia's convening of a government-industry conference against chemical weapons, which has just concluded at Canberra. They noted that the conference had provided an important opportunity for serious discussion between government and industry representatives from around the world. The sides expressed satisfaction with the extensive and productive work accomplished at the conference

and the positive results reflected in the Chairman's final summary statement.

Finally, the sides expressed the view that a truly global, comprehensive and effectively verifiable ban on chemical weapons was the best means to address the threat posed by the spread of chemical weapons on a durable long-term basis. In the mean time, the sides emphasised their readiness to attempt to prevent the proliferation of chemical weapons. They intend to continue consultations on this issue.

128

Communique Issued by the Committee of the Ministers of Foreign Affairs of the States Parties to the Warsaw Treaty at its Session Held at Berlin

11 and 12 April 1989

I

A regular session of the Committee of the Ministers of Foreign Affairs of the States Parties to the Warsaw Treaty on Friendship, Co-operation and Mutual Assistance was held in Berlin on 11 and 12 April 1989.

The session was attended by: P. Mladenov, Minister of Foreign Affairs of the People's Republic of Bulgaria; J. Johanes, Minister of Foreign Affairs of the Czechoslovak Socialist Republic; O. Fischer, Minister of Foreign Affairs of the German Democratic Republic; P. Varkonyi, Minister of Foreign Affairs of the Hungarian People's Republic; T. Olechowski, Minister of Foreign Affairs of the Polish People's Republic; I. Totu, Minister of Foreign Affairs of the Socialist Republic of Romania; and A. Bessmertnych, First Deputy Minister of Foreign Affairs of the Union of Soviet Socialist Republics.

With satisfaction, the Ministers pointed to the progress in consolidating peace and disarmament which creates favourable opportunities for expanding co-operation among States and peoples. At the same time they noted that the situation in the world continues to be complicated and contradictory. The States Parties to the Warsaw Treaty are determined to pursue, also in the future, a policy which is aimed at bringing about a fundamental improvement of the situation in Europe and the world at large. They expect also the other States to display the requisite constructiveness, as well as realism. The participants in the session came out in favour of further pursuing the

political dialogue on the key issues concerning the development of the world. This dialogue is based on a comprehensive approach to the strengthening of international peace and security pursuant to the United Nations Charter, with the role and effectiveness of this universal organisation constantly growing.

The participants in the session came out in favour of redoubling efforts to continue the process of disarmament. They reaffirmed the position of their States that it is necessary to make considerable reductions in armed forces and conventional armaments coupled with appropriate cuts in military expenditures.

In discussing European affairs, the participants in the session exchanged views on the results of the Vienna Follow-Up Meeting and noted that its Concluding Document contains agreements the realisation of which will promote the strengthening of peace and security in Europe, better mutual understanding and the development of co-operation on the continent. It is necessary for all States participating in the Conference on Security and co-operation in Europe to implement these accords unilaterally as well as in bilateral and multilateral relations on the basis of broad and mutually beneficial co-operation in the political, military, economic, scientific, technical, ecological, cultural and humanitarian fields and in the area of the human dimension with due regard for equal rights, independence and sovereignty, non-interference in internal affairs and for the other purposes and principles of the United Nations Charter, the Helsinki Final Act and the other generally recognised norms of international relations. They expressed their States' determination to work in that direction.

The Ministers welcomed the start of the Negotiations on Conventional Armed Forces and on Confidence- and Security-building Measures in Europe and underlined the firm resolve of their countries to conduct these negotiations constructively and to seek concrete results in a short time. This resolve was convincingly proved by the allied States' unilateral moves towards the reduction of armed forces, armament and military budgets.

The States Parties to the Warsaw Treaty call upon the NATO Member States, indeed all European States, to take concrete steps conducive to scaling down the level of military confrontation in Europe. They also call upon them to refrain from any move which could undermine the positive achievements made so far in improving the international situation and which could complicate the negotiations started in Vienna. Currently, the need for establishing relations

between the Warsaw Treaty and NATO on a truly non-confrontational basis and for creating the proper conditions for the simultaneous dissolution of both alliances, starting with their military organisations, is becoming more and more obvious. The Ministers expressed the hope that these considerations will meet with understanding and support.

Underlining the importance of the strict implementation of the Soviet-American Treaty on the Elimination of their Intermediate-range and Shorter-range Missiles, the Ministers pointed to the inadmissibility of any "compensation" measures, including those envisaged under the pretext of modernising tactical nuclear arms. They adopted a separate Declaration on Tactical Nuclear Arms in Europe.

The session stressed that the earliest possible conclusion of a treaty between the Union of Soviet Socialist Republics and the United States of America on halving their strategic offensive' weapons, while observing the ABM Treaty as signed in 1972, remains a task of paramount importance the solution of which would be a major contribution to creating a nuclear-weapon-free world. At the same time, the participants underlined the need for undertaking efforts towards the complete elimination of nuclear, chemical and other types of weapons of mass destruction. The Ministers noted that multilateral, bilateral and unilateral measures towards the reduction of armed forces and armaments put on the agenda the conversion of military production to meet civilian needs. This is an intricate and complex problem which requires both national and common endeavours in order to be solved effectively. In this respect, the United Nations Organisation can play an important role.

In the interest of further enhancing openness in the military field, the participants in the session advocated the continuation of efforts to elaborate criteria for a comparison of military budgets, making use of the international system for the standardised reporting of military expenditure as adopted by the United Nations Organisation.

The participants in the session underscored particularly that strict respect for the territorial and political realities as they have emerged, for the principles of the inviolability of the existing borders, the sovereignty and territorial integrity of States, as well as the generally recognised principles and norms of State-to-State relations is a fundamental prerequisite for a stable peace order in Europe and a guarantee for the development and deepening of the CSCE process.

The improvement of the political climate as well as the growing interdependence in the present-day world create favourable conditions

for invigorating economic relations between States with different socio-economic systems, which is an essential factor for the development of the CSCE process on a balanced basis. At the session, the need was stressed for expanding trade and for co-operation in the spheres of production, science and technology, for guaranteeing access to modern technologies as well as for removing any kind of restrictions and discriminatory barriers.

In exchanging views on regional conflicts—in the Middle East, in Asia, Africa and Central America—the Ministers reaffirmed the determination of their States to actively participate in the search for political solutions to these conflicts with due regard for the legitimate interests of the sides and respect for the right of all peoples to determine their own destinies.

The Ministers pronounced themselves in favour of an independent, non-aligned and democratic Afghanistan, of guaranteeing its free development on the basis of the policy of national reconciliation without any kind of external interference. They stressed that further efforts are needed to bring about a settlement of the Afghanistan problem.

The participants in the session expressed their satisfaction at the progress achieved with regard to the peaceful settlement of conflicts in some regions, as well as at the endeavours undertaken by the United Nations Organisation in that field.

A separate appeal "For a world without wars" was adopted. The participants expressed the firm intention to develop and deepen the all-round co-operation among the allied socialist States.

The session of the Committee of Foreign Ministers was marked by an atmosphere of friendship and fraternal accord. The next session will be held in Warsaw.

II

Declaration of the States Parties to the Warsaw Treaty on Tactical Nuclear Arms in Europe

I. The States Parties to the Warsaw Treaty express their resolve to do everything in their power to achieve progress in the negotiations on conventional armed forces in Europe that have begun. There can be no doubt that positive results in these negotiations, the radical reduction of armed forces and conventional armaments, particularly of the most destabilising types, will significantly diminish the mutual risk of surprise attack and large-scale offensive action.

The allied socialist States are convinced that stability and security in Europe cannot be ensured and the danger of surprise attack cannot be removed for good if tactical nuclear arms continue to exist on the European continent. These weapons constitute an immense destructive potential and may become the trigger of a total nuclear conflict with all ensuing consequences. Any use of nuclear arms in Europe would transform the continent into a radioactive desert. The retention, modernisation and, all the more, the further build-up of tactical nuclear arms in Europe would increasingly destabilize the military-strategic situation in Europe, and would be incompatible with the efforts aimed at resolving the disarmament issues on the continent.

Against this background the States Parties to the Warsaw Treaty propose to the member States of the North Atlantic Alliance to open in the near future separate talks on tactical nuclear arms in Europe, including the nuclear component of dual-capable systems. They are confident that practical measures concerning reductions both in conventional armaments and in tactical nuclear arms would be mutually complementary and mutually reinforcing in the process of lowering the military confrontation between the two alliances.

The States Parties to the Warsaw Treaty are positive that along with the elimination of the intermediate-range and shorter-range missiles, the phased reduction and eventual elimination of the tactical nuclear arms in Europe would help to lessen the danger of war, to strengthen confidence and to establish a more stable situation on the continent. Accomplishing this task would facilitate progress towards deep cuts in strategic nuclear arms and, in a longer perspective, the complete elimination of nuclear weapons everywhere.

II. Matters pertaining to the preparation of the proposed negotiations, their mandate and the scope of participation could be discussed in specific consultations which the allied socialist States are ready to begin without delay. Participants in the consultations could be the nuclear-weapon Powers of NATO and the Warsaw Treaty, respectively, as well as all other interested members of these alliances, in particular those possessing nuclear-capable tactical systems and those having tactical nuclear arms deployed in their territory.

It could also be agreed from the outset to implement the reduction of tactical nuclear arms and their elimination in stages. The negotiations would have to consider measures of effective international verification of tactical nuclear arms reduction and elimination and a set of confidence- and security-building measures in regard to such systems and to military activities in which they are involved. They

could also examine the possibility of establishing a correspondingly empowered international control commission.

The States Parties to the Warsaw Treaty believe that mutual renunciation by the sides of any modernisation of tactical nuclear arms would be conducive to creating a propitious political atmosphere for such negotiations and to strengthen confidence. The sides would, for example, neither perfect nor increase the numbers of nuclear-capable ground-launched tactical missiles, air force missiles and artillery, including the nuclear components of these systems. In this context, the States Parties to the Warsaw Treaty underline the significance of the statement of the Soviet Union that it does not modernize its tactical nuclear missiles. Other multilateral or unilateral measures based on mutuality could also serve to achieve the aim of reducing and eliminating tactical nuclear arms.

III. The States Parties to the Warsaw Treaty underscore that a great threat to stability in Europe is caused by the high concentration of tactical nuclear arms in this area, particularly in Central Europe, but also on the southern flank of the line of contact between the two alliances. They believe that the considerable reduction of Soviet forces in Central Europe, including the withdrawal from this area and the disbandment of six tank divisions by the Soviet Union, the substantial decrease of armaments and combat equipment, tactical nuclear arms included, as well as the other unilateral moves of the States Parties to the Warsaw Treaty to reduce armed forces and armaments, are generating a favourable environment on the continent for implementing the proposals envisaging a zone of diminished armaments and enhanced confidence and nuclear-weapon-free zones in Central Europe, the Balkans and other regions of the continent from which all nuclear weapons would be withdrawn.

A regime would be put into place in these zones to provide for mutual verification, including on-site inspections, and for appropriate assurances by the nuclear-weapon States.

IV. The States Parties to the Warsaw Treaty are ready to examine any other possible proposals and measures designed to reduce and eliminate the tactical nuclear arms in Europe and to reinvigorate stability on the continent at ever lower levels of military postures, with due regard paid to the principles of equality and equal security and with allowance made for effective verification of compliance with the agreements reached.

129

Proposals for the Negotiations on Conventional Armed Forces in Europe (CFE) Submitted by: Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom and United States

Vienna, 9 March 1989

Objectives

1. The objectives of these negotiations are:

- the establishment of a secure and stable balance of conventional forces at lower levels;
- the elimination of disparities prejudicial to stability and security;
- the elimination, as a matter of high priority, of the capability for launching surprise attack and for initiating large-scale offensive action.

2. Through the proposals set out below, the delegations of Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom and the United States seek to establish a situation in which surprise attack and large-scale offensive action are no longer credible options. We pursue this aim on the basis of equal respect for the security interests of all. Our proposals make up a coherent whole and are intended to be applied simultaneously and in their totality in the area of application, as defined in the mandate.

Rationale

3. The rationale for our proposals is as follows:

- the present concentration of forces in the area from the Atlantic to the Urals is the highest ever known in peacetime and represents the greatest destructive potential ever assembled. Overall levels of forces, particularly those relevant to surprise attack and offensive action such as tanks, artillery and armoured troop carriers, must therefore be radically reduced. It is the substantial disparity in the numbers of these systems, all capable of rapid mobility and high firepower, which most threatens stability in Europe. These systems are also central to the seizing and holding of territory, the prime aim of any aggressor;
- no one country should be permitted to dominate Europe by force of arms: no participants should therefore possess more than a fixed proportion of the total holdings of all participants in each category of armaments, commensurate with its needs for self-defence;
- addressing the overall number and nationality of forces will not by itself affect the stationing of armaments outside national borders: additional limits will also be needed on forces stationed on other countries' territory;
- we need to focus on both the levels of armaments and state of readiness of forces in those areas where the concentration of such forces is greatest, as well as to prevent redeployment of forces withdrawn from one part of the area of application to another. It will therefore be necessary to apply a series of interlocking sub-limits covering forces throughout the area, together with further limits on armaments in active units.

Proposals

4. We propose the following specific measures within the area of application:

Rule I: Overall Limit

The overall total of weapons in each of the three categories identified below will at no time exceed:

- | | |
|---------------------------|--------|
| — main battle tanks | 40,000 |
| — artillery pieces | 33,000 |
| — armoured troop carriers | 56,000 |

Rule 2: Sufficiency

No one country may retain more than 30 per cent of the overall limits in these three categories, i.e.

— main battle tanks	12,000
— artillery pieces	10,000
— armoured troop carriers	16,800

Rule 3: Stationed Forces

Among countries belonging to a treaty of Alliance neither side will station armaments outside national territory in active units exceeding the following levels:

— main battle tanks	3,200
— artillery pieces	1,700
— armoured troop carriers	6,000

Rule 4: Sub-limits

In the areas indicated below, each group of countries belonging to the same treaty of Alliance shall not exceed the following levels:

(1) In the area consisting of Belgium, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and the Territory of the Soviet Union West of the Urals comprising the Baltic, Byelorussian, Carpathian, Moscow, Volga, Urals, Leningrad, Odessa, Kiev, Trans-Caucasus, North Caucasus military districts:

— main battle tanks	20,000
— artillery	16,500
— armoured troop carriers	28,000
(of which no more than 12,000 AIFVs)	

(2) In the area consisting of Belgium, Denmark, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, Portugal, Spain, the United Kingdom, Czechoslovakia, the German Democratic Republic, Hungary, Poland and the territory of the Soviet Union west of the Urals comprising the Baltic, Byelorussian, Carpathian, Moscow, Volga, Urals military districts in active units:

— main battle tanks	11,300
— artillery	9,000
— armoured troop carriers	20,000

(3) In the area consisting of Belgium, Denmark, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, the United Kingdom, Czechoslovakia, the German Democratic Republic, Hungary, Poland and the territory of the Soviet Union comprising the Baltic, Byelorussian, Carpathian military districts in active units:

— main battle tanks	10,300
— artillery	7,600
— armoured troop carriers	18,000

(4) In the area consisting of Belgium, the Federal Republic of Germany, Luxembourg, the Netherlands, Czechoslovakia, the German Democratic Republic and Poland in active units:

— main battle tanks	8,300
— artillery	4,500
— armoured troop carriers	11,000

(5) Rule 4 is to be seen as an integrated whole which will only be applied simultaneously and across the entire area from the Atlantic to the Urals. It will be for the members of each Alliance to decide how they exercise their entitlement under all of these measures.

Rule 5: Information Exchange

Each year holdings of main battle tanks, armoured troop carriers and artillery pieces will be notified, disaggregated down to battalion level. This measure will also apply to personnel in both combat and combat support units. Any change of notified unit structures above battalion level, or any measure resulting in an increase of personnel strength in such units, will be subject to notification, on a basis to be determined in the course of the negotiations.

Measures for Stability, Verification and Non-circumvention

5. As an integral part of the agreement, there would be a need for:

- stabilising measures: to buttress the resulting reductions in force levels in the Atlantic to the Urals area. These should include measures of transparency, notification and constraint applied to the deployment, movement, storage and levels of readiness of conventional armed forces which include conventional armaments and equipment;
- verification arrangements: to include the exchange of detailed data about forces and deployments, with the right to conduct on-site inspection, as well as other measures designed to provide assurance of compliance with the agreed provisions;

- non-circumvention provisions: *inter alia*, to ensure that the manpower and equipment withdrawn from any one area do not have adverse security implications for any participating State;
- provision for temporarily exceeding the limits set down in Rule 4 for pre-notified exercise.

The Longer Term

6. In the longer term, and in the light of the implementation of the above measures, we would be willing to contemplate further steps to enhance stability and security in Europe such as:

- further reductions or limitations of conventional armaments and equipment;
- the restructuring of armed forces to enhance defensive capabilities and further to reduce offensive capabilities.

130

Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Provisions of the Final Act Relating to the Follow-up to the Conference

Vienna, 19 January 1989

CHAIRMAN'S STATEMENT

Negotiation on Conventional Armed Forces in Europe

It is understood that the following mandate has been agreed by the States participating in the future Negotiation on Conventional Armed Forces in Europe.

Mandate for Negotiation on Conventional Armed Forces in Europe

The representatives of Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Iceland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Turkey, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America held consultations in Vienna from 17 February 1987 to 10 January 1989.

These States,

Conscious of the common responsibility which they all have for seeking to achieve greater stability and security in Europe;

Acknowledging that it is their armed forces which bear most immediately on the essential security relationship in Europe, in particular as they are signatories of the Treaties of Brussels (1948), Washington (1949) or Warsaw (1955), and accordingly are members of the North Atlantic Alliance or parties to the Warsaw Treaty;

Recalling that they are all participants in the CSCE process;

Recalling that, as reaffirmed in the Helsinki Final Act, they have the right to belong or not to belong to international organisations, to be or not to be a party to bilateral or multilateral treaties, including the right to be or not to be a party to treaties of alliance;

Determined that a Negotiation on Conventional Armed Forces in Europe should take place in the framework of the CSCE process;

Reaffirming also that they participate in negotiations as sovereign and independent States and on the basis of full equality;

Have agreed on the following provisions: *Participants*

The participants in this negotiation shall be the 23 above-listed States hereinafter referred to as the "the participants".

Objectives and Methods

The objectives of the negotiation shall be to strengthen stability and security in Europe through the establishment of a stable and secure balance of conventional armed forces, which include conventional armaments and equipment, at lower levels; the elimination of disparities prejudicial to stability and security; and the elimination, as a matter of priority, of the capability for launching surprise attack and for initiating large-scale offensive action. Each and every participant undertakes to contribute to the attainment of these objectives.

These objectives shall be achieved by the application of militarily significant measures such as reductions, limitations, redeployment provisions, equal ceilings, and related measures, among others.

In order to achieve the above objectives, measures should be pursued for the whole area of application with provisions, if and where appropriate, for regional differentiation to redress disparities within the area of application and in a way which precludes circumvention.

The process of strengthening stability and security should proceed step-by-step, in a manner which will ensure that the security of each participant is not affected adversely at any stage.

Scope and Area of Application

The subject of the negotiation shall be the conventional armed forces, which include conventional armaments and equipment of the participants based on land within the territory of the participants in Europe from the Atlantic to the Urals.

The existence of multiple capabilities will not be a criterion for modifying the scope of the negotiation:

- No conventional armaments or equipment will be excluded from the subject of the negotiation because they may have other capabilities in addition to conventional ones. Such armaments or equipment will not be singled out in a separate category;
- Nuclear weapons will not be a subject of this negotiation.

Particular emphasis will initially be placed on those forces directly related to the achievement of the objectives of the negotiation set out above.

Naval forces and chemical weapons will not be addressed.

The area of application shall be the entire land territory of the participants in Europe from the Atlantic to the Urals, which includes all the European island territories of the participants. In the case of the Soviet Union the area of application includes all the territory lying west of the Ural River and the Caspian Sea. In the case of Turkey the area of application includes the territory of Turkey north and west of the following line: the point of intersection of the border with the 39th parallel, Muradiye, Patnos, Karayazi, Tekman, Kemaliye, Feke, Ceyhan, Dogankent, Gozne and thence to the sea.

Exchange of Information and Verification

Compliance with the provisions of any agreement shall be verified through an effective and strict verification regime which, among other things, will include on-site inspections as a matter of right and exchanges of information.

Information shall be exchanged in sufficient detail so as to allow a meaningful comparison of the capabilities of the forces involved. Information shall also be exchanged in sufficient detail so as to provide a basis for the verification of compliance.

The specific modalities for verification and the exchange of information, including the degree of detail of the information and the order of its exchange, shall be agreed at the negotiation proper.

Procedures and Other Arrangements

The procedures for the negotiation, including the agenda, work programme and timetable, working methods, financial issues and other organisational modalities, as agreed by the participants themselves, are set out in Annex 1 of this mandate. They can be changed only by consensus of the participants.

The participants decided to take part in meetings of the States signatories of the Helsinki Final Act to be held at least twice during each round of the Negotiation on Conventional Armed Forces in Europe in order to exchange views and substantive information concerning the course of the Negotiation on Conventional Armed Forces in Europe. Detailed modalities for these meetings are contained in Annex 2 to this mandate.

The participants will take into consideration the views expressed in such meetings by other CSCE participating States concerning their own security.

Participants will also provide information bilaterally.

The participants undertake to inform the next CSCE follow-up Meeting of their work and possible results and to exchange views, at that meeting, with the other CSCE participating States on progress achieved in the negotiation.

The participants foresee that, in the light of circumstances at the time, they will provide in their timetable for a temporary suspension to permit this exchange of views. The appropriate time and duration of this suspension is their sole responsibility.

Any modification of this mandate is the sole responsibility of the participants, whether they modify it themselves or concur in its modification at a future CSCE Follow-up Meeting.

The results of the negotiation will be determined only by the participants.

Character of Agreements

Agreements reached shall be internationally binding. Modalities for their entry into force will be decided at the negotiation.

Venue

The negotiation shall commence in Vienna no later than in the seventh week following the closure of the Vienna CSCE Meeting.

The representatives of the 23 participants, whose initials appear below, have concluded the foregoing mandate, which is equally

authentic in the English, French, German, Italian, Russian and Spanish languages.

The representatives, recalling the commitment of their States to the achievement of a balanced outcome at the Vienna CSCE Meeting, have decided to transmit it to that Meeting with the recommendation that it be attached to its Concluding Document.

Palais Liechtenstein

Vienna, Austria,

the 10th day of January 1989

Here appear the initials of the representatives of Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Iceland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Turkey, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America.

ANNEX 1

PROCEDURES FOR THE NEGOTIATION ON CONVENTIONAL ARMED FORCES IN EUROPE

The representatives of the 23 States listed in the mandate, hereinafter referred to as "the participants", held consultations in Vienna from 17 February 1987 to 10 January 1989, and agreed on the following procedural arrangements for the conduct of the Negotiation on Conventional Armed Forces in Europe.

These procedural arrangements have been adopted by the consensus of the participants. They can be changed only by consensus of the participants.

I. Agenda

1. Formal opening.

2. Negotiations, including presentations of proposals by the participants, elaboration of measures and procedures for their implementation, in accordance with the provisions of the mandate of the Negotiation on Conventional Armed Forces in Europe.

II. Work Programme

The first plenary of the Negotiation on Conventional Armed Forces in Europe will open in Vienna at 3 p.m. on the Thursday of the week referred to in the section of the mandate on Venue. A work programme

for the meetings of the plenary during the first fourteen days of the round is attached. Thereafter, the plenary will agree on further work programmes for the remainder of the first round, and for subsequent rounds. A decision on the date for the conclusion of the round will be taken at the first plenary.

In 1989, there will in principle be four rounds.

The participants will, in setting their timetable, take due account of the practical needs of all delegations, including those participating in other negotiations within the framework of the CSCE process.

III. Working Methods

With the exception of the formal opening, all business under the agenda will—unless otherwise agreed—be dealt with in closed plenary and in such subsidiary working bodies as are established by the plenary. The work of such subsidiary bodies will be guided by the plenary.

Decisions shall be taken by consensus of the participants. Consensus shall be understood to mean the absence of any objection by any participant to the taking of the decision in question.

The proceedings of the negotiation shall be confidential unless otherwise agreed at the negotiation.

Unless otherwise agreed, only accredited representatives of the participants shall have access to meetings.

During the plenary meetings all participants shall be seated in the French alphabetical order.

IV. Languages

The official languages of the negotiation shall be: English, French, German, Italian, Russian and Spanish. Statements made in any of these languages shall be interpreted into the other official languages.

V. Role of the Chairman

The chairman of the first plenary will be the representative of Poland. The chair thereafter will rotate weekly according to the French alphabetical order.

The chairman of each meeting shall keep a list of speakers and may declare it closed with the consent of the meeting. The chairman shall, however, accord the right of reply to any representative if a speech made following closure of the list makes this desirable.

If any representative raises a point of order during a discussion, the chairman shall give that representative the floor immediately. A

representative raising a point of order may not speak on the substance of the matter under discussion.

The chairman shall keep a journal which shall record the date of the plenary, and the names of the chairman of the plenary and of speakers in the plenary. The journal shall be handed from chairman to chairman. It shall be made available only to participants.

VI. Decisions, Interpretative Statements and Proposals and Related Documents on Matters of Substance

Decisions on matters of substance shall be attached to the journal. Interpretative statements, if any, shall be attached to the journal at the request of the originator.

Formal proposals and related documents on matters of substance and amendments thereto shall be submitted in writing to the chairman and shall be registered at the request of the originator. They shall be circulated in writing to the participants.

VII. Financial Issues

The following scale of distribution has been agreed for the common expenses of the negotiation subject to the reservation that the distribution in question concerns only this negotiation and shall not be considered a precedent which could be relied on in other circumstances:

9.95 % for	France, Federal Republic of Germany, Italy, Union of Soviet Socialist Republics, United Kingdom, United States of America
6.25% for	Canada
5.00% for	Spain
3.85% for	Belgium, German Democratic Republic, Netherlands, Poland
2.25% for	Czechoslovakia, Denmark, Hungary, Norway
0.85% for	Greece, Romania, Turkey
0.65% for	Bulgaria, Luxembourg, Portugal
0.15% for	Iceland

Payment of contributions by the participants shall be made into a special account of the negotiation. Accounts shall be rendered by the host country in respect of each round or at intervals of three months, as appropriate. Accounts shall be expressed in the currency of the host country and shall be rendered as soon as technically possible after the

termination of a billing period. Accounts shall be payable within 60 days of presentation in the currency of the host country.

VIII. Host Country Support

The government of Austria shall provide security and other necessary support services for the negotiation.

The host country shall be asked to appoint an administrator, agreed by the participants, to make and manage arrangements for the negotiation. The administrator shall be a national of the host country. The task of the administrator shall include, in liaison with the appropriate host country authorities:

- (a) to arrange accreditation for the participants,
- (b) to manage the facilities of the negotiation,
- (c) to ensure the security of and control access to the facilities and meetings,
- (d) to employ and manage interpretation staff,
- (e) to make available appropriate technical equipment,
- (f) to ensure the availability of translation services in all official languages: the practical arrangements for their use being agreed at the negotiation,
- (g) to deal with financial matters,
- (h) to make available to participants as necessary facilities for press briefings and to arrange appropriate media accreditation.

The administrator shall act at all times in conformity with these rules of procedure. Liaison between the administrator and the plenary will be effected by the chairman.

ANNEX 2

Modalities for Meetings to Exchange Views and Information Concerning the Course of the Negotiation on Conventional Armed Forces in Europe

The participants have, for their part, agreed on the following modalities for meetings which are to be held between participants in the Negotiation on Conventional Armed Forces in Europe and other CSCE participating States.

Unless otherwise agreed, meetings will take place at least twice in the course of each round of the negotiation.

Meetings will not be extended beyond the day on which they convene, unless otherwise agreed.

The chair at the first meeting will be taken by the delegation chosen for this purpose by lot. The chair will then rotate among the 35 States represented in alphabetical order according to the French alphabet.

Further practical arrangements may, if necessary, be agreed by consensus, taking due regard of relevant precedents.

Statement of the Representative of Denmark

On behalf of the government of Denmark, I wish to confirm that the Faroe Islands are included in the area of application for the Negotiation on Conventional Armed Forces in Europe.

Statement of the Representative of Norway

On behalf of the government of Norway, I confirm that Svalbard including Bear Island, is included in the area of application for the Negotiation on Conventional Armed Forces in Europe.

Statement of the Representative of Portugal

The islands of Azores and Madeira have by right the status of European Islands. It has been agreed in the mandate that all the European island territories of the participants are included in the area of application.

I can therefore state on behalf of my government that the Azores and Madeira are within the area of application for the Negotiation of Conventional Armed Forces in Europe.

Statement of the Representative of Spain

On behalf of the government of Spain, I confirm that the Canary Islands are included in the area of application for the Negotiation on Conventional Armed Forces in Europe.

Statement of the Representative of the Union of Soviet Socialist Republics

On behalf of the government of the Union of Soviet Socialist Republics. I confirm that Franz Josef Land and Novaya Zemlya are included in the area of application for the Negotiation on Conventional Armed Forces in Europe.

This statement will be an Annex to the Concluding Document of the Vienna Meeting and will be published with it.

131

Communique from the Session of the Committee of the Ministers for Foreign Affairs of States Parties to the Warsaw Treaty Prague, 28-29 October 1987 (excerpts)

1. The Ministers for Foreign Affairs discussed the situation in Europe and in the world and noted that it remains complicated and conflict-ridden.

Participants in the session voiced satisfaction at the fact that encouraging signs have appeared in international life. For the first time in history, the idea of nuclear disarmament is on the verge of becoming a reality. Work is in progress on a mandate for negotiations on reducing armed forces and conventional weapons in Europe. Progress has been made in the talks on banning chemical weapons. Active efforts have been made to settle military conflicts and solve disputes among States by political means, through negotiation. The task of restructuring international economic relations on the basis of equal rights and mutual benefit is being vigorously pursued. The need to solve global problems, including environmental protection, jointly is being increasingly recognised. All this is demonstration of a new political thinking which contributes to creating a new kind of international relations to an understanding that individual security can be achieved only on the basis of security for all, and to efforts to find the shortest path to a world free of nuclear weapons and force.

At the same time, there are still acute problems in the world which need to be solved. The arms race is maintaining its alarming momentum and efforts to extend it to outer space are continuing. Despite the appeals and efforts of the socialist States, other countries and the world public, a comprehensive nuclear test ban has yet to be

achieved. The policy of using force and interfering in the internal affairs of other countries, openly threatening sovereign States and exacerbating tensions in different parts of the world is continuing. Some conflicts have intensified, creating new threats to international peace and security. The continuing deterioration of the economic situation, especially in the developing countries, has disastrous consequences for the fate of the world. Energy, ecological and other problems remain acute.

The Ministers confirmed the position of their States that inviolability of borders, strict respect for existing territorial and political realities and the sovereignty and territorial integrity of States are a pre-condition for meaningful progress in strengthening peace, security and co-operation in Europe. In this connection, they pointed out that the activities of revanchist forces, especially in the Federal Republic of Germany, and the encouragement of revanchism any where run counter to the interests of detente and security and the letter and spirit of the Helsinki Final Act. Such activities will also be opposed most resolutely in the future.

The States parties to the Warsaw Treaty are convinced that a radical change for the better in international affairs is necessary and possible. The positive trends which have begun to appear in world affairs must be strengthened and developed. Realising that nuclear weapons threaten the very existence of life on Earth, that the main task today is to halt the arms race and make the transition to disarmament, especially nuclear disarmament, they call upon all countries and peoples to combine their efforts in order to deal with the urgent tasks facing mankind, and to take a new approach to questions of war and peace. In order to achieve these goals, they reaffirmed their resolve to continue their policy of broad, constructive dialogue with other States.

2. The Minister for Foreign Affairs of the Soviet Union, Shevardnadze, informed participants in the session of the results of the Soviet-United States talks held in Moscow on 22-23 October 1987, at which progress was made in completing preparations for a treaty on the elimination of medium- and shorter-range missiles, new Soviet initiatives were put forward aimed at bringing closer together the positions of the two parties on a 50 per cent reduction in strategic offensive weapons in strict compliance with the Treaty on the Limitation of Anti-Ballistic Missile Systems and with the proviso that neither party shall withdraw from the Treaty for at least 10 years, and it was proposed that, as of 1 November 1987, a moratorium be

declared on all work connected with the production, testing and deployment of intermediate nuclear forces and shorter-range intermediate nuclear forces.

The States participating in the session supported the Soviet position on these questions and expressed the hope that the agreement on the elimination of the two categories of nuclear missiles would be signed in the near future and that the United States would agree to the proposed moratorium.

They emphasised that, on the basis of the proposals put forward, together with the signing of the agreement on intermediate nuclear forces and shorter-range intermediate nuclear forces an understanding must be reached at the Soviet-United States summit meeting on basic positions on future agreements on strategic offensive weapons and the non-deployment of weapons in outer space.

The States parties to the Warsaw Treaty express their support for an early, comprehensive ban on nuclear testing as a first step towards halting the development, production and improvement of nuclear weapons. They attach great importance to the agreement between the Soviet Union and the United States that comprehensive talks, to be held in stages in a single forum, will begin in the next few days on the limitation and ultimately the complete halting of nuclear tests; they also attach great importance to the signing of the Soviet-American agreement on setting up nuclear risk reduction centres.

The States participating in the session are of the opinion that the conclusion of a Soviet-United States agreement on the elimination of intermediate nuclear forces and shorter-range intermediate nuclear forces and an understanding on strategic offensive weapons and outer space would mark the real beginning of a process of nuclear disarmament and would provide an opportunity for making progress in other spheres of disarmament and the strengthening of security, for completely freeing Europe of nuclear weapons, and for limiting armed forces and conventional weapons, with corresponding reductions in military expenditures.

It is extremely important that no actions be taken that might complicate the achievement of these understandings. In this connection, statements by certain representatives in the West calling for the forthcoming elimination of United States missiles in Europe to be "compensated" by the deployment of new nuclear and non-nuclear weapons and the creation of new military structures are cause for serious concern.

3. The States participating in the session reaffirm their resolve to work for the creation of a comprehensive system of international peace and security. They are in favour of ensuring the security of all States on an equal footing and in all spheres of international relations. Creating a safe world requires, above all, destroying nuclear, chemical and other kinds of weapons of mass destruction, drastically reducing armed forces and conventional weapons and making corresponding reductions in military spending, dismantling military blocs and eliminating foreign bases, withdrawing all troops from foreign territories and establishing effective mechanisms for averting all kinds of aggression and for strengthening peace on the basis of substantially reduced levels of armament.

The speedy peaceful settlement of existing regional conflicts and the averting of new ones are important pre-conditions for ensuring the security of nations. Another significant component of the security system is effective measures for combating international terrorism.

The States participating in the session once again emphasised the need for strict observance by all States of the principles of national independence and sovereignty, non-use of force and the threat of force, inviolability of frontiers and territorial integrity, peaceful settlement of disputes, non-interference in the internal affairs of other countries, equality and other principles and purposes of the Charter of the United Nations, the Helsinki Final Act and other generally recognised norms of international relations.

The participants noted the importance of constructive consideration being given at the ongoing forty-second session of the General Assembly to the joint initiative of the socialist countries aimed at establishing, through the collective efforts of all United Nations Member States, a system of comprehensive security. The Ministers, believing that such a system should function on the basis and within the framework of the United Nations Charter, advocated enhancement of the role of the General Assembly, the Security Council and the Secretary-General, and expressed the view that all States should support them to the fullest possible extent, work for greater effectiveness of the activities of the United Nations and its institutions and strive to enable them to contribute more fully to the solution of international issues. They expressed the hope that the General Assembly would provide a stimulus for fruitful international dialogue on those issues and give it new depth and substance.

4. The States parties to the Warsaw Treaty call upon the participants in the talks on the general and complete prohibition of

chemical weapons and the elimination of stockpiles of such weapons to display the necessary political will in order to discharge the mandate given by the United Nations and to conclude without delay the drafting of the international convention on the subject.

5. The States participating in the session regard the substantial reduction of armed forces and armaments in Europe as a priority objective. This is the aim of the joint programme put forward by them at Budapest in June 1986. In this connection, the Ministers emphasised the need to accelerate the formulation of a mandate for future talks which would take into account the security interests of all participating in them, give all 35 States involved in the Helsinki process, in line with the Concluding Document of the Madrid meeting, a real opportunity to consider and resolve issues relating to disarmament and confidence- and security-building in Europe, and permit the earliest possible initiation of the talks. The States represented at the session reaffirmed their proposal for a meeting of the Ministers for Foreign Affairs of the States participating in the Conference on Security and Co-operation in Europe at which a decision would be taken on the opening of large-scale talks with a view to substantially limiting armed forces, tactical nuclear weapons and conventional weapons in Europe, with a concomitant reduction in military expenditures, adjusting imbalances through appropriate limitations and averting the danger of a surprise attack. The meeting would also be conducive to the solution of other issues of European security and co-operation.

The Ministers noted with satisfaction that the implementation of the provisions of the Stockholm Conference document is contributing to the enhancement of mutual understanding and the building of confidence and security.

Implementation of the proposal of the States parties to the Warsaw Treaty for consultations on military doctrines, put forward in Berlin in May 1987 and addressed to the member States of the North Atlantic Treaty Organisation, would be of major importance for the strengthening of confidence in Europe.

6. The establishment of nuclear- and chemical-weapon-free zones in the Balkans, in central Europe and in the north of Europe would be conducive to the amelioration of the situation on the continent, and would at the same time make a major contribution to freeing the world from those types of weapons of mass destruction. In that connection, the participants in the session renewed their support for the proposals made by the German Democratic Republic and

Czechoslovakia, by Romania and by Bulgaria, and underscored the need to put them into effect.

They reaffirmed the readiness of their States to promote the implementation of the plan for arms limitation and confidence-building in central Europe put forward by Poland. Implementation of that plan would be a significant factor in the strengthening of peace and stability and the safeguarding of lasting security on the European continent.

The Ministers expressed the view that the States situated along the line of contact between the two politico-military groupings should take concrete steps to reduce the level of military confrontation and strengthen confidence, including reciprocal removal of the most dangerous types of offensive weapons.

The States represented at the session support the proposal of the Union of Soviet Socialist Republics for a radical reduction of the level of military confrontation in the north of Europe and in the Arctic as a whole, the transformation of that region into a zone of peace and cooperation, and the holding of talks to that end among the States concerned. They welcome the efforts of the non-aligned Mediterranean countries aimed at converting that region into a zone of peaceful cooperation. The Ministers recall the proposals made in this respect by the Warsaw Treaty member States.

7. The States participating in the session emphasize the need to work out, at both the national and the international levels, a strict and effective verification system, including on-site inspection. Such a system of verification would provide a reliable guarantee of strict compliance with all disarmament agreements, and a firm assurance that obligations ensuing therefrom would not be violated under any circumstances. The verification system must cover all aspects of disarmament.

8. The States parties to the Warsaw Treaty consider that it is now more essential than ever that all States should substantially increase their efforts with a view to taking effective steps in the sphere of disarmament. That objective must also be pursued by stepping up the work of the respective international forums, especially the Geneva Conference on Disarmament. A document on that subject was adopted at the session.

The allied socialist States, advocating a comprehensive approach to disarmament issues, deem it extremely important that the third special session of the General Assembly devoted to disarmament should give a positive impetus to all the ongoing talks on various disarmament

problems and to agreement on concrete measures in this sphere, should focus on real progress towards a safe, nuclear-weapon-free-world, and should contribute to the establishment of a political climate based on confidence, *glasnost*, openness and predictability in international affairs.

9. The States participating in the session are for an indivisible Europe, a Europe of peace and co-operation, for the building of a "common European home in which an atmosphere of good-neighbourly relations and trust, coexistence and mutual understanding would prevail. The emerging trends in the fields of security and cooperation create the conditions necessary for giving new impetus to the Helsinki process. The States parties to the Warsaw Treaty consider it particularly important that, in an atmosphere of growing trust, an all-round dialogue should be conducted on a solid and reliable basis and that co-operation should be dynamically expanded and intensified. They reaffirm their commitment to progressive development of the Helsinki process and their readiness to open up, through joint efforts, a new phase of detente in Europe.

Discussing the progress at the Vienna meeting, the Ministers expressed the view that it should produce balanced agreements in all fields, based on all the principles of the Helsinki Final Act. In their opinion, efforts must be stepped up to achieve in the near future results that would make it possible to raise the Helsinki process to a qualitatively new level. They emphasised the importance of the convening of an economic forum in Prague, a conference on scientific and technological co-operation in Bucharest, an ecological forum in Sofia and a symposium on the protection of Europe's cultural heritage in Cracow.

11. The allied socialist States reaffirmed their determination to consolidate their unity and cohesion and to enhance the dynamism of their co-operation in the sphere of foreign policy with a view to eliminating the threat of war and strengthening security both in Europe and world-wide. A number of concrete practical measures were considered at the session, including those concerning the activities of the newly established permanent bodies—the multilateral group on reciprocal supply of topical information and the special commission on disarmament issues.

The participants emphasised that the session was taking place on the eve of the seventieth anniversary of the Great October Socialist Revolution, which had opened up a new era in the life of mankind and had paved the way to the social and national liberation of peoples, to a

world free of wars and weapons. The victory of socialism in many countries led to the establishment of the world socialist community, which is playing an ever greater role as the leading force in the struggle for peace and disarmament, international security and social progress, freedom, equality of rights, and respect for the independence and sovereignty of every State.

The session took place in an atmosphere of friendship and comradely cooperation. The next session will be held at Sofia.

132

Western European Union Platform on European Security Interests the Hague

27 October 1987

1. Stressing the dedication of our countries to the principles upon which our democracies are based and resolved to preserve peace in freedom, we, the Foreign and Defense Ministers of the member States of the Western European Union, reaffirm the common destiny which binds our countries.

2. We recall our commitment to build a European union in accordance with the Single European Act, which we all signed as members of the European Community. We are convinced that the construction of an integrated Europe will remain incomplete as long as it does not include security and defence.

3. An important means to this end is the modified Brussels Treaty. This Treaty with its far-reaching obligations to collective defence, marked one of the early steps on the road to European unification. It also envisages the progressive association of other States inspired by the same ideals and animated by the like determination. We see the revitalisation of the Western European Union as an important contribution to the broader process of European unification.

4. We intend therefore to develop a more cohesive European defence identity which will translate more effectively into practice the obligations of solidarity to which we are committed through the modified Brussels and North Atlantic Treaties.

5. We highly value the continued involvement in this endeavour of the Western European Union Assembly which is the only European parliamentary body mandated by treaty to discuss all aspects of security including defence.

I. Our Starting Point is the Present Conditions of European Security

1. Europe remains at the centre of East-West relations and, 40 years after the end of the Second World War, a divided continent. The human consequences of this division remain unacceptable, although certain concrete improvements have been made on a bilateral level and on the basis of the Helsinki Final Act. We owe it to our people to overcome this situation and to exploit in the interest of all Europeans the opportunities for further improvements which may present themselves.

2. New developments in East-West relations, particularly in arms control and disarmament, and also other developments, for example in the sphere of technology, could have far-reaching implications for European security.

3. We have not yet witnessed any lessening of the military build-up which the Soviet Union has sustained over so many years. The geostrategic situation of Western Europe makes it particularly vulnerable to the superior conventional, chemical and nuclear forces of the Warsaw Pact. This is the fundamental problem for European security. The Warsaw Pact's superior conventional forces and its capability for surprise attack and large-scale offensive action are of special concern in this context.

4. Under these conditions the security of the Western European countries can only be ensured in close association with our North American allies. The security of the Alliance is indivisible. The partnership between the two sides of the Atlantic rests on the twin foundations of shared values and interests. Just as the commitment of the North American democracies is vital to Europe's security, a free, independent and increasingly more united Western Europe is vital to the security of North America.

5. It is our conviction that the balanced policy of the Harmel report remains valid. Political solidarity and adequate military strength within the Atlantic Alliance, arms control, disarmament and the search for genuine detente continue to be integral parts of this policy. Military security and a policy of detente are not contradictory but complementary.

II. European Security Should be Based on the Following Criteria

1. It remains our primary objective to prevent any kind of war. It is our purpose to preserve our security by maintaining defence readiness and military capabilities adequate to deter aggression and intimidation without seeking military superiority.

2. In the present circumstances and as far as we can foresee, there is no alternative to the Western strategy for the prevention of war, which has ensured peace in freedom for an unprecedented period of European history. To be credible and effective, the strategy of deterrence and defence must continue to be based on an adequate mix of appropriate nuclear and conventional forces, only the nuclear element of which can confront a potential aggressor with an unacceptable risk.

3. The substantial presence of United States conventional and nuclear forces plays an irreplaceable part in the defence of Europe. They embody the American commitment to the defence of Europe and provide the indispensable linkage with the United States strategic deterrent.

4. European forces play an essential role: the overall credibility of the Western strategy of deterrence and defence cannot be maintained without a major European contribution, not least because the conventional imbalance affects the security of Western Europe in a very direct way.

The Europeans have a major responsibility both in the field of conventional and nuclear defence. In the conventional field, the forces of the Western European Union member States represent an essential part of those of the Alliance. As regards nuclear forces, all of which form a part of deterrence, the co-operative arrangements that certain member States maintain with the United States are necessary for the security of Europe. The independent forces of France and the United Kingdom contribute to overall deterrence and security.

5. Arms control and disarmament are an integral part of Western security policy and not an alternative to it. They should lead to a stable balance of forces at the lowest level compatible with our security. Arms control policy should, like our defence policy, take into account the specific European security interests in an evolving situation. It must be consistent with the maintenance of the strategic unity of the Alliance and should not preclude closer European defence co-operation. Arms control agreements have to be effectively verifiable and stand the test of time. East and West have a common interest in achieving this.

III. The Member States of the Western European Union Intend to Assume Fully Their Responsibilities

(a) In the Field of Western Defence

1. We recall the fundamental obligation of Article V of the modified Brussels Treaty to provide all the military and other aid and assistance

in our power in the event of armed attack on any one of us. This pledge, which reflects our common destiny, reinforces our commitments under the Atlantic Alliance, to which we all belong, and which we are resolved to preserve.

2. It is our conviction that a more united Europe will make a stronger contribution to the Alliance, to the benefit of Western security as a whole. This will enhance the European role in the Alliance and ensure the basis for a balanced partnership across the Atlantic. We are resolved to strengthen the European pillar of the Alliance.

3. We are each determined to carry our share of the common defence in both the conventional and the nuclear field, in accordance with the principles of risk and burden-sharing which are fundamental to allied cohesion.

- In the conventional field, all of us will continue to play our part in the ongoing efforts to improve our defences;
- In the nuclear field also, we shall continue to carry our share: some of us by pursuing appropriate co-operative arrangements with the United States, the United Kingdom and France by continuing to maintain independent nuclear forces, the credibility of which they are determined to preserve.

4. We remain determined to pursue European integration including security and defence and make a more effective contribution to the common defence of the West. To this end we shall:

- Ensure that our determination to defend any member country at its borders is made clearly manifest by means of appropriate arrangements;
- Improve our consultations and extend our co-ordination in defence and security matters and examine all practical steps to this end;
- Make the best possible use of the existing institutional mechanisms to involve the defence ministers and their representatives in the work of the Western European Union;
- See to it that the level of each country's contribution to the common defence adequately reflects its capabilities;
- Aim at a more effective use of existing recourses, *inter alia*, by expanding bilateral and regional military co-operation, pursue our efforts to maintain in Europe a technologically advanced industrial base and intensify armaments co-operation;
- Concert our policies on crises outside Europe in so far as they may affect our security interests.

5. Emphasising the vital contribution of the non-Western European Union members of the Alliance to the common security and defence, we will continue to keep them informed of our activities.

(b) In the Field of Arms Control and Disarmament

1. We shall pursue an active arms control and disarmament policy aimed at influencing future developments in such a way as to enhance security and to foster stability and co-operation in the whole of Europe. The steadfastness and cohesion of the Alliance and close consultations among all the Allies remain essential if concrete results are to be brought about.

2. We are committed to elaborate further our comprehensive concept of arms control and disarmament in accordance with the Alliance's declaration of 12 June 1987 and we will work within the framework of this concept as envisaged particularly in paragraphs 7 and 8 of that declaration. An agreement between the United States and the Soviet Union for the global elimination of land-based INF missiles with a range between 500 and 5,500 km will constitute an important element of such an approach.

3. In pursuing such an approach we shall exploit all opportunities to make further progress towards arms reductions, compatible with our security and with our priorities, taking into account the fact that work in this area raises complex and interrelated issues. We shall evaluate them together, bearing in mind the political and military requirements of our security and progress in the different negotiations.

(c) In the Field of East-West Dialogue and Co-operation

1. The common responsibility of all Europeans is not only to preserve the peace but to shape it constructively. The Helsinki Final Act continues to serve as our guide to the fulfilment of the objective of gradually overcoming the division of Europe. We shall therefore continue to make full use of the Conference on Security and Confidence in Europe process in order to promote comprehensive co-operation among all participating States.

2. The possibilities contained in the Final Act should be fully exploited. We therefore intend:

- To seek to increase the transparency of military potentials and activities and the calculability of behaviour in accordance with the Stockholm Document of 1986 by further confidence-building measures;

- Vigorously to pursue our efforts to provide for the full respect of human rights without which no genuine peace is possible;
- To open new mutually beneficial possibilities in the fields of economy, technology, science and the protection of the environment;
- To achieve more opportunities for the people in the whole of Europe to move freely and to exchange opinions and information and to intensify cultural exchanges; and thus to promote concrete improvements for the benefit of all people in Europe.

It is our objective to further European integration. In this perspective we will continue our efforts towards closer security co-operation, maintaining coupling with the United States and ensuring conditions of equal security in the Alliance as a whole.

We are conscious of the common heritage of our divided continent, all the people of which have an equal right to live in peace and freedom. That is why we are determined to do all in our power to achieve our ultimate goal of a just and lasting peaceful order in Europe.

133

Final Document of the International Conference on the Relationship Between Disarmament and Development

New York, 24 August-11 September 1987

The States participating in the International Conference on the Relationship between Disarmament and Development, Desirous of:

- (a) Enhancing and strengthening the commitment of the international community to disarmament and development and giving impetus to renewed efforts in both these fields;
- (b) Raising world consciousness that true and lasting peace and security in this interdependent world demands rapid progress in both disarmament and development;
- (c) Directing global attention at a high political level on the implications of world-wide military spending against the sombre background of the present world economic situation;
- (d) Looking at disarmament, development and security in their relationship in the context of the interdependence of nations, interrelationships among issues and mutuality of interests;
- (e) Taking greater account of the relationship between disarmament and development in political decision-making;
- (f) Furthering the international community's collective knowledge of the military and non-military threats to security;

Adopt the following Final Document:

1. In the Charter of the United Nations, Member States have undertaken to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources. The Member States

also express in the Charter their determination to employ international machinery for the promotion of the economic and social advancement of all peoples. The United Nations has thus a central role to play for the promotion of both disarmament and development.

2. Disarmament and development are two of the most urgent challenges facing the world today. They constitute priority concerns of the international community in which all nations—developed and developing, big and small, nuclear and non-nuclear—have a common and equal stake. Disarmament and development are two pillars on which enduring international peace and security can be built.

3. The continuing arms race is absorbing far too great a proportion of the world's human, financial, natural and technological resources, placing a heavy burden and technology, in addition to hindering the process of confidence-building among States. The global military expenditures are in dramatic contrast to economic and social underdevelopment and to the misery and poverty afflicting more than two thirds of mankind. Thus, there is a commonality of interests in seeking security at lower levels of armaments and finding ways of reducing these expenditures.

4. The world can either continue to pursue the arms race with characteristic vigour or move consciously and with deliberate speed towards a more stable and balanced social and economic development within a more sustainable international economic and political order; it cannot do both.

5. Global interest in the relationship between disarmament and development is reflected in proposals *by* a politically and geographically broad spectrum of States since the early days of the United Nations. There is an increasing understanding of this relationship, in part due to the expert studies and reports prepared by the United Nations.

6. The contrast between the global military expenditures and the unmet socio-economic needs provides a compelling moral appeal for relating disarmament to development. There is also a growing recognition that both over armament and underdevelopment constitute threats to international peace and security.

7. The convening under the aegis of the United Nations of the International Conference on the Relationship between Disarmament and Development is a landmark in the process of undertaking, at a political level, the multilateral consideration of the relationship between disarmament and development.

Relationship between Disarmament and Development in All Its Aspects and Dimensions

8. While disarmament and development both strengthen international peace and security and promote prosperity, they are distinct processes. Each should be pursued vigorously regardless of the pace of progress in the other; one should not be made a hostage to the other. Pursuit of development cannot wait for the release of resources from disarmament. Similarly, disarmament has its own imperative separate from the purpose of releasing resources for development.

9. However, disarmament and development have a close and multidimensional relationship. Each of them can have an impact at the national, regional and global levels in such a way as to create an environment conducive to the promotion of the other.

10. The relationship between disarmament and development in part derives from the fact that the continuing global arms race and development compete for the same finite resources at both the national and international levels. The allocation of massive resources for armaments impedes the pursuit of development to its optimal level.

11. Considering the present resource constraints of both developed and developing countries, reduced world military spending could contribute significantly to development. Disarmament can assist the process of development not only by releasing additional resources but also by positively affecting the global economy. It can create conditions conducive to promoting equitable economic and technological cooperation and to pursuing the objectives of a new international economic order.

12. Real economic growth as well as just and equitable development, and particularly the elimination of poverty, are necessary for a secure and stable environment at the national, regional and international levels. They can reduce tensions and conflicts and the need for armament.

13. In the relationship between disarmament and development, security plays a crucial role. Progress in any of these three areas would have a positive effect on the others.

14. Security is an overriding priority for all nations. It is also fundamental for both disarmament and development. Security consists of not only military, but also political, economic, social, humanitarian and human rights and ecological aspects. Enhanced security can, on the one hand, create conditions conducive to disarmament and, on the

other, provide the environment and confidence for the successful pursuit of development. The development process, by overcoming non-military threats to security and contributing to a more stable and sustainable international system, can enhance security and thereby promote arms reduction and disarmament. Disarmament would enhance security both directly and indirectly. A process of disarmament that provides for undiminished security at progressively lower levels of armaments could allow additional resources to be devoted to addressing non-military challenges to security, and thus result in enhanced overall security.

15. An effective implementation of the collective security provisions of the Charter of the United Nations would enhance international peace and security and thus reduce the need of Member States to seek security by exercising their inherent right of individual or collective self-defence, also recognised by the Charter. The judgement as to the level of arms and military expenditures essential for its security rests with each nation. However, the pursuit of national security regardless of its impact on the security of others can create overall international insecurity, thereby undermining the very security it aims at promoting. This is even more so in the context of the catastrophic consequences of a nuclear war.

16. It is widely accepted that the world is over armed and that security should be sought at substantially lower levels of armaments. The continued arms race in all its dimensions, and its spreading into new areas, pose a growing threat to international peace and security and even to the very survival of mankind. Moreover, global military spending on nuclear and conventional arms threatens to stall the efforts aimed at reaching the goals of development so necessary to overcome non-military threats to peace and security.

17. The use or threat of use of force in international relations, external intervention, armed aggression, foreign occupation, colonial domination, policies of *apartheid* and all forms of racial discrimination, violation of territorial integrity, of national sovereignty, of the right to self-determination, and the encroachment of the right of all nations to pursue their economic and social development free from outside interference constitute threats to international peace and security. International security will be guaranteed in turn to the extent that peaceful and negotiated solutions to regional conflicts are promoted.

18. Recently, non-military threats to security have moved to the forefront of global concern. Underdevelopment and declining prospects for development, as well as mismanagement and waste of resources,

constitute challenges to security. The degradation of the environment presents a threat to sustainable development. The world can hardly be regarded as secure so long as there is polarisation of wealth and poverty at the national and international levels. Gross and systematic violations of human rights retard genuine socio-economic development and create tensions which contribute to instability. Mass poverty, illiteracy, disease, squalor and malnutrition afflicting a large proportion of the world's population often become the cause of social strain, tension and strife.

19. Growing interdependence among nations, interrelationship among global issues, mutuality of interests, collective approach responding to the needs of humanity as a whole and multilateralism provide the international framework within which the relationship between disarmament, development and security should be shaped.

Implications of the Level and Magnitude of the Continuing Military Expenditures, in Particular Those of the Nuclear-Weapon States and Other Militarily Important States, for the World Economy and the International Economic and Social Situation, Particularly for Developing Countries

20. The current level of global military spending in pursuit of security interests represents a real increase of between four and five times since the end of the Second World War. It also reflects approximately 6 per cent of the world gross domestic product and has been estimated to be more than 20 times as large as all official development assistance to developing countries. During the 1980s, global military expenditure has grown on an average at a faster rate than during the second half of the 1970s.

21. The bulk of global military spending remains concentrated among some developed countries that also carry out almost all the world's military research and development. It has been estimated that global expenditure on military research and development represents approximately one quarter of the world's expenditure on all research and development. During recent years, as weapons have become more sophisticated, the rate of increase in spending on military research and development has been higher than the general increase in military expenditures.

22. The military sector also consumes a significant proportion of world energy resources and non-energy minerals and diverts skilled human resources and industrial production, which could be utilised in other sectors. Moreover, the production and stockpiling of armaments,

particularly of nuclear and chemical weapons, poses a significant threat to the environment.

23. While arms exports are dominated by a number of developed countries, the developing countries account for a major share of arms imports. The adverse development implications of such transfers outweigh immediate trade benefits to the suppliers and security gains to the recipients.

24. In contrast to the current level and trends in global military expenditure, the state of the world economy in the 1980s has been characterised by a slow-down in growth of demand and output compared with the preceding two decades, generally lower rates of inflation, difficulties in many countries in adapting to structural changes, a mounting stock of debt, high real interest rates, inadequate net flows of financial resources, shifts in exchange rates, high and increasing levels of protection, commodity prices depressed to their lowest level in 50 years, terms-of-trade losses sustained by commodity exporting countries, and a generally insecure economic environment in which millions of people still lack the basic conditions for a decent life.

25. The use of resources for military purposes amounts to a reduction of resources for the civilian sector. Military spending provides little basis for future industrial civilian production. Military goods are generally destroyed or soon used up. While there are some civilian by-products of military research and training there are better direct, non-military routes to follow.

26. The opportunity cost of military expenditures over the past 40 years has been and continues to be borne by both developed and developing countries, as there is a pressing need for additional resources for development in both groups of countries. In developing countries, it has been estimated that close to 1 billion people are below the poverty line, 780 million people are undernourished, 850 million are illiterate, 1.5 billion have no access to medical facilities, an equally large number are unemployed, and 1 billion people are inadequately housed. In developed countries, resources are required, *inter alia*, for meeting the priority needs of urban renewal, the restoration of some of the infrastructures, the reduction of unemployment, the protection of the environment, the further development of welfare systems and the development of non-conventional sources of energy. The developing countries are doubly affected: (a) in proportion to the expenditure they incur themselves; and (b) because of the disturbing effect of military expenditure on the world economy.

27. The present world economic situation should also be seen in the context of the arms race. For certain countries the high deficits caused by military expenditures as well as the cumulative effect of subsequent rise in the interest rates have the effect of diverting substantial flows of capital away from development activities. In this sense, the whole world is affected by the arms race.

28. Moreover, military-related production tends to be capital-intensive, usually creating fewer jobs than would result if an equivalent amount of public funds had been spent on civil projects. Inefficiency associated with the non-competitive conditions of the military marketplace has a negative effect throughout the economy, including productivity and cost, and on its competitive position in the international market.

29. Global military expenditure has an impact on the world economy through interdependence among nations and the interrelationship between the global macro-economic variables. Attempts at understanding the present world economic situation and attaining stable and sustainable growth need to take account of the current levels of military expenditures.

Ways and Means of Releasing Additional Resources Through Disarmament Measures for Development Purposes, in Particular in Favour of Developing Countries

30. Apart from promoting international peace, security and co-operation, disarmament can improve the environment for the pursuit of development by:

- (a) Releasing resources from the military to the civilian sector at the national level;
- (b) Removing the distortions in the national and international economy induced by military expenditure;
- (c) Creating favourable conditions for international economic, scientific and technological co-operation and for releasing resources for development at the regional and international levels, on both a bilateral and a multilateral basis.

31. Resources released as a result of disarmament measures should be devoted to the promotion of the well-being of all peoples, the improvement of the economic conditions of the developing countries and the bridging of the economic gap between developed and developing countries. These resources should be additional to those otherwise available for assistance to developing countries.

32. The release of additional resources for the civilian sector is in the interest of both industrialised and developing countries, as it would mean the stimulation of economic growth, trade and investment. Among developing countries, this could also mean additional resources to meet pressing socio-economic needs, while in the developed countries it could contribute to the achievement of the goals of social welfare. However, working towards the release of resources through disarmament is not enough; an international development strategy is a vital stabilising element in international relations.

33. The disarmament dividend may be obtained in a variety of forms. These could include trade expansion, technological transfers, the more efficient utilisation of global resources, the more effective and dynamic international division of labour, the reduction of public debt and budgetary deficits, and increased flows of resources through development assistance, commercial and other private flows or transfers of resources to the developing countries.

34. Past experience has shown that conversion from military to civilian production need not present insurmountable problems.

Action Programme

35. With a view:

- (a) To fostering an interrelated perspective on disarmament, development and security;
- (b) To promoting multilateralism as providing the international framework for shaping the relationship between disarmament, development and security based on interdependence among nations and mutuality of interests;
- (c) To strengthening the central role of the United Nations in the interrelated fields of disarmament and development:
 - (i) The States participating in the International Conference reaffirm their commitments in the fields of disarmament and development and reiterate their determination to adopt, both individually and collectively, appropriate measures to implement these commitments. These will include bilateral, regional and global initiatives for peaceful resolution of conflicts and disputes;
 - (ii) They also stress the importance of respect of the international humanitarian law applicable in armed conflicts. Respect of this law makes it easier to pave the way for a solution to conflicts, and hence ultimately to release resources for development;

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- (iii) They recognize the need to ensure an effective and mutually reinforcing relationship between disarmament and development and to give practical expression to it through specific measures at the national, regional and global levels;
 - (iv) They reaffirm the international commitment to allocate a portion of the resources released through disarmament, for purposes of socio-economic development, with a view to bridging the economic gap between developed and developing countries;
 - (v) In this connection, they will give further consideration
 - (a) To the adoption of measures to reduce the level and magnitude of military expenditures which, in addition to being an approach to disarmament, would be a means of reallocating additional resources for social and economic development particularly for the developing countries;
 - (b) To the utilisation of existing regional and international institutions for the reallocation of resources released through disarmament measures for socio-economic development, particularly in developing countries, taking due account of existing capabilities of the United Nations system;
 - (c) To accord priority to the allocation, within the framework of the United Nations, of part of the resources, including human and technical resources, presently devoted to military purposes for emergency humanitarian relief operations and critical development problems, pending the achievement of genuine disarmament under effective international control;
 - (d) To the importance of greater openness, transparency and confidence among nations with a view to facilitating progress in both disarmament and development;
 - (vi) They will consider:
 - (a) Keeping under review issues related to a conversion of military industry to civilian production and undertaking studies and planning for this purpose;
 - (b) Undertaking studies to identify and publicize the benefits that could be derived from the reallocation of military resources;

- (c) Making the results of experience in, and preparations for, solving the problems of conversion in their respective countries, available to other countries;
- (vii) They agree:
 - (a) To continue to assess their political and security requirements and the level of their military spending, taking into account the need to keep these expenditures at the lowest possible level, and to keep the public informed on the subject;
 - (b) To assess the nature and volume of resources that may be released through arms limitation and disarmament measures and to consider including in future disarmament negotiations provisions to facilitate the release of such resources;
 - (c) To carry out regularly analyses of the economic and social consequences of their military spending and to inform their public and the United Nations about them;
 - (d) To appeal to appropriate regional organisations and institutions to carry out, within their mandates as appropriate, analyses of the political, military and economic factors in their regions, with a view to encouraging regional manures of disarmament and development;
- (viii) They recognize that an informed public, including non-governmental organisations, has an invaluable role to play in helping to promote the objectives of disarmament and development and creating an awareness of the relationship between disarmament, development and security. They therefore agree to take appropriate measures to keep the public informed in this regard;
- (ix) They emphasize the need to strengthen the central role of the United Nations and its appropriate organs in the field of disarmament and development, in promoting an interrelated perspective of these issues within the overall objective of promoting international peace and security;
 - (a) The United Nations and the specialised agencies should give increased emphasis, in their disarmament-related public information and education activities, to the disarmament-development perspective;

- (b) They request the Secretary-General of the United Nations to intensify his efforts to foster and co-ordinate the incorporation of disarmament-development perspective in the activities of the United Nations system;
- (c) The United Nations should make greater efforts to promote collective knowledge of the non-military threats to international security;
- (d) An improved and comprehensive data base on global and national military expenditures would greatly facilitate the study and analysis of the impact of military expenditures on the world economy and the international economic system. To this end, the broadest possible number of States should provide objective information on their military budgets to the United Nations according to agreed and comparable definitions of the specific components of these budgets. In this connection, the work under way in the United Nations for a systematic examination of various problems of defining, reporting and comparing military budget data should be intensified;
- (e) The United Nations should continue to undertake, on a regular basis, analysis of the impact of global military expenditures on the world economy and the international economic system. Consideration should be given to the idea of establishing a mechanism within the existing framework of the United Nations to monitor the trends in military spending;
- (f) The United Nations should facilitate an international exchange of views and experience in the field of conversion;
- (g) The General Assembly, in receiving the report of this Conference, is requested to keep under periodic review the relationship between disarmament and development in the light of this action programme, including its consideration at the forthcoming third special session devoted to disarmament.

134

Memorandum of Poland on Decreasing Armaments and Increasing Confidence in Central Europe

Warsaw, 17 July 1987

The Government of the Polish People's Republic reiterates its will to contribute substantively to efforts leading to disarmament and the strengthening of international security, particularly in Central Europe, as evidenced in its previous initiatives. It is in Central Europe that the two political and military groupings are in direct contact; it is also here that the greatest concentration of military potential in the world exists. The situation in this region weighs particularly heavily on the security of all States on this continent as well as of those States whose security interests are closely linked with it.

In the past, the Government of the Polish People's Republic has presented a number of proposals, the purpose of which was to restrain the arms race in Europe and to create conditions which would lead to more comprehensive disarmament measures. These included the 1957 plan to establish a nuclear-free zone and the 1964 plan envisaging a freeze of nuclear armaments, both concerning Central Europe. For many years, these plans were continually the subject of international dialogue and contributed to the search for solutions which would enhance security in Europe and in the world.

The Government of the Polish People's Republic presents the view that the shape of political, economic and cultural relations in Europe, which has developed particularly in the wake of the process of the Conference on Security and Co-operation in Europe, renders the present high level of armaments and military preparedness in Europe unwarranted. The Polish Government is convinced that conditions exist at present to initiate steps which would assure the European States undiminished and equal security at a considerably lower level

of military potential. The outcome of such steps would be to diminish the still existing danger of a military conflict breaking out in Europe and, particularly, to prevent the possibility of a surprise attack. These steps, if taken, would contribute to establishing common security in Europe, through co-operation and by taking the interests of all States participating in the Conference on Security and Co-operation in Europe into greater consideration.

Taking the above premises as its starting point, the Government of the Polish People's Republic submits herewith a plan to decrease armaments and increase confidence in Central Europe. It covers the territories of the Kingdom of Belgium, the Czechoslovak Socialist Republic, the Kingdom of Denmark, the German Democratic Republic, the Federal Republic of Germany, the Hungarian People's Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Polish People's Republic, together with their territorial waters and airspace.

The plan envisages:

1. The gradual withdrawal and/or reduction of specified, mutually agreed kinds and quantities of nuclear weapons. Such undertakings would encompass all kinds of nuclear weapons, as long as they are not the subject of other agreements, in particular such weapons as operational and tactical missiles, particularly those with a range of up to 500 kilometres; nuclear artillery; nuclear-capable aircraft; and any type of nuclear charges, including nuclear mines and bombs. All these should be reviewed with due regard for measures related to the withdrawal and reduction of conventional weapons.

2. The gradual withdrawal and/or reduction of specified, mutually agreed kinds and quantities of conventional weapons. The first to be considered should be weapons of the greatest destructive power and accuracy, which could be employed in offensive operations including surprise attacks: for example, strike aircraft, tanks, armed helicopters and long-range artillery, including rocket artillery. An exchange of the lists of weapons considered by each State to be particularly threatening and offensive might prove helpful.

These measures could find substantiation through the withdrawal of the weapons and their crews from the zone envisaged by the plan, by destroying those weapons or by withdrawing them from operational military stockpiles with the aim of converting them to peaceful purposes or placing them in internationally controlled storage premises.

3. Joint actions which would ensure such an evolution of the nature of military doctrines that they could reciprocally be assessed as being strictly defensive. To achieve this, the doctrines would have to be

based on the principle of adequacy, which would justify the possession by a State only of such a military potential as is indispensable for effective defence. A joint discussion and comparison of military concepts and doctrines and an analysis of their nature and development trends could prove helpful.

4. Agreement on appropriate far-reaching confidence- and security-building measures and the mechanisms for the strict verification of compliance with the commitments undertaken, including those which, for various reasons, it would be difficult to introduce in Europe as a whole.

Such measures would be complementary to those already in existence and could envisage, *inter alia*, an agreement on parameters to constrain the size and/or the intensity of the specified types of military activities (for example, exercises and concentrations of forces on the respective territories), the exchange of military information and procedures for the prompt clarification of situations arousing the concern of either side. The efforts of the States should also be aimed at bringing the independent activities of air and naval forces within the framework of confidence- and security-building measures.

To ensure that the accepted measures are effectively implemented, an appropriate system of verification would be established. It would encompass means of national and international control mutually accepted as effective, including observation and on-site inspection. An international institution or institutions of control could be established, with the participation of the States concerned and others. The control mechanism might envisage, *inter alia*, an exchange of information indispensable for effective verification; notification of the commencement and completion of the withdrawal or reduction of armaments and their observation; establishment of control points on the borders of the zone through which the arms would be withdrawn, as well as at large railway junctions, airfields, seaports; and other measures. A procedure of bilateral and multilateral consultations could be included in this system.

For its part, the Government of the Polish People's Republic expresses its readiness to accept, on a reciprocal basis, any method of control indispensable to attain the purposes of the plan.

The nuclear powers would issue appropriate, agreed guarantees to ensure the effectiveness of the measures envisaged in the plan and the security of States included in the zone and to ensure that the status established by the agreement is respected.

In presenting this plan, the Government of Poland considers it useful to negotiate and introduce parallel, stage-by-stage disarmament

measures in Europe, depending on their substance, procedure and time, in three territorial realms, that is, in a corridor on both sides of the line of contact of the two opposing politico-military groupings, in Central Europe and in the whole of Europe from the Atlantic to the Urals.

The plan dovetails aptly with other propositions related to the above-mentioned territorial realms, including the 1986 Budapest appeal of the States parties to the Warsaw Treaty (see A/41 /411-S/18147 and Corr.1 and 2, annex II) and the initiative of the Governments of the German Democratic Republic and the Czechoslovak Socialist Republic relative to a corridor along the line of contact between the Warsaw Treaty Organisation and the North Atlantic Treaty Organisation (see A/42/333).

The measures proposed in the plan constitute a mutually complementary entity. Nevertheless, each of its postulates may be negotiated and implemented separately and in stages with regard to territorial scope, as well as their stated subjects and objects.

The Government of the Polish People's Republic accepts that the zone of application envisaged by the plan could, with time, be enlarged through the access of other European States, including neutral and non-aligned States.

The substance of the plan could be the subject of the negotiations currently being held or to be held in the future within the framework of or in connection with the process of the Conference on Security and Co-operation in Europe.

Decisions on the withdrawal and reduction of the kinds of weapons mentioned in the plan would be accompanied by a consent not to substitute them with new designs of weapons and equipment or those obtained by conversion as well as not to introduce entirely new kinds of weapons with particularly offensive characteristics.

Another issue on which agreement could be sought is that of historically formed disproportions and asymmetries in particular kinds of weapons and military forces, together with ways to eradicate them through a reduction to an agreed level by the side which possesses the superiority.

The agreed measures would be based on the principles of equality of rights and security of all parties, balance and reciprocity and would be taken without detriment to the security of any State.

135

Communique Issued by the Session of the Political Consultative Committee of the States Parties to the Warsaw Treaty

Berlin, 28-29 May 1987

1. The participants in the Session reviewed the situation in Europe and in the world at large. They believe that world developments, changes in international relations, the increasing interdependence of States, advances in science and technology and the existence of weapons of unprecedented destructive power call for a new way of thinking, a new approach to the issues of war and peace, disarmament and other complex global and regional problems, and for the abandonment of the concept of "nuclear deterrence" which supposes that nuclear weapons are the guarantee for the security of States. In a nuclear war, there can be no winners. For this reason, the States parties to the Warsaw Treaty reaffirmed their belief that the overriding task is to prevent war, to banish it permanently from civilisation, to preserve peace on earth, to put an end to the arms race and to move towards concrete measures of disarmament, primarily in the nuclear field, with the aim of achieving complete and general disarmament. This requires a pooling of efforts of all States and all peace-loving forces, greater trust in relations among States, especially among those belonging to different social systems, and among their military-political alliances, and a correct perception of each other's concerns, objectives and intentions as regards the military sphere.

The States parties to the Warsaw Treaty reiterate that their military doctrine is defensive in nature and based on the need to keep the balance of military forces at the lowest possible level as well as the desirability of reducing the military potentials to sufficient levels as required for defence.

The Session adopted a document on this matter, which will be published.

2. The participants in the Session consider that it is now possible to adopt the following practical steps in the field of nuclear disarmament in order to stop humanity from drifting towards a nuclear disaster:

- Immediate conclusion of an agreement on eliminating all American and Soviet medium-range missiles in Europe on the basis of the fundamental understanding reached at Reykjavik. Following upon its signing the Soviet missiles emplaced in the GDR and Czechoslovakia in response to the deployment of American medium-range missiles in Western Europe will be withdrawn with the agreement of the governments of these countries.
- Simultaneous elimination of the Soviet and US shorter-range missiles in Europe and negotiations on such missiles stationed in the eastern parts of the Soviet Union and on the territory of the United States.
- Settlement of the issue of tactical nuclear weapons, including tactical missiles, in Europe through multilateral negotiations as proposed by the Warsaw Treaty States at their meeting in Budapest.
- Agreement on radical reductions in offensive strategic weapons coupled with a strengthening of the ABM Treaty regime. The allied socialist countries advocate a 50 per cent reduction in the offensive strategic weapons of the USSR and the USA within a period of five years and negotiations on subsequent reductions.
- Comprehensive ban on nuclear weapons testing as a high priority measure designed to put an end to the development, manufacture and refinement of nuclear arms and to bring about their reduction and elimination. The Warsaw Treaty States propose that extensive negotiations be started without further delay to work out pertinent accords.

The participants in the Session firmly support the idea that outer space be kept free of weapons, that the ABM Treaty be strictly observed and that agreements be concluded banning anti-satellite systems and space-to-earth weapons and preventing an arms race in space, that all activities in outer space be conducted exclusively for peaceful purposes, on a rational basis and for the benefit of all mankind.

The leaders of the allied socialist States advocate the elaboration of key provisions for agreements between the USSR and the USA on

offensive strategic weapons, the strengthening of the ABM Treaty regime and the conducting of nuclear tests. Along with the conclusion of a treaty on medium-range missiles, they could be the subject of agreement between the USSR and the USA at the highest level and provide the basis for the preparation of legally binding Soviet-American accords.

The States parties to the Warsaw Treaty consider it important for all European States, notably the members of the two alliances, to contribute actively towards nuclear disarmament and the success of pertinent negotiations. They are doing everything in their power so as to achieve concrete accords, bilateral and multilateral, with the aim of removing nuclear and other weapons of mass destruction by the end of this century.

3. The States participating in the Session favour the earliest possible elimination of chemical weapons. They reiterate their preparedness to complete the preparation of an international convention banning chemical weapons and providing for the destruction of the stockpiles of such weapons and the industrial basis for their production by the end of this year. They recall in this regard their Moscow Declaration of 25 March 1987.

4. They discussed ways of implementing the programme submitted by the States parties to the Warsaw Treaty in June 1986 with a view to achieving a 25 per cent reduction in armed forces and conventional armaments in Europe during the early 1990s. The reductions should take place simultaneously and in conjunction with the tactical nuclear systems. The participants in the Session suggest that while the reductions proposed are being put into effect, it will be necessary to work out new measures enabling even more significant reductions in armed forces, armaments and military expenditures to get under way by the year 2000.

The States parties to the Warsaw Treaty hold the view that the reduction in military confrontation in Europe should be a continuous process with the military balance being secured at the lowest possible level at each stage. Aware of the asymmetric structures of the armed forces maintained by the two sides in Europe, which are rooted in historical, geographical and other factors, they state their preparedness to have the imbalance that has arisen in certain elements redressed in the course of the reductions, proposing that the side which has an advantage over the other side make the appropriate cutbacks. The process of cutting back armed forces and armaments should be accompanied by appropriate reductions in the military expenditures of the states concerned.

The States represented at the Session propose to all States participating in the Conference on Security and Co-operation in Europe that a meeting of their Foreign Ministers should be held to adopt a decision on initiating extensive negotiations on drastic reductions in armed forces, conventional armaments and tactical nuclear weapons in Europe coupled with appropriate cutbacks in military expenditures. These talks should also cover a number of high priority measures designed to lower the level of military confrontation and avert the danger of surprise attack, to ensure the mutual withdrawal of the most dangerous offensive weapons from the zone of direct contact between the two military alliances and to reduce the concentration of armed forces and armaments in this zone to an agreed minimum level.

The best forum to discuss these issues would be the second stage of the Conference on Confidence- and Security-Building Measures and Disarmament in Europe. But other options for dealing with disarmament issues, especially within the CSCE process, including the convening of a special forum, are also possible.

The allied socialist States attach great importance to the informal consultations held in Vienna between representatives of the NATO and Warsaw Treaty countries and designed to assist in formulating a mandate for future negotiations.

Reaffirming their good will and striving to create the best possible conditions for future negotiations, the States parties to the Warsaw Treaty declare their willingness to exercise maximum restraint regarding the development of their military potentials and, on the basis of reciprocity, not to build up armed forces and conventional armaments as well as to proclaim a moratorium on arms spending for a period of one or two years. They call on the NATO countries to do likewise.

5. The States parties to the Warsaw Treaty attach great importance to steps aimed at lessening military confrontation and enhancing security in individual regions of Europe, to the establishment of zones free of nuclear weapons and chemical weapons in the Balkans, in the centre and in the north of the continent. They reaffirm their resolve to ensure that the proposals made to this effect by the GDR, Czechoslovakia, Romania and Bulgaria are implemented. As regards the proposals made by the GDR and Czechoslovakia for the establishment of a nuclear-weapon-free corridor along the dividing line between the Warsaw Treaty and NATO countries that would be 300 kilometres wide (150 kilometres on either side), these provide for

the withdrawal, on a reciprocal basis, of all nuclear weapons, i.e. nuclear munitions, including nuclear mines, shorter-range and tactical missiles, nuclear artillery, nuclear-armed tactical strike aircraft and nuclear-capable surface-to-air missile systems.

The States parties to the Warsaw Treaty are also in favour of continuing and intensifying the multilateral dialogue on the establishment of a nuclear-weapon-free and chemical-weapon-free zone in the Balkans.

The States represented at the Session fully support the plan submitted by Poland for arms reduction and confidence-building in Central Europe. Its implementation would be an important factor in strengthening peace and stability on the continent.

6. The implementation of disarmament measures would be guaranteed by an effective system of verification conforming with the intent of the disarmament measures and including on-site inspections. Since, in the process of moving towards real disarmament, verification becomes a principal means of guaranteeing security, the States parties to the Warsaw Treaty advocate the creation of a system of stringent measures to verify the reduction of armaments at all stages.

It must be guaranteed that measures to verify the reduction of nuclear missiles are taken at all the sites where these missiles are dismantled and destroyed, as well as on test sites, at military bases, including those in third countries, in training centres, storage facilities and at manufacturing plants, state-owned and private.

In the field of conventional armaments, measures to verify the actual reductions should be complemented by measures to monitor the military activities of the armed forces that remain after the process is completed.

7. The States represented at the Session reviewed the course taken by the Vienna meeting of the representatives of the States participating in the Conference on Security and Co-operation in Europe, which has entered the crucial stage of drafting generally acceptable agreements. They stated their resolve to make every effort to contribute to a successful conclusion of the meeting. Substantial and well-balanced decisions should be taken at the meeting to facilitate real progress in disarmament, in confidence-building and the development of relations between the participating States in the political, economic and humanitarian fields on the firm and reliable basis of all principles enshrined in the Helsinki Final Act. Rejecting the division of Europe into two opposing military blocs, they are in favour of simultaneous

dissolution of these alliances, good-neighbourly relations and cooperation in the common European home. The States represented at the Session are convinced that the proposed meeting of the Foreign Ministers from the CSCE countries could not only facilitate the start of negotiations on the reduction of armed forces and conventional armaments in Europe but could also be conducive to the solution of other issues relating to European security and co-operation.

The participants in the Session were agreed that lasting peace and good-neighbourly co-operation in Europe are conditional on respect for the territorial and political realities existing on this continent. The activities of revanchist forces, notably in the Federal Republic of Germany, and any encouragement of revanchism, wherever it may occur, run counter to the interests of detente and security and are contrary to the letter and spirit of the Helsinki Final Act. Any such activities will continue to be rejected most vigorously.

The interests of peace and the establishment of a climate of trust, mutual respect and friendship among nations require that an end be put to politics of enmity among them and to all attempts at fomenting anticommunism, propagating racism, resorting to discrimination in any shape or form and spreading chauvinistic and nationalistic views.

8. The States parties to the Warsaw Treaty are prepared to look for ways of expanding mutually advantageous economic, scientific and technological co-operation with all countries. They are in favour of removing the obstacles to trade and economic exchanges and of intensifying economic relations among the States participating in the CSCE, which would be conducive to the enhancement of detente, security and peace in Europe.

The States parties to the Warsaw Treaty are in favour of extensive co-operation in the humanitarian field. They are of the conviction that everything must be done to ensure people's right to live and work in peace and freedom and the full implementation of political, civil, economic, social and cultural rights in their entirety and interdependence, with due respect for the sovereignty of States.

9. The States represented at the Session reiterate their commitment to a comprehensive system of international peace and security which would embrace the military and political as well as the economic and humanitarian spheres. It would also include co-operation on ecological matters. Such a system of security would lead to the emergence of a world free from nuclear weapons in which the use or threat of force would be ruled out and relations among nations be shaped in the spirit of mutual respect, friendship and co-operation.

The initiative of the socialist countries is designed to overcome any confrontational approach and to assert civilised standards and an atmosphere of openness, transparency and trust in international relations.

The participants in the Session welcomed the broad exchange of views begun at the United Nations on these issues. They wish to see the result-oriented dialogue continued and widened in every direction and at all levels in order to move towards concrete measures creating material, political, legal, moral and psychological guarantees of peace and towards practical action to build security for all. They express the hope that the United Nations General Assembly at its 42nd session will make an important contribution to this end. The United Nations could become the effective guarantee of the comprehensive system of international peace and security.

The States represented at the Session stressed the need for strict observance by all States of the principles of national independence and sovereignty, the non-use or non-threat of force, the inviolability of frontiers and territorial integrity, the peaceful settlement of disputes, non-interference in internal affairs, equality, and the other principles and purposes of the UN Charter, the Helsinki Final Act and other universally recognised norms governing international relations.

10. The leaders of the States parties to the Warsaw Treaty exchanged views on seats of tensions and conflicts in the world. They reaffirmed their resolve to make an active contribution to finding just political solutions to these issues through negotiation.

An international conference held under the auspices of the United Nations and with all the interested parties, including the Palestine Liberation Organisation as the sole legitimate representative of the Palestinian people, participating on an equal footing would be of great importance for a comprehensive settlement in the Middle East and the attainment of lasting peace in the region. The establishment of a preparatory committee involving the five permanent members of the UN Security Council as well as all interested parties could be a practical step towards convening such a conference.

It would be in the interest of world peace if the Iraq-Iran conflict was ended as soon as possible, and the problems at issue were resolved by way of negotiation with due regard for the legitimate interests of both States on the basis of the universally recognised norms of international law.

The participants in the Session welcomed the establishment of a nuclear-weapon-free zone in the South Pacific and expressed their

conviction that the strengthening of peace on the Korean peninsula, the political settlement of all conflicts and problems in South-East Asia by way of negotiation on the basis of respect for the independence and sovereignty of every country and the development of relations of good-neighbourliness and co-operation in this part of the world would be conducive to international security.

They voiced support for the policy of achieving national reconciliation in Afghanistan and of bringing about a political settlement of the situation around Afghanistan as soon as possible on the basis of the cessation of any interference in the country's internal affairs and respect for its independence and sovereignty. They expressed their interest in the earliest possible implementation of the Soviet-Afghan understanding on the withdrawal of Soviet troops from Afghanistan within the context of the political settlement.

The States represented at the Session reaffirmed their solidarity with the peoples of southern Africa in their struggle against imperialism, colonialism and the racist policies of *apartheid*, with the Namibian people fighting for liberation and genuine independence under the leadership of SWAPO. They strongly condemn the aggressive acts perpetrated by the RSA against the peoples of Angola and Mozambique and the other independent neighbouring States.

The participants in the Session voiced their full support for the efforts being made to achieve a just political settlement in Central America. They called for an end to acts of aggression against Nicaragua and for the recognition of every people's right to determine their path of political and economic development freely and without outside interference.

The participants in the Session dealt with some aspects of the world economic situation, including issues pertaining to the elimination of underdevelopment. They adopted a relevant document, which will be published.

11. The Session conducted an extensive exchange of views on the development of co-operation among the allied socialist States. It commanded the Foreign Ministers' Committee and the Defence Ministers' Committee for the work performed after the Budapest Session of the Political Consultative Committee and defined their future tasks.

While discussing questions relating to co-operation within the framework of the Warsaw Treaty, the participants in the Session agreed to render their foreign policy co-operation more dynamic, to perfect

the Organisation's mechanism further and to strictly adhere to the principles of equality and mutual responsibility within the system of political relations among the allied States. They consider it important for every allied State to increase its activity and initiative in international affairs in the interests of a harmonised foreign policy line.

In this connection, it was agreed to establish a multilateral group of representatives of the States parties to the Warsaw Treaty to provide continuous mutual information.

It was also decided to form a special commission of the States parties to the Warsaw Treaty on disarmament matters that will be composed of representatives of the Ministries of Foreign Affairs and Ministries of Defence and will exchange views and information on matters of arms limitation and disarmament, especially in the nuclear sphere, including the consideration of initiatives of the allied States and the drafting of joint proposals in this regard. The establishment of the commission is designed to enable all States parties to the Warsaw Treaty to take an even more active part in joint efforts in the field of arms limitation and disarmament.

The Political Consultative Committee heard a report of the Commander-in-Chief of the United Armed Forces of the States parties to the Warsaw Treaty on the activities of the Supreme Command and adopted a relevant decision.

The Session was marked by an atmosphere of friendship and comradely co-operation. It was evidence of identical views on all matters discussed.

The German Democratic Republic in its capacity as host of the Session will arrange for the documents adopted at the Session to be made available to other States and international organisations.

The next regular session of the Political Consultative Committee of the States parties to the Warsaw Treaty will be held in Warsaw. The representative of the Polish People's Republic, Henryk Jaroszek, Deputy Minister of Foreign Affairs, was appointed Secretary-General of the Political Consultative Committee for the period ahead.

On the Military Doctrine of the States Parties to the Warsaw Treaty

Under present-day conditions, it is becoming increasingly important to perceive correctly the objectives and intentions of States and military-political alliances enshrined in their military doctrines.

In this light and given the need to banish war once and for all from civilisation, to end the arms race, to rule out the use of military force, to strengthen peace and security, and to bring about general and complete disarmament, the States parties to the Warsaw Treaty have resolved to set out the principles of their military doctrine, which provides the basis for the activities of the Warsaw Treaty Organisation and reflects the common defence-oriented military-political objectives of its member States and of their national military doctrines.

I

The military doctrine of the Warsaw Treaty and that of each State party is subordinated to the task of preventing war, whether nuclear or conventional. By virtue of the very essence of their social system the socialist States have never linked their future with the military solution of international problems, nor will they ever do so. They wish to see all international disputes resolved by peaceful and political means.

In the nuclear and space age the world has become too fragile a place for war and politics of violence. In view of the colossal destructive potential that has been accumulated, mankind is faced with the problem of survival. A world war, notably a nuclear one, would have disastrous consequences not only for the countries directly involved in such a conflict but for all life on earth.

The military doctrine of the States parties to the Warsaw Treaty is strictly defensive in nature.

It is based on the concept that under present-day conditions recourse to military means to resolve any dispute is inadmissible. The essential precepts of this doctrine are as follows:

The States parties to the Warsaw Treaty will never under any circumstances initiate military action against any State or alliance of States unless they are themselves the target of an armed attack.

They will never be the first to employ nuclear weapons.

They have no territorial claims on any other State, either in Europe or outside Europe.

They do not view any State or any people as their enemy. Rather, they are prepared to conduct their relations with all the world's countries, without any exception, on the basis of mutual regard for security interests and of peaceful coexistence. The States parties to the Warsaw Treaty declare that their international relations are firmly

based on respect for the principles of independence and national sovereignty, the non-use or non-threat of force, the inviolability of frontiers and territorial integrity, the peaceful settlement of disputes, non-interference in internal affairs, equality and the other principles and purposes embodied in the United Nations Charter, the Helsinki Final Act and in other universally recognised norms of international law.

While committed to the implementation of disarmament measures, the States parties to the Warsaw Treaty are at the same time compelled to maintain their armed forces in such a structure and at such a level that they are able to repel any outside attack on any one of the States parties.

The armed forces of the allied States are kept in a state of operational readiness that is sufficient to ensure that they are not caught unawares. Should they, however, be subjected to attack, they will inflict a crushing blow on the aggressor.

It is not the purpose of the States parties to the Warsaw Treaty to maintain armed forces and armaments beyond the scale required to meet these objectives. So they will strictly keep to the limits sufficient for defence and for repelling any possible aggression.

II

The States parties to the Warsaw Treaty consider it their paramount duty to provide effective security for their peoples. The allied socialist countries do not seek to have a higher degree of security than other countries, but will not settle for a lesser degree. The state of military-strategic parity which currently exists remains a decisive factor for preventing war. Experience has shown, however, that parity at ever increasing levels does not lead to greater security. For this reason they will continue to make efforts in order to maintain the military equilibrium at progressively lower levels. Under these circumstances, the cessation of the arms race and measures geared towards real disarmament are assuming truly historic significance. In this day and age, States have no option but to seek agreements that would radically scale down military confrontation.

The States parties to the Warsaw Treaty are unswervingly committed to these tenets. In full conformity with the defensive nature of their military doctrine, they are vigorously pursuing the following fundamental objectives:

First, general and complete prohibition of nuclear testing without delay as a high priority measure to halt the development, production and refining of nuclear arms, the gradual reduction and final elimination of these weapons and the prevention of an arms race in outer space;

Second, prohibition and elimination of chemical and other categories of weapons of mass destruction;

Third, reduction of the armed forces and conventional armaments in Europe to a level where neither side, maintaining its defence capacity, would have the means to stage a surprise attack against the other side or offensive operations in general;

Fourth, strict verification of all disarmament measures through a combination of national technical means and international procedures, including the establishment of appropriate international bodies, the exchange of military information, and on-site inspections;

Fifth, establishment of nuclear-weapon-free and chemical-weapon-free zones in various areas of Europe and in other regions of the world as well as of zones of thinned-out arms concentration and increased mutual trust, introduction of military confidence-building measures on a reciprocal basis in Europe and agreements on such measures in other regions of the world, including seas and oceans. Furthermore, mutual obligations of the States parties to the Warsaw Treaty and the member countries of the North Atlantic alliance to forgo the use of military force and to maintain peaceful relations, the elimination of the military bases established on the territory of other countries, the returning of their armed forces to their national territories, the mutual withdrawal of the most dangerous categories of offensive weapons from the zone of direct contact between the two military alliances, and measures to lower the concentration of armed forces and armaments in this zone to an agreed minimum level;

Sixth, as they regard the division of Europe into opposing military blocs as unnatural, the States parties to the Warsaw Treaty favour the simultaneous dissolution of the North Atlantic alliance and the Warsaw Treaty and, as a first step, the elimination of their military organisations, and finally the establishment of a comprehensive system of international security.

The States parties to the Warsaw Treaty propose to the member States of the North Atlantic alliance to enter into consultations in order to compare the military doctrines of the two alliances, analyse their nature and jointly discuss the patterns of their future development

so as to reduce the mutual suspicion and distrust that has accumulated over the years, to ensure a better perception of each other's intentions and to guarantee that the military concepts and doctrines of the two military blocs and their members are based on defensive principles.

Other possible subjects for the consultations are the imbalances and asymmetrical levels that have emerged in certain categories of armaments and armed forces, as well as the search for ways to eliminate them through a reduction by the side which has an advantage over the other, on the understanding that these reductions lead to ever lower levels.

The States parties to the Warsaw Treaty propose that such consultations be held at acknowledged expert level, including military specialists representing the countries of both sides. They are prepared to start such negotiations before the end of 1987. The consultations may be held in Warsaw or Brussels or in the two cities alternately.

136

Guidelines on Nuclear Transfers Agreed by the Nuclear Suppliers Group

DATE OF SIGNATURE: September 21, 1977

PLACE OF SIGNATURE: London

SIGNATORY STATES: The guidelines were agreed by the members of the Nuclear Supplier Group, known as the London Club.

THE MEMBERS ARE: Belgium, Canada, Czechoslovakia, France, German Democratic Republic, Federal Republic of Germany, Italy, Japan, Poland, Soviet Union, Sweden, Switzerland, United Kingdom, United States

COMMUNICATIONS RECEIVED FROM CERTAIN MEMBER STATES REGARDING GUIDELINES FOR THE EXPORT OF NUCLEAR MATERIAL, EQUIPMENT OR TECHNOLOGY

1. On 11 January 1978, the Director General received similar letters, all of that date, from the Resident Representatives to the Agency of Czechoslovakia, France, the German Democratic Republic, Japan, Poland, Switzerland, the Union of Soviet Socialist Republics and the United States of America, relating to the export of nuclear material, equipment or technology. In the light of the request at the end of each of those letters, the text is reproduced below as Letter I.

2. On the same day, the Resident Representatives to the Agency of Canada and Sweden also addressed analogous letters to the Director General. In the light of the request expressed at the end of each of those letters, their texts are reproduced below as Letter II and Letter III respectively.

3. On the same day, the Director General received similar letters from the Resident Representatives to the Agency of Belgium, the

Federal Republic of Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, Members of the European Communities, relating to the export of nuclear material, equipment or technology. In the light of the request expressed at the end of each of those letters, the text is reproduced below as Letter IV.

4. On 11 January 1978 the Resident Representative to the Agency of Italy, a Member of the European Communities, addressed a letter to the Director General relating to the same subject, the text of which is reproduced below as Letter V.

5. On 11 January 1978 the Director General received complementary letters, all of that date, from the Resident Representatives to the Agency of Belgium, Czechoslovakia, the German Democratic Republic, Japan, Poland, Switzerland and the Union of Soviet Socialist Republics, the texts of which are reproduced below as Letters VI, VII, VIII, IX, X, XI and XII respectively.

6. The attachments to Letters I-V, which are in every case identical, setting forth the Guidelines for Nuclear Transfers with their Annexes, are reproduced in the Appendix.

Letter I

The Permanent Mission of... presents its compliments to the Director General of the International Atomic Energy Agency and has the honour to enclose copies of three documents which have been the subject of discussion between the Government of... and a number of other Governments.

The Government of... has decided that, when considering the export of nuclear material, equipment or technology, it will act in accordance with the principles contained in the attached documents.

In reaching this decision, the Government of... is fully aware of the need to contribute to the development of nuclear power in order to meet world energy requirements, while avoiding contributing in any way to the dangers of proliferation of nuclear weapons or other nuclear explosive devices, and of the need to remove safeguards and non-proliferation assurances from the field of commercial competition.

The Government of... hopes that other Governments may also decide to base their own nuclear export policies upon these documents.

The Government of... requests that the Director General of the International Atomic Energy Agency should circulate the texts of this note and its enclosures to all Member Governments for their information and as a demonstration of support by the Government

of... for the Agency's non-proliferation objectives and safeguards activities.

The Permanent Mission of... avails itself of this opportunity to renew to the Director General of the International Atomic Energy Agency the assurances of its highest consideration.

Letter II

The Permanent Mission of Canada to the IAEA presents its compliments to the Director General and has the honour to enclose copies of three documents that have been the subject of discussion between the Government of Canada and a number of other Governments.

The Government of Canada has decided that, when considering the export of nuclear material, equipment or technology, it will act in accordance with the principles contained in the attached documents as well as other principles considered pertinent by it.

In reaching this decision, the Government of Canada is fully aware of the need to contribute to the development of nuclear power in order to meet world energy requirements, while avoiding contributing in any way to the dangers of a proliferation of nuclear weapons or other nuclear explosive devices, and of the need to remove safeguards and non-proliferation assurances from the field of commercial competition.

The Government of Canada hopes that other Governments may also decide to base their own nuclear export policies upon these documents and such further principles as may be agreed upon.

The Government of Canada requests that the Director General of the International Atomic Energy Agency should circulate the text of this Note and its enclosures to all Member Governments for their information and as a demonstration of support by the Government of Canada for the Agency's non-proliferation objectives and safeguard activities.

The Permanent Mission of Canada to the IAEA avails itself of this opportunity to renew to the Director General the assurances of its highest consideration.

Letter III

The Permanent Mission of Sweden present their compliments to the Director General of the International Atomic Energy Agency have the honour to enclose copies of three documents which have been the subject of discussion between the Government of Sweden and a number of other Governments.

The Government of Sweden have decided that, when considering the export of nuclear material, equipment or technology, they will act in accordance with the principles contained in the attached documents.

In reaching this decision, the Government of Sweden are fully aware of the need to avoid contributing in any way to the dangers of a proliferation of nuclear weapons or other nuclear explosive devices, and of the need to remove safeguards and non-proliferation assurances from the field of commercial competition.

The Government of Sweden hope that other Governments may also decide to base their own nuclear export policies upon these documents.

The Government of Sweden request that the Director General of the International Atomic Energy Agency should circulate the text of this Note and its enclosures to all Member Governments for their information and as a demonstration of support by the Government of Sweden for the Agency's non-proliferation objectives and safeguards activities.

The Permanent Mission of Sweden take This opportunity to renew to the Director General of the International Atomic Agency the assurances of their highest consideration.

Letter IV

The Permanent Mission of... to the International Organisations in Vienna presents its compliments to the Director General of the International Atomic Energy Agency and has the honour to enclose copies of three documents which have been the subject of discussion between the... and a number of other Governments.

The Government of... has decided that, when considering the export of nuclear material, equipment or technology, it will act in accordance with the principles contained in the attached documents.

In reaching this decision, the Government of... is fully aware of the need to contribute to the development of nuclear power in order to meet world energy requirements, while avoiding contributing in any way to the dangers of a proliferation of nuclear weapons or other nuclear explosive devices, and of the need to remove safeguards and non-proliferation assurances from the field of commercial competition.

As a Member of the European Community, the Government of... so far as trade within the Community is concerned, will implement these documents in the light of its commitments under the Treaties of Rome where necessary.

The Government of... hopes that other Governments may also decide to base their own nuclear export policies upon these documents.

The Government of... requests that the Director General of the International Atomic Energy Agency should circulate the texts of this Note and its enclosures to all Member Governments for their information and as a demonstration of support by the Government of... for the Agency's non-proliferation objectives and safeguards activities.

The Permanent Mission of... to the International Organisations in Vienna avails itself of this opportunity to renew to the Director General of the International Atomic Energy Agency the assurances of its highest consideration.

Letter V

The Permanent Mission of Italy present their compliments and have the honour to enclose copies of three documents which have been the subject of discussion between the Government of Italy and a number of other Governments.

The Government of Italy have decided that, when considering the export of nuclear material, equipment or technology, they will act in accordance with the principles contained in the attached documents.

In reaching this decision, the Government of Italy are fully aware of the need to contribute to the development of nuclear power in order to meet world energy requirements, while avoiding contributing in any way to dangers of a proliferation of nuclear weapons or other nuclear explosive devices, and of the need to remove safeguards and non-proliferation assurances from the field of commercial competition.

The Italian Government underline that the undertaking referred to cannot limit in any way the rights and obligations arising for Italy out of agreements to which she is a Party, and in particular those arising out of Article IV of the Non-Proliferation Treaty.

As a member of the European Community, the Government of Italy, so far as trade within the Community is concerned, will implement these documents in the light of their commitments under the Treaties of Rome where necessary.

The Government of Italy hope that other Governments may also decide to base their own nuclear export policies upon these documents.

The Government of Italy request that the Director General of the International Atomic Energy Agency should circulate the texts of this Note and its enclosures to all Member Governments for their

information and as a demonstration of support by the Government of Italy for the Agency's non-proliferation objectives and safeguards activities.

Letter VI

The Permanent Mission of Belgium presents its compliments to the Director General of the IAEA and, in addition to its Note P 10-92/24 of 11 January 1978, would like to draw the attention to the following.

The Government of Belgium at present are not in a position to implement fully the principles for technology transfer set out in the documents attached to the above-mentioned Note because of the lack of appropriate laws and regulations. However, the Government of Belgium intend to implement these principles fully when appropriate laws and regulations for this purpose are put into force as necessary.

The Government of Belgium request that the Director General of the IAEA should circulate the text of this Note to all Member Governments for their information.

The Permanent Mission of Belgium take this opportunity to renew to the Director General of the IAEA the assurance of its highest consideration.

Letter VII

The Permanent Mission of the Czechoslovak Socialist Republic to the International Organisations presents its compliments to the Director General of the International Atomic Energy Agency and has the honour to refer to its Note No. 1036/78 regarding standards of the nuclear export policies which have been adopted by the members of the Nuclear Suppliers Group.

The Government of the Czechoslovak Socialist Republic greatly appreciates the role of the International Atomic Energy Agency in the sphere of control of the provisions of the Non-Proliferation Treaty. This activity has been an important instrument of preventing proliferation of nuclear weapons. Sharing the opinion that further strengthening of safeguards lies in the interest of universal peace, the Government of the Czechoslovak Socialist Republic has decided that it would deliver nuclear material, equipment and technology defined in a trigger list, to any non-nuclear-weapon State only in a case when the whole nuclear activity of a recipient country, and not only material, equipment and technology being transferred, are subject to the Agency's safeguards.

The Government of the Czechoslovak Socialist Republic expresses its opinion that this principle, if observed by all the States-nuclear suppliers, could have made a great contribution toward strengthening and universality of the Non-Proliferation Treaty.

The Permanent Mission of the Czechoslovak Socialist Republic to the International Organisations avails itself of this opportunity to renew to the Director General of the International Atomic Energy Agency the assurances of its highest consideration.

Letter VIII

The Permanent Mission of the German Democratic Republic to the International Organisations in Vienna presents its compliments to the Director General of the International Atomic Agency and has the honour, in connection with Note No. 2/78-III addressed to the Director General of the IAEA on 11 January 1978, to state the following: in the view of the Government of the German Democratic Republic, the guidelines for nuclear exports are such as to strengthen the regime of non-proliferation of nuclear weapons and the IAEA safeguards system. The German Democratic Republic will also in future advocate agreements to the effect that nuclear exports under the trigger list mentioned in the above Note should go only to those non-nuclear-weapon States that accept IAEA safeguards for all of their nuclear activities.

The Government of the German Democratic Republic is convinced that any reinforcement of the regime of non-proliferation of nuclear weapons will promote the peaceful uses of nuclear energy and international co-operation in this area.

The Permanent Mission requests that the present text be circulated as an official document of the International Atomic Energy Agency.

The Permanent Mission of the German Democratic Republic to the International Organisations in Vienna avails itself of this opportunity to renew to the Director General of the International Atomic Energy Agency the assurances of its highest consideration.

Letter IX

The Embassy of Japan presents its compliments to the International Atomic Energy Agency and, in reference to its Note No. J.M. 78/21 of January 11, 1978, has the honour to inform the International Atomic Energy Agency of the following.

The Government of Japan at present is not in a position to implement fully the Principles for Technology Transfers set out in the

documents attached to the above-mentioned Note because of the lack of appropriate laws and regulations.

However, the Government of Japan intends to implement these principles fully when appropriate laws and regulations for this purpose are put into force as necessary.

The Government of Japan requests that the Director General of the International Atomic Energy Agency be good enough to circulate the texts of this Note to all Member Governments for their information.

The Embassy of Japan avails itself of this opportunity to renew to the International Atomic Energy Agency the assurances of its highest consideration.

Letter X

The Permanent Mission of the Polish People's Republic to the International Atomic Energy Agency presents its compliments to the Director General of the IAEA and has the honour to refer to its Note No. 10-96/77 regarding standards of the nuclear expert policies which have been adopted by the members of the Nuclear Suppliers Group.

The Government of the Polish, People's Republic greatly appreciates the role of the International Atomic Energy Agency in the sphere of control of the provisions of the Non-Proliferation Treaty. This activity has been an important instrument of preventing proliferation of nuclear weapons. Sharing the opinion that further strengthening of safeguards lies in the interest of universal peace, the Government of the Polish People's Republic has decided that it would deliver nuclear material, equipment and technology defined in a trigger list, to any non-nuclear weapon State only in a case when the whole nuclear activity of recipient country, and not only material, equipment and technology being transferred, are subject to the Agency's safeguards.

The Government of the Polish People's Republic expresses its opinion that this principle, if observed by all the States-nuclear suppliers, could have made a great contribution toward strengthening and universality of the Non-Proliferation Treaty.

The Government of the Polish People's Republic requests that the Director General of the IAEA should circulate the text of this Note to all Member Governments.

The Permanent Mission of the Polish People's Republic to the International Atomic Energy Agency avails itself of this opportunity to renew to the Director General of the IAEA the assurances of the highest consideration.

Letter XI

The Permanent Mission of Switzerland presents its compliments to the Director General of the International Atomic Energy Agency and, with reference to its to day's Note No. 003, has the honour to emphasize the following.

The Government of Switzerland at present is not in a position to implement fully the principles for Technology Transfers set out in the documents attached to the above-mentioned Note because of the lack of appropriate laws and regulations. However, the Government of Switzerland intends to implement these principles fully when appropriate laws and regulations for this purpose are put into force as necessary.

The Government of Switzerland requests that the Director General of the International Atomic Energy Agency should circulate the text of this Note to all Member Governments for their information.

The Permanent Mission of Switzerland avails itself of this opportunity to renew to the Director General of the International Atomic Energy Agency the assurances of its highest consideration.

Letter XII

With reference to Note Verbale No. 1 from the Permanent Mission of the USSR, dated 11 January 1978, I have the honour to send you the following Declaration of the Government of the USSR:

The Government of the Union of Soviet Socialist Republics emphasises its determination to continue its efforts to secure agreement between countries supplying nuclear materials, equipment and technology on the principle that IAEA safeguards must be applied to all nuclear activities of non-nuclear-weapon States when those States receive any of the items mentioned in the initial list referred to in the above-mentioned Note Verbale. In this connection the Government of the USSR takes the view that the principle of full control is a necessary condition for ensuring effective safeguards which can prevent nuclear materials, equipment and technology from being used for manufacturing nuclear weapons or other explosive devices.

The Government requests that the text of the present letter be distributed as an official document of the IAEA.

APPENDIX

GUIDELINES FOR NUCLEAR TRANSFERS

1. The following fundamental principles for safeguards and export controls should apply to nuclear transfers to any non-nuclear-weapon

State for peaceful purposes. In this connection, suppliers have defined an export trigger list and agreed on common criteria for technology transfers.

Prohibition on Nuclear Explosives

2. Suppliers should authorise transfer of items identified in the trigger list only upon formal governmental assurances from recipients explicitly excluding uses which would result in any nuclear explosive device.

Physical Protection

3. (a) All nuclear materials and facilities identified by the agreed trigger list should be placed under effective physical protection to prevent unauthorised use and handling. The levels of physical protection to be ensured in relation to the type of materials, equipment and facilities, have been agreed by suppliers, taking account of international recommendations.
- (b) The implementation of measures of physical protection in the recipient country is the responsibility of the Government of that country. However, in order to implement the terms agreed upon amongst suppliers, the levels of physical protection on which these measures have to be based should be the subject of an agreement between supplier and recipient.
- (c) In each case special arrangements should be made for a clear definition of responsibilities for the transport of trigger list items.

Safeguards

4. Suppliers should transfer trigger list items only when covered by IAEA safeguards, with duration and coverage provisions in conformance with the GOV/ 1621 guidelines. Exceptions should be made only after consultation with the parties to this understanding.

5. Suppliers will jointly reconsider their common safeguards requirements, whenever appropriate.

Safeguards Triggered by the Transfer of Certain Technology

6. (a) The requirements of paragraphs 2, 3 and 4 above should also apply to facilities for reprocessing, enrichment, or heavy-water production, utilising technology directly transferred by the supplier or derived from transferred facilities, or major critical components thereof.

- (b) The transfer of such facilities, or major critical components thereof, or related technology, should require an undertaking (1) that IAEA safeguards apply to any facilities of the same type (i.e. if the design, construction or operating processes are based on the same or similar physical or chemical processes, as defined in the trigger list) constructed during an agreed period in the recipient country and (2) that there should at all times be in effect a safeguards agreement permitting the IAEA to apply Agency safeguards with respect to such facilities identified by the recipient, or by the supplier in consultation with the recipient, as using transferred technology.

Special Controls on Sensitive Exports

7. Suppliers should exercise restraint in the transfer of sensitive facilities, technology and weapons-usable materials. If enrichment or reprocessing facilities, equipment or technology are to be transferred, suppliers should encourage recipients to accept, as an alternative to national plants, supplier involvement and/or other appropriate multinational participation in resulting facilities. Suppliers should also promote international (including IAEA) activities concerned with multinational regional fuel cycle centres.

Special Controls on Export of Enrichment Facilities. Equipment and Technology

8. For a transfer of an enrichment facility, or technology therefor, the recipient nation should agree that neither the transferred facility, nor any facility based on such technology, will be designed or operated for the production of greater than 20% enriched uranium without the consent of the supplier nation, of which the IAEA should be advised.

Controls on Supplies or Derived Weapons-Usable Material

9. Suppliers recognize the importance, in order to advance the objectives of these guidelines and to provide opportunities further to reduce the risks of proliferation, of including in agreements on supply of nuclear materials or of facilities which produce weapons-usable material, provisions calling for mutual agreement between the supplier and the recipient on arrangements for reprocessing, storage, alteration, use, transfer or retransfer of any weapons-usable material involved. Suppliers should endeavour to include such provisions whenever appropriate and practicable.

Controls on Retransfer

10. (a) Suppliers should transfer trigger list items, including technology defined under paragraph 6, only upon the recipient's assurance that in the case of:

- (1) retransfer of such items, or
- (2) transfer of trigger list items derived from facilities originally transferred by the supplier, or with the help of equipment or technology originally transferred by the supplier.

the recipient of the retransfer or transfer will have provided the same assurances as those required by the supplier for the original transfer.

- (b) In addition the supplier's consent should be required for: (1) any retransfer of the facilities, major critical components, or technology described in paragraph 6; (2) any transfer of facilities or major critical components derived from those items; (3) any retransfer of heavy water or weapons-usable material.

Supporting Activities

Physical Security

11. Suppliers should promote international cooperation on the exchange of physical security information, protection of nuclear materials in transit, and recovery of stolen nuclear materials and equipment.

Support for Effective IAEA Safeguards

12. Suppliers should make special efforts in support of effective implementation of IAEA safeguards. Suppliers should also support the Agency's efforts to assist Member States in the improvement of their national systems of accounting and control of nuclear material and to increase the technical effectiveness of safeguards.

Similarly, they should make every effort to support the IAEA in increasing further the adequacy of safeguards in the light of technical developments and the rapidly growing number of nuclear facilities, and to support appropriate initiatives aimed at improving the effectiveness of IAEA safeguards.

Consultations

14. (a) Suppliers should maintain contact and consult through regular channels on matters connected with the implementation of these guidelines.

- (b) Suppliers should consult, as each deems appropriate, with other Governments concerned on specific sensitive cases, to ensure that any transfer does not contribute to risks of conflict or instability.
- (c) In the event that one or more suppliers believe that there has been a violation of supplier/recipient understandings resulting from these guidelines, particularly in the case of an explosion of a nuclear device, or illegal termination or violation of IAEA safeguards by a recipient, suppliers should consult promptly through diplomatic channels in order to determine and assess the reality and extent of the alleged violation.

Pending the early outcome of such consultations, suppliers will not act in a manner that could prejudice any measure that may be adopted by other suppliers concerning their current contacts with that recipient.

Upon the findings of such consultations, the suppliers, bearing in mind Article XII of the IAEA Statute, should agree on an appropriate response and possible action which could include the termination of nuclear transfers to that recipient.

15. In considering transfers, each supplier should exercise prudence having regard to all the circumstances of each case, including any risk that technology transfers not covered by paragraph 6, or subsequent retransfers, might result in unsafeguarded nuclear materials.

16. Unanimous consent is required for any changes in these guidelines, including any which might result from the reconsideration mentioned in paragraph 5.

137

Basic Principles of Negotiations on the Further Limitation of Strategic Offensive Arms (1973)

DATE OF SIGNATURE: June 21, 1973

PLACE OF SIGNATURE: Washington, DC

SIGNATORY STATES: United States, Soviet Union

The President of the United States of America, Richard Nixon, and the General Secretary of the Central Committee of the CPSU, L. I. Brezhnev, Having thoroughly considered the question of the further limitation of strategic arms, and the progress already achieved in the current negotiations, Reaffirming their conviction that the earliest adoption of further limitations of strategic arms would be a major contribution in reducing the danger of an outbreak of nuclear war and in strengthening international peace and security, Having agreed as follows:

First. The two Sides will continue active negotiations in order to work out a permanent agreement on more complete measures on the limitation of strategic offensive arms as well as their subsequent reduction, proceeding from the Basic Principles of Relations between the United States of America and the Union of Soviet Socialist Republics signed in Moscow on May 29, 1972, and from the Interim Agreement between the United States of America and the Union of Soviet Socialist Republics of May 26, 1972 on Certain Measures with Respect to the Limitation of Strategic Offensive Arms.

Over the course of the next year the two Sides will make serious efforts to work out the provisions of the permanent agreement on more complete measures on the limitation of strategic offensive arms with the objective of signing it in 1974.

Second. New agreements on the limitation of strategic offensive armaments will be based on the principles of the American-Soviet documents adopted in Moscow in May 1972 and the agreements reached in Washington in June 1973; and in particular, both Sides will be guided by the recognition of each other's equal security interests and by the recognition that efforts to obtain unilateral advantage, directly or indirectly, would be inconsistent with the strengthening of peaceful relations between the United States of America and the Union of Soviet Socialist Republics.

Third. The limitations placed on strategic offensive weapons can apply both to their quantitative aspects as well as to their qualitative improvement.

Fourth. Limitations on strategic offensive arms must be subject to adequate verification by national technical means.

Fifth. The modernisation and replacement of strategic offensive arms would be permitted under conditions which will be formulated in the agreements to be concluded.

Sixth. Pending the completion of a permanent agreement on more complete measures of strategic offensive arms limitation, both Sides are prepared to reach agreements on separate measures to supplement the existing Interim Agreement of May 26, 1972.

Seventh. Each Side will continue to take necessary organisational and technical measures for preventing accidental or unauthorised use of nuclear weapons under its control in accordance with the Agreement of September 30, 1971 between the United States of America and the Union of Soviet Socialist Republics.

138

Memorandum of Understanding between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Direct Communications Link (1963)

ALSO KNOWN AS: Hot-Line Agreement

DATE OF SIGNATURE: June 20, 1963

PLACE OF SIGNATURE: Geneva

SIGNATORY STATES: United States, Soviet Union

For use in time of emergency, the Government of the United States of America and the Government of the Union of Soviet Socialist Republics have agreed to establish as soon as technically feasible a direct communications link between the two governments.

Each government shall be responsible for the arrangements for the link on its own territory. Each government shall take the necessary steps to ensure continuous functioning of the link and prompt delivery of its head of government of any communications received by means of the link from the head of government of the other party.

Arrangements for establishing and operating the link are set forth in the Annex which is attached hereto and forms an integral part hereof.

ANNEX TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS REGARDING THE ESTABLISHMENT OF A DIRECT COMMUNICATIONS LINK

The direct communications link between Washington and Moscow established in accordance with the memorandum, and the operation of such link, shall be governed by the following provisions:

1. The direct communications link shall consist of:
 - (a) Two terminal points with telegraph-teleprinter equipment between which communications shall be directly exchanged;
 - (b) One full-time duplex wire telegraph circuit, routed Washington-London-Copenhagen-Stockholm-Helsinki-Moscow, which shall be used for the transmission of messages;
 - (c) One full-time duplex radio telegraph circuit, routed Washington-Tangier-Moscow, which shall be used for service communications and for coordination of operations between the two terminal points.

If experience in operating the direct communications link should demonstrate that the establishment of an additional wire telegraph circuit is advisable, such circuit may be established by mutual agreement between authorised representatives of both governments.

2. In case of interruption of the wire circuit, transmission of messages shall be effected via the radio circuit, and for this purpose provision shall be made at the terminal points for the capability of prompt switching of all necessary equipment from one circuit to another.

3. The terminal points of the link shall be so equipped as to provide for the transmission and reception of messages from Moscow to Washington in the Russian language and from Washington to Moscow in the English language. In this connection, the USSR shall furnish the United States four sets of telegraph terminal equipment, including page printers, transmitters, and reperforators, with one year's supply of spare parts and all necessary special tools, test equipment, operating instructions and other technical literature, to provide for transmission and reception of messages in the Russian language. The United States shall furnish the Soviet Union four sets of telegraph terminal equipment including page printers, transmitters, and reperforators, with one year's supply of spare parts and all necessary special tools, test equipment, operating instructions and other technical literature, to provide for transmission and reception of messages in the English language. The equipment described in this paragraph shall be exchanged directly between the parties without any payment being required therefor.

4. The terminal points of the direct communications link shall be provided with encoding equipment. For the terminal points in the USSR, four sets of such equipment (each capable of simplex operation), with one year's supply of spare parts, with all necessary special tools, test equipment, operating instructions and other technical literature,

and with all necessary blank tape, shall be furnished by the United States to the USSR against payment of the cost thereof by the USSR.

The USSR shall provide for preparation and delivery of keying tapes to the terminal point of the link in the United States for reception of messages from the USSR. The United States shall provide for preparation and delivery of keying tapes to the terminal point of the link in the USSR for reception of messages from the United States. Delivery of prepared keying tapes to the terminal points of the link shall be effected through the Embassy of the USSR in Washington (for the terminal of the link in the USSR) and through the Embassy of the United States in Moscow (for the terminal of the link in the United States).

5. The United States and the USSR shall designate the agencies responsible for the arrangements regarding the direct communications link, for its technical maintenance, continuity and reliability, and for the timely transmission of messages.

Such agencies may, by mutual agreement, decide matters and develop instructions relating to the technical maintenance and operation of the direct communications link and effect arrangements to improve the operation of the link.

6. The technical parameters of the telegraph circuits of the link and of the terminal equipment, as well as the maintenance of such circuits and equipment, shall be in accordance with CCITT and CCIR recommendations.

Transmission and reception of messages over the direct communications link shall be effected in accordance with applicable recommendations of international telegraph and radio communication regulation, as well as with mutually agreed instructions.

7. The costs of the direct communications link shall be borne as follows.

- (a) The USSR shall pay the full cost of leasing the portion of the telegraph circuit from Moscow to Helsinki and 50 percent of the cost of leasing the portion of the telegraph circuit from Helsinki to London. The United States shall pay the full cost of leasing the portion of the telegraph circuit from Washington to London and 50 percent of the cost of leasing the portion of the telegraph circuit from London to Helsinki.

- (b) Payment of the cost of leasing the radio telegraph circuit between Moscow and Washington shall be effected without any transfer of payments between the parties. The USSR shall bear the expenses relating to the transmission of messages from Moscow to Washington. The United States shall bear the expenses relating to the transmission of messages from Washington to Moscow.

139

Statement by the Ministers for Foreign Affairs of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan*

Signed at Tashkent, 15 September 1997

The proliferation of nuclear weapons on the planet is a grave threat to the survival of humanity. Not only are nuclear weapons capable of destroying everything created by mankind over the centuries; they could even obliterate life on earth.

In an era of nuclear disarmament, it is necessary to devise a new concept of peace based on the principles of renunciation of the use of force or the threat of force, and respect for the right of every nation to make its own choices—social, political and ideological—and to repudiate a policy aimed at the domination of others.

The Tashkent International Conference on the theme “Central Asia—a Nuclear-Weapon-Free zone”, held on 15 and 16 September 1997, which recognised the indivisibility of regional and global security, reaffirmed the necessity of a collective contribution to the progressive development of the world community.

Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, inspired by the awareness of shared responsibility based on the unswerving desire to take joint action, expressing the unanimous view of their peoples, and having signed the Treaty on the Non-Proliferation of Nuclear Weapons and the Almaty Declaration:

* A/52/390, annex.

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- **Reaffirm** the need to declare Central Asia a zone free from nuclear weapons as an essential element in the strengthening of regional security;
 - **Welcome** the aims and principles set forth in the documents of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;
 - **Welcome** the adoption of the Comprehensive Nuclear-Test-Ban Treaty, which was opened for signature by other States on 24 September 1996, and call upon all States which have not yet done so to sign this Treaty;
 - **Express** their satisfaction that the countries which have voluntarily assumed the obligations arising from treaties establishing nuclear-weapon-free zones make up a significant part of the surface of the globe and are the authors of a new concept of nuclear security;
 - **Consider** that the establishment in Central Asia of a nuclear-weapon-free zone is in the interests of national, regional and global security;
 - **Call** upon the permanent members of the United Nations Security Council and on all States to support the initiative of the establishment of a nuclear-weapon-free zone in Central Asia and to provide every possible assistance in this endeavour;
 - **Appeal** to other States to give assistance to the rehabilitation of lands, especially those contaminated by radioactive wastes, believing that it is essential to ensure environmental security in their own region;
 - **Confirm** their readiness to expand and strengthen cooperation in the use of nuclear energy for peaceful purposes;
 - **Request** the United Nations specialised agencies to set up a group of experts of the United Nations with the participation of experts from the regional group to examine forms and elements for the preparation and implementation of a treaty on the establishment in Central Asia of a zone free from nuclear weapons.

Guidelines on Conflict, Peace and Development Cooperation (1997)

To improve donors' development efforts, the OECD Development Assistance Committee (DAC) issued a policy statement in May 1997 to provide "Guidelines on Conflict, Peace and Development Cooperation on the threshold of the 21st Century".

The key points include basic principles:

- The basis for sustainable development must be to help a society strengthen its capacity to manage conflict without violence.
- Humanitarian assistance is not a substitute for sustained political commitment in support of peace. This commitment requires the application of all instruments open to the international community—economic, social, legal, environmental and military. Coordinated coherent responses between governments, inter- and non-governmental bodies are also necessary.
- Developing countries, even in crisis, are responsible for their own development, and the task of international assistance is to strengthen indigenous capacities.
- Development cooperation should seek structural stability embracing social peace, human rights, accountable military forces and broadly shared social and economic development, supported by dynamic and representative political structures.
- Development assistance should seek to address the root causes of conflict.
- Development cooperation should recognize the important role played by women.

The primary objective of development cooperation is to enhance the rule of law and promote popular participation, but specific roles are assigned for different stages of a conflict:

- Before conflict flares, the emphasis is on promoting democratic stability, including attention to arms and military expenditure.
- In open conflict, development agencies should seize opportunities to contribute to conflict resolution, and plan and prepare for post-conflict reconstruction as well as providing short-term emergency relief.
- In fragile transitional situations, the emphasis should be on saving livelihoods, increasing incentives for peace and promoting reconciliation.
- After conflict, restoring a sense of security is paramount, including restoring legitimate government institutions, encouraging sound macro-economic stabilisation plans and taking advantage of opportunities for reform—for instance for participatory debate about the role of the military.

The ten key actions for development cooperation are:

- To recognize structural stability as a foundation for sustainable development and advance public understanding of conflict prevention.
- To strengthen analysis of risks and causes of violent conflict and opportunities for aid to address root causes.
- To ensure that all policies, including security, political and economic relations, human rights, environment and

development cooperation, are fostering structural stability, including support for ceasefires, UN arms embargoes, working to prevent illegal arms supplies and harmonised and responsible behaviour with respect to the supply of military goods, particularly small arms.

- To strive for greater coherence and transparency by the international community: linking early warning to decision making; coordinating actions; sharing analysis, and agreeing strategic frameworks and responsibility for leadership in coordination.
- To support regional initiatives for conflict prevention.
- To reduce budgetary and functional barriers between relief, rehabilitation and development cooperation; reform of the social and economic sectors of the UN system to strengthen synergies in international responses.
- To work for internationally agreed performance standards and principles to govern operational methods of all implementing agencies.
- To set up responsive but accountable procedures for resource mobilisation, including capacity for crisis management, crisis resolution and ensuring that assistance does not prolong conflict.
- To promote open and participatory dialogue and strengthened capacity to meet security needs at reduced levels of military expenditure and strengthened capacity for the exercise of civil authority over military forces.
- To monitor and evaluate performance in peace and conflict prevention and amplification of best practice.

140

Statements on Security Assurances of the Russian Federation*

New York, 5 April 1995

In a letter to the Secretary-General, the Permanent Representative of the Russian Federation transmitted the text of a statement dated 5 April 1995 by the representative of the Ministry of Foreign Affairs of the Russian Federation regarding the presentation of security assurances to non-nuclear-weapon States and a statement dated 5 April 1995 by the Ministry of Foreign Affairs of the Russian Federation consisting of a national statement on negative security assurances for non-nuclear-weapon States.

Recognising the fundamental importance of the Treaty on the Non-Proliferation of Nuclear Weapons, respecting the legitimate desire of non-nuclear-weapon States parties to that Treaty to receive assurances that nuclear weapons will not be used against them, based on the provisions of the military doctrine of the Russian Federation, the Ministry of Foreign Affairs of the Russian Federation is authorised to make the following statement (see annex).

It should be pointed out, furthermore, that as the President of the Russian Federation proposed at the forty-ninth session of the General Assembly, work on a further United Nations Security Council resolution on security assurances for non-nuclear-weapon States has been harmonised. The draft resolution, prepared with the participation of Russian representatives, is being submitted to the Security Council for its consideration. The main provisions of the draft resolution are as follows:

In the event of aggression involving the use of nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party

* A/50/151-S/1995/261.

to the Treaty on the Non-Proliferation of Nuclear Weapons, the nuclear Powers which are permanent members of the Security Council will immediately bring the matter to the attention of the Council and will seek to ensure that they provide, in accordance with the Charter, necessary assistance to the State that is a victim of such an act of aggression or that is threatened by such aggression.

The draft resolution provides, further on, for the possibility of taking appropriate measures in response to a request from the victim of such an act of aggression for technical, medical, scientific or humanitarian assistance and for payment of compensation by the aggressor for loss, damage or injury sustained as a result of the aggression.

We believe that the adoption by the Security Council of this draft resolution would be welcomed by the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and would help strengthen the non-proliferation regime, international solidarity and world stability.

ANNEX

Statement of Ministry of Foreign Affairs of Russian Federation

Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

141

Statement on Security Assurances of the United Kingdom of Great Britain and Northern Ireland*

New York, 6 April 1995

In a letter to the Secretary-General, the Permanent Representative of the United Kingdom in New York transmitted the text of a declaration on security assurances made by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Conference on Disarmament at a plenary meeting of the Conference on 6 April 1995.

I have the honour to transmit herewith the text of a declaration by the United Kingdom of Great Britain and Northern Ireland on security assurances, issued by my Government on 6 April at the Conference on Disarmament in Geneva (*see annex*).

In issuing the declaration, the Government of the United Kingdom recognises that those States which have renounced nuclear weapons are entitled to look for assurances that such weapons will not be used against them. The revised negative security assurance is a solemn and formal undertaking by the Government which meets those concerns. The positive security assurance also contained in the declaration reiterates and expands on the assurance which my Government gave in 1968 by recognising the desire of non-nuclear-weapon States to be reassured that the nuclear-weapon States would take appropriate measures in the event of the former being attacked or threatened with nuclear weapons.

These assurances have been given by my Government after consultation with the other nuclear-weapon States. They are extended to non-nuclear-weapon States Parties to the Treaty on the Non-

* A/50/152-S/1995/262.

Proliferation of Nuclear Weapons and demonstrate the continuing determination of the nuclear-weapon States to strengthen and make permanent that Treaty.

ANNEX

The Government of the United Kingdom believes that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security. We note with appreciation that 175 States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

We believe that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international non-proliferation regime which has made an invaluable contribution to international peace and security. We are convinced that the Treaty should be extended indefinitely and without conditions.

We will continue to urge all States that have not done so to become parties to the Treaty.

The Government of the United Kingdom recognises that States which have renounced nuclear weapons are entitled to look for assurances that nuclear weapons will not be used against them. In 1978, we gave such an assurance. Assurances have also been given by the other nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recognising the continued concern of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the assurances given by nuclear-weapon States should be in similar terms, and following consultation with the other nuclear-weapon States, I accordingly give the following undertaking on behalf of my Government:

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

In giving this assurance the United Kingdom emphasises the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government does not regard its

assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

In 1968, the United Kingdom declared that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are Permanent Members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace". Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

I, therefore, recall and reaffirm the intention of the United Kingdom, as a Permanent Member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, party to the Treaty on the Non-Proliferation of Nuclear Weapons, that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

This Security Council assistance could include measures to settle the dispute and restore international peace and security, and appropriate procedures, in response to any request from the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

If a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, the United Kingdom would also be prepared to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance.

The United Kingdom reaffirms in particular the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

142

Statement on Security Assurances of the United States of America*

New York, 6 April 1995

In a letter to the Secretary-General, the chargé d'affaires a.i of the Permanent Mission of the United States of America forwarded a statement by the Secretary of State of the United States of America, issued on 5 April 1995, announcing the following declaration by President Clinton on security assurances for non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

The United States of America believes that universal adherence to and compliance with international conventions and treaties seeking to prevent the proliferation of weapons of mass destruction is a cornerstone of global security. The Treaty on the Non-Proliferation of Nuclear Weapons is a central element of this regime. 5th March 1995 was the twenty-fifth anniversary of its entry into force, an event commemorated by President Clinton in a speech in Washington, D.C., on 1 March 1995. A conference to decide on the extension of the Treaty will begin in New York on 17 April 1995. The United States considers the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons without conditions as a matter of the highest national priority and will continue to pursue all appropriate efforts to achieve that outcome.

It is important that all parties to the Treaty on the Non-Proliferation of Nuclear Weapons fulfil their obligations under the Treaty. In that regard, consistent with generally recognised principles of international law, parties to the Treaty on the Non-Proliferation of Nuclear Weapons must be in compliance with these undertakings in order to be eligible for any benefits of adherence to the Treaty.

* A/50/153-S/1995/263.

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would create a qualitatively new situation in which the nuclear-weapon State permanent members of the United Nations Security Council would have to act immediately through the Security Council, in accordance with the Charter of the United Nations, to take the measures necessary to counter such aggression or to remove the threat of aggression. Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the Charter to suppress the aggression or remove the threat of aggression.

Non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have a legitimate desire for assurances that the United Nations Security Council, and above all its nuclear-weapon State permanent members, would act immediately in accordance with the Charter, in the event such non-nuclear-weapon States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

The United States affirms its intention to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used.

Among the means available to the Security Council for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would be an investigation into the situation and appropriate measures to settle the dispute and to restore international peace and security.

United Nations Member States should take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act

of aggression with nuclear weapons, and the Security Council should consider what measures are needed in this regard in the event of such an act of aggression.

The Security Council should recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

The United States reaffirms the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

143

Statement on Security Assurances of the People's Republic of China*

New York, 6 April 1995

In a letter to the Secretary-General, the Permanent Representative of China to the United Nations transmitted the following national statement on security assurances.

For the purpose of enhancing international peace, security and stability and facilitating the realisation of the goal of complete prohibition and thorough destruction of nuclear weapons, China hereby declares its position on security assurances as follows:

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances.

2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices.

3. China has always held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons and not to use or threaten to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. China strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument assuring the non-nuclear-weapon States and

* A/50/155-S/1995/265.

nuclear-weapon-free zones against the use or threat of use of nuclear weapons.

4. China, as a permanent member of the Security Council of the United Nations, undertakes to take action within the Council to ensure that the Council takes appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear-weapon State that comes under attack with nuclear weapons, and imposes strict and effective sanctions on the attacking State. This commitment naturally applies to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons or any non-nuclear weapon State that has entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices, in the event of an aggression with nuclear weapons or the threat of such aggression against such State.

5. The positive security assurance provided by China, as contained in paragraph 4, does not in any way compromise China's position as contained in paragraph 3 and shall not in any way be construed as endorsing the use of nuclear weapons.

144

Concluding Statement by the President of the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water *

New York, 10 August 1993

1. Pursuant to General Assembly resolution 47/46, a Special Meeting of the States Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water was held on 10 August 1993. There was a general exchange of views on the developments regarding the issue of nuclear testing and the parties considered the feasibility of resuming the work of the Amendment Conference.

2. The Special Meeting welcomed the encouraging developments concerning nuclear testing, in particular the *de facto* moratoria of nuclear tests declared by some nuclear states and their commitment to work expeditiously towards achieving a comprehensive test ban.

3. The Special Meeting further welcomed the decision of the Conference on Disarmament to give its *Ad Hoc* Committee on a Nuclear Test Ban a mandate to negotiate a comprehensive test ban.

4. The urgency for achieving a comprehensive test ban as well as the need for an expeditious means to realize this objective was emphasised by the Special Meeting.

5. The Special Meeting directed its attention to the fact that the consideration on a comprehensive test ban has been underway on

* The statement was issued in connection with a Special Meeting of States Parties, held at United Nations Headquarters on 10 August 1993. The text was obtained from the Mission of the Republic of Indonesia.

three tracks, namely in the Conference on Disarmament, in the Amendment Conference and in the consultations among the nuclear Powers. While some delegations expressed their own preference as to the forum in which a comprehensive test ban should be pursued, there was a general consensus that the work on a comprehensive test ban in the different forums, and especially between the Amendment Conference and the Conference on Disarmament (CD) should be mutually supportive and mutually complementary.

6. There was also a broad consensus among the States Parties that the President of the Amendment Conference should continue his consultations with the States Parties as well as States not parties to the PTB and to hold another Special Meeting early in 1994 in order to review developments and assess the situation regarding a comprehensive nuclear test ban and to examine the feasibility of resuming the work of the Amendment Conference later that year. In this connection, it was recalled that pursuant to the decision of the Amendment Conference, further work needed to be undertaken especially that with regard to verification of compliance and possible sanctions against non-compliance.

7. In order to promote universality of a comprehensive test ban, the Special Meeting considered it essential that in pursuing his efforts, the President of the Amendment Conference closely liaise with the Conference on Disarmament and with the five nuclear powers.

8. The Special Meeting agreed that the elements of consensus emerging from this meeting could be used as the basis for formulating a draft resolution on the Amendment Conference in the forthcoming session of the General Assembly.

145

Statement from the Nordic Foreign Ministers' Meeting Non-Proliferation of Weapons of Mass Destruction*

Helsinki, 4-5 May, 1992

The Nordic Foreign Ministers focused attention on the danger of proliferation of weapons of mass destruction, especially nuclear weapons, following the break-up of the Soviet Union.

The success of efforts to stop proliferation is a key factor in ensuring international peace and security. The Ministers noted with satisfaction that international efforts in this field are wide-ranging and resolute and that some success has already been achieved, for example in the field of export control.

The Ministers support further strengthening of multilateral co-operation in the field of export control.

The Ministers expressed the strong support of the Nordic countries for international treaties that ban or limit the proliferation of weapons of mass destruction and for international export control rules for missile technology and for products that might be used in the production of WMD.

They further emphasised that success should be achieved in negotiations between major weapons exporters and in the realisation of the UN Register on weapons transfers with regard to limiting and controlling international trade in conventional weapons.

Four of the Nordic countries are now members of the regime for dual-use nuclear products (NSG), the control regime for chemical and

* Text prepared by the CSCE secretariat at the 1992 Helsinki meeting of States participating in the CSCE process.

biological products (Australia Group) and the control regime for missile technology (MTCR). Iceland is considering acceding to these regimes at an early date.

The Ministers supported regional initiatives and efforts to achieve stability and arms control in the Middle East, Central Asia and Latin America.

The Ministers especially welcomed the strengthening of the Non-Proliferation Treaty (NPT) with the formal accession of China and South Africa and the announcement by France of its accession to the Treaty. It was with particular pleasure that the Ministers noted that Estonia and Latvia have recently acceded to the NPT.

The Ministers also emphasised the importance of Ukraine, Belarus and Kazakhstan joining the NPT as non-nuclear states as soon as possible. It is also important that the safeguards control system of the International Atomic Energy Agency, which is based on the NPT, is strengthened and that the organisation is provided with financial resources which are adequate to maintain a credible level of control.

The Ministers expressed their strong expectations that the negotiations on a comprehensive ban on chemical weapons will be finalised this year. In view of the need for effective implementation of the Convention, it is important that it contains an appropriate system for the verification of possible violations. Here the Ministers drew attention to the experience of the Special Commission set up by the UN Security Council (UNSCOM).

The Ministers reiterated the support of the Nordic countries for the planned Scientific Centres in the Russian Federation and the Ukraine, where the aim is to help to transfer CIS-scientists from military development to research in the civilian sector.

146

Joint Statement of the President of the Argentine Republic and the President of the Federative Republic of Brazil upon the Twenty-fifth Anniversary of the Signing of the Treaty of Tlatelolco*

14 February 1992

1. When we assumed the presidency of our countries, we gave a new, firm impetus towards a common nuclear policy, including the question of non-proliferation. We have always been guided by the desire to impart internal and external transparency to our nuclear programmes and to demonstrate to the international community the exclusively peaceful objectives that guide them, in accordance with the spirit of the Treaty of Tlatelolco, whose twenty-fifth anniversary we are celebrating today.

2. This programme demonstrates the determination and political will of our Governments to reinforce regional and international peace and security, including the adoption of transparent verification machinery.

3. In that context, in the Declaration on a Common Nuclear Policy adopted at Foz de Iguacu on 28 November 1990, we agreed on three specific steps:

- (a) The establishment of a Common System of Accounting for and Control of Nuclear Materials;
- (b) The signing of a joint agreement on safeguards with the International Atomic Energy Agency;

* A/47/92, annex. The joint statement was sent by the President of the Argentine Republic and the President of the Federative Republic of Brazil to the meeting to commemorate the twenty-fifth anniversary of the Treaty of Tlatelolco, held at Mexico City.

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- (c) The adoption of initiatives conducive to the full entry into force of the Treaty of Tlatelolco in respect of the two countries, including efforts to update and improve its text.

4. The international community bears witness to the speed and effectiveness with which this undertaking has been achieved, which, as is well known, consists of:

- (a) The Agreement between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy, signed on 18 July 1991 at Guadalajara, and already approved by the Congresses of the two countries and ratified by both Governments, which represents the implementation of the first step;
- (b) The signing, on 13 December 1991, of the Agreement between Argentina, Brazil, the Brazilian-Argentine Agency for Accounting for and Control of Nuclear Materials and the International Atomic Energy Agency for the Implementation of Safeguards.

5. Today we are taking effective measures to realize the third and last undertaking of the Declaration of Foz de Iguacu. At the earliest possible opportunity we shall submit for the consideration of the Agency for the Prohibition of Nuclear Weapons in Latin America some amendments to the text of the Treaty of Tlatelolco, which are largely of a technical nature and in no way affect its principles and objectives.

6. We request all countries in our region to provide the support indispensable for this initiative, the purpose of which is to facilitate the implementation of the Treaty.

7. We congratulate the Government of France on its decision to ratify the Additional Protocol I of the Treaty of Tlatelolco, which will contribute— we hope, in the near future—to establishing definitively its legal validity for the entire region for which it is intended.

8. All these recent developments, which indicate the profound and shared desire to establish Latin America and the Caribbean as a zone free from nuclear weapons, lead us to the common conviction that the completion of the process just announced, namely, approval of the amendments to the text of the Treaty, will clear the way to its entry into force in our countries.

9. Thus, Argentina and Brazil are contributing in a clear and positive manner to the establishment of a new international climate characterised by cooperation and by the promotion of confidence among nations, as central elements to the maintenance of international peace and security.

147

Statement by the Verkhovna Rada of Ukraine on the Non-Nuclear Status of Ukraine*

24 October 1991

Confirming the intention of Ukraine, proclaimed in the Declaration of State Sovereignty of Ukraine of 16 July 1990, to adhere to the three non-nuclear principles: not to accept, not to produce and not to acquire nuclear weapons,

Recognising the necessity of strict observance of the Treaty on the Non-Proliferation of Nuclear Weapons of 1968,

Seeking to contribute towards the strengthening of the international regime of the non-proliferation of nuclear weapons,

The Verkhovna Rada of Ukraine states:

1. The presence of the nuclear weapons of the former Union of Soviet Socialist Republics on the territory of Ukraine is temporary.
2. Now these weapons are under control of the corresponding structures of the former Union of Soviet Socialist Republics.
Ukraine insists on the right of its control over the non-use of nuclear weapons located on its territory.
3. Ukraine shall follow the policy aimed at the comprehensive elimination of nuclear weapons and components of their deployment located on the territory of the Ukrainian State. It intends to achieve it in the shortest time possible taking into account legal, technical, financial, organisational and other possibilities and with the proper securing of ecological safety.

* A/46/608-S/23177, annex.

In Ukraine there will be launched the wide programme of conversion of the defence industry, re-aiming the pan of the military industrial capability towards the needs of economic and social development.

4. Ukraine, as one of the successors of the former Union of Soviet Socialist Republics, shall fulfil the provisions of the Treaty on the Reduction of Strategic Offensive Weapons of 1991 in the part that concerns the nuclear weapons located on its territory. Ukraine is ready to start negotiations with the Republic of Belarus, the Kazakh SSR, the Russian SFSR with the participation of the corresponding structures of the former Union of Soviet Socialist Republics on the elimination of strategic nuclear weapons covered by this Treaty.
5. Ukraine shall take steps aimed at eliminating all other nuclear weapons located on its territory and for this matter is ready, as necessary, to participate in negotiations with all interested parties, including existing multilateral mechanisms in the field of disarmament.
6. Ukraine shall take appropriate steps to secure all the time until the complete elimination of these weapons the physical safety of nuclear weapons located on its territory.
7. Ukraine intends to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear State and to conclude with the International Atomic Energy Agency a corresponding agreement on guarantees.

148

**Statement by President F. W. de Klerk on
South African Accession to the NPT***

Pretoria, 27 June 1991

At its last meeting on 26 June 1991 before the mid-term recess, the South African Cabinet has finally approved South Africa's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Accession will be effected as soon as the required constitutional and administrative arrangements have been made. To this end steps have already been initiated.

It will be recalled that my predecessor in a media statement as far back as 21 September 1987 stated, *inter alia*:

"The Republic of South Africa is prepared to commence negotiations with each of the nuclear weapon States on the possibility of signing the Non-Proliferation Treaty. At the same time the Republic of South Africa will consider including in these negotiations safeguards on its installations subject to the NPT conditions. The nature of these negotiations will depend on the outcome of the 31st General Conference of the IAEA to be held in Vienna as from 22 September.

"South Africa hopes that it will soon be able to sign the NPT and has decided to open discussions with others to this end. Any safeguards agreement which might subsequently be negotiated with the IAEA would naturally be along the same lines as, and in conformity with agreements with other NPT signatories." Since then major events in Central and Eastern Europe have changed the world order dramatically. The cold war has subsided. The last Cuban troops have withdrawn from Angola, a month ahead of schedule. The threat of a conventional military conflict in the southern African region involving super-Power rivalry has diminished substantially. World wide there has been a growing acceptance of a commitment to the peaceful resolution of regional conflicts. Following

* A/46/302, annex. The press release was issued at New York on 1 July 1991.

numerous discussions with the three Depository States, the United States of America, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, and other interested parties the South African Government indicated in September 1990 its willingness to accede to the Treaty in the context of a nuclear-free zone in southern Africa.

Recent positive developments in the region, including the accession to the NPT by Zambia and the United Republic of Tanzania, have further enhanced the environment for peace and security. South Africa welcomes these accessions.

We are therefore hopeful that these developments, including South Africa's own accession to the Treaty, will now make it possible to achieve the longstanding goal of a nuclear-weapon-free zone in southern Africa.

South Africa's position in the international community has changed so fundamentally that the process of normalising its international position has now become irreversible. Its own accession to the Non-Proliferation Treaty also reaffirms its commitment not only to take its rightful place in the international community but also to play a positive and constructive role in the process.

South Africa has established an advanced nuclear technology base and nuclear industry. Accession to the NPT will facilitate the international exchange of nuclear technology which is not only important for the maintenance and further development of South Africa's own nuclear programme, but will also be to the benefit of its neighbouring States and the international nuclear community.

149

Statement of the Member States of the Warsaw Treaty

Budapest, 25 February 1991

The countries of Europe are liberating themselves from the legacy of the past, of the era of confrontation and division of the continent. The Charter of Paris has opened an era of democracy, peace and unity in Europe. The participating States of the all-European process build friendly relations, in respect for the Ten Principles of the Helsinki Final Act and on the basis of their common commitment to democracy, the rule of law and human rights.

The 22 States signatories of the Treaty on Conventional Armed Forces in Europe have stated in their Joint Declaration that they no longer consider each other as adversaries and will build new relations of partnership and co-operation. It was confirmed that every State has the right to belong or not to belong to a treaty of alliance. The end of the division of Europe provides an historic opportunity to give a new quality to relations in the field of security, while fully respecting the freedom of choice of States.

Bearing in mind the fundamental changes in Europe, and implementing the decision of the PCCs [Political Consultative Committee] session in Moscow on June 7, 1990, the member States of the Warsaw Treaty have decided, acting as sovereign and equal States, to dismantle the military organs and structures of the Treaty by March 31, 1991.

The participants of the session stated that the decision is destined to contribute to the further reduction of military potentials in Europe and to the transition from security structures based on blocs to all-European structures in the spirit of the CSCE Paris Summit accords. They expressed their resolve to ensure, through joint efforts, dynamic progress towards the objectives set at the Paris meeting.

In the new situation, the States represented at the session will actively shift the development of their relations onto a bilateral basis. This will correspond to their mutual interest in constructive and friendly relations, as well as to the new European realities.

The participants of the session stressed that the full implementation of the Treaty on Conventional Armed Forces in Europe and the Vienna document on confidence-building measures constitutes an important pre-condition for strengthening stability and security on the continent and for the further development of the Helsinki process.

150

Statement of the United Nations Secretary-General on the Occasion of the Signing of the Treaty on Conventional Forces in Europe

19 November 1990

Following is the text of the statement of Secretary-General Javier Perez de Cuellar issued on the occasion of the signing of the Treaty on Conventional Forces in Europe (CFE) at Paris Summit Meeting of the Conference on Security and Co-operation in Europe (CSCE). (The documentation section of the next issue *of Disarmament* will provide excerpts from the CFE Treaty text.)

The Treaty on Conventional Armed Forces in Europe, signed in Paris today, is a very important accomplishment. The product of intensive and detailed negotiations, the CFE Treaty is more than simply a reflection of political change; it is, indeed, an indispensable building block of a new framework for the security of Europe and North America. The international community has long called for significant arms reductions in this region and, on behalf of the United Nations, I am pleased to offer my sincere congratulations to all the signature countries on this great achievement.

Together with major reductions in other weapons categories, the need for durable agreements on conventional arms is recognised the world over; and the CFE Treaty shows us that such steps are no longer Utopian. With its interconnected set of limits on major combat equipment, the CFE Treaty will help to ensure that force reductions in Europe are carried out in a co-operative and stabilising fashion. The Treaty will erect substantial barriers against surprise attack and large-scale offensive operations; and it will also establish an impressive

array of verification and data-exchange measures to increase transparency and foster greater confidence. While this Treaty has been crafted to meet the particular circumstances of European security, its scope and character nevertheless may prove a valuable guide for negotiations among States in other regions.

It is my fervent hope that in the years ahead, CFE may pave the way for more extensive agreements on aspects of military postures not addressed by this Treaty. In particular, I urge the countries of Europe and North America to give careful consideration to various unilateral measures, such as a redirection of research and development efforts, cuts in defence production rates, and restraints on the transfer of conventional arms, in the interests of safeguarding the CFE process and building a long-lasting peace.

151

Agreed Statement in Connection with the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons

Paragraph 2 of Article VI of the Agreement stipulates that, "Upon signature of this Agreement, the Parties shall enter into consultations with other participants in the multilateral negotiations and shall propose that a special conference of States parties to the multilateral convention be held at the end of the eighth year after its entry into force. This special conference would, *inter alia*, determine, in accordance with agreed procedures, whether the participation in the multilateral convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years".

In this connection, the Parties agree that an affirmative decision would require the agreement of a majority of the States parties that attend the special conference, with such majority including those States parties attending the special conference that had taken the following three steps:

- (a) presented officially and publicly, before 31 December 1991, before the Conference on Disarmament, a written declaration that they were at the time of that declaration in possession of chemical weapons;
- (b) signed the multilateral convention within 30 days after it was opened for signature; and
- (c) became a party to the multilateral convention by no later than one year after its entry into force.

152

Joint United States-USSR Statements

Washington, 1 June 1990

Joint Statement on Non-Proliferation*

The United States of America and the Union of Soviet Socialist Republics oppose the proliferation of nuclear weapons, chemical weapons, missiles capable of carrying such weapons, and certain other missiles and missile technologies. The more nations that possess such weapons, the more difficult it will be to realize the desire of people everywhere to achieve effective arms control and disarmament measures and to reduce the threat of war. Weapons proliferation can provoke or intensify insecurity and hostility among nations, and threatens mankind with warfare of unprecedented destructiveness.

Our discussions over the past months point the way to a new era in relations between our two countries. We have taken major steps toward concluding agreements to reduce our own strategic nuclear arsenals, to bring limits on nuclear testing into force, and to reach a global ban on chemical weapons. Together with the nations of Europe, we are taking unprecedented steps to reduce existing conventional weaponry as part of a process of building a lasting structure of European security. The progress we are making and the commitments we have made in these bilateral and multilateral arms control efforts clearly demonstrate that arms reductions can contribute to increased security, even when there have been longstanding and deep-seated differences between countries.

The historic steps we have taken to improve United States-Soviet relations and to co-operate in the interests of international stability create the possibility of even closer and more concrete co-operation in the areas of nuclear, chemical, and missile non-proliferation.

* CD/1001.

With these considerations in mind, the United States and the Soviet Union:

- Declare their commitment to preventing the proliferation of nuclear weapons, chemical weapons, and missiles capable of carrying such weapons and certain other missiles and missile technologies, in particular those subject to the provisions of the Missile Technology Control Regime (MTCR);
- Agree to work closely together and with other members of the international community to develop and put into action concrete measures against the proliferation of these types of weapons; and
- Call on other nations to join in a renewed commitment to effective non-proliferation measures as a means of securing international peace and stability and as a step toward the effective limitation worldwide of nuclear weapons, chemical weapons, missiles, and missile technology.

The two sides have taken specific actions to advance these commitments.

Nuclear Weapons Non-Proliferation

In order to prevent the proliferation of nuclear weapons, the United States and the Soviet Union:

- Reaffirm their steadfast and long-lasting commitment to prevent the proliferation of nuclear weapons and to strengthen the international nuclear weapons non-proliferation regime;
- Reaffirm their strong support for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and agree that it continues to make an invaluable contribution to global and regional security and stability;
- Urge all countries which have not yet done so to adhere to the NPT;
- Urge all NPT parties to implement scrupulously their International Atomic Energy Agency (IAEA) safeguards obligations under the Treaty;
- Affirm their intention to co-operate together and with other treaty parties to ensure a successful 1990 Review Conference on the Treaty on the Non-Proliferation of Nuclear Weapons which would reaffirm support for the objectives of the Treaty and its importance to international security and stability;

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- Support the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Treaty of Tlatelolco) and urge all countries in the region to bring it into force at an early date;
 - Reiterate their continuing commitment to strengthening the IAEA, whose unique system of safeguards has contributed to the widespread peaceful use of nuclear energy for social and economic development;
 - Support increased international co-operation in the peaceful uses of nuclear energy under IAEA safeguards;
 - Call on all non-nuclear-weapon States with unsafeguarded nuclear activities to place these activities under international safeguards;
 - Agree on the need for stringent controls over exports of nuclear-related material, equipment and technology, to ensure that they will not be misused for nuclear explosive purposes, and urge all other nations capable of exporting nuclear-related technology to apply similarly strict controls;
 - Continue to support efforts to improve and strengthen the international nuclear export control regime;
 - Support discussions among States in regions of nuclear-proliferation concern for the purpose of achieving concrete steps to reduce the risk of nuclear proliferation, and, in particular, join in calling on the nations of the Middle East, Southern Africa, and South Asia to engage in and pursue such discussions;
 - Agree to continue their regular, constructive bilateral consultations on nuclear weapons non-proliferation.

Missile and Missile Technology Non-Proliferation

In order to stem the proliferation of missiles and missile technology, the United States and the Soviet Union:

- Have signed the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, demonstrating that controls on—indeed the elimination of—such missiles can enhance national security;
- Reaffirm their intention that the START treaty be signed by the end of the year;
- Affirm their support for the objectives of the Missile Technology Control Regime, covering missiles, and certain equipment and technology relating to missiles capable of delivering at least

- 500 kilograms of payload to a range of at least 300 kilometres and they call on all nations that have not done so to observe the spirit and the guidelines of this regime;
- Are taking measures to restrict missile proliferation on a worldwide basis, including export controls and other internal procedures;
 - Have instituted bilateral consultations to exchange information concerning such controls and procedures and identify specific measures to prevent missile proliferation;
 - Agree to work to stop missile proliferation, particularly in regions of tension, such as the Middle East;
 - To this end, affirm their intent to explore regional initiatives to reduce the threat of missile proliferation, including the possibility of offering their good offices to promote such initiatives;
 - Recall that they favour international economic co-operation including co-operation aimed at peaceful space exploration, as long as such co-operation could not contribute to missile proliferation;
 - Appeal to all countries—to exporters of missiles and missile technology as well as purchasers—to exercise restraint, and express their willingness to continue their respective dialogue with other countries on the non-proliferation of missiles and missile technology;
 - Are resolved, on their part, to continue to work to strengthen such international restraint with respect to missile and missile technology proliferation.

Chemical Weapons Non-Proliferation

In order to stem the use and proliferation of chemical weapons, the United States and the Soviet Union:

- Declare that a multilateral, effectively verifiable chemical weapons convention banning the development, production and use of chemical weapons and eliminating all stocks on a global basis is the best long-term solution to the threat to international security posed by the use and spread of chemical weapons, and that non-proliferation measures are considered a step toward achieving such a convention;
- Will intensify their co-operation to expedite the negotiations in Geneva with the view to resolving outstanding issues as soon

as possible and to finalising the draft convention at the earliest date;

- Have instituted bilateral confidence-building measures, including chemical weapons data exchange and reciprocal site visits;
- Have just signed a trailblazing agreement on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on chemical weapons;
- Commit themselves, in that agreement, to take practical measures to encourage all chemical weapons capable States to become parties to the multilateral convention;
- Having declared their possession of chemical weapons, urge other States possessing chemical weapons to declare their possession, to commit [themselves] to their destruction, and to begin immediately to address, through research and co-operation, the need for chemical weapons destruction capability;
- State that they themselves will not proliferate chemical weapons;
- Have instituted export controls to stem the proliferation of chemical weapons. These measures are not intended to hinder or discriminate against legitimate peaceful chemical activities;
- Have agreed to conduct bilateral discussions to improve the effectiveness of their respective export controls to stem the proliferation of chemical weapons;
- Conduct regular bilateral consultations to broaden bilateral cooperation, including the reciprocal exchange of information on the problems of chemical weapons proliferation;
- Confirm their intent to pursue political and diplomatic actions, where specific cases give rise to concerns about the production, use or spread of chemical weapons;
- Join with other nations in multilateral efforts to co-ordinate export controls, exchange information, and broaden international co-operation to stem the proliferation of chemical weapons;
- Reaffirm their support for the 1925 Geneva Protocol banning the use of chemical weapons in violation of international law;
- Are taking steps to strengthen the 1925 Geneva Protocol by:
 - Encouraging States that are not parties to accede;
 - Confirming their intention to provide active support to the United Nations Secretary-General in conducting investigations of reported violations of the Protocol;

Affirming their intention to consider the imposition of sanctions against violators of the Protocol, including those under Chapter VII of the United Nations Charter;

Agreeing to consult promptly in the event of a violation of the Protocol to discuss possible bilateral and multilateral actions against the offender, as well as appropriate assistance to the victims of such violation;

- Agree that the presence and further proliferation of chemical weapons in areas of tension, such as the Middle East, is particularly dangerous. The two countries therefore affirm their intent to explore regional initiatives in the Middle East and other areas, including the possibility of offering their good offices to promote such initiatives as:

Efforts to broaden awareness of the dangers of chemical weapons proliferation and its negative impact on implementation of the multilateral convention on chemical weapons;

Bilateral or multilateral efforts to stem chemical weapons proliferation, including the renunciation of the production of chemical weapons;

Efforts to destroy chemical weapons in advance of the multilateral convention, as the United States and the Soviet Union are doing.

The United States and the Soviet Union call on all nations of the world that have not already done so to join them in taking comparable, effective measures to stem chemical weapons proliferation.

153

Joint Statement on the Treaty on Strategic Offensive Arms*

The President of the United States, George Bush, and the President of the Union of Soviet Socialist Republics, Mikhail S. Gorbachev, discussed the status of the Treaty on the Reduction and Limitation of Strategic Offensive Arms. The two Presidents expressed their satisfaction with the great progress which has been made in the negotiations on this Treaty. In particular, they welcomed the mutually acceptable solutions which have been found on major issues in the talks and reaffirmed their determination to have the Treaty completed and ready for signature by the end of this year. They instructed their negotiating teams in Geneva to accelerate their work to complete the Joint Draft Text recording the details of these solutions in order to fulfil this goal.

The START Treaty will be a major landmark in both arms control and in the relationship between the United States of America and the Union of Soviet Socialist Republics. It results from the recognition by both sides of the special obligation they bear to reduce the risk of outbreak of nuclear war, enhance strategic stability, and strengthen peace and international security. As such, the START Treaty will signal a turning point in United States-Soviet arms control efforts toward a more rational, open, co-operative, predictable and stable relationship. The Treaty will complement to a remarkable degree the important political changes which have recently begun to remove the hostility and suspicion and will facilitate the reduction of the sizeable stockpiles of strategic offensive arms which now exist.

The benefits of this Treaty are many. For the first time ever, both sides will carry out significant reductions in strategic offensive arms—

* CD/1004.

up to 50 per cent in certain categories. More importantly, these reductions will be designed to make a first strike less plausible. The result will be greater stability and a lower risk of war.

Major agreed provisions of the Treaty are as follows:

The total number of deployed ICBMs and their associated launchers, deployed SLBMs and their associated launchers and heavy bombers will be reduced to no more than 1,600; within this total deployed heavy ICBMs and their associated launchers will be reduced to no more than 154;

The total number of warheads attributed to deployed ICBMs, deployed SLBMs and heavy bombers will be reduced to no more than 6,000. Of these, no more than 4,900 will be warheads on deployed ICBMs and deployed SLBMs, no more than 1,540 will be warheads on heavy ICBMs, and no more than 1,100 will be warheads on mobile ICBMs;

The aggregate throw-weight of the deployed ICBMs and SLBMs of each side will be limited to an agreed level which will be approximately 50 per cent below the existing level of the aggregate throw-weight of deployed ICBMs and SLBMs of the Union of Soviet Socialist Republics as of a date to be determined. This limit will not be exceeded for the duration of the Treaty;

Heavy bombers equipped for long-range nuclear air-launched cruise missiles (ALCMs) will be distinguishable from other heavy bombers. Heavy bombers equipped for nuclear armaments other than long-range nuclear ALCMs will be counted as one delivery vehicle against the 1,600 limit and will be attributed with one warhead against the 6,000 limit;

Heavy bombers equipped for long-range nuclear ALCMs will be counted as one delivery vehicle against the 1,600 limit and shall be attributed with an agreed number of warheads against the 6,000 limit. Existing and future United States heavy bombers equipped for long-range nuclear ALCMs will be attributed with 10 warheads each. Existing and future Soviet heavy bombers equipped for long-range nuclear ALCMs will be attributed with 8 warheads each;

Within the 1,600 limit on delivery vehicles, the United States of America may have no more than 150 heavy bombers equipped for long-range nuclear ALCMs that are attributed with 10 warheads each. The Union of Soviet Socialist Republics may exceed that number of heavy bombers by 40 per cent. If the United States of America exceeds the 150 number, each additional heavy bomber equipped for long-

range nuclear ALCMs will be attributed with the number of long-range nuclear ALCMs for which it is actually equipped. If the Union of Soviet Socialist Republics exceeds 210 heavy bombers equipped for long-range nuclear ALCMs, each such heavy bomber will be attributed with the number of long-range nuclear ALCMs for which it is actually equipped;

Existing and future United States heavy bombers may be equipped for no more than 20 long-range nuclear ALCMs; existing and future Soviet heavy bombers may be equipped for no more than 12 long-range nuclear ALCMs;

Long-range ALCMs will be considered those with a range in excess of 600 kilometres. Future long-range non-nuclear ALCMs will not be considered nuclear if they are distinguishable from long-range nuclear ALCMs. There will be no restrictions on deploying such ALCMs on aircraft not limited by the Treaty;

Reductions will be carried out in three phases over a period of seven years. Specific, equal interim levels for agreed categories of strategic offensive arms will be achieved by the end of each phase of reductions;

The numerical limitations provided for by the Treaty will be achieved and complied with through conversion or elimination in accordance with agreed procedures.

Sea-launched cruise missiles (SLCMs) will not be constrained in the START Treaty. Each side will provide the other with a unilateral declaration of its policy concerning nuclear SLCMs and, annually for the duration of the Treaty, with unilateral declarations regarding its planned deployments of nuclear long-range SLCMs, i.e. those with a range in excess of 600 kilometres. Those declarations will be politically binding. In the annual declarations the maximum number of deployed nuclear SLCMs for each of the following five Treaty years will be specified, provided that the number declared will not exceed 880. In the declarations of policy it will be specified that the United States of America and the Union of Soviet Socialist Republics will not produce or deploy nuclear sea-launched cruise missiles with multiple independently targetable warheads. The sides reaffirmed their 1987 Washington Summit Joint Statement to continue to seek "mutually acceptable and effective methods of verification".

Except as specifically prohibited, modernisation and replacement of strategic offensive arms may be carried out.

The START Treaty will include specific prohibitions on certain categories of strategic offensive arms, basing modes and activities. The following are among the bans under the START Treaty:

- new types of heavy ICBMs;
- heavy SLBMs and launchers of heavy SLBMs;
- mobile launchers of heavy ICBMs;
- new types of ICBMs and SLBMs with more than 10 re-entry vehicles;
- flight testing and deployment of existing types of ICBMs or SLBMs with a number of re-entry vehicles greater than the number specified in the Washington Summit Joint Statement of December 1987;
- rapid reload of ICBM launchers;
- long-range nuclear ALCMs equipped with multiple independently targetable warheads.

The far-reaching reductions and other constraints contained in the Treaty will be accompanied by the most thorough and innovative verification provisions ever negotiated.

Taken together, the START Treaty's comprehensive verification regime will create a degree of transparency in the military sphere which would have been unthinkable only a short time ago. It will not only provide for effective verification of the obligations of the Treaty, but will also greatly increase the mutual confidence which is essential for a sound strategic relationship. In addition, this verification system can provide a model which may be incorporated into future agreements. The verification regime under development includes:

- On-site inspections: For the purpose of ensuring verification of compliance with the Treaty, each side will, on the basis of reciprocity, conduct 12 kinds of on-site inspections, as well as continuous monitoring of mobile ICBM production facilities, in accordance with agreed procedures. *Inter alia*, each side will conduct short-notice inspections at facilities related to strategic offensive arms, including inspections to verify the numbers of re-entry vehicles on deployed ballistic missiles, inspections to verify elimination of strategic offensive arms and facilities related to them, suspect site inspections, and various exhibitions;
- National technical means of verification: For the purpose of ensuring verification, each side will use national technical

means of verification at its disposal in a manner consistent with generally recognised principles of international law. The Treaty will include a series of cooperative measures to enhance the effectiveness of national technical means of verification. There will be a ban on interference with such means;

- Ban on denial of telemetric information: The sides agreed to make on-board technical measurements on ICBMs and SLBMs and to broadcast all telemetric information obtained from such measurements. Except for strictly limited exemptions, there will be a ban on any practice, including the use of encryption, encapsulation or jamming, that denies full access to telemetric information;
- Information exchange: Before signature of the Treaty, the sides will exchange data on the numbers, locations and technical characteristics of their strategic offensive arms. These data will be updated on a regular basis throughout the lifetime of the Treaty;
- A comprehensive agreement on the manner of deployment of mobile ICBM launchers and their associated missiles and appropriate limitations on their movements so as to ensure effective verification of adherence to the numerical limitations provided for in the Treaty. In addition, the number of non-deployed ICBMs for mobile launchers will be limited and mobile ICBMs will be subject to identification through the application of unique identifiers, or tags.

To promote the objectives of the Treaty, the sides will establish the Joint Compliance and Inspection Commission.

The sides have agreed that the Treaty will have a duration of 15 years, unless superseded earlier by a subsequent agreement. If the sides so agree, the Treaty can be extended for successive five-year periods, unless superseded.

The progress outlined above fulfils the aim, set forth by the Presidents of the United States of America and the Union of Soviet Socialist Republics during their Malta meeting, of agreeing upon the basic provisions of the strategic offensive arms Treaty by the time of their Washington meeting. The two Presidents express confidence that the Foreign Ministers and the delegations of the two countries at the Geneva talks will be able to reach agreement in the remaining months on the outstanding issues that are still being negotiated.

154

Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability*

The United States of America and the Union of Soviet Socialist Republics, building on the results of the current negotiations, agree to pursue new talks on strategic offensive arms, and on the relationship between strategic offensive and defensive arms. The objectives of these negotiations will be to reduce further the risk of outbreak of war, particularly nuclear war, and to ensure strategic stability, transparency and predictability through further stabilising reductions in the strategic arsenals of both countries. This will be achieved by seeking agreements that improve survivability, remove incentives for a nuclear first strike and implement an appropriate relationship between strategic offences and defences.

In order to attain these objectives, the sides have agreed as follows:

First. This year the sides will complete work on the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms. Following the signing of the Treaty, the sides will hold consultations without delay regarding future talks and these important talks will begin at the earliest practical date. Both sides in these future talks will be free to raise any issues related to any strategic offensive arms.

Within the existing negotiating framework on Nuclear and Space Arms in Geneva, the two sides will continue negotiations on ABM and space without delay.

Thus, in the future talks the two sides will discuss strategic stability issues of interest to them, including the relationship between strategic

* CD/1004.

offensive and defensive arms, taking into account stabilising reductions in strategic offensive.

Second. The United States of America and the Union of Soviet Socialist Republics, as is the case in the emerging START Treaty, will, in the new negotiations, seek to reduce their strategic offensive arms in a way consistent with enhancing strategic stability. In the new negotiations, the two sides agree to place emphasis on removing incentives for a nuclear first strike, on reducing the concentration of warheads on strategic delivery vehicles, and on giving priority to highly survivable systems.

In particular, the two sides will seek measures that reduce the concentration of warheads on strategic delivery vehicles as a whole, including measures related to the question of heavy missiles and MIR Ved ICBMs. Effective verification will be provided by national technical means, co-operative measures, and on-site inspection.

Third. Having agreed on the need to ensure a predictable strategic relationship between the United States of America and the Union of Soviet Socialist Republics, the sides will, for the entire duration of the START Treaty, exchange, at the beginning of each calendar year, information on planned changes in the numbers of strategic offensive arms as of the end of the current year.

Fourth. The sides will pursue additional measures to build confidence and ensure predictability of the military activities of the United States of America and the Union of Soviet Socialist Republics that would reduce the possibility of an outbreak of nuclear war as a result of accident, miscalculation, terrorism, or unexpected technological breakthrough, and would prevent possible incidents between them.

Fifth. The sides believe that reducing the risk of outbreak of nuclear war is the responsibility not only of the United States of America and the Union of Soviet Socialist Republics, and that other States should also make their contribution toward the attainment of this objective, in particular in the field of non-proliferation of nuclear weapons. They call upon all States to consider the new opportunities for engagement in mankind's common effort to remove the risk of outbreak of nuclear war worldwide.

Accordingly, the United States of America and the Union of Soviet Socialist Republics will give these future negotiations the highest priority so that the benefits of strengthened stability can be realised as soon as possible.

155

Statement Made on 5 March 1990 by the President of the United States of America Concerning the Treaty on the Non-Proliferation of Nuclear Weapons

Twenty years ago, the Treaty on the Non-Proliferation of Nuclear Weapons entered into force. One hundred and forty States have joined the Treaty, making it the most widely accepted arms control instrument in history. The Treaty on the Non-Proliferation of Nuclear Weapons represents the primary legal barrier to nuclear proliferation and thus constitutes a principal foundation of international security. Later this year, the parties to the Treaty will convene the Fourth Review Conference of the Treaty. In the context of this review, I reaffirm the determination of the United States to carry out its treaty commitments and to work to assure its continuance in the interest of world peace and security.

The Treaty on the Non-Proliferation of Nuclear Weapons has been not only a significant arms control instrument, it has also facilitated international co-operation in a wide variety of peaceful uses of atomic energy under the International Atomic Energy Agency. These applications have included using nuclear technology to improve health conditions, as well as to increase agricultural output, electric power generation and industrial capabilities. The United States will continue to play a leading role in nuclear co-operation pursuant to the Treaty.

Our long-standing commitment to serious arms control negotiations has helped to bring forth a number of important arms control agreements, including the Intermediate Nuclear Forces Treaty, concluded in 1987. At this very moment, we are making significant strides towards concluding far-reaching arms control agreements in the nuclear and conventional areas.

It is essential in these times of great change and great promise, and of major progress in arms control, that the community of nations work together even more diligently to prevent nuclear proliferation, which poses one of the greatest risks to the survival of mankind. I urge all States that are not party to the Treaty on the Non-Proliferation of Nuclear Weapons to join and thereby demonstrate their support for the goal of preventing nuclear proliferation, and I call upon all States parties to the Treaty to join our efforts to secure the integrity of the Treaty on the Non-Proliferation of Nuclear Weapons, which benefits all countries.

156

Joint Statement Issued at the Conclusion of the United States-Soviet Ministerial Meeting

(Excerpts) Moscow, 10 February 1990

Secretary of State James A. Baker, III, and Foreign Minister Eduard A. Shevardnadze met on February 7-9 in Moscow as part of the preparations for the U.S.-Soviet summit to be held in June in the United States. Proceeding from their common goal of building a more stable, constructive and cooperative relationship, they reviewed the broad range of issues on the U.S.-Soviet agenda. The Secretary also was received by Chairman Gorbachev for an open, wide-ranging exchange of views.

The Secretary and the Foreign Minister discussed developments in U.S.-Soviet relations since the Wyoming ministerial and the Malta meeting between President Bush and Chairman Gorbachev. They examined the prospects for the summit, with the particular aim of advancing the objectives and priorities defined by the two leaders in Malta.

The Secretary and the Foreign Minister noted with satisfaction the progress that is being made in U.S.-Soviet relations. While certain significant differences remain between the sides, their relationship is increasingly marked by understanding, cooperation and the search for mutual advantage. The Secretary and the Foreign Minister believe that candid dialogue and continuing efforts at finding practical and concrete solutions will further the significant progress that has been recorded to date.

In this context, the Moscow Ministerial was a useful and important step in preparing the ground for a productive summit. The high-level discussions were complemented by expert working groups on arms

control, regional, human rights, transnational and bilateral issues, as well as an informal group on economic questions. Specific agreements were reached in several areas of the agenda.

I

The Secretary and the Foreign Minister held a thorough exchange of views on arms control and disarmament issues. With respect to the treaty on the reduction and limitation of strategic offensive arms, they reaffirmed their common objective of resolving all major issues by the June summit in order to allow signature of the treaty by the end of the year. To further this goal, the sides reached agreement or exchanged new proposals in a number of areas.

On air-launched cruise missiles, the sides made substantial progress on a package approach, agreeing on all remaining issues with the exception of the range threshold.

The sides also made good progress on sea-launched cruise missiles. The sides agreed that such missiles would be dealt with by parallel, politically binding declarations for the duration of the START treaty. The Secretary and the Foreign Minister agreed that the remaining issues involving SLCMs would be addressed at the negotiations in Geneva.

The sides agreed that there would be numerical limits on non-deployed ballistic missiles and the warheads attributable to them for all ICBMs of a type that has been flight-tested from a mobile launcher. Other non-deployed ballistic missiles, non-deployed cruise missiles and non-deployed heavy bomber weapons will not be subject to numerical limits. The sides further agreed on a regime governing the location and movement of all non-deployed ballistic missiles.

The sides reached agreement on major elements of a regime to ensure the non-denial of telemetry data during flight tests of START-accountable ballistic missiles. These provisions will be included in the START treaty, but will be implemented early, at the time of treaty signature, through an exchange of letters.

The U.S. side presented new proposals on verification of mobile ICBMs, duration of the treaty, phasing of reductions, and attribution of warheads to future types of ballistic missiles. The Soviet side presented new proposals dealing with non-circumvention. The Secretary and the Foreign Minister instructed their negotiators to discuss these new proposals and to expedite efforts on resolving remaining differences in the text of the Treaty and its associated documents.

The sides discussed the Vienna negotiations on conventional force reductions and reiterated their determination to conclude an agreement as soon as possible in 1993. The sides discussed President Bush's January 31 proposal on manpower which was presented by NATO in Vienna on February 8, as well as NATO's aircraft proposal presented on the same date. As a result of the discussions in Moscow, the differences on personnel were narrowed. The sides agreed to continue their discussions in the context of the negotiations in Vienna and at the Ministers' meeting on "Open Skies" in Ottawa.

The Secretary and the Foreign Minister had extensive discussions on how to proceed toward their common goal of achieving, through the negotiations in Geneva, a global ban on the development, production, stockpiling and use of chemical weapons and on their destruction. The U.S. and Soviet delegations in Geneva were instructed to proceed with developing means of practical cooperation in the area of chemical weapons elimination. The sides issued a separate, more detailed statement on chemical weapons.

In discussions on nuclear testing, the sides made progress on resolving the remaining issues. They believe that the task of completing the verification protocols to the 1974 and 1976 threshold limitation treaties for signing at the summit is realistic. The sides agreed on the right to simultaneous use of hydrodynamic and in-country seismic yield measurements. The sides also resolved several long-standing problems regarding the implementation of the hydrodynamic yield measurement method. The sides identified the three seismic stations in each country to be used for in-country seismic yield measurements. The sides reaffirmed their adherence to the agreement reached in September 1987 with regard to the negotiations on nuclear testing.

The Secretary and the Foreign Minister expressed their hope that the Ottawa "Open Skies" conference—which they will both attend—would be a success and lead to early agreement. They believe an "Open Skies" regime can make a genuine contribution to openness, transparency and stability.

The Secretary and the Foreign Minister noted the recent consultations between their experts on chemical weapons non-proliferation, missile technology control and nuclear non-proliferation. They agreed to prepare a document for consideration by their leaders covering both principles and concrete steps of cooperation in all areas of non-proliferation— chemical, missile and nuclear.

The sides conducted a discussion of the problem of non-proliferation of missiles and missile technology. They noted that they both adhere

to the export guidelines of the existing regime relating to missiles, which applies to missiles capable of delivering at least 500 kilogrammes of pay load to a range of at least 300 kilometers. They further agreed to continue joint discussions on this problem in the interim before the next ministerial.

II

[Regional issues]

III

The Secretary and the Foreign Minister had a wide-ranging discussion on developments in Europe. They reaffirmed the key role being played by the CSCE process in the emergence of a new Europe. They agreed in principle on holding a summit meeting of the 35 CSCE States in 1990. Such a meeting would be the occasion for signing a CFE agreement and would be preparatory to the previously agreed 1992 summit meeting in Helsinki.

IV

[Human rights and humanitarian issues]

V

The Secretary and the Foreign Minister noted with satisfaction the expanding U.S.-Soviet dialogue on transnational issues....

The sides expressed their support for a continuation, on a regular basis, of U.S.-Soviet consultations on UN issues in the interest of seeking ways to enhance further the effectiveness of this universal international organisation.

VI

[Trade and economic co-operation]

VII

The Secretary and the Foreign Minister reaffirmed the utility of regular dialogue at all levels—including the ministerial level—for considering and resolving problems of U.S.-Soviet cooperation. In the context of preparations for the June summit, they agreed to hold their next meeting in Washington.

157

Joint Statement on Chemical Weapons Issued at the Conclusion of the United States-Soviet Ministerial Meeting

Moscow, 10 February 1990

During their February 7-10 Meeting in Moscow, Secretary of State James A. Baker, III, and Foreign Minister Eduard A. Shevardnadze reaffirmed that chemical weapons must be eliminated world-wide. They have agreed on the following framework for the achievement of this goal which they consider to be a high priority:

- The sides are determined to work to conclude and bring into force a multilateral, effectively verifiable chemical weapons convention banning the development, production and use of chemical weapons and eliminating all stocks on a global basis. To this effect they will work to expedite the negotiations in Geneva with the view to resolving main outstanding issues as soon as possible and to finalising the draft convention at the earliest date.
- Even as these multilateral negotiations proceed, the sides will work out a bilateral agreement on reciprocal obligations pending the international convention including, *inter alia*, the destruction of the bulk of their chemical weapons stocks to equal low levels. They will proceed with the objective of completing and signing such an agreement at the June 1990 summit meeting.
- The agreement would establish a programme of cooperation on technology and procedures for safe and expeditious as well as economically and environmentally sound destruction of chemical weapons.

- When the chemical weapons convention enters into force, the sides will further reduce their chemical weapons stocks to equal levels at a very small fraction of their present holdings over the first eight years of operation of the convention. All remaining chemical weapons stocks should be eliminated over the subsequent two years. Of course, all chemical weapons-capable States must adhere to the convention. Meanwhile, the sides will closely cooperate with each other and together with other States to ensure that all chemical weapons-capable States adhere to the convention. Efforts to this effect are to begin without delay. The sides share the view that both nations should be among the original parties to the convention whose ratification would be necessary for its entry into force.
- The multilateral convention shall contain the provision that all production of chemical weapons will halt upon its entry into force.
- The sides will work out common principles that will guide their efforts to prevent the proliferation of chemical weapons.

158

Final Statement of the Palme Commission on Disarmament and Security Issues

Stockholm, 14 April 1989

1. The Palme Commission on Disarmament and Security Issues concludes its work at a time when reason and common sense seem at last to be taking hold in the world. Long and bloody conflicts in several regions are ending. The prospects for halting the arms race have rarely appeared so promising. There seems to be a greater spirit of co-operation among countries. The United Nations is again being used as an important instrument for peace.

2. The current situation stands in striking contrast to the state of the world in 1980, when the Commission was established under the leadership of the late Olof Palme of Sweden. At that time, relations between the United States and the Soviet Union were deteriorating rapidly, heading towards a struggle reminiscent of the darkest moments of the Cold War. As the major Powers froze negotiations and exchanged insults, conflicts raged in East and South Asia, in the Persian Gulf, in several parts of Africa, and in Central America. Arms negotiations were stalled, as nations in all areas of the world accelerated their military programmes. As arms races heated up, the danger of nuclear war seemed less and less an abstract idea, and more and more a possibility.

3. Deeply concerned about the world situation, we came together to see if, in spite of our differences in national backgrounds and political convictions, we could identify common interests and objectives and agree on a promising course of action. Agreement, indeed, proved possible, and resulted in our report, *Common Security: A Programme for Disarmament*, published in 1982.

4. At this, our last meeting, we have both looked behind us to assess the changes in the international situation since *Common Security* was issued, and, more importantly, we have looked ahead to consider appropriate courses of action for the future. In our opinion, humanity has an historic opportunity in the final decade of the twentieth century to create a radically more peaceful and more humane world. This opportunity must not be missed; it may not reappear.

Common Security

5. In 1982, we called for new approaches to issues of international security and disarmament. "There will be no winner in a nuclear war", we pointed out, an observation now accepted officially by the two leading military Powers. As a result, we concluded, "a doctrine of common security must replace the present expedient of deterrence through armaments. International peace must rest on a commitment to joint survival rather than a threat of mutual destruction."

6. The development of nuclear weapons, along with the aircraft and missiles capable of delivering them to any point in the world within minutes, shows clearly that war should not be considered a rational instrument of statecraft. All nations would be threatened should a military conflict directly involving the leading military Powers ever take place. All nations—rich and poor, powerful and weak, peaceful and bellicose, socialist and capitalist—are united in their vulnerability to nuclear attack and to the effects of nuclear war.

7. Technology is also making it possible for more nations to build nuclear weapons, and for other countries, and even sub-national groups, to build additional types of weapons of mass destruction, introducing new horrors in world affairs. It is feared that as many as 20 nations either possess or may now be building lethal chemical weapons, while advances in biological sciences could raise previously unknown threats to human existence.

8. Even on the so-called "conventional" level, the human and material destruction of modern warfare can be horrendous. Given current and prospective military technologies, war is losing its meaning as an instrument of national policy, becoming instead an engine of senseless destruction that leaves the root causes of conflict unresolved. As weapons advance technologically, moreover, the costs of preparing for war are becoming increasingly burdensome, even for the most wealthy nations.

9. These facts have made traditional concepts of national security obsolete. In the nuclear age, nations can no longer hope to protect

their citizens through unilateral military measures. All States, even the most powerful, are dependent in the end upon the good sense and restraint of other nations. Even ideological and political opponents have a shared interest in survival. In the long run, no nation can base its security on the insecurity of others. True security requires a cooperative effort, a partnership in the struggle against war which can only be established through dialogue and reconciliation.

10. All nations of course have the right of self-defence, as guaranteed in the Charter of the United Nations, and hence to maintain military forces adequate for that task. But the pursuit of military superiority is a futile endeavour that can only lead to less security for all. It is evident that most nations have become more powerful militarily over the years, yet it is equally clear that this has not led to a greater sense of security. Common security requires an end to arms competition through negotiation, national restraint, and a spirit of collective responsibility and mutual confidence.

11. But security is a broader and more complex concept than protection from arms and war. The roots of conflicts and insecurity include poverty, economic disparities within nations and between them, oppression, and the denial of fundamental freedoms. Unless problems of social and economic underdevelopment are addressed, common security can never be truly attained. New threats to security also are emerging from environmental problems and the degradation of certain ecosystems. Against these threats to humanity's survival, the adversaries in the East-West conflict no longer stand on opposite sides; they often confront the same dangers— dangers they share as well in North/South relations. In this respect, common security could evolve from a concept intended to protect against war to a comprehensive approach to world peace, social justice, economic development, and environmental protection.

12. The early years of the next century could see a world which is greatly different, but perhaps not greatly better than the world of today. East-West tensions could sharply decline, but conflict would not thus necessarily vanish from international life. As economic development continues to diffuse power more broadly around the globe, both ancient and newly discovered differences could become acute. The problem of wars, local or regional, could become as fraught with disastrous consequences as those which were brought on humanity by the two World Wars.

13. This need not happen. The inadequacy of "military solutions" has been illustrated so vividly in our recent past that one can reasonably

hope that the lesson has been widely learned. A world in which there are many more centres of political and economic activity will require different approaches to ensure the peaceful solution of problems, their "demilitarisation", and the harmonisation of apparently conflicting interests. Humanity can succeed in this vital task if it is resolved to succeed and if it provides itself with the institutions it will need to put that resolve into effect.

Common Security Through the Rule of Law

14. There are now more than 160 independent nation-States. A handful of them have large populations and cover vast areas, but most are small in territory and citizenry. Some are advanced technologically and prosperous; many more are poor and struggling to develop their economies. All nations are sovereign. But never before have common problems and challenges transcending the borders of individual States been so evident. The forces shaping our future are less and less under the control of individual Governments. No one country can solve these problems alone. No one State can organize global security, dominate the global economy, or determine the course of political affairs. In order to deal with the problems of the world, nations will have to co-operate and establish stronger forms of international order.

15. The evolution of an effective and stable international legal and political framework is essential for the achievement of international peace and security, for substantial progress towards disarmament, and for sustainable economic and social development. Over time, anarchy and power politics must yield to the rule of law among States. National sovereignty must always be respected, but in their own self-interest, States must learn to exercise collective responsibility and self-restraint, to co-operate with one another, and to follow patterns of behaviour that support the emergence of the rule of law.

16. Co-operation will not replace rivalry as the hallmark of international behaviour overnight. It will take time before nations habitually follow peaceful patterns, conform strictly to the dictates of international law, and act through international institutions to achieve their common interests. Trust among nations can develop only slowly, particularly among States who have been enemies in the past. But concerted efforts can provide surprising results, as we have seen during the past few years, and any pauses in the progress towards a more just and lawful international society can be utilised effectively to consolidate the gains which already have been made.

17. Transforming the current international system to one grounded more firmly on the rule of law requires three simultaneous and mutually reinforcing developments.

18. First, nations must develop patterns of behaviour in which disputes are resolved peacefully, as they undertook in the Charter of the United Nations. In their own self-interest, States must recognize that recourse to peaceful means of resolving conflicts is far more effective than recourse to war, armaments, or coercion. A variety of such peaceful means are already available: mediation, arbitration, diplomatic negotiations, and others. They can be carried out bilaterally, with the assistance of third parties, through regional organisations, or through multilateral global organisations. The specific means and forum for resolving a conflict need to be fitted to the substance of the issue. What is important is not the choice of venue, but the prerequisite decision to turn away from instruments based on military strength. When nations habitually use peaceful means to resolve disputes, the rule of law will be strengthened.

19. Second, international institutions must be strengthened. Again, many of the necessary organisations already exist, including the International Court of Justice, various arbitration and mediation agencies, regional political and economic organisations, and of course the United Nations and its subsidiary agencies. It is a question of providing these institutions with greater resources, of improving their procedures and methods of operation, and—most importantly—of developing national patterns of behaviour that turn first to these organisations for assistance. There could be a synergy here. As international institutions become stronger, nations can be expected to become more willing to rely on international instruments rather than on unilateral ones. As such changes occur in national patterns of behaviour, the international institutions will themselves gain confidence and become more effective.

20. Third, public opinion must be mobilised. In that respect, private organisations have a vital role to play. Such associations can reflect the concerns of people throughout the world about emerging threats to security even before Governments can take action. Working together with Governments and international institutions, they can help to ensure the timely address of the world's problems.

Strengthening the United Nations

21. In this context, no more important task exists than to strengthen the United Nations. Until an international security regime based on

the Charter of the United Nations is implemented effectively and reliably, nations will see no alternative but to arm themselves, even at great sacrifice in terms of economic development. Events in recent years provide hope that it may be possible to reaffirm and develop the security regime of the United Nations. For the first time since 1945 there seems to be agreement among the major Powers to act to prevent and contain conflicts, and to put their weight behind the methods and techniques evolved by the United Nations. It will take more than rhetoric to make the United Nations effective. It will require leadership and restraint by the leading Powers, cooperation from other nations, and the allocation of tangible resources by all States.

22. In our 1982 report, we put forward practical steps to strengthen the United Nations security system. Our approach was ambitious, covering means of anticipating and preventing conflicts, improved methods for peace-keeping operations, and even means of utilising the Charter's enforcement mechanisms—long impractical because of the East-West division—in certain well-defined types of conflict situations. Not all were ready for our proposals for preventive peace-keeping, but the international situation now appears propitious to strengthen the ability of the United Nations to anticipate and prevent conflict, as well as to keep the peace in various situations.

Anticipating Conflict

23. Strengthening the United Nations must begin with the Security Council, and particularly with its permanent members. Given the better understanding and closer collaboration which now seems to characterize these five States, there is an opportunity to build on this spirit to strengthen the ability of the United Nations to resolve conflicts peacefully and cooperatively.

24. Early warning is essential to anticipate and forestall conflicts. The Secretary-General is authorised under Article 99 of the Charter to bring to the attention of the Security Council, "any matter which in his opinion may threaten the maintenance of international peace and security". In order to monitor the world situation, however, the Secretary-General must have available the necessary personnel and technology, such as military observers, fact-finders, and experts.

25. Consideration also should be given to making available to the Secretariat information derived from space-based and other technical surveillance systems. Access to such information would enable the Secretariat to monitor world troublespots and to seek timely authority from the Security Council to resolve prospective military conflicts. The United Nations could have its own surveillance capabilities and a

small cadre of experts to interpret the data. Before this option can become a reality, Member States might undertake to provide national data to United Nations experts. There is likely also to be an increasing flow of data available on a commercial basis. These options need to be evaluated, but there should be no debate on the need to enhance the access of the United Nations to the basic facts wherever a troublespot may develop.

26. The Secretary-General should prepare a report on the world security situation each year and deliver it to a public session of the Security Council attended by the foreign ministers of the members. A subsequent private session of the Council should identify and direct any specific measures which might be required. The international community has too often been late to act in conflict situations and has not shown sufficient determination to unite behind recognised principles of international law and justice. This not only gives aggressors time to consolidate their gains, but weakens the authority of the Council, undermining the confidence of small and weak States in the collective security system.

27. We believe it is essential for the Security Council to agree on certain procedures to be set in motion when a conflict is emerging. Each crisis is of course a unique case, but previously agreed procedures for certain classes of contingencies can expedite action. These procedures can include the use of fact-finding missions and military observer teams to avoid the emergence of a conflict. It would be most helpful if the permanent members of the Council would commit themselves to consider the dispatch by the Secretary-General of special representatives, observers or fact-finders as a procedural matter, not subject to the veto. All Members of the United Nations should also commit themselves to receiving such emissaries of the Secretary-General and co-operating fully with them in the fulfilment of their task. If armed conflict occurs, the Council must be prepared to act to bring about a ceasefire, making use, if necessary, of the means of enforcement described in Chapter VII of the Charter.

Improved Capabilities for Peace-keeping

28. The tremendous contributions of United Nations peace-keeping forces were recognised in 1988 by their receipt of the Nobel Peace Prize. With a greater emphasis on the role of the United Nations in international security, and with the strengthening of the rule of international law, peacekeeping will become even more important. We believe that the role of these operations should be expanded, that the

resources available to the Secretary-General in support of peace-keeping should be enhanced, and that the financing of peace-keeping operations should be placed on a sounder basis.

Role

29. In the past peace-keeping operations have been used primarily to observe and monitor ceasefires and other means of ending and containing armed conflicts. We believe that the role of peace-keeping operations can be expanded and the concept and methods be applied to areas beyond those of classical peace-keeping. These are essentially political, rather than military, operations. According to the specific needs of the situation, they usually include a civilian component like medical units, civilian police forces, transport equipment, various experts, and so on. They have often been required to render humanitarian assistance to the populations in addition to peace-keeping functions.

30. In peace-keeping operations, personnel and equipment are drawn together and put under a unified command for a specific purpose, not necessarily limited to monitoring a ceasefire. It could be to oversee elections, a task which is given explicitly in the mandate for the United Nations Transition Assistance Group in Namibia. In other roles, peace-keeping forces could ensure that countries are not destabilised across frontiers.

31. Other types of peace-keeping operations could include:

- (a) Maritime peace-keeping in situations such as the recent conflict in the Persian Gulf, or against piracy or other criminal activity in troubled regions such as South-East Asia. Combined naval exercises should embrace and prepare for a United Nations peace-keeping role.
- (b) International reactions to some forms of *terrorist incidents* should be anticipated and prepared for.
- (c) Another role arises from the increasing risk of *environmental catastrophes*. Many countries in the developing world do not have the expertise or the resources to cope with such accidents. When they occur, quick action is needed. Containing the damage and restoring the environment is in the interest not only of the country directly affected, but of the international community as a whole.
- (d) The question of how the international community can in the future play a role *in prolonged conflicts within a State* also needs to be considered, particularly when it has a bearing on the efficacy of international relief efforts.

32. A significant portion of the United Nations membership consists of small States—no fewer than 34 of the Members of the United Nations have a population of 1 million or less. They are especially vulnerable to outside intervention. If these small countries are to put their trust in the United Nations security system, it is important to make arrangements so that defensive operations can be carried out through the United Nations on behalf of the entire international community. The weakest members of the family of nations should not be denied the protection of international law in a practical form.

Resources

33. The Secretary-General is charged with all aspects of the management of peace-keeping operations. Beyond a small complement of military personnel on the Secretary-General's staff to co-ordinate preparations for, and the implementation of peace-keeping operations, it is not necessary to expand the United Nations own resources for peace-keeping. Military units in the armed forces of all nations, including all permanent members of the Security Council, which potentially could be made available for peace-keeping should be earmarked, along with the airlift and sealift assets that would be used to transport them to troublespots in emergencies. Specialised logistical and medical units also should be earmarked throughout the world. Developing nations might be given assistance to train designated military units for peace-keeping roles.

34. Equipment useful for peace-keeping operations might be stockpiled in several locations so that it can be readily available when necessary. Advanced technologies, such as seismic and acoustic sensors, mobile radars, advanced communications, and even overhead surveillance systems, could be useful in a variety of ways to monitor ceasefires and disengagement zones. The application of such advanced technologies could reduce both the manpower requirements of peace-keeping operations and potential losses of life. Means should be found to develop these technologies for peace-keeping purposes and to make the systems available to the United Nations. Such proposals may appear futuristic and costly, but they could prove cost-effective. It would be regrettable if the best technologies were available for war-making purposes, but denied to peacekeepers.

Financing

35. All aspects of the United Nations operations have faced financial difficulties in recent years, but perhaps none so severe as its peace-keeping missions. A world that spends the equivalent of nearly 1

trillion United States dollars each year to prepare for war should be able to afford the comparatively small sums required for peace-keeping. But the current arrangements for financing these operations are inadequate and unreliable. They place the heaviest burden on the countries that contribute the troops, thus discouraging participation and harming the principle of collective security. Financial constraints place severe limits on the capabilities of the United Nations to prevent and contain violence, and to resolve conflicts successfully. Just this year, for example, the initial scope of the operation of the United Nations in Namibia had to be scaled back substantially. Due to financial limitations imposed by the five permanent members of the Security Council, the size of the planned force was cut from 7,500 to 4,600. These constraints and the ensuing delays have already seriously hampered the Namibian operation, hamstringing the peace-keeping forces and threatening the peace settlement that had been negotiated.

36. A special reserve fund earmarked for peace-keeping operations should be built up over a few years to a minimum total of 2 billion United States dollars. Money for this fund should be raised through mandatory contributions assessed to all Member States on the basis of a formula established by the General Assembly.

37. Negotiations to set up peace-keeping operations are often drawn out because of disagreements on their financing. The proposed "Peacekeeping Fund" would serve as a financial buffer and thus facilitate the initiation of new operations on a timely basis. The fund would be used to pay only for missions mandated by the Security Council. It would be replenished each year, as needed, on the direction of the General Assembly.

38. In addition to mandatory contributions, voluntary contributions to the Peace-keeping Fund should be encouraged, especially from States that as a matter of principle do not participate in peace-keeping operations. It should be possible for organisations and individuals to contribute to the Fund as well, especially those who benefit financially from peace-keeping operations. Finally, possible independent sources of revenue for peacekeeping operations with built-in automaticity should be considered. One such source would be a levy on arms exports, which would require the establishment of a United Nations register of private and governmental international arms sales. The costs of keeping the peace are much lower than the costs of war.

Common Security Through Negotiations

39. Emergence of the international rule of law would encourage progress towards arms control and disarmament. For the most part,

nations arm because they are involved in conflicts or fear that they would be vulnerable to attack if they were not strong militarily. Persuading States to disarm requires that they gain confidence in the capabilities of international institutions and international laws to protect their security.

40. The United States and the Soviet Union and their respective allies, which together account for more than three fourths of the world's military expenditures, have the greatest responsibility for progress towards arms control and disarmament. Not only must the leading military Powers make progress in their bilateral talks, but their leadership is essential if separate negotiations on global aspects of the arms competition, and on regional issues, are to be concluded successfully.

41. There has been considerable progress in arms negotiations since our report was issued in 1982. The United States and the Soviet Union have concluded a treaty eliminating all intermediate-range missiles from their arsenals, the first time a whole class of nuclear weapons has been abolished through international negotiations. They have also made considerable progress in the bilateral START talks on central strategic nuclear forces, and are discussing a draft agreement which would roughly halve the two States' strategic arsenals. The talks in Geneva on abolishing lethal chemical weapons, carried out under the auspices of the Conference on Disarmament, also have made substantial progress, as have several other negotiations. A new negotiation on conventional forces in Europe, with much better prospects than its predecessor, and a further negotiation on confidence- and security-building measures, opened in Vienna last month.

42. Important issues still cloud each of these negotiations, however, and a concerted effort will be required to bring each of them to a successful conclusion and to move on to even more far-reaching talks. In the mean time, the world's military forces remain large and costly, and are being modernised at a rapid rate. New technologies are being introduced, moreover, which threaten to create dangerous instabilities in several aspects of the military competition, while inhibitions against the use of particularly dangerous kinds of weapons, such as lethal chemical agents, appear to be breaking down. It is essential that the leading military Powers act decisively to conclude the current round of negotiations and to move on to more ambitious agreements.

43. The need for progress in arms negotiations extends to other regions. In the past several years, political dialogues have been initiated concerning regional conflicts in Central America, in the Persian Gulf,

in South and East Asia, and in Africa. There have been positive developments in Sino-Soviet relations, in Kampuchea, between India and Pakistan, and between China and India, among other troubled relationships. Such a political dialogue is needed urgently for the Northern Pacific, as well, involving all regional States, including the leading military Powers. Negotiated limits on the size and structure of military forces, including naval forces, and on their operations, could contribute meaningfully to the resolution of each of these conflicts. Diplomacy and arms control must go hand-in-hand in the effort to bring peace throughout the world.

Reductions of Strategic Forces

44. In START, an agreement could be concluded within the year, but the negotiators must work hard to overcome the remaining major issues. Two questions are relatively technical, concerning how to verify limitations on mobile land-based missiles and sea-based cruise missiles. Without going into details here, it seems clear the possible solutions are understood by the two sides and within reach: we urge their rapid adoption.

45. The third issue is more a question of principle, concerning the relationship, if any, between the prospective START agreement on offensive forces and the existing Treaty Limiting Anti-Ballistic Missile Systems (ABMs). Although no specific action is required to maintain the 1972 ABM Treaty, which has an indefinite term, as a legal obligation, questions have arisen about its duration as a result of research programmes in new ballistic missile defence technologies. In our view, the false promise of effective missile defences should not be permitted to disrupt either the ABM Treaty or the prospective START agreement. The overwhelming weight of scientific opinion is that there are no effective means of defending populations from ballistic missile attacks and that none is in prospect at least through the end of the century. Given this scientific reality, a mutual reaffirmation of the ABM Treaty would seem to be costless. Such a commitment, moreover, would help to reassure both the United States and the Soviet Union that the other would not suddenly abrogate the agreement and deploy extensive missile defences. The two might also discuss in specific terms the types of experiments in space that they each plan to undertake and their relationship to the Treaty's limitations. With such a formula governing research on defence technologies, the talks in START on offensive weapons could go forward rapidly and achieve the 50 per cent reduction envisioned in the current draft Treaty.

46. The negotiations between the leading military Powers cannot end with the current START Treaty, however, and the residual arsenals on the two sides would remain large. Future negotiators should seek even deeper reductions in nuclear forces and limitations on qualitative changes.

47. Another aspect of the strategic competition requiring attention concerns anti-satellite weapons. Through unilateral measures, the United States and the Soviet Union have stepped back from earlier efforts to deploy such systems. However, these arrangements are fragile. Outer space is one of the last commons of humanity. It should be protected from the arms race and utilised solely for peaceful purposes, including joint programmes. Weapons should be banned in their entirety, including the testing of weapons in space.

Arms Reductions in Europe

48. We have reached an historical watershed in the history of Europe. The possibility exists to move beyond the military confrontation that has cemented and exacerbated the political division of Europe. The new Europe should be based on diversity and tolerance, an openness and a sense of cultural community, on economic co-operation and peaceful competition. Our approach to security in Europe should be enlightened by a broad vision of stability. The existing military confrontation should not be permitted to hamper the evolution of a more open and co-operative order in Europe. It is necessary to eliminate significant asymmetries, to reduce the levels of forces, to restructure forces to reduce the danger of surprise attack and offensive operations, and to reduce reliance on nuclear weapons. Furthermore, provisions should be negotiated to ensure the progress towards stability is not undermined by technical and scientific developments that can be used for some forms of arms modernisation. There is a need to institute a dialogue about force postures and doctrines relating to security in Europe, to prevent unilateral decisions from violating the idea of common security.

49. The seven years since our report was issued have been productive for gaining control of the military competition in Europe. In addition to the previously mentioned Treaty eliminating intermediate-range missiles, an agreement was concluded in Stockholm in 1986 to give prior notification of, and to exchange observers at, all military manoeuvres above a certain size, thus building confidence that such exercises were not being used to mask preparations for a surprise attack. The agreement permits inspections to be carried out

on a challenge basis after short warning, a provision which contributes measurably to the agreement's success. Talks on additional confidence- and security-building measures involving 35 nations of Europe and North America are continuing.

50. New talks on conventional forces in Europe opened in Vienna in March. The 23 members of NATO and the Warsaw Pact are participating in these negotiations. The talks aim to establish a stable and secure balance of conventional armed forces at lower levels of armaments and equipment, and to eliminate disparities prejudicial to stability and security, especially the capability to launch surprise attacks or to initiate any large-scale offensive actions. Unlike their predecessor, the talks on Mutual and Balanced Force Reductions, which continued unsuccessfully in Vienna for 15 years, the new talks have the advantage of (i) including all members of the two military blocs, (ii) including all of Europe, from the Atlantic to the Urals, as the territory for agreed limits, and (iii) starting with the stated willingness of the participants to eliminate threatening asymmetries.

51. The new talks also will benefit from the precedents for intrusive verification procedures included in both the Stockholm agreement and the Treaty on Intermediate-range Missiles. Verification is no longer a political issue in any arms control negotiation: only technical questions about specific procedures remain to be resolved.

52. It is essential that the new Vienna talks not be permitted to become lost in a technical thicket, as befell their predecessor. The highest political authorities of each participant will have to pay continual attention and not permit the negotiations to drift. We believe that periodic meetings of the foreign and defence ministers of all the participants to review progress and set objectives would be useful to ensure that the negotiations continue to move forward.

53. The mandate for the new talks specifically excludes nuclear weapons. With implementation of the Treaty on Intermediate-range Missiles, the 7,000 to 8,000 nuclear weapons remaining in the combined arsenals of the two sides in Europe will consist primarily of tactical weapons, including ordnance that would be delivered by aircraft, warheads for short-range missiles, and nuclear-armed projectiles that would be fired by artillery. Both sides have modernised some of these weapons in recent years.

54. Short-range nuclear weapons cannot be omitted from arms control negotiations. We urge the two alliances to develop a framework and schedule to include them in negotiations. Such discussions could facilitate progress in both START and the Vienna talks on conventional

forces, as well as benefit from progress in those negotiations. An agreement in Vienna, for example, could obviate the perceived military need for new types of short-range nuclear missiles.

55. Care must be taken, moreover, not to block progress in the talks already under way by decisions on modernising short-range weapons. Military force planning should be based on a comprehensive concept of security which encompasses not only an assessment of military threats, but also an understanding of international political change and the possible outcomes of negotiations for disarmament. We urge the two alliances in Europe to eliminate the asymmetries in conventional force levels which stimulate perceived needs for modernising short-range nuclear forces, and to move rapidly towards sharply reduced forces.

56. Since naval forces are not embraced by the existing negotiations, consideration should be given to constraints concerning naval forces in the Baltic in order to ensure that they do not undermine agreements about conventional stability on land in Europe.

57. In 1982, the Commission suggested that in the context of the establishment of parity and mutual reductions in conventional forces, it would be desirable to create a corridor free of nuclear weapons, starting in Central Europe and extending ultimately from the northern to the southern flanks of the two alliances. Nuclear munitions and their storage facilities would be prohibited within the corridor, perhaps 150 kilometres on each side of the border, as would operations and manoeuvres simulating the use of these weapons. We continue to support this proposal. As the Vienna negotiations progress, it may be advisable to expand the corridor concept to include not only nuclear weapons, but offensive types of conventional forces, such as armoured units, as well. Creation of areas along the East-West border, as an integrated part of a European agreement, in which only lightly armed forces could be stationed, could contribute significantly to stability and a structure of forces that would make an attack unlikely.

Abolishing World of Weapons of Mass Destruction

58. Abolishing all weapons of mass destruction must be considered the eventual goal. Much has to be accomplished before such a goal will be embraced by the nations of the world as an operational objective. The emergence of a regime of international law would be an important part of this process. Sustained progress towards conventional disarmament must take place simultaneously.

59. It is not sufficient to negotiate agreements specifying that certain kinds of weapons should be abolished. In addition, procedures

for verifying such agreements with great confidence must be developed and institutionalised. Much will be done by individual nations utilising national technical means. But multilateral institutions can play significant roles in verifying agreements, if they were provided with the resources to do so. Abolition regimes must also include national commitments to use all available sanctions against treaty violators and to make determined efforts to convince States that had been reluctant to ratify the agreement. Unless the international community demonstrates a willingness to ensure that disarmament agreements are accepted universally and scrupulously respected, resistance to the final abolition of weapons of mass destruction will prove overwhelming.

Maintaining the Prohibition on Biological Weapons

60. More than 100 nations have already ratified the 1972 Biological Weapons Convention which, together with the 1925 Geneva Protocol, prohibits the development, production, stockpiling, possession and use of biological weapons. But neither the Convention nor the Protocol include verification procedures, depending on the then-perceived military disutility of such weapons and the common recognition of their extraordinary dangers to guarantee national restraint.

61. In recent years, developments in microbiology and biotechnology may have increased the potential military utility of biological weapons. Concerns have grown about possible violations of the existing agreements. There have been public reports during the past few months, for example, that one or more nations may already be manufacturing lethal biological agents for military uses. Whether these reports are accurate or not, a climate of mistrust is emerging with the potential to undermine the Convention.

62. The Convention provides that complaints about possible violations may be lodged with the Security Council; the parties are charged to cooperate with any investigation that may ensue. All parties should reaffirm their readiness to clarify any situation which raises official questions about compliance with the agreement, even before the question is taken before the Council. At the same time, thought should be given to means which could help to build further confidence in compliance. The next review conference must further elaborate such ideas as the exchange of information on laboratories and research centres that handle high-risk biological materials, means of allaying concerns arising from atypical outbreaks of disease and exchanges of visits to relevant facilities. Concerted efforts to induce additional States to ratify the Convention also should be organised.

63. The Biological Weapons Convention is the only existing concrete step towards the abolition of weapons of mass destruction. It must not be permitted to erode.

Abolishing Chemical Weapons

64. In the seven years since our report was published, there has been a proliferation of chemical arms and a breakdown in inhibitions against their use. Lethal chemical agents were used repeatedly during the recent war between Iran and Iraq. The two leading military Powers maintain large stocks of lethal chemical agents. It is feared that as many as 20 nations may now either possess or be building lethal chemical weapons and some of these nations have or are developing ballistic missiles which could be used to deliver such munitions to distant targets.

65. At the same time, the negotiations in Geneva for a treaty that would prohibit the development, production, stockpiling, transfer and use of chemical weapons, and cause the destruction of existing stocks, have made considerable progress, with questions of how the agreement would be verified providing the most serious of the remaining stumbling blocks. Presidents George Bush of the United States and Mikhail Gorbachev of the Soviet Union have stated their commitment to completing the agreement on numerous occasions and, with continued high level attention, it may be possible to conclude the negotiations relatively quickly.

66. Such an accomplishment would only constitute a step towards the abolition of chemical weapons, however. A substantial period will be required during which existing stocks of lethal chemical weapons are destroyed and other nations induced to join the regime. During this period, an international institution will be established and specific procedures developed to verify compliance with the agreement. Concerted international efforts will be required to be certain that the agreement gains global acceptance. Some nations, for example, have taken the position that chemical disarmament should proceed only in tandem with nuclear disarmament; they will have to be persuaded otherwise, lest the current opportunity to rid the earth of chemical arms be lost.

67. Establishment of a regime to abolish chemical weapons is important in its own right, of course. But it gains even greater significance when understood as a precedent for the eventual abolition of nuclear weapons. The experience of negotiating and implementing the Chemical Weapons Treaty will have an important impact on the prospects for the total abolition of nuclear weapons.

Abolishing Nuclear Weapons

68. Conclusion of a START treaty, along with reaffirmation of the ABM Treaty, would be major steps towards the goal of abolishing all nuclear weapons. Further progress towards that goal will depend on movement in other negotiations, the talks on conventional forces in Europe being the most important.

69. A number of further steps could move the world towards nuclear disarmament.

Comprehensive Test Ban

70. Conclusion of a comprehensive test ban would indicate very clearly that the leading military Powers were sincere in their determination to eliminate nuclear weapons from the face of the earth. It would strengthen the regime against the proliferation of nuclear arms and help curtail the development of advanced nuclear weapons and their delivery systems.

71. The United States and the Soviet Union should declare an immediate moratorium on all nuclear tests above a very small yield, say, one kiloton, to last for at least two years. The nuclear Powers understand how to monitor such a moratorium with high confidence. During this period, negotiations should be held to complete formal agreement on a comprehensive and permanent end to nuclear testing. The verification issue no longer constitutes an obstacle to the conclusion of a test-ban treaty. It is now strictly a matter of political will.

Denuclearising the Navies of the World

72. It may be timely for the nations that deploy tactical nuclear weapons at sea to begin discussing means of abolishing them. These weapons may include certain kinds of anti-submarine devices, anti-aircraft missiles, anti-ship missiles and ship-to-shore missiles. They necessitate extensive security arrangements and sometimes provoke adverse popular reactions with a possibility of restrictions on ports which will accept ship visits. In so far as the greater performance of modern sensors and command and control systems has overtaken the original justification for these weapons, the nations deploying them may find it in their own self-interest to consider means of prohibiting or curtailing their potential deployment. One way to approach the issue would be to prohibit all nuclear weapons on all ships and submarines other than classes specifically designated by agreement. Such an agreement could have the additional benefit of facilitating negotiations on sea-based cruise missiles in the START talks.

Stemming Nuclear Proliferation

73. Achievement of a comprehensive nuclear-test ban is linked inextricably to the problem of nuclear proliferation. A prohibition on nuclear tests would make it more difficult for additional nations to develop nuclear weapons and for those States already on the threshold of nuclear-weapon capabilities to develop more advanced designs suitable for military applications. A halt to nuclear testing also is at the heart of the mutual pledges between nuclear and non-nuclear-weapon States in the 1970 Treaty on the Non-proliferation of Nuclear Weapons. In 1995, the parties to that agreement are required to decide whether that Treaty should be extended indefinitely, or continued in force for fixed periods of time. Unless tangible progress is made towards achievement of a comprehensive test ban and convincing progress made in reducing nuclear forces, the continued existence of the Treaty itself could be threatened.

74. In addition to the United States and the Soviet Union, there are three nations with declared nuclear-weapon stocks (Britain, China and France). As the leading military Powers' stockpiles are reduced in size, the three other declared nuclear Powers will have to be brought into negotiations. Each of these countries has indicated a willingness to take part in such talks following substantial reductions in the arsenals of the leading military Powers.

75. Six additional countries are believed to have nuclear weapons or to be on the threshold of such capabilities (Argentina, Brazil, India, Israel, Pakistan and South Africa). Arrangements also will have to be made concerning these near-nuclear Powers. Argentina and Brazil have initiated a bilateral process of declarations and exchanges of visits to nuclear facilities in recent years. India and Pakistan recently signed an agreement to forebear from attacks on each other's nuclear facilities. Certain nuclear facilities in all four countries, however, as well as in Israel and South Africa, remain outside any nuclear non-proliferation regime. Efforts should be made to induce these countries (and others with nuclear industries that remain outside the existing non-proliferation regime) to help impede further nuclear-weapons proliferation.

76. As the world moves towards the abolition of nuclear weapons, the international community will have to co-operate to bring pressure to bear on all nations to submit all their nuclear facilities, without exception, to international inspection and safeguards. Nuclear disarmament will not be possible in the absence of an effective international regime, including the declaration of all nuclear-weapon

stocks and nuclear facilities, the effective verification of such declarations, the comprehensive destruction of nuclear weapons in all countries under strict international controls and the creation of effective international institutions and procedures to ensure that nuclear weapons are never again built. The operational need for such institutions and procedures is no doubt far in the future. But the possibility of the abolition of nuclear weapons will not be taken seriously until effective means of verifying the destruction of nuclear stocks and production facilities and ensuring that they could not be quickly reintroduced are designed and accepted on a global basis.

Common Security Through Economic Development, Social Justice and Protection of the Planet

77. Common security cannot be achieved through military strength, or even through disarmament and the traditional concept of collective security.

78. Security cannot in any real sense be said to exist at a personal or national level in a condition of chronic underdevelopment. Poverty itself is insecurity. For the individual, poverty is insecurity because of the fear of hunger, disease and early death that afflicts the hundreds of millions who live on the margins of existence in subsistence agriculture and urban slums. For the nation State, poverty is insecurity because of the lack of control over unstable and adverse external events in commodity and capital markets; the inability to afford basic public expenditures; the dependence on external financial flows with its attendant conditionalities; and the inequality of bargaining power which affects external economic relationships. Poverty itself can lead to internal and external conflict.

79. Peace and security as proclaimed in the Charter of the United Nations as primary international goals cannot therefore be fully realised unless people and nations are released from the trap of poverty through real development. In truth, far more people in the world today suffer from economic than from military insecurity. Yet the resources devoted by the international community to development assistance are very small compared with military spending. Moreover, co-operation for common security is unlikely in a world where many poor countries face extremely onerous debt obligations, decreasing resources for economic development and widening disparities between rich and poor countries.

80. International economic insecurity is not solely a matter of concern to poor countries. Serious threats are posed to the whole global

economy by such elements of instability as trade protectionism, exchange rate instability, large economic imbalances and lack of effective multilateral economic management. Poor countries are the main victims, but not the only victims, of an international economy characterised by such high levels of insecurity.

81. Similarly, growing poverty has implications for the global community as a whole as it spills over from the developing world through enforced migration, various forms of political and religious extremism and such manifestations as the drug trade. All countries have an interest in ensuring that the concept of collective security embraces effective actions to end global poverty.

82. Insecurity could originate too from environmental disturbances. Evidence is growing that certain kinds of development are undermining natural systems and threatening widespread social disruption. Poverty and environmental destruction interact to create a downward spiral of activity that can result in migrations of environmental refugees, the spread of deserts and deforested zones, and conflicts over water and watershed use. Pollution has an increasingly cross-border character—as with acid rain and nuclear contamination. Some of the global environmental commons which are the responsibility of the international community as a whole—the oceans, Antarctica, the atmosphere and space—face serious problems unless multilaterally agreed, equitable rules can be collectively applied. Some environmental challenges are world-wide in scale, such as the threat to the ozone layer and the possibility of global warming. Climate change could have far-reaching effects on patterns of settlement and economic organisation. The interaction of poverty, military conflict, and environmental destruction in parts of Africa illustrates in an extreme form the cumulative nature of the threats these problems could pose, if not addressed, and the multifaceted character of security. More effective international structures to deal with environmental problems are required, at both the regional and the global level. They should bolster and expand, but include the important efforts of the United Nations Environment Programme. New institutional authorities within the United Nations and the various regional and subregional organisations should be established in order to come to grips with the problem of environmental security.

83. Political oppression and the denial of human rights is a further source of international conflict. Fundamental human rights are guaranteed to all peoples by many international treaties and other documents. These solemn undertakings to protect individual freedoms

and the rights of minorities and to treat all peoples humanely and decently, need to be implemented rigorously by all nations if the sources of international conflict are to be abolished. As a Commission, and as individuals, we particularly deplore the continued oppression and inhumane treatment of the majority of the population in South Africa. The international community must work tirelessly to correct this manifestly unjust situation.

84. The processes of political and military change we have described previously—the emergence of the rule of law and progress towards the abolition of weapons of mass destruction and conventional disarmament— would in themselves provide considerable momentum for economic and social development and environmental protection. But the relationship between disarmament and development will only be interactive and mutually reinforcing if nations have the political will to make it so. The present moment of international opportunity must be used to begin such an interactive process. There is, after all, considerable experience in the conversion of military to civilian production. The period immediately following the signing of the Charter of the United Nations in 1945 was one of rapid and successful economic conversion in both the United States and the Soviet Union—a conversion which made possible rapid economic growth in both countries for a time, even though it was not transformed into a cooperative, reinforcing process.

85. Progress towards the resolution of international conflicts and towards arms control and disarmament in the 1990s should be exploited to divert scientific and technical resources from military to environmental and economic purposes. Weapons programmes utilize skills—in computer and communications technologies, in atmospheric and ocean research, in energy physics, to name just a few—which are urgently needed for economic development. New technologies could permit developing nations to “leapfrog” over entire stages of industrial technology which are highly destructive of the environment. Satellites and space technology are needed not only to verify arms control agreements, but also for environmental monitoring. Biological research should be utilised not for military purposes, but to eradicate disease, to improve the environment and to provide the food so desperately needed in parts of the world.

86. Common security imposes global obligations to end economic insecurity no less than political conflict and war. The Brandt Commission on International Development Issues and the Brundtland Commission on Environment and Development have pointed the way

forward. We urge the international community to pursue the paths they have marked out.

87. Many obstacles must be surmounted as the current sense of international opportunity is turned into concrete achievements. International hostilities and suspicions derived from decades of conflict and warfare cannot be erased overnight. But as they fade into history, a far better world—one with far less violence and far greater security for all—can be created. Common security can be transformed from an idea, a concept, into the common condition of human beings everywhere. New forms of international co-operation, going beyond the present international structure, may well be needed. What is required to make this a reality is nothing more and nothing less than continued concerted efforts involving the entire community of nations. As we bring to a close our work as the Palme Commission, we look forward to this future, not only with hope but with confidence.

159

Conventional Arms Control: Statement of the Ministerial Session of the North Atlantic Council

Brussels, 8-9 December 1988

In their statement "Conventional Arms Control: The Way Ahead", the heads of State and Government participating in the meeting of the North Atlantic Council in March 1988 emphasised that the imbalance in conventional forces remains at the core of Europe's security concerns. We shall be presenting specific proposals at the negotiating table to redress this imbalance.

We look forward to the early commencement of the two negotiations we have proposed, one on conventional stability between the 23 members of the two military alliances in Europe and one on confidence- and security-building measures among all 35 signatories of the Helsinki Final Act.

In these negotiations, we will be guided by:

- The conviction that the existing military confrontation is the result, not the cause, of the painful division of Europe;
- The principle of the indivisible security of all our nations. We shall reject calls for partial security arrangements or proposals aimed at separate agreements;
- The hope that the new thinking in the Soviet Union will open the way for mutual agreement on realistic, militarily significant and verifiable arrangements which enhance security at lower levels.

Towards Stability

The major threat to stability in Europe comes from those weapons systems which are capable of mounting large-scale offensive operations

and of seizing and holding territory. These are above all main battle tanks, artillery and armoured troop carriers. It is in these very systems that the East has such a massive preponderance. Indeed, the Soviet Union itself possesses more tanks and artillery than all the other members of the Warsaw Pact and the Alliance combined. And they are concentrated in a manner which raises grave concerns about the strategy which they are intended to support as well as their role in maintaining the division in Europe.

The reductions announced by the Soviet Union are a positive contribution to correcting this situation. They indicated the seriousness with which the conventional imbalances which we have long highlighted as a key problem of European security are now also addressed by the Soviet Government. We also welcome the declared readiness of the Soviet Union to adjust their force posture. The important thing is now to build on these hopeful developments at the negotiating table in order to correct the large asymmetries that will still remain and to secure a balance at lower levels of forces. For this, it will be necessary to deal with the location, nationality and the state of readiness of forces, as well as their numbers. Our proposals will address these issues in the following specific ways:

- We shall propose an overall limit on the total holdings of armaments in Europe. This limit should be substantially lower than existing levels, in the case of tanks close to a half. This would mean an overall limit of about 40,000 tanks.
- In our concept of stability, no country should be able to dominate the continent by force of arms. We shall therefore also propose that no country should be entitled to possess more than a fixed proportion, such as 30 per cent, of the total holdings in Europe of the 23 participants in each equipment category. In the case of tanks, this would result in an entitlement of no more than about 12,000 tanks of any one country.
- Limiting numbers and nationality of forces would not by itself affect the stationing of forces on other countries' territory. Stationed forces, particularly those in active combat units, are especially relevant to surprise attack. We shall propose limits on such forces.
- Our proposal will apply to the whole of Europe. In order to avoid undue concentration of these weapon categories in certain areas of Europe, we shall propose appropriate sub-limits.

To buttress the resulting reductions in force levels in the whole of Europe, we shall propose stabilising measures. These could include

measures of transparency, notifications and constraint applied to the deployment, movement and levels of readiness of conventional armed forces, which include conventional armaments and equipment.

Finally, we shall require a rigorous and reliable regime for monitoring and verification. This would include the periodic exchange of detailed data about forces and deployments, and the right to conduct on-site inspections.

Towards Transparency

Greater transparency is an essential requirement for real stability. Therefore, within the framework of the CSCE process, the negotiations on confidence- and security-building measures form an essential complement to those on conventional stability. We are encouraged thus far by the successful implementation of the Stockholm document and we consider that the momentum must be maintained.

In order to create transparency of military organisation, we plan to introduce a proposal for a wide-ranging, comprehensive annual exchange of information concerning military organisation, manpower and equipment as well as major weapon deployment programmes. To evaluate this information we will propose modalities for the establishment of a random evaluation system.

In addition, in order to build on the success of the Stockholm document and to create greater transparency of military activities, we will propose measures in areas such as:

- More detailed information with regard to the notification of military exercises;
- Improvements in the arrangements for observing military activities;
- Greater openness and predictability about military activities;
- A strengthening of the regime for ensuring compliance and verification.

Finally, we shall propose additional measures designed to improve contacts and communications between participating States in the military field: to enhance access for military staffs and media representatives, and to increase mutual understanding of military capabilities, behaviour and force postures. We will also propose modalities for an organised exchange of views on military doctrine tied to actual force structures, capabilities and dispositions in Europe.

A Vision for Europe

We will pursue these distinct negotiations within the framework of the CSCE process, because we believe that a secure peace cannot be achieved without steady progress on all aspects of the confrontation which has divided Europe for more than four decades. Moreover, redressing the disparity in conventional forces in Europe would remove an obstacle to the achievement of the better political relationship between all States of Europe to which we aspire. Conventional arms control must therefore be seen as part of a dynamic process which addresses the military, political, and human aspects of this division.

The implementation of our present proposals and of those we are making for further CSBMs will involve a quantum improvement in European security. We will wish to agree and implement them as soon as possible. In the light of their implementation, we would then be willing to contemplate further steps to enhance stability and security in Europe, for example:

- Further reductions or limitations of conventional armaments and equipment;
- The restructuring of armed forces to enhance defensive capabilities and further reduce offensive capabilities.

Our vision remains that of a continent where military forces only exist to prevent war and to ensure self-defence, not for the purpose of initiating aggression or for political or military intimidation.

160

Joint Statement between the United States of America and the Union of Soviet Socialist Republics Issued Following Meetings in Moscow from 29 May to 1 June 1988

In accordance with the understanding reached during the U.S.-Soviet summit meeting in Geneva in November 1985, and confirmed at the Washington summit in December 1987, Ronald W. Reagan, President of the United States of America, and Mikhail S. Gorbachev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, met in Moscow May 29-June 2, 1988.

Attending on the U.S. side were Secretary of State George P. Shultz; Secretary of Defense Frank C. Carlucci; Chief of Staff Howard H. Baker, Jr.; Assistant to the President for National Security Colin L. Powell; Ambassador at Large and Special Adviser to the President and the Secretary of State on Arms Control Matters, Paul H. Nitze; Special Adviser to the President and the Secretary of State on Arms Control Matters, Ambassador Edward L. Rowny; Ambassador of the U.S. to the USSR Jack F. Matlock; and Assistant Secretary of State for European and Canadian Affairs Rozanne L. Ridgway.

Attending on the Soviet side were Member of the Politburo of the CPSU Central Committee, Chairman of the Presidium of the USSR Supreme Soviet, Andrei A. Gromyko; Member of the Politburo of the CPSU Central Committee, Minister of Foreign Affairs of the USSR Eduard A. Shevardnadze; Member of the Politburo of the CPSU Central Committee, Secretary of the CPSU Central Committee Alexander N. Yakovlev; Alternate Member of the Politburo of the CPSU Central Committee, Minister of Defense of the USSR, Dimitri T. Yazov; Secretary of the CPSU Central Committee Anatoly F. Dobrynin;

Assistant of the General Secretary of the CPSU Central Committee, Anatoly S. Chernyaev; Deputy Minister of Foreign Affairs of the USSR, Alexander A. Bessmertnykh; and Ambassador of the USSR to the United States of America Yuri V. Dubinin.

The President and the General Secretary view the Moscow summit as an important step in the process of putting U.S.-Soviet relations on a more productive and sustainable basis. Their comprehensive and detailed discussions covered the full agenda of issues to which the two leaders agreed during their initial meeting in Geneva in November, 1985 — an agenda encompassing arms control, human rights and humanitarian matters, settlement of regional conflicts, and bilateral relations. Serious differences remain on important issues; the frank dialogue which has developed between the two countries remains critical to surmounting these differences.

The talks took place in a constructive atmosphere which provided ample opportunity for candid exchange. As a result, the sides achieved a better understanding of each other's positions. The two leaders welcomed the progress achieved in various areas of U.S.-Soviet relations since their last meeting in Washington, notwithstanding the difficulty and complexity of the issues. They noted with satisfaction numerous concrete agreements which have been achieved, and expressed their determination to redouble efforts in the months ahead in areas where work remains to be done. They praised the creative and intensive efforts made by representatives of both sides in recent months to resolve outstanding differences.

Assessing the state of U.S.-Soviet relations, the President and the General Secretary underscored the historic importance of their meetings in Geneva, Reykjavik, Washington, and Moscow in laying the foundation for a realistic approach to the problems of strengthening stability and reducing the risk of conflict. They reaffirmed their Solemn conviction that a nuclear war cannot be won and must never be fought, their determination to prevent any war between the United States and Soviet Union, whether nuclear or conventional, and their disavowal of any intention to achieve military superiority.

The two leaders are convinced that the expanding political dialogue they have established represents an increasingly effective means of resolving issues of mutual interest and concern. They do not minimize the real differences of history, tradition and ideology which will continue to characterize the U.S.-Soviet relationship. But they believe that the dialogue will endure, because it is based on realism and focused on the achievement of concrete results. It can serve as a constructive basis

for addressing not only the problems of the present, but of tomorrow and the next century. It is a process which the President and the General Secretary believe serves the best interests of the peoples of the United States and the Soviet Union, and can contribute to a more stable, more peaceful and safer world.

I. Arms Control

The President and the General Secretary, having expressed the commitment of their two countries to build on progress to date in arms control, determined objectives and next steps on a wide range of issues in this area. These will guide the efforts of the two governments in the months ahead as they work with each other and with other states toward equitable, verifiable agreements that strengthen international stability and security.

INF

The President and the General Secretary signed the protocol on the exchange of instruments of ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles. The two leaders welcomed the entry into force of this historic agreement, which for the first time will eliminate an entire class of U.S. and Soviet nuclear arms, and which sets new standards for arms control. The leaders are determined to achieve the full implementation of all the provisions and understandings of the Treaty, viewing joint and successful work in this respect as an important precedent for future arms control efforts.

Nuclear and Space Talks

The two leaders noted that a Joint Draft Text of a Treaty on Reduction and Limitation of Strategic Offensive Arms has been elaborated. Through this process, the sides have been able to record in the Joint Draft Text extensive and significant areas of agreement and also to detail positions on remaining areas of disagreement. While important additional work is required before this Treaty is ready for signature, many key provisions are recorded in the Joint Draft Text and are considered to be agreed, subject to the completion and ratification of the Treaty.

Taking into account a Treaty on Strategic Offensive Arms, the sides have continued negotiations to achieve a separate agreement concerning the ABM Treaty building on the language of the Washington Summit Joint Statement dated December 10, 1987. Progress was noted

in preparing the Joint Draft Text of an associated Protocol. In connection with their obligations under the Protocol, the sides have agreed in particular to use the Nuclear Risk Reduction Centers for transmission of relevant information. The leaders directed their negotiators to prepare the Joint Draft Text of a separate agreement and to continue work on its associated Protocol.

The Joint Draft Treaty on Reduction and Limitation of Strategic Offensive Arms reflects the earlier understanding on establishing ceilings of no more than 1,600 strategic offensive delivery systems and 6,000 warheads as well as agreement on subceilings of 4,900 on the aggregate of ICBM and SLBM warheads and 1,540 warheads on 154 heavy missiles.

The draft Treaty also records the sides' agreement that as a result of the reductions the aggregate throw-weight of the Soviet Union's ICBMs and SLBMs will be reduced to a level approximately 50 percent below the existing level and this level will not be exceeded.

During the negotiations the two sides have also achieved understanding that in future work on the Treaty they will act on the understanding that on deployed ICBMs and SLBMs of existing types the counting rule will include the number of warheads referred to in the Joint Statement of December 10, 1987, and the number of warheads which will be attributed to each new type of ballistic missile will be subject to negotiation.

In addition, the sides agreed on a counting rule for heavy bomber armaments according to which heavy bombers equipped only for nuclear gravity bombs and SRAMs will count as one delivery vehicle against the 1,600 limit and one warhead against the 6000 limit.

The delegations have also prepared Joint Draft Texts of an Inspection Protocol, a Conversion or Elimination Protocol, and a Memorandum of Understanding on data, which are integral parts of the Treaty. These documents build on the verification provisions of the INF Treaty, extending and elaborating them as necessary to meet the more demanding requirements of START. The START verification measures will, at a minimum, include:

- A. Data exchanges, to include declarations and appropriate notifications on the number and location of weapons systems limited by START, including locations and facilities for production, final assembly, storage, testing, repair, training, deployment, conversion, and elimination of such systems. Such declarations will be exchanged between the sides before the Treaty is signed and updated periodically.

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- B. Baseline inspections to verify the accuracy of these declarations.
 - C. On-site observation of elimination of strategic systems necessary to meet the agreed limits.
 - D. Continuous on-site monitoring of the perimeter and portals of critical production facilities to confirm the output of weapons to be limited.
 - E. Short-notice on-site inspection of:
 - (i) declared locations during the process of reducing to agreed limits;
 - (ii) locations where systems covered by this Treaty remain after achieving the agreed limits; and
 - (iii) locations where such systems have been located (formerly declared facilities).
 - F. Short-notice inspection, in accordance with agreed upon procedures, of locations where either side considers covert deployment, production, storage or repair of strategic offensive arms could be occurring.
 - G. Prohibition of the use of concealment or other activities which impede verification by National Technical Means. Such provisions would include a ban on telemetry encryption and would allow for full access to all telemetric information broadcast during missile flight.
 - H. Procedures that enable verification of the number of warheads on deployed ballistic missiles of each specific type, including on-site inspection.
 - I. Enhanced observation of activities related to reduction and limitation of strategic offensive arms by National Technical Means. These would include open displays of treaty-limited items at missile bases, bomber bases, and submarine ports at locations and times chosen by the inspecting party.

The two sides have also begun to exchange data on their strategic forces.

During the course of this meeting in Moscow, the exchanges on START resulted in the achievement of substantial additional common ground, particularly in the areas of ALCMs and the attempts to develop and agree, if possible, on a solution to the problem of verification of mobile ICBMs. The details of this additional common ground have been recorded in documents exchanged between the sides. The Delegations in Geneva will record these gains in the Joint Draft Text of the START Treaty.

The sides also discussed the question of limiting long-range, nuclear-armed SLCMs.

Ronald Reagan and M.S. Gorbachev expressed their joint confidence that the extensive work done provides the basis for concluding the Treaty on Reduction and Limitation of Strategic Offensive Arms which will promote strategic stability and strengthen security not only of the peoples of the USSR and the USA, but of all mankind.

Guided by this fundamental agreement, the U.S. President and the General Secretary of the Central Committee of the CPSU agreed to continue their efforts in this area energetically and purposefully. The Delegations of the two countries have been instructed to return to Geneva on July 12, 1988. It has been agreed as a matter of principle that, once the remaining problems are solved and the Treaty and its associated documents are agreed, they will be signed without delay.

Ballistic Missile Launch Notifications

The Agreement between the U.S. and the USSR on Notifications of Launches of Intercontinental Ballistic Missiles and Submarine-Launched Ballistic Missiles, signed during the Moscow summit, is a practical new step, reflecting the desire of the sides to reduce the risk of outbreak of nuclear war, in particular as a result of misinterpretation, miscalculation or accident.

Nuclear Testing

The leaders reaffirmed the commitment of the two sides to conduct in a single forum full-scale, stage-by-stage negotiations on the issues relating to nuclear testing. In these negotiations the sides as the first step will agree upon effective verification measures which will make it possible to ratify the U.S.-USSR Threshold Test Ban Treaty of 1974 and Peaceful Nuclear Explosions Treaty of 1976, and proceed to negotiating further intermediate limitations on nuclear testing leading to the ultimate objective of the complete cessation of nuclear testing as part of an effective disarmament process. This process, among other things, would pursue, as the first priority, the goal of the reduction of nuclear weapons, and, ultimately, their elimination. In implementing the first objective of these negotiations, agreement upon effective verification measures for the U.S.-USSR Threshold Test Ban Treaty of 1974, the sides agreed to design and conduct a Joint Verification Experiment at each other's test sites.

The leaders therefore noted with satisfaction the signing of the Joint Verification Experiment Agreement, the considerable preparation

underway for the Experiment, and the positive cooperation being exhibited in particular by the substantial numbers of personnel now engaged in work at each other's test sites. They also noted the substantial progress on a new Protocol to the Peaceful Nuclear Explosions Treaty and urged continuing constructive negotiations on effective verification measures for the Threshold Test Ban Treaty.

Expressing their conviction that the progress achieved so far forms a solid basis for continuing progress on issues relating to nuclear testing, the leaders instructed their negotiators to complete expeditiously the preparation of a protocol to the Peaceful Nuclear Explosions Treaty and to complete the preparation of a Protocol to the Threshold Test Ban Treaty as soon as possible after the Joint Verification Experiment has been conducted and analysed. They confirmed their understanding that verification measures for the TTBT will, to the extent appropriate, be used in further nuclear test limitation agreements which may subsequently be reached. They also declared their mutual intention to seek ratification of both the 1974 and 1976 Treaties when the corresponding protocols to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty are completed, and to continue negotiations as agreed in the Washington joint summit statement.

Nuclear Non-Proliferation

The two leaders noted that this year marks the 20th Anniversary of the Nuclear Non-Proliferation Treaty, one of the most important international arms control agreements with over 130 adherents. They reaffirmed their conviction that universal adherence to the NPT is important to international peace and security. They expressed the hope that each State not a party to the Treaty will join it, or make an equally binding commitment under international law to forgo acquisition of nuclear weapons and prevent nuclear weapons proliferation. This will enhance the possibility of progress toward reducing nuclear armaments and reduce the threat of nuclear war.

The two leaders also confirmed their support of the International Atomic Energy Agency, and agreed that they would continue efforts to further strengthen it. They reaffirmed the value of their regular consultations on non-proliferation and agreed that they should continue.

Nuclear Risk Reduction Centers

The leaders expressed satisfaction over the activation of the new communications link between the Nuclear Risk Reduction Centers in

Moscow and Washington, established in accordance with the U.S.-Soviet agreement of September 15, 1987. It was agreed that the Centers can play an important role in the context of a future Treaty on reducing U.S. and Soviet strategic nuclear arms.

Chemical Weapons

The leaders reviewed the status of ongoing multilateral negotiations and bilateral U.S.-Soviet consultations toward a comprehensive, effectively verifiable, and truly global ban on chemical weapons, encompassing all chemical weapons-capable states. They also expressed concern over the growing problem of chemical weapons proliferation and use.

The leaders reaffirmed the importance of efforts to address, as a matter of continuing urgency, the unique challenges of a chemical weapons ban and to achieve an effective convention. While noting the progress already achieved in the talks and the difficult problems with regard to effective monitoring of the global prohibition of chemical weapons and the non-use of dual-capable chemicals for chemical weapons purposes, the leaders underlined the need for concrete solutions to the problems of ensuring effective verification and undiminished security for all convention participants. They gave instructions to their respective delegations to this effect.

Both sides agreed on the vital importance of greater openness by all States as a way to build confidence and strengthen the foundation for an effective convention. The leaders also emphasised the necessity of close coordination on a multilateral basis in order to ensure the participation of all CW-possessing and CW-capable states in the convention.

Both sides strongly condemned the dangerous spread and illegal use of chemical weapons in violation of the 1925 Geneva Protocol. They stressed the importance of both technical and political solutions to this problem and confirmed their support for international investigations of suspected violations. Noting the initial efforts being made to control the export of chemicals used in manufacturing chemical weapons, the leaders called on all nations with the capability of producing such chemicals to institute stringent export controls to inhibit the proliferation of chemical weapons.

Conventional Arms Control

The leaders emphasised the importance of strengthening stability and security in the whole of Europe. They welcomed progress to date

on development of a mandate for new negotiations on armed forces and conventional armaments. They expressed their hope for an early and balanced conclusion to the Vienna CSCE Follow-Up Meeting. The President and the General Secretary also noted that full implementation of the provisions of the document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe can significantly increase openness and mutual confidence.

They also discussed the situation in the Mutual and Balanced Force Reduction (MBFR) negotiations in Vienna.

Conference on Security and Cooperation in Europe

They expressed their commitment to further development of the CSCE process. The U.S. and USSR will continue to work with the other 33 participants to bring the Vienna CSCE follow-up meeting to a successful conclusion, through significant results in all the principal areas of the Helsinki Final Act and Madrid Concluding Document.

Ballistic Missile Technology Proliferation

The leaders agreed to bilateral discussions at the level of experts on the problem of proliferation of ballistic missile technology.

Third Special Session of the UN General Assembly

The President and the General Secretary noted the importance of the ongoing Third Special Session on Disarmament.

II. Human Rights and Humanitarian Concerns

The President and the General Secretary engaged in a detailed discussion of human rights and humanitarian concerns. The leaders reviewed the increasingly broad and detailed U.S.-Soviet dialogue in this area and agreed that it should be conducted at all levels in order to achieve sustained, concrete progress. They noted that this dialogue should seek to maximize assurance of the rights, freedoms and human dignity of individuals; promotion of people-to-people communications and contacts; active sharing of spiritual, cultural, historical and other values; and greater mutual understanding and respect between the two countries. Toward this end, they discussed the possible establishment of a forum which, meeting regularly, would bring together participants from across the range of their two societies. They noted steps already taken to establish the exchange of information and contacts between legislative bodies of both countries, as well as discussions between legal experts, physicians and representatives of

other professions directly involved in matters pertaining to human rights, and between representatives of non-governmental organisations.

III. Regional Issues

The President and the General Secretary thoroughly discussed a wide range of regional questions, including the Middle East, the Iran-Iraq war, southern Africa, the Horn of Africa, Central America, Cambodia, the Korean Peninsula, and other issues. They expressed satisfaction with the April 1988 conclusion in Geneva of accords on an Afghanistan settlement. Although the discussions revealed serious differences both in the assessment of the causes of regional tensions and in the means to overcome them, the leaders agreed that these differences need not be an obstacle to constructive interaction between the U.S. and USSR.

They reaffirmed their intention to continue U.S.-Soviet discussions at all levels aimed at helping parties to regional conflicts find peaceful solutions which advance their independence, freedom and security. They emphasised the importance of enhancing the capacity of the United Nations and other international institutions to contribute to the resolution of regional conflicts.

IV. Bilateral Affairs

The President and the General Secretary reviewed progress in further expanding bilateral contacts, exchanges and cooperation since their meeting in Washington, D.C. in December 1987. They noted the increasingly important role that mutually beneficial interchange between the two countries can play in improving mutual understanding and providing stability in the U.S.-Soviet relationship. They stated their intention to intensify such ties.

They noted with particular satisfaction that concrete agreements had been reached in most of the areas identified at their meetings in Geneva, Reykjavik and Washington.

Bilateral Agreements and Cooperative Activities

The President and the General Secretary welcomed the conclusion of a number of bilateral agreements which open new opportunities for fruitful cooperation in the following fields: cooperation in transportation, science and technology; maritime search and rescue; operational coordination between U.S. and Soviet radionavigation systems in the Northern Pacific and Bering Sea; and mutual fisheries relations.

The two leaders welcomed the recent signing of a new Memorandum on Civilian Nuclear Reactor Safety under the bilateral agreement on Peaceful Uses of Atomic Energy. There was an exchange of notes to extend that Agreement.

They expressed satisfaction with the recent signing of a new protocol under the bilateral Housing Agreement for cooperation in construction research relating to extreme geological and unusual climatic conditions.

They reviewed the status of negotiations between the two countries concerning maritime shipping, the U.S.-USSR maritime boundary, basic scientific research, and emergency pollution clean-up in the Bering and Chukchi Seas. They instructed their negotiators to accelerate efforts to achieve mutually acceptable agreements in these areas at the earliest opportunity. The two leaders welcomed the start of bilateral discussions on combatting narcotics trafficking. They noted with satisfaction ongoing consultations between the two sides concerning law of the sea, air and sea transportation safety, and areas of mutual interest in the field of law.

Cultural and People-to-People Exchanges

Noting the expansion of exchanges in the areas of education, science, culture and sports under the General Exchanges Agreement, the two leaders welcomed the signing of a new implementing programme for 1989-91 under the Agreement and expressed their intention to continue expansion of such exchanges. During the time in which this programme is in force, the two sides, taking into consideration their mutual interest as well as financial and technical conditions, will conduct negotiations on the opening of culture information centers in the U.S. and the USSR with the aim of signing an appropriate agreement on behalf of the governments of both countries.

They expressed satisfaction that, over the course of their dialogue, people-to-people contacts and exchanges between non-governmental organisations have significantly increased and become one of the most dynamic elements in the bilateral relationship. They reaffirmed their commitment to further growth of such exchanges, which contribute to mutual understanding, and welcomed plans for increased exchanges of young people in the future. In this context, they expressed their readiness to consider in practical terms the idea of further developing exchanges of high school students. They cited recent joint U.S.-Soviet initiatives on culture, theater and the cinema as examples of new opportunities to engage those involved in the creative arts.

Noting the rapidly growing sports ties between the two countries, including their national Olympic committees, the two leaders expressed their support for the International Olympic movement, which promotes international cooperation and understanding through athletic competition.

Other Cooperative Activities

The President and the General Secretary noted the successful expansion of scientific cooperation within the framework of bilateral agreements in Environmental Protection, Medical Science and Public Health, Artificial Heart Research and Development, Agriculture, and Studies of the World Ocean, and expressed their intention to continue to expand activities under these Agreements in areas of mutual benefit to the two sides.

The President and the General Secretary noted with pleasure the commencement of work on a conceptual design of an International Thermonuclear Experimental Reactor (ITER), under the auspices of the International Atomic Energy Agency, between scientists and experts from the United States, Soviet Union, European Atomic Energy Community, and Japan. The two leaders noted the significance of this next step toward the development of fusion power as a cheap, environmentally sound and essentially inexhaustible energy source for the benefit of all mankind.

The President and the General Secretary welcomed agreement by representatives of the United States, Soviet Union, Canada and France to institutionalize in the near future the COSPAS/SARSAT space-based, life-saving global search and rescue system.

Both leaders reaffirmed their support for the WHO/UNICEF goal of reducing the scale of preventable childhood death through the most effective methods of saving children. They urged other countries and the international community to intensify efforts to achieve this goal.

Global Climate and Environmental Change Initiative

The two leaders expressed their satisfaction with activities since the Washington summit in expanding cooperation with respect to global climate and environmental change, including in areas of mutual concern relating to environmental protection, such as protection and conservation of stratospheric ozone and a possible global warming trend. They emphasised their desire to make more active use of the unique opportunities afforded by the space programmes of the two countries to conduct global monitoring of the environment and the

ecology of the Earth's land, oceans and atmosphere. They underscored the need to continue to promote both bilateral and multilateral cooperation in this important area in the future.

Initiative for Expanded Civil Space Cooperation

Recognising the long-standing commitment of both countries to space science and exploration, and noting the progress made under the 1987 U.S.-USSR Cooperative Agreement in the Exploration and Use of Outer Space for Peaceful Purposes, the two leaders agreed to a new initiative to expand civil space cooperation by exchanging flight opportunities for scientific instruments to fly on each other's spacecraft, and by exchanging results of independent national studies of future unmanned solar system exploration missions as a means of assessing prospects for further U.S.-Soviet cooperation on such missions. They also agreed to expand exchanges of space science data and of scientists, to enhance the scientific benefit that can be derived from the two countries' space research missions. They noted scientific missions to the Moon and Mars as areas of possible bilateral and international cooperation.

Arctic Contacts and Cooperation

Taking into account the unique environmental, demographic and other characteristics of the Arctic, the two leaders reaffirmed their support for expanded bilateral and regional contacts and cooperation in this area. They noted plans and opportunities for increased scientific and environmental cooperation under a number of bilateral agreements as well as within an International Arctic Science Committee of States with interests in the region. They expressed their support for increased people-to-people contacts between the native peoples of Alaska and the Soviet North.

The President and the General Secretary noted the positive role played by the multilateral Antarctic Treaty and emphasised the importance of U.S.-Soviet scientific and environmental cooperation in that region.

Trade and Economic Affairs

The two sides reconfirmed their strong support for the expansion of mutually beneficial trade and economic relations and noted recent activity in this area. They reiterated their belief that commercially viable joint ventures complying with the laws and regulations of both countries could play a role in the further development of commercial relations. They welcomed the results of the meeting of the Joint U.S.-

USSR Commercial Commission in April and noted with satisfaction that working groups had been created under the Commission to further the establishment of better conditions under which mutually advantageous trade can develop. Taking note of the 1974 Joint Statement and Protocol amending the Long-Term Agreement between the United States of America and the Union of Soviet Socialist Republics to Facilitate Economic, Industrial and Technical Cooperation issued at the conclusion of the Joint Commercial Commission, they agreed that the Commission should continue to meet to build upon the forward momentum which has been generated.

The two leaders cited expanding relations between Aeroflot and Pan American Airlines under the government-to-government Civil Air Transportation Agreement as a positive example of mutually beneficial cooperation.

Consulates Exchange/Diplomatic and Consular Missions

The President and the General Secretary reaffirmed their agreement to open Consulates General in Kiev and New York as soon as practicable.

The two leaders discussed questions relating to ensuring adequate and secure conditions for U.S. and Soviet diplomatic and consular establishments and their personnel in each other's territory. They agreed on the need to approach problems relating to such matters constructively and on the basis of reciprocity.

V. Future Meetings

The President and the General Secretary, recognising the importance of their personal involvement in the development of relations in the months ahead, instructed Secretary of State Shultz and Foreign Minister Shevardnadze to meet as necessary and to report to them on ways to ensure continued practical progress across the full range of issues. Expert-level contacts will also continue on an intensified basis.

161

Joint Statement Between the President of the United States of America and the General Secretary of the Central Committee of the Communist Party of the Soviet Union Washington, D.C., 10 December 1987 (excerpts)

The leaders reviewed progress to date in fulfilling the broad agenda that they agreed on at Geneva and advanced at Reykjavik. They took particular satisfaction in the conclusion over the last two years of important agreements in some areas of that agenda.

The President and the General Secretary affirmed the fundamental importance of their meetings at Geneva and Reykjavik, which laid the basis for concrete steps in a process intended to improve strategic stability and reduce the risk of conflict. They will continue to be guided by their solemn conviction that a nuclear war cannot be won and must never be fought. They are determined to prevent any war between the United States and the Soviet Union, whether nuclear or conventional. They will not seek to achieve military superiority.

The two leaders recognised the special responsibility of the United States and the Soviet Union to search for realistic ways to prevent confrontation and to promote a more sustainable and stable relationship between their countries. To this end, they agreed to intensify dialogue and to encourage emerging trends towards constructive co-operation in all areas of their relations. They are convinced that in doing so they will also contribute, with other nations, to the building of a safer world as humanity enters the third millennium.

I. ARMS CONTROL

The INF Treaty

The two leaders signed the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles. This Treaty is historic both for its objective—the complete elimination of an entire class of United States and Soviet nuclear arms—and for the innovative character and scope of its verification provisions. This mutual accomplishment makes a vital contribution to greater stability.

Nuclear and Space Talks

The President and the General Secretary discussed the negotiations on reductions in strategic offensive arms. They noted the considerable progress that has been made towards conclusion of a treaty implementing the principle of 50 per cent reductions. They agreed to instruct their negotiators in Geneva to work towards the completion of the Treaty on the Reduction and Limitation of Strategic Offensive Arms and all integral documents at the earliest possible date, preferably in time for signature of the treaty during the next meeting of leaders of State in the first half of 1988. Recognising that areas of agreement and disagreement are recorded in detail in the Joint Draft Treaty Text, they agreed to instruct their negotiators to accelerate resolution of issues within the Joint Draft Treaty Text including early agreement on provisions for effective verification.

In so doing, the negotiators should build upon the agreements on 50 per cent reductions achieved at Reykjavik as subsequently developed and now reflected in the agreed portions of the Joint Draft START Treaty Text being developed in Geneva, including agreement on ceilings of no more than 1,600 strategic offensive delivery systems, 6,000 warheads, 1,540 warheads on 154 heavy missiles; the agreed rule of account for heavy bombers and their nuclear armament; and an agreement that, as a result of the reductions, the aggregate throw-weight of the Soviet Union's ICBMs and SLBMs will be reduced to a level approximately 50 per cent below the existing level, and this level will not be exceeded by either side. Such an agreement will be recorded in a mutually satisfactory manner.

As priority tasks, they should focus on the following issues:

- (A) The additional steps necessary to ensure that the reductions enhance strategic stability. This will include a ceiling of 4,900 on the aggregate number of ICBM plus SLBM warheads within the 6,000 total;

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- (B) The counting rules governing the number of long-range, nuclear-armed air-launched cruise missiles (ALCMs) to be attributed to each type of heavy bomber. The delegations shall define concrete rules in this area;
- (C) The counting rules with respect to existing ballistic missiles. The sides proceed from the assumption that existing types of ballistic missiles are deployed with the following numbers of warheads. In the United States: PEACEKEEPER (MX):10, MINUTEMAN III:3, MINUTEMAN II:1, TRIDENT 1:8, TRIDENT 11:8, POSEIDON:10. In the Soviet Union: SS-17:4, SS-19:6, SS-18:10, SS-24:10, SS-25:1, SS-11:1, SS-13:1, SS-N-6:1, SS-N-8:1, SS-N-17:1, SS-N-18:7, SS-N-20:10 and SS-N-23:4. Procedures will be developed that enable verification of the number of warheads on deployed ballistic missiles of each specific type. In the event either side changes the number of warheads declared for a type of deployed ballistic missile, the sides shall notify each other in advance. There shall also be agreement on how to account for warheads on future types of ballistic missiles covered by the Treaty on the Reduction and Limitation of Strategic Offensive Arms;
- (D) The sides shall find a mutually acceptable solution to the question of limiting the deployment of long-range, nuclear-armed SLCMs. Such limitations will not involve counting long-range, nuclear-armed SLCMs within the 6,000 warhead and 1,600 strategic offensive delivery systems limits. The sides committed themselves to establishing ceilings on such missiles, and to seek mutually acceptable and effective methods of verification of such limitations, which could include the employment of National Technical Means, co-operative measures and on-site inspection;
- (E) Building upon the provisions of the Treaty on the Elimination of their Intermediate-Range and Shorter-Range Missiles, the measures by which the provisions of the Treaty on the Reduction and Limitation of Strategic Offensive Arms can be verified will, at a minimum, include:
- (i) Data exchanges, to include declarations by each side of the number and location of weapon systems limited by the Treaty and of facilities at which such systems are located and appropriate notifications. These facilities will include locations and facilities for production and final assembly, storage, testing, and deployment of systems covered by this

- Treaty. Such declarations will be exchanged between the sides before the Treaty is signed and updated periodically after entry into force;
- (ii) Baseline inspection to verify the accuracy of these declarations promptly after entry into force of the Treaty;
 - (iii) On-site observation of the elimination of strategic systems necessary to achieve the agreed limits;
 - (iv) Continuous on-site monitoring of the perimeter and portals of critical production and support facilities to confirm the output of these facilities;
 - (v) Short-notice on-site inspection of:
 - (a) Declared locations during the process of reducing to agreed limits;
 - (b) Locations where systems covered by this Treaty remain after achieving the agreed limits; and
 - (c) Locations where such systems have been located (formerly declared facilities);
 - (vi) The right to implement, in accordance with agreed-upon procedures, short-notice inspections at locations where either side considers covert deployment, production, storage or repair of strategic offensive arms could be occurring;
 - (vii) Provisions prohibiting the use of concealment or other activities which impede verification by national technical means. Such provisions would include a ban on telemetry encryption and would allow for full access to all telemetric information broadcast during missile flight;
 - (viii) Measures designed to enhance observation of activities related to reduction and limitation of strategic offensive arms by National Technical Means. These would include open displays of treaty limited items at missile bases, bomber bases, and submarine ports at locations and times chosen by the inspecting party.

Taking into account the preparation of the Treaty on strategic offensive arms, the leaders of the two countries also instructed their delegations in Geneva to work out an agreement that would commit the sides to observe the ABM Treaty as signed in 1972, while conducting their research, development, and testing as required, which are permitted by the ABM Treaty, and not to withdraw from the ABM Treaty, for a specified period of time. Intensive discussions of strategic

stability shall begin not later than three years before the end of the specified period, after which, in the event the sides have not agreed otherwise, each side will be free to decide its course of action. Such an agreement must have the same legal status as the Treaty on strategic offensive arms, the ABM Treaty, and other similar, legally binding agreements. This agreement will be recorded in a mutually satisfactory manner. Therefore, they direct their delegations to address these issues on a priority basis.

The sides shall discuss ways to ensure predictability in the development of the United States-Soviet strategic relationship under conditions of strategic stability, to reduce the risk of nuclear war.

Other Arms Control Issues

The President and the General Secretary reviewed a broad range of other issues concerning arms limitation and reduction. The sides emphasised the importance of productive negotiations on security matters and advancing in the main areas of arms limitation and reduction through equitable, verifiable agreements that enhance security and stability.

Nuclear Testing

The two leaders welcomed the opening, on 9 November 1987 of full-scale, step-by-step negotiations, in accordance with the joint statement adopted at Washington on 17 September 1987, by the Secretary of State of the United States of America and the Minister for Foreign Affairs of the Union of Soviet Socialist Republics:

The United States and Soviet sides have agreed to begin, before 1 December 1987, full-scale stage-by-stage negotiations, which will be conducted in a single forum. In these negotiations, the sides as the first step will agree upon effective verification measures, which will make it possible to ratify the United States-Union of Soviet Socialist Republics Threshold Test Ban Treaty of 1974 and Peaceful Nuclear Explosions Treaty of 1976, and proceed to negotiating further intermediate limitations on nuclear testing leading to the ultimate objective of the complete cessation of nuclear testing as part of an effective disarmament process. This process, among other things, would pursue, as the first priority, the goal of the reduction of nuclear weapons and, ultimately, their elimination. For the purpose of the elaboration of improved verification measures for the United States-Union of Soviet Socialist Republics Treaties of 1974 and 1976, the sides intend to design and conduct joint verification experiments at each other's test sites. These verification measures will, to the extent appropriate, be

used in further nuclear-test-limitation agreements, which may subsequently be reached. The leaders also welcomed the prompt agreement by the sides to exchange experts' visits to each other's nuclear testing sites in January 1988 and to design and subsequently to conduct a Joint Verification Experiment at each other's test site. The terms of reference for the Experiment are set forth in the statement issued on 9 December 1987, by the Foreign Ministers of the United States and the Soviet Union. The leaders noted the value of these agreements for developing more effective measures to verify compliance with the provisions of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty.

Nuclear Non-proliferation

The President and the General Secretary reaffirmed the continued commitment of the United States and the Soviet Union to the non-proliferation of nuclear weapons and, in particular, to strengthening the Treaty on the Non-Proliferation of Nuclear Weapons. The two leaders expressed satisfaction at the adherence since their last meeting of additional parties to the Treaty, and confirmed their intent to make, together with other States, additional efforts to achieve universal adherence to the Treaty.

The President and the General Secretary expressed support for international cooperation in nuclear safety and for efforts to promote the peaceful uses of nuclear energy, under further strengthened IAEA safeguards and appropriate export controls for nuclear materials, equipment and technology. The leaders agreed that bilateral consultations on non-proliferation were constructive and useful, and should continue.

Nuclear Risk Reduction Centres

The leaders welcomed the signing on 15 September 1987, at Washington, of the agreement to establish Nuclear Risk Reduction Centres in their capitals. The agreement will be implemented promptly.

Chemical Weapons

The leaders expressed their commitment to negotiation of a verifiable, comprehensive and effective international convention on the prohibition and destruction of chemical weapons. They welcomed progress to date and reaffirmed the need for intensified negotiations towards conclusion of a truly global and verifiable convention encompassing all chemical weapons-capable States. The United States and the Soviet Union are in favour of greater openness and intensified

confidence-building with respect to chemical weapons both on a bilateral and a multilateral basis. They agreed to continue periodic discussions by experts on the growing problem of the proliferation and use of chemical weapons.

Conventional Forces

The President and the General Secretary discussed the importance of the task of reducing the level of military confrontation in Europe in the area of armed forces and conventional armaments. The two leaders spoke in favour of early completion of the work in Vienna on the mandate for negotiations on this issue, so that substantive negotiations may be started at the earliest time with a view to elaborating concrete measures. They also noted that the implementation of the provisions of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe is an important factor in strengthening mutual understanding and enhancing stability, and spoke in favour of continuing and consolidating this process. The President and the General Secretary agreed to instruct their appropriate representatives to intensify efforts to achieve solutions to outstanding issues.

Follow-up Meeting of the Conference on Security and Co-operation in Europe

They expressed their determination, together with the other 33 participants in the Conference on Security and Co-operation in Europe, to bring the Vienna CSCE Follow-up Conference to a successful conclusion, based on balanced progress in all principal areas of the Helsinki Final Act and Madrid Concluding Document.

162

Statement on the Ministerial Meeting of the North Atlantic Council

Reykjavik, 11-12 June 1987

1. Our meeting has taken place at a time when developments in East-West relations suggest that real progress may be possible, particularly in the field of arms control. We welcome these developments and will work to ensure that they result in improved security and stability. We note some encouraging signs in Soviet internal and external policies. In assessing Soviet intentions, we agree that the final test will be Soviet conduct across the spectrum from human rights to arms control.

We reaffirm the validity of the complementary principles enunciated in the Harmel Report of 1967. The maintenance of adequate military strength and alliance cohesion and solidarity remains an essential basis for our policy of dialogue and co-operation—a policy which aims to achieve a progressively more stable and constructive East-West relationship.

2. Serious imbalances in the conventional, chemical and nuclear field, and the persisting buildup of Soviet military power, continue to preoccupy us. We reaffirm that there is no alternative, as far as we can foresee, to the alliance concept for the prevention of war—the strategy of deterrence, based on an appropriate mix of adequate and effective nuclear and conventional forces, each element being indispensable. This strategy will continue to rest on the linkage of Free Europe's security to that of North America, since their destinies are inextricably coupled. Thus the US nuclear commitment, the presence of United States nuclear forces in Europe and the deployment of Canadian and United States forces there remain essential.

3. Arms control and disarmament are integral parts of our security policy; we seek effectively verifiable arms control agreements which can lead to a more stable and secure balance of forces at lower levels.

4. We reiterate the prime importance we attach to rapid progress towards reductions in the field of strategic nuclear weapons. We thus welcome the fact that the US and the Soviet Union now share the objective of achieving 50 percent reductions in their strategic arsenals. We strongly endorse the presentation of a US proposal in Geneva to that effect and urge the Soviet Union to respond positively.

We reviewed the current phase of the US-Soviet negotiations in Geneva on defence and space systems which aim to prevent an arms race in space and to strengthen strategic stability. We continue to endorse these efforts.

5. We note the recent progress achieved at the Geneva Conference on Disarmament towards a total ban on chemical weapons. We remain committed to achieving an early agreement on a comprehensive, worldwide and effectively verifiable treaty embracing the total destruction of existing stockpiles within an agreed timeframe and preventing the future production of such weapons.

6. Recognising the increasing importance of conventional stability, particularly at a time when significant nuclear reductions appear possible, we reaffirm the initiatives taken in our Halifax Statement and Brussels Declaration aimed at achieving a comprehensive, stable and verifiable balance of conventional forces at lower levels. We recall that negotiations on conventional stability should be accompanied by negotiations between the 35 countries participating in the CSCE, building upon and expanding the confidence- and security-building measures contained in the Helsinki Final Act and the Stockholm Agreement. We agreed that the two future security negotiations should take place within the framework of the CSCE process, with the conventional stability negotiations retaining autonomy as regards subject matter, participation and procedures. Building on these agreements we took the decisions necessary to enable the High-Level Task Force on Conventional Arms Control, which we established at the Halifax Ministerial, to press ahead with its work on the draft mandates to be tabled in the CSCE meeting and in the conventional stability mandate talks currently taking place in Vienna.

7. Having reviewed progress in the negotiations between the United States and the Soviet Union on an INF agreement, the Allies concerned call on the Soviet Union to drop its demand to retain a portion of its SS-20 capability and reiterate their wish to see all long-range land-

based missiles eliminated in accordance with NATO's long-standing objective. They support the global and effectively verifiable elimination of all US and Soviet land-based SRINF missiles with a range between 500 and 1,000 km as an integral part of an INF agreement. They consider that an INF agreement on this basis would be an important element in a coherent and comprehensive concept of arms control and disarmament which, while consistent with NATO's doctrine of flexible response, would include:

- a 50 per cent reduction in the strategic offensive nuclear weapons of the US and the Soviet Union, to be achieved during current Geneva negotiations;
- the global elimination of chemical weapons;
- the establishment of a stable and secure level of conventional forces, by the elimination of disparities, in the whole of Europe;
- in conjunction with the establishment of a conventional balance and the global elimination of chemical weapons, tangible and verifiable reductions of American and Soviet land-based nuclear missile systems of shorter range, leading to equal ceilings.

8. We have directed the North Atlantic Council in permanent session, working in conjunction with the appropriate military authorities, to consider the future development of a comprehensive concept of arms control and disarmament. The arms control problems faced by the Alliance raise complex and interrelated issues which must be evaluated together, bearing in mind overall progress in the arms control negotiations enumerated above as well as the requirements of alliance security and of its strategy of deterrence.

9. In our endeavour to explore all opportunities for an increasingly broad and constructive dialogue which addresses the concerns of people in both East and West, and in the firm conviction that a stable order of peace and security in Europe cannot be built by military means alone, we attach particular importance to the CSCE process. We are therefore determined to make full use of the CSCE follow-up meeting in Vienna. The full implementation of all provisions agreed in the CSCE process by the 35 participating States, in particular in the field of human rights and contacts, remains the fundamental objective of the Alliance and is essential for the fruitful development of East-West relations in all fields. Recalling our constructive proposals, we shall persist in our efforts to persuade the Eastern countries to live up to their commitments. We will continue to work for a substantive and timely result of the conference.

10. Those of us participating in the MBFR Talks reiterate our desire to achieve a meaningful agreement which provides for reductions, limitations and effective verification, and call upon the Warsaw Pact participants in these talks to respond positively to the very important proposals made by the West in December 1985 and to adopt a more constructive posture in the negotiations.

11. In Berlin's 750th anniversary year, we stress our solidarity with the city, which continues to be an important element in East-West relations. Practical improvements in inner-German relations should in particular be of benefit to Berliners.

12. It is just 40 years since US Secretary of State Marshall delivered his farsighted speech at Harvard University. The fundamental values he expressed, which we all share, and which were subsequently embodied in the Marshall Plan, remain as vital today as they were then.

13. We reiterate our condemnation of terrorism in all its forms. Reaffirming our determination to combat it, we believe that close international co-operation is an essential means of eradicating this scourge.

14. Alliance cohesion is substantially enhanced by the support of freely elected parliamentary representatives and ultimately our publics. We therefore underline the great value of free debate on issues facing the Alliance and welcome the exchanges of views on these issues among the parliamentarians of our countries, including those in the North Atlantic Assembly.

15. We express our gratitude to the Government of Iceland, which makes such a vital contribution to the security of the Alliance's northern maritime approaches, for their warm hospitality.

16. The spring 1988 meeting of the North Atlantic Council in Ministerial Session will be held in Spain in June.

163

Joint Statement of the Six 22 May 1987

Three years ago, on 22 May 1984, we demanded that humanity's survival should not be jeopardised by the threat of a nuclear catastrophe. Today, we make an appeal not to jeopardize the opportunity to start a process of nuclear disarmament.

Since our first appeal, we have welcomed the resumption of the dialogue on nuclear and space issues. At the Geneva summit meeting in November 1985, President Ronald Reagan and General Secretary Mikhail S. Gorbachev declared that "a nuclear war cannot be won and must never be fought." At Reykjavik, there was a clear demonstration that given political will, far-reaching agreements on nuclear disarmament measures could be achieved.

Disarmament negotiations are now at a crucial point. There is a real possibility for an agreement in at least one important area. A breakthrough on the issue of nuclear arms in Europe appears to be within reach.

An agreement to eliminate all intermediate nuclear forces from Europe would be of considerable significance and would constitute the crossing of an important psychological threshold, since, for the first time, it would lead to mutual withdrawal and destruction of fully operational nuclear weapons systems. We, therefore, urge the United States and the Soviet Union to conduct their current negotiations with a view to bringing them to a successful conclusion during 1987.

However, an agreement on intermediate nuclear forces would be only the first step toward our common goal: the total elimination of nuclear weapons everywhere. In the New Delhi and Mexico Declarations, we had called for two important measures: a halting of all nuclear testing and the prevention of an arms race in outer space. We reiterate the crucial importance of these measures.

In Mexico, we made a concrete offer on verification of a halt to nuclear testing. That offer remains.

For too long, fear and mistrust have prevented progress in disarmament. Arms and fears feed on each other. Now is the time to break this vicious circle and lay the foundation for a more secure world. The present momentum should not be lost.

We urge President Reagan and General Secretary Gorbachev to live up to this challenge so that future generations are spared the nightmare of a nuclear holocaust.

164

Statements by the President of the Security Council on behalf of the Council

STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL

S/23500, 31 January 1992

At the conclusion of the 3046th meeting of the Security Council, held at the level of Heads of State and Government on 31 January 1992 in connection with the item entitled "The responsibility of the Security Council in the maintenance of international peace and security", the President of the Security Council issued the following statement on behalf of the members of the Council.

The members of the Security Council have authorised me to make the following statement on their behalf.

The Security Council met at United Nations Headquarters in New York on 31 January 1992, for the first time at the level of heads of State and Government. The members of the Council considered, within the framework of their commitment to the Charter of the United Nations, "The responsibility of the Security Council in the maintenance of international peace and security."

The members of the Security Council consider that their meeting is a timely recognition of the fact that there are new favourable international circumstances under which the Security Council has begun to fulfil more effectively its primary responsibility for the maintenance of international peace and security.

A Time of Change

This meeting of the Council takes place at a time of momentous change. The ending of the cold war has raised hopes for a safer, more equitable and more humane world. Rapid progress has been made, in

many regions of the world, towards democracy and responsive forms of government, as well as towards achieving the Purposes set out in the Charter of the United Nations. The completion of the dismantling of apartheid in South Africa would constitute a major contribution to these Purposes and positive trends, including to the encouragement of respect for human rights and fundamental freedoms.

Last year, under the authority of the United Nations, the international community succeeded in enabling Kuwait to regain its sovereignty and territorial integrity, which it had lost as a result of Iraqi aggression. The resolutions adopted by the Council remain essential to the restoration of peace and stability in the region and must be fully implemented. At the same time, the members of the Council are concerned by the humanitarian situation of the innocent civilian population of Iraq.

The members of the Council support the Middle East peace process, facilitated by the Russian Federation and the United States of America, and hope that it will be brought to a successful conclusion on the basis of Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

The members of the Council welcome the role the United Nations has been able to play under the Charter in progress towards settling long-standing regional disputes, and will work for further progress towards their resolution. They applaud the valuable contribution being made by United Nations peace-keeping forces now operating in Asia, Africa, Latin America and Europe

The members of the Council note that United Nations peace-keeping tasks have increased and broadened considerably in recent years. Election monitoring, human rights verification and the repatriation of refugees have in the settlement of some regional conflicts, at the request or with the agreement of the parties concerned, been integral parts of the Security Council's effort to maintain international peace and security. They welcome these developments.

The members of the Council also recognize that change, however welcome, has brought new risks for stability and security. Some of the most acute problems' result from changes to State structures. The members of the Council will encourage all efforts to help achieve peace, stability and cooperation during these changes.

The international community therefore faces new challenges in the search for peace. All Member States expect the United Nations to play a central role at this crucial stage. The members of the Council

stress the importance of strengthening and improving the United Nations to increase its effectiveness. They are determined to assume fully their responsibilities within the United Nations Organisation in the framework of the Charter.

The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security. The United Nations membership as a whole, working through the appropriate bodies, needs to give the highest priority to the solution of these matters.

Commitment to Collective Security

The members of the Council pledge their commitment to international law and to the Charter of the United Nations. All disputes between States should be peacefully resolved in accordance with the provisions of the Charter.

The members of the Council reaffirm their commitment to the collective security system of the Charter to deal with threats to peace and to reverse acts of aggression. The members of the Council express their deep concern over acts of international terrorism and emphasize the need for the international community to deal effectively with all such acts.

Peacemaking and Peace-keeping

To strengthen the effectiveness of these commitments, and in order that the Security Council should have the means to discharge its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, the members of the Council have decided on the following approach.

They invite the Secretary-General to prepare, for circulation to the Members of the United Nations by 1 July 1992, his analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping.

The Secretary-General's analysis and recommendations could cover the role of the United Nations in identifying potential crises and areas of instability as well as the contribution to be made by regional organisations in accordance with Chapter VIII of the Charter in helping the work of the Council. They could also cover the need for adequate resources, both material and financial. The Secretary-General might

draw on lessons learned in recent United Nations peace-keeping missions to recommend ways of making more effective Secretariat planning and operations. He could also consider how greater use might be made of his good offices, and of his other functions under the Charter.

Disarmament, Arms Control and Weapons of Mass Destruction

The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation, reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.

The members of the Council underline the need for all Member States to fulfil their obligations in relation to arms control and disarmament; to prevent the proliferation in all its aspects of all weapons of mass destruction; to avoid excessive and destabilising accumulations and transfers of arms; and to resolve peacefully in accordance with the Charter any problems concerning these matters threatening or disrupting the maintenance of regional and global stability. They emphasize the importance of the early ratification and implementation by the States concerned of all international and regional arms control arrangements, especially the Strategic Arms Reduction Talks and the Treaty on Conventional Armed Forces in Europe.

The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. The members of the Council commit themselves to working to prevent the spread of technology related to the research for or production of such weapons and to take appropriate action to that end.

On nuclear proliferation, the members of the Council note the importance of the decision of many countries to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 and emphasize the integral role in the implementation of that Treaty of fully effective International Atomic Energy Agency safeguards, as well as the importance of effective export controls. They will take appropriate measures in the case of any violations notified to them by the Agency.

On chemical weapons, the members of the Council support the efforts of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their

Destruction, held at Geneva from 9 to 27 September 1991, with a view to reaching agreement on the conclusion, by the end of 1992, of a universal convention, including a verification regime, to prohibit chemical weapons.

On conventional armaments, they note the General Assembly's vote in favour of a United Nations register of arms transfers as a first step, and in this connection recognize the importance of all States providing all the information called for in the General Assembly's resolution.

In conclusion, the members of the Council affirm their determination to build on the initiative of their meeting in order to secure positive advances in promoting international peace and security. They agree that the Secretary-General has a crucial role to play. The members of the Council express their deep appreciation to the outgoing Secretary-General, His Excellency Javier Perez de Cuellar, for his outstanding contribution to the work of the United Nations, culminating in the signature of the El Salvador peace agreements. They welcome the new Secretary-General, Boutros Boutros-Ghali, and note with satisfaction his intention to strengthen and improve the functioning of the United Nations. They pledge their full support to him, and undertake to work closely with him and his staff in fulfilment of their shared objectives, including a more efficient and effective United Nations system.

The members of the Council agree that the world now has the best chance of achieving international peace and security since the founding of the United Nations. They undertake to work in close cooperation with other United Nations Member States in their own efforts to achieve this, as well as to address urgently all the other problems, in particular those of economic and social development, requiring the collective response of the international community. They recognize that peace and prosperity are indivisible and that lasting peace and stability require effective international cooperation for the eradication of poverty and the promotion of a better life for all in larger freedom.

165

High-Level Meeting of the Security Council: Note by the President of the Security Council on Behalf of the Members

United Nations, New York, 31 January 1992

At the conclusion of the 3046th meeting of the Security Council, held at the level of Heads of State and Government on 31 January 1992 in connection with the item entitled "The responsibility of the Security Council in the maintenance of international peace and security", the President of the Security Council issued the following statement on behalf of the members of the Council.

"The members of the Security Council have authorised me to make the following statement on their behalf."

"The Security Council met at the Headquarters of the United Nations in New York on 31 January 1992, for the first time at the level of Heads of State and Government. The members of the Council considered, within the framework of their commitment to the United Nations Charter, 'The responsibility of the Security Council in the maintenance of international peace and security'.

"The members of the Security Council consider that their meeting is a timely recognition of the fact that there are new favourable international circumstances under which the Security Council has begun to fulfil more effectively its primary responsibility for the maintenance of international peace and security.

A Time of Change

"This meeting takes place at a time of momentous change. The ending of the Cold War has raised hopes for a safer, more equitable and more humane world. Rapid progress has been made, in many regions of the world, towards democracy and responsive forms of

government, as well as towards achieving the Purposes set out in the Charter. The completion of the dismantling of apartheid in South Africa would constitute a major contribution to these Purposes and positive trends, including to the encouragement of respect for human rights and fundamental freedoms."

"Last year, under the authority of the United Nations, the international community succeeded in enabling Kuwait to regain its sovereignty and territorial integrity, which it had lost as a result of Iraqi aggression. The resolutions adopted by the Security Council remain essential to the restoration of peace and stability in the region and must be fully implemented. At the same time, the members of the Council are concerned by the humanitarian situation of the innocent civilian population of Iraq."

"The members of the Council support the Middle East peace process, facilitated by the Russian Federation and the United States, and hope that it will be brought to a successful conclusion on the basis of Council resolutions 242 (1967) and 338 (1973)."

"They welcome the role the United Nations has been able to play under the Charter in progress towards settling long-standing regional disputes, and will work for further progress towards their resolution. They applaud the valuable contribution being made by United Nations peace-keeping forces now operating in Asia, Africa, Latin America and Europe."

"The members of the Council note that United Nations peace-keeping tasks have increased and broadened considerably in recent years. Election monitoring, human rights verification and the repatriation of refugees have in the settlement of some regional conflicts, at the request or with the agreement of the parties concerned, been integral parts of the Security Council's effort to maintain international peace and security. They welcome these developments."

"The members of the Council also recognize that change, however welcome, has brought new risks for stability and security. Some of the most acute problems result from changes to State structures. The members of the Council will encourage all efforts to help achieve peace, stability and cooperation during these changes."

"The international community therefore faces new challenges in the search for peace. All Member States expect the United Nations to play a central role at this crucial stage. The members of the Council stress the importance of strengthening and improving the United Nations to increase its effectiveness. They are determined to assume

fully their responsibilities within the United Nations Organisation in the framework of the Charter.”

“The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security. The United Nations membership as a whole, working through the appropriate bodies, needs to give the highest priority to the solution of these matters.”

Commitment to Collective Security

“The members of the Council pledge their commitment to international law and to the United Nations Charter. All disputes between States should be peacefully resolved in accordance with the provisions of the Charter.”

“The members of the Council reaffirm their commitment to the collective security system of the Charter to deal with threats to peace and to reverse acts of aggression.”

“The members of the Council express their deep concern over acts of international terrorism and emphasize the need for the international community to deal effectively with all such acts.”

Peacemaking and Peace-keeping

“To strengthen the effectiveness of these commitments, and in order that the Security Council should have the means to discharge its primary responsibility under the Charter for the maintenance of international peace and security, the members of the Council have decided on the following approach.”

“They invite the Secretary-General to prepare, for circulation to the Members of the United Nations by 1 July 1992, his analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping.”

“The Secretary-General’s analysis and recommendations could cover the role of the United Nations in identifying potential crises and areas of instability as well as the contribution to be made by regional organisations in accordance with Chapter VIII of the United Nations Charter in helping the work of the Council.”

They could also cover the need for adequate resources, both material and financial. The Secretary-General might draw on lessons learned

in recent United Nations peace-keeping missions to recommend ways of making more effective Secretariat planning and operations. He could also consider how greater use might be made of his good offices, and of his other functions under the United Nations Charter.

Disarmament, Arms Control and Weapons of Mass Destruction

“The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.”

“The members of the Council underline the need for all Member States to fulfil their obligations in relation to arms control and disarmament; to prevent the proliferation in all its aspects of all weapons of mass destruction; to avoid excessive and destabilising accumulations and transfers of arms; and to resolve peacefully in accordance with the Charter any problems concerning these matters threatening or disrupting the maintenance of regional and global stability. They emphasize the importance of the early ratification and implementation by the States concerned of all international and regional arms control arrangements, especially the START and CFE Treaties.”

“The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. The members of the Council commit-themselves to working to prevent the spread of technology related to the research for or production of such weapons and to take appropriate action to that end.”

“On nuclear proliferation, they note the importance of the decision of many countries to adhere to the Non-Proliferation Treaty and emphasize the integral role in the implementation of that Treaty of fully effective IAEA safeguards, as well as the importance of effective export controls. The members of the Council will take appropriate measures in the case of any violations notified to them by the IAEA.”

“On chemical weapons, they support the efforts of the Geneva Conference with a view to reaching agreement on the conclusion, by the end of 1992, of a universal convention, including a verification regime, to prohibit chemical weapons.”

“On conventional armaments, they note the General Assembly's vote in favour of a United Nations register of arms transfers as a first

step, and in this connection recognize the importance of all States providing all the information called for in the General Assembly's resolution."

"In conclusion, the members of the Security Council affirm their determination to build on the initiative of their meeting in order to secure positive advances in promoting international peace and security. They agree that the United Nations Secretary-General has a crucial role to play. The members of the Council express their deep appreciation to the outgoing Secretary-General, His Excellency Javier Perez de Cuellar, for his outstanding contribution to the work of the United Nations, culminating in the signature of the El Salvador peace agreement. They welcome the new Secretary-General, His Excellency Dr. Boutros Boutros-Ghali, and note with satisfaction his intention to strengthen and improve the functioning of the United Nations. They pledge their full support to him, and undertake to work closely with him and his staff in fulfilment of their shared objectives, including a more efficient and effective United Nations system."

"The members of the Council agree that the world now has the best chance of achieving international peace and security since the foundation of the United Nations. They undertake to work in close cooperation with other United Nations Member States in their own efforts to achieve this, as well as to address urgently all the other problems, in particular those of socio-economic development, requiring the collective response of the international community. They recognize that peace and prosperity are indivisible and that lasting peace and stability require effective international cooperation for the eradication of poverty and the promotion of a better life for all in larger freedom."

START AND BEYOND
START: An End and a Beginning
Linton F. Brooks

Introduction

On 31 July 1991, President George Bush of the United States and President Mikhail Gorbachev of the Soviet Union signed the most significant arms control agreement on strategic offensive weapons ever negotiated by the two countries. The Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (commonly known as the START Treaty) represents a milestone in over two decades of negotiations and is a symbol of the dramatic change in the relationship between the two countries.

The START Treaty governs each side's intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers. For over 40 years, these strategic forces have been a mainstay of the United States approach to security through deterrence. Because of the continued need to rely on these weapons to ensure stability throughout the cold war, the negotiations were prolonged and, at times, difficult, with each side seeking to be certain that there were no unilateral advantages for the other side. The resulting START Treaty is detailed and complex, totalling over 800 manuscript pages.

In one sense, the fundamental United States aims in START were no different from those that guided negotiations of the SALT-I and SALT-II agreements in the early 1970s: ensuring stability and reducing the risk of nuclear war. Unlike the SALT agreements, however, the START Treaty succeeded in fulfilling our primary objectives. The START Treaty represents a new era in negotiations that breaks tradition with the past in at least three ways:

- START involves actual and significant reductions in the strategic forces of each side.
- By including direct and equal limits on ballistic missile throw-weight (a measure of the lift capability of ballistic missiles) and on ballistic missile warheads, the Treaty ensures equal rights between the two sides, the basis of more meaningful measures of strategic capability.
- The verification provisions, which are perhaps the most significant aspects of the Treaty, are the most extensive and intrusive ever negotiated, going far beyond what was possible in earlier strategic arms negotiations. As a result, the START Treaty promotes openness and military transparency to an extent that heretofore was not feasible.

The START Treaty represents a turning-point in the very nature of strategic arms control. The successful results of our work, as characterised by the verification provisions, will make the START Treaty the foundation for future arms control initiatives. There will almost certainly never be another protracted negotiation such as that which led to this massive Treaty. The provisions of the START Treaty were designed to be relevant, not just for the next few years, but well beyond the 15-year duration of the Treaty, if the parties agree to extend it, and the extensive verification measures are strong enough to endure. If minor modifications are required, the Treaty establishes a forum—the Joint Compliance and Inspection Commission—for making those modifications and for discussing issues of Treaty

implementation, whether such issues arise tomorrow, next week, or in years to come.

In addition to being a major accomplishment in its own right, the START Treaty provides a foundation for continuing United States initiatives to enhance international security and stability and reduce the risk of war, especially nuclear war. These future initiatives may take many forms—including unilateral initiatives that may not involve formal negotiations at all. An example of such flexibility is the series of measures proposed by President Bush in September 1991. The prompt and positive reaction by President Gorbachev is an indication of the new relationship between the United States and the former Soviet Union as we move beyond confrontation to cooperation.

Background

The goal of enhancing stability and reducing the risk of war through meaningful reductions in strategic offensive arms—a goal long sought by the United States—has its roots in the very beginning of the atomic age. For many years, this goal was elusive. As the number and potency of such weapons continued to increase, strategic weapons came to epitomize a bipolar relationship based on confrontation and mistrust. Attempts to limit such arms managed only to slow their increase temporarily.

On 29 June 1982, the United States and the Soviet Union began the Strategic Arms Reduction Talks in Geneva. The goal of the United States was to achieve deep reductions in the most destabilising systems of strategic offensive arms. The United States sought a verifiable agreement that would enhance stability and reduce the risk of war. With various interruptions, the Talks continued for the next nine years, supplemented by several ministerial meetings at Geneva, Washington, Houston and Moscow, and summit meetings in Geneva in 1985, Reykjavik in 1986, Washington in 1987, Moscow in 1988, Malta in 1989, and Washington in 1990. On 31 July 1991, the Treaty was signed at the Moscow summit.

The START Treaty

The START Treaty is comprised of the Treaty itself, two annexes, six protocols, and a memorandum of understanding covering data on the two nations' strategic forces. In addition, there are several associated documents which, although they are not integral parts of the Treaty in the legal sense, are integral to the overall negotiated regime. Together, these historic documents contain the rules by which the strategic offensive forces of both countries will be reduced and

limited and by which these actions will be verified. The START Treaty achieves equal overall ceilings on the strategic nuclear forces that can be deployed by either side through a series of interrelated limits and sublimits. Each side is limited to no more than:

- 1,600 strategic nuclear delivery vehicles (deployed ICBMs, SLBMs and heavy bombers), a limit that is 36 per cent below the current Soviet level and 29 per cent below the current United States level;
- 6,000 total accountable warheads, 41 per cent below the current Soviet level and 43 per cent below the current United States level;
- 4,900 accountable warheads deployed on ICBMs or SLBMs, 48 per cent below the current Soviet level and 40 per cent below the current United States level;
- 1,540 accountable warheads deployed on 154 heavy ICBMs, a 50 per cent reduction in current Soviet forces (the United States has no heavy ICBMs);
- 1,100 accountable warheads deployed on mobile ICBMs; and
- An aggregate throw-weight of deployed ICBMs and SLBMs equal to 3,600 million metric tons, about 54 per cent of the current Soviet aggregate throw-weight. (Because current United States aggregate ICBM and SLBM throw-weight falls below this level, no United States throw-weight reductions are required.)

In addition, there are a number of subsidiary limits, covering such areas as the numbers of test and training heavy bombers, the number of space-launch facilities using converted ICBMs and SLBMs, the number of spare missiles and launchers for mobile ICBMs, the number of storage facilities, and the quantity of ICBM loading equipment. These secondary limits are designed to close off possible circumvention routes while allowing flexibility in implementation.

Unlike the limits set in earlier strategic nuclear arms agreements, these limits will result in real reductions, including reductions in the near term. The provisions are such that, by the end of the first three years of the seven-year reduction period called for in the Treaty, the two sides will be limited to equal levels of deployed strategic forces. Reaching these levels will require the removal of nuclear weapons from the deployed forces of both sides, beginning as soon as the Treaty enters into force. Overall, the deepest percentage reductions will be in the Soviet Union's SS-18 heavy ICBMs.

The central limits set in the Treaty are designed to strengthen strategic stability by encouraging the restructuring of the Soviet strategic arsenal away from its historic emphasis on first-strike weapons, such as the SS-18, and towards less threatening, more survivable systems, such as heavy bombers. It is important to note that the START Treaty places no restrictions on conventional capabilities, nor on the development of stabilising defences: thus, it encourages a lessening of reliance on nuclear weapons.

In the early years of strategic arms control negotiations, the sides were prepared to rely only on so-called national technical means (NTM) of verification. As the focus of control shifted over the years from large, fixed units, such as ICBM silos, to restrictions on items such as mobile ICBMs, numbers of warheads on ballistic missiles and production of mobile ICBMs, it became necessary to augment monitoring assets by using such techniques as data exchanges and on-site inspections. Initially, many were sceptical of the notion of foreign inspectors getting too close to weapons systems and installations containing highly sensitive technology, but over the years it became apparent that effective arms control required not only the continued use of NTM but also the use of other kinds of “intrusive” verification measures.

Consequently, the reductions and limitations of the START Treaty will be conducted under the terms of highly intrusive verification procedures. The Treaty builds on the three years of experience derived from the Treaty Between the United States of America and the Soviet Union on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (the INF Treaty), with inspections by each side of virtually every significant strategic installation of the other side. All told, the START Treaty includes 12 different types of inspections plus continuous monitoring in each country at the facilities that produce mobile ICBMs or their first stages.

The Treaty also creates an extensive system of over 80 separate notifications—each side being required to tell the other about new systems as well as about movements, operations and eliminations of the existing forces subject to the Treaty—to increase the understanding each side has of the other’s intentions and actions.

START Treaty

The START Treaty is clearly one of the significant milestones in the relationship between the United States and the Soviet Union, even in relation to the sweeping changes that the world has witnessed

inside the Soviet Union. Still, critics ask whether the START Treaty continues to be relevant. Such critics sometimes claim either that there is no need for any formal agreement, or that START should be set aside in favour of more sweeping reductions. The same question will also be asked of future efforts to reduce and regulate strategic offensive arms.

In answering such criticisms, it is important first to note that the START Treaty is not about eliminating deterrence; it is about reducing the risk of war. Therefore, any criticism of the sufficiency of the reductions under START ignores the realities of cost, environment and stability that weigh heavily in the implementation of any treaty.

Secondly, the START Treaty still has great value, after the attempted coup within the Soviet Union. The military transparency and structured approach to reductions of strategic offensive arms increase the stability that is needed during this period in which the different republics are charting their future and defining their relationship, if any, with the Union.

Thus far, each of the "nuclear" republics of the former Soviet Union has, at least verbally, endorsed the outcome of the Treaty, but it is obvious that each wants to be more involved in the control and final disposition of the nuclear arms and facilities within its borders. With the START Treaty, we will be able to enhance stability and reduce mistrust, as the relationships of the republics and the Union develop. Therefore, near-term implementation of the START Treaty will make it one of the pillars of our overall continued strategic relationship with the former Soviet Union.

Initiatives After START

Until recently, discussion of the steps that the super-Powers might take following the entry into force of START focused almost exclusively on formal, follow-on negotiations. The changed relationship between the United States and the Soviet Union, along with the strong and stable foundation provided by START, allows us to explore new approaches to enhancing stability. Protracted, formal negotiations may no longer be the only—or even the best—approach. In their place, we may see unilateral initiatives that spark reciprocal measures by the other side. This approach discards the traditional arms control process in the light of the changed world situation.

The best example of this new approach to stability is the sweeping set of nuclear initiatives proposed by President Bush on 27 September 1991. In announcing a number of initiatives affecting the entire

spectrum of United States nuclear weapons, the President proposed to take advantage of recent dramatic changes within the Soviet Union that allow the United States to take steps that enhance stability and dramatically reduce the size and nature of United States' nuclear deployments worldwide.

In addition to initiatives on ground-launched theatre nuclear weapons and sea-based tactical nuclear weapons, the President took a number of initiatives on strategic nuclear forces, all designed to build upon START. Seeking to "use START as a springboard to achieve additional stabilising changes", President Bush:

- Directed that all United States strategic bombers be removed from day-to-day alert;
- Called upon the Soviet Union to confine its mobile missiles to their garrisons, where they would be safer and more secure;
- Announced that all United States ICBMs scheduled for deactivation under START would stand down from alert at once and that elimination of these systems would be accelerated once START was ratified;
- Called upon the Soviet Union to accelerate its reduction schedule under START as well;
- Terminated development of the Peacekeeper ICBM Rail Garrison system and the mobile elements of the small ICBM programme. As a result, the small single-warhead ICBM will be the sole remaining United States ICBM modernisation programme;
- Called upon the Soviet Union to match United States restraint by terminating any and all programmes for future ICBMs with more than one warhead, and limit Soviet ICBM modernisation efforts to only one type of single-warhead missile;
- Cancelled development of the nuclear short-range attack missile for heavy bombers;
- Created a new United States Strategic Command, designed to improve command and control of all United States strategic forces;
- Proposed that the United States and the Soviet Union seek early agreement to eliminate from their inventories all ICBMs with multiple warheads;
- Called upon the Soviet leadership to join the United States in taking concrete steps to permit the deployment of non-nuclear defences that would protect against limited ballistic missile strikes, whatever their source.

These proposals, and the prompt, favourable response by Soviet President Gorbachev, point the way to a new era in the search for international security and stability. Discussion on the details, as necessary, will be more, streamlined and rapid, with the possibility of results being achieved in weeks or months, not years. The foundation of this new era, however, remains the START Treaty.

Summary

We are living in one of the most dynamic, interesting and significant periods in the history of civilisation. All nations can take heart in the fact that, regardless of the recent changes in many aspects of United States-Soviet relationships, both sides continue to endorse the general principles associated with maintaining a national security at lower levels and with more stable nuclear forces. There is no indication that such a trend will change in the near term. It is clearly possible, however, that the traditional arms control *modus operandi* will need to give way, at least to some degree, to a more dynamic approach to arms control.

The START Treaty, the subsequent proposals by President Bush, and the prompt response to those proposals by President Gorbachev all demonstrate the extraordinary results that can be achieved when the leaders of both countries work together for a common goal. Negotiating limitations on strategic nuclear weapons has never been an easy task, nor is it ever likely to be. Yet, recent developments show that great progress can be made. We can remain hopeful that further means towards a safer, more stable world are now within our grasp.

STRATEGIC NUCLEAR DISARMAMENT IN A NEW ERA

Yuri Nazarkin

I

With the emergence in 1945 of nuclear—or, as they were then called, atomic—weapons, there came also the question of nuclear disarmament. Actual negotiations on the issue did not begin in earnest until the 1960s, when military and strategic parity had been established between the then Soviet Union and the United States. It was the Caribbean crisis of October 1962 that acted as shock therapy: those involved in the crisis, and indeed humanity at large, looked into the nuclear abyss, shied away and began looking for ways to avoid it.

In August 1963 the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water—the so-called partial

test-ban Treaty—was signed in Moscow by the United States and the Soviet Union, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on 1 July 1968. Negotiations on comprehensive constraints on both the delivery vehicles for strategic offensive nuclear arms and anti-ballistic missile (ABM) defences were also undertaken. Strategic arms limitation talks—later known as SALT-I—finally began on 16 November 1969. In 1972 the ABM Treaty and the Interim Agreement on certain measures regarding the limitation of strategic offensive arms were signed. That Interim Agreement was to be superseded by the SALT-II Treaty, which was signed in 1979 but never ratified. The *detente* of the 1960s and 1970s was being replaced by growing confrontation, and dark clouds were gathering on the international horizon.

None the less, Soviet-United States talks on limiting nuclear arms in Europe and on limiting and reducing strategic arms began in the 1980s. Late in 1983, both were suspended without having achieved any positive results. That outcome was inevitable, given the Soviet-United States relations of the day and the unwillingness of either side to take the first step towards overcoming the confrontational inertia.

Common sense was, however, slowly but surely beginning to prevail. Even though the war in Afghanistan was still going on, the barometer of the international climate shifted in the direction of “clear”. On 12 March 1985 the Soviet-United States Nuclear and Space talks began. The process known as perestroika got under way in the USSR, and in foreign policy new approaches, to be known as “new political thinking”, were adopted.

A statement by Mikhail S. Gorbachev dated 15 January 1986 heralded that new thinking. Despite certain quite specific and very important steps mentioned in the statement (such as the extension of the moratorium on all nuclear testing), the West largely treated his proposals as a publicity stunt. The West did not perceive a nuclear-free world by the year 2000 to be a realistic goal. Some elements in his programme, however, were later implemented.

What was needed to make headway in talks on the limitation of strategic offensive arms were more specific steps that could help overcome the inertia of mistrust and confrontation. The summit meeting held at Reykjavik on 11 and 12 October 1986 had a major role to play in this regard.

From a formal viewpoint, the meeting did not lead to any result: the two sides did not draft any joint documents to codify agreements because the United States side failed to accept the Soviet proposal on

non-withdrawal from the ABM Treaty during the 10-year period. The euphoria surrounding the Strategic Defense Initiative (SDI) persisted, and the ABM Treaty was blocking the implementation of that programme.

At the same time the Reykjavik meeting showed that it was realistic to work towards agreements on intermediate-range missiles and strategic offensive arms alike. Discussions on these issues were very detailed and substantive and they demonstrated great flexibility on the Soviet side. It was in Reykjavik that the Soviet side agreed to the procedure—proposed by the United States—of attributing to heavy bombers (HB) all nuclear weapons that were not long-range nuclear air-launched cruise missiles (ALCMs): all such weapons, regardless of their actual numbers, were to be attributed to each heavy bomber equipped for such weapons as 1 warhead (counting rules for long-range nuclear ALCMs were to be agreed upon at a later date).

Certainly this put the United States in a highly advantageous position in terms of actual numbers of warheads, because it enjoyed vast superiority in strategic aviation. True, these advantages were to a certain extent compensated because the Soviet position on the range criterion for ALCMs was adopted: missiles with a range in excess of 600 kilometres were defined as long-range missiles (under the initial United States position the criterion was 1,500 kilometres). As a result, heavy bombers with shorter-range ALCMs would be launching them within reach of Soviet air defences.

Nevertheless, the Soviet agreement to the United States counting rules constituted a substantial concession. Was it justified? An answer to this question should take into account the following aspects. A major and quite concrete step was required on the part of the Soviet Union at that time to demonstrate the seriousness of its intentions and to help overcome the inertia of distrust on the other side. Finally, a treaty was signed, undoubtedly in the interests of both sides and balancing their mutual concessions. It is in this perspective that they should be viewed—in their totality rather than in regard to individual elements.

II

It was the asymmetry of strategic offensive arms that occasioned the greatest difficulties in the talks: the United States has more heavy bombers and re-entry vehicles (RVs) for submarine-launched ballistic missiles (SLBMs), while the Soviet Union has more intercontinental ballistic missiles (ICBMs), particularly many more with RVs on them;

it also has mobile and heavy ICBMs while the United States has no such systems. Finding a common denominator for these asymmetries and accounting for them in the interest of achieving a balance underlies the final compromise that constitutes the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START).

It is the ceilings and subceilings that serve as such denominators. Under the START Treaty, after seven years of its operation each side may have no more than:

- 1,600 deployed ICBMs and their associated launchers, deployed SLBMs and their associated launchers, and deployed HBs, including 154 deployed heavy ICBMs and their associated launchers;
- 6,000 warheads attributed to deployed ICBMs, SLBMs and heavy bombers, including 4,900 warheads attributed to deployed ICBMs and SLBMs; 1,100 warheads attributable to deployed ICBMs on mobile ICBM launchers; and 1,540 warheads attributable to deployed heavy ICBMs;
- the aggregate throw-weight of deployed ICBMs and SLBMs not to exceed 3,600 tons.

For the purpose of accounting for ICBM or SLBM warheads, such a re-entry vehicle counts as 1 warhead. However, a limit of 10 RVs is set for both existing and new types of ICBMs and SLBMs.

Existing types of ballistic missiles are attributed with the number of warheads specified in the Memorandum of Understanding on the Establishment of the Data Base Relating to the Treaty. In the event of downloading on existing types of ballistic missiles, accountability is adjusted in accordance with special rules to prevent the RV balance from being upset, should one party decide, for instance, in a crisis, to revert quickly to the original higher number of RVs.

The number of warheads attributed to new types of ICBMs or SLBMs is the maximum number of RVs with which an ICBM or SLBM of that type has been flight-tested. In this connection, for the front sections of existing designs the number of accountable warheads must not be fewer than the nearest integer resulting from a division of 40 per cent of the accountable throw-weight of an ICBM or an SLBM by the weight of the lightest RV flight-tested on the ballistic missiles (BM) of that type. The 40 per cent rule was introduced to preclude instances where a ballistic missile was tested with a lower number of RVs although it could actually carry a greater number of them.

The rules for counting heavy-bomber warheads are given below.

For the USSR, each HB equipped for long-range nuclear ALCMs, up to a total of 180 such heavy bombers, shall be attributed with 8 warheads, and the United States shall be attributed with 10 warheads on no more than 150 HB. In excess of that number, such HBs shall be attributed with the number of warheads equal to the number of long-range nuclear ALCMs for which they are actually equipped.

The specifications of 8 warheads for the USSR and 10 warheads for the United States are average numbers reflecting the long-range nuclear ALCM delivery capability of Soviet and United States HBs, respectively.

Each HB equipped for nuclear armaments that are not long-range nuclear ALCMs shall be attributed with 1 warhead.

Following is a chart of reductions under the START Treaty.

<i>Type of strategic offensive arms</i>	<i>USSR</i>		<i>USA</i>	
	<i>Number of ICBMs, SLBMs and HBs</i>	<i>Number of warheads</i>	<i>Number of ICBMs, SLBMs and HBs</i>	<i>Number of warheads</i>
ICBMs	1398	6612	1000	2450
SLBMs	940	2804	672	5760
HBs	162	855	574	2353
Total	2500	10271	2246	10563
Percentage reductions under START Treaty	36.0	41.6	28.8	43.2

Taking into account, the additional reduction announced by President Gorbachev on 5 October 1991, the number of warheads on Soviet strategic offensive arms will be reduced to 5,000, that is, by 51.3 per cent.

According to the data published on 1 August 1991, it had been the intention of the USSR, on a tentative basis, to reduce the number of ICBMs approximately by 400 (that is, approximately, by more than 30 per cent), the number of SLBMs by 500 (approximately 50 per cent) and not to reduce HBs. Naturally, those data are superseded by the latest statement by President Gorbachev that the USSR would carry out greater reductions.

The counting rules for HB warheads enable the two sides actually to exceed the agreed 6,000 limit. In view of the considerable United States advantage as regards the number of HBs, the United States

may exceed that limit by a greater margin than the USSR (namely, by approximately 2,000 to 2,500 actual warheads, mostly on nuclear arms that are not long-range nuclear ALCMs).

This concession by the Soviet side is to some extent balanced by the fact that it preserves two kinds of strategic offensive arms which the United States does not possess— heavy silo ICBMs and road- and rail-mobile ICBMs. At early stages of the negotiations the United States insisted on a complete ban on both heavy and mobile ICBMs, but later on compromise solutions were found according to which the ban was replaced by limitations.

Mobile ICBMs are the only type of strategic offensive arms regarding which there exist numerical limitations on non-deployed systems: 250 ICBMs, including 125 for rail-mobile ICBM launchers, and 110 launchers, including 18 rail launchers. This limit precludes rapid deployment of additional mobile ICBMs using already existing non-deployed means and also limits the reload capability. The reload of mobile launchers can be carried out more rapidly than that of silo launchers—the term “rapid reload” means reloading a silo launcher of ICBMs in less than 12 hours or a mobile launcher in less than four hours after a missile has been launched or removed from such a launcher. Moreover, additional measures are envisaged to preclude the rapid reload of a mobile launcher, which will limit the locations of non-deployed missiles and launchers as well as of transporter-loaders.

To enhance the efficiency of the verification of mobile ICBMs, their movement and locations must be limited.

Throughout the talks on the START Treaty, reference has been made to linking it to the ABM Treaty, which has been in effect since 1972. Such a linkage is a fact of life and certainly cannot be neglected, since the military and strategic balance of forces is affected, not only by offensive systems, but also by defensive ones capable of neutralising some of the offensive systems. Nevertheless, it was essential to decide upon the way to reflect the interrelationship between strategic offensive arms and anti-ballistic missiles. Initially, the Soviet Union suggested that the sides undertake not to exercise the right to withdraw from the ABM Treaty for a specified fixed period of time. The United States side was opposed to this proposal as well as to other forms of linking the two agreements in the Treaty texts. To remove this obstacle in the way of the Treaty, the Soviet side agreed to drop this formal linkage. At the same time, the Soviet side noted that extraordinary events referred to in article XVII of the START Treaty also covered situations involving the withdrawal of one side from the ABM Treaty or a material breach of the Treaty itself.

The United States made a statement in response giving its views on this matter.

Some time later, declaring on 27 September 1991, an initiative on nuclear disarmament, United States President George Bush called on the Soviet leaders, in particular, to allow a limited deployment of non-nuclear defences in order to provide protection against limited missile strikes wherever they might come from without undermining the credibility of the existing deterrent forces.

In his statement in response, on 5 October 1991, President Gorbachev expressed among other things a willingness to discuss the United States proposal on non-nuclear anti-ballistic missile defences.

In addition to quantitative restrictions on strategic offensive arms, the Treaty envisages limitations on the qualitative improvement of strategic offensive arms. The production, testing and deployment of heavy ballistic missiles of a new type are prohibited. A ban is envisaged on the foreseen but so far non-existent new kinds of strategic offensive arms (ballistic air-to-surface missiles, MIRVed nuclear air-launched cruise missiles). A procedure is envisaged for preventing the future development of strategic nuclear arms unknown today. The Treaty limits the modernisation of the existing types of strategic offensive arms: in the event of the modernisation of a ballistic missile, its throw-weight should not exceed 21 per cent of the original throw-weight. It should be taken into account that modernisation does not necessarily mean adding to the more destructive capabilities of the weapons. Upgrading also leads to lower cost (that is, cutting operational cost per unit of effectiveness) and enhances the safety of weapons, that is, improvement of its properties with a view to ruling out its accidental and unauthorised use.

III

A scrupulously developed verification system enforces compliance with the START Treaty. No other agreement on arms limitation and disarmament has anything comparable in scope and detail in terms of verification procedures. Moreover, whenever we speak of the limitation and reduction of arms and not of the complete elimination of a given category, additional procedures are needed. Lastly, the fact that the basis of the verification system within the START framework was taking shape in the period when mutual mistrust between the sides was rather high has also played its role. That is why each party proceeded from the "worst-case" scenario; in other words, they took into account hypothetical cases of the most deliberate cheating—cases that were implausible, but theoretically possible.

Compliance with the START Treaty is verified and ensured through the following measures:

- data and notifications exchange;
- national technical means (NTMs) of verification in combination with “cooperative measures”—display in the open, at the request of another Party, of ICBM launchers, heavy bombers and former heavy bombers to enhance the efficiency of NTMs;
- access to telemetric information;
- exhibitions and inspections of 12 different kinds;
- continuous monitoring at portals and along the perimeter of the ICBM production facilities for mobile launchers of ICBMs with a view to confirming the number of missiles produced for mobile launchers (of all types of strategic offensive weapons: independent quantitative levels are envisaged only for mobile ICBMs— 1,100 for deployed missiles and 250 for non-deployed missiles);
- establishment of the Joint Compliance and Inspections Commission (JCIC).

The JCIC is to be established after signature of the Treaty but prior to its ratification. Its goals are:

- to resolve issues related to compliance with the obligations assumed;
- to agree on additional measures that might be necessary to enhance the viability and effectiveness of the Treaty; and
- to resolve issues related to the extension of the corresponding provisions of the Treaty to new kinds of strategic offensive weapons.

The JCIC shall be convened at the request of either party.

IV

Even at the time when the Treaty on strategic offensive arms was being negotiated, both parties began to articulate certain ideas with regard to the follow-on measures after the conclusion of the Treaty. As a result, on 1 June 1990 a joint statement regarding follow-on negotiations on nuclear and space arms and on the further enhancement of strategic stability was made at the Washington Soviet-United States summit meeting. The two sides agreed to engage in new negotiations on strategic offensive arms and on the linkage between strategic offensive and defensive arms, building on the results of START

I. Having done so, the two sides agreed to place emphasis during such new negotiations on the elimination of first-strike incentives and on the reduction of the concentration of warheads, on strategic delivery systems and on the preferential choice of systems of enhanced survivability.

The rapid pace of events in the world not only does not eliminate this task but creates more favourable conditions for its speedy accomplishment, especially since we now have the Treaty on strategic offensive arms, which will serve as a good foundation for achieving further progress. Naturally, new agreements regarding strategic offensive arms that might emerge in the future will not supplant, but will rather supplement, the Treaty.

The new era that came to replace the period of confrontation is gaining ground. The methods of negotiating reductions in armaments are complemented by new forms-unilateral measures and steps taken on the basis of mutual example. As a result of reciprocal initiatives by President Bush and President Gorbachev, such steps have already been taken to reduce the state of combat readiness of ICBMs and heavy bombers and to limit the qualitative improvement of ICBMs and certain types of nuclear weapons for heavy bombers. The Soviet side has also declared unilaterally that it will reduce the number of nuclear warheads not to the level of 6,000 units as provided for in the Treaty on strategic offensive arms but to the level of 5,000.

It is possible that steps undertaken on the basis of mutual example might necessitate certain preliminary coordination.

Naturally, the traditional practices of negotiation will also retain their importance. In any case, they may be needed to achieve the further reduction of strategic offensive weapons roughly by half, as was proposed by Mikhail Gorbachev. It would be in line with the requirements of strategic stability and of the diminishing concentration of warheads on strategic delivery vehicles if due attention were paid to measures related to MIRVed ICBMs in the course of further negotiations.

V

The disintegration of the USSR and the emergence of independent States which proclaimed themselves a Commonwealth became a new and important factor both for the process of ratification of the Treaty and for the further reduction of strategic armaments.

By the Agreement on Joint Measures with respect to Nuclear Weapons the four independent States which have strategic armaments

on their territories—Belarus, Kazakhstan, Russia and Ukraine—undertake to present the START Treaty to their respective Supreme Soviets for ratification (see “Documentation Relating to Disarmament”, below). All of the eleven States members of the Commonwealth have agreed to comply with international treaties concluded by the USSR.

Russia has already declared itself the successor to the Soviet Union in the field of international undertakings. Certainly, this is true in the case of the START Treaty, but strategic offensive armaments are located not only in Russia (83.6 per cent) but also in Ukraine (8.48 per cent), Kazakhstan (5.76 per cent) and Belarus (2.16 per cent). So it is evident that all four of these States should guarantee the implementation of the START Treaty. At the same time, the Treaty should retain its bilateral nature, otherwise a review and an amendment process would be required. A search for appropriate juridical arrangements is now under way.

As for further measures relating to strategic offensive arms, States members of the Commonwealth have agreed to conduct a joint policy in the field of international security, disarmament and arms control. They undertake to negotiate without delay among themselves and with other States which were a part of the Soviet Union but which are not members of the Commonwealth with a view of ensuring guarantees and elaborating mechanisms for implementing those treaties.

166

Statements by the President of the Security Council

S/24210, 30 June 1992

Council has noted with interest and appreciation the report of the Secretary-General of 17 June 1992 entitled *An Agenda for Peace* on ways of strengthening and making more efficient within the framework and provisions of the Charter of the United Nations the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping, prepared pursuant to the statement adopted on 31 January 1992 at the conclusion of the meeting held for the first time by the Security Council at the level of heads of State and Government. It is grateful to the Secretary-General for his report, which is a comprehensive reflection on the ongoing process of strengthening the Organisation. In this connection, the Council welcomes the efforts made by the Secretary-General.

In reading the report, the Council has noted a set of interesting proposals addressed to the various organs of the United Nations and to Member States and regional organisations. The Council therefore trusts that all organs and entities, in particular the General Assembly, will devote particular attention to the report and will study and evaluate the elements of the report that concern them.

Within the scope of its competence, the Security Council will, for its part, examine in depth and with due priority the recommendations of the Secretary-General.

The Council also takes this opportunity to reiterate its readiness to cooperate fully with the Secretary-General in the strengthening of the Organisation in accordance with the provisions of the Charter.

S/24728, 29 October 1992

Pursuant to the Presidents statement of 30 June 1992, the Council has begun to examine the Secretary-General's report entitled *An Agenda for Peace*.

This consideration of the report of the Secretary-General of 17 June 1992 entitled *An Agenda for Peace* by the Council will be coordinated with the discussions carried out in the General Assembly. The Council welcomes in this regard the contact already established between the Presidents of the two organs and invites the President of the Council to continue and intensify such contacts.

The Council intends to examine the proposals of the Secretary-General which concern it or are addressed to it. For this purpose, the members of the Council have decided to hold a meeting at least once a month on the report, such meetings being prepared for, as necessary, by a working group.

One objective of this examination is to arrive at conclusions which would be considered during a special meeting of the Council, which will determine the date of this meeting, bearing in mind the progress of the work at the present session of the General Assembly, but it hopes to hold the meeting by next spring at the latest.

The Council has followed with close interest the views expressed by Member States in the General Assembly during the general debate as well as during the discussion on item 10 of the agenda of the General Assembly. It has also noted the report of the special session of the Special Committee on Peace-keeping Operations. It has now identified the Secretary-General's proposals which concern it or are addressed to it.

Without prejudice to the further examination of other proposals of the Secretary-General, and taking into account the greatly increased number and complexity of peace-keeping operations authorised by the Council during recent months, the Council believes that two suggestions contained in *An Agenda for Peace* should be considered at this moment:

The Council, in accordance with the recommendations contained in paragraph 51 of the Secretary-General's report, encourages Member States to inform the Secretary-General of their willingness to provide forces or capabilities to the United Nations for peace-keeping operations and the type of units or capabilities that might be available at short notice, subject to overriding national defence requirements and the approval of the Governments providing them. It further encourages the Secretariat and those Member States which have indicated such willingness to enter into

direct dialogue so as to enable the Secretary-General to know with greater precision what forces or capabilities might be made available to the United Nations for particular peacekeeping operations, and on what time-scale;

The Council shares the view of the Secretary-General in paragraph 52 of his report concerning the need for an augmentation of the strength and capability of military staff serving in the Secretariat and of civilian staff dealing more generally with peace-keeping matters in the Secretariat; The Council suggests to the Secretary-General that he report to it, as well as to the General Assembly, on this subject as soon as possible. The Secretary-General might consider in his report the establishment in the Secretariat of an enhanced peace-keeping planning staff and an operations centre in order to deal with the growing complexity of initial planning and control of peace-keeping operations in the field. The Council further suggests to Member States that they consider making available to the Secretariat appropriately experienced military or civilian staff, for a fixed period of time, to help with work on peace-keeping operations. Moreover, the Council intends to study those paragraphs which are addressed to it, including paragraph 41 concerning the special economic problems which may concern other States when sanctions are imposed on a State, paragraphs 64 and 65 concerning the role of regional organisations, and paragraph 25 concerning resort by the United Nations to fact-finding.

S/25184, 28 January 1993

The Security Council has continued its examination of the Secretary-General's report entitled *An Agenda for Peace*. The Council notes with appreciation the views of the Secretary-General, as presented in paragraphs 63, 64 and 65 of his report, concerning cooperation with regional arrangements and organisations.

Bearing in mind the relevant provisions of the Charter of the United Nations, the pertinent activities of the General Assembly and the challenges to international peace and security in the new phase of international relations, the Council attaches great importance to the role of regional arrangements and organisations and recognises the need to coordinate their efforts with those of the United Nations in the maintenance of international peace and security.

While reaffirming its primary responsibility for the maintenance of international peace and security and being aware of the variety of mandate, scope and composition of regional arrangements and organisations, the Council encourages and, where appropriate, supports such regional efforts as undertaken by regional arrangements and organisations within their respective areas of competence in accordance with the purposes and principles of the Charter of the United Nations.

The Council therefore invites, within the framework of Chapter VIII of the Charter, regional arrangements and organisations to study, on a priority basis the following:

- ways and means to strengthen their functions to maintain international peace and security within their areas of competence, paying due regard to the characteristics of their respective regions. Taking into account the matters of which the Council has been seized and in accordance with the Charter, they might consider, in particular, preventive diplomacy including fact-finding, confidence-building, good offices and peace-building and, where appropriate, peace-keeping;
- ways and means further to improve coordination of their efforts with those of the United Nations. Being aware of the variety of mandate, scope and composition of the regional arrangements and organisations, the Council stresses that the forms of interaction of these arrangements and organisations with the United Nations should be flexible and adequate to each specific situation. These may include, in particular, exchange of information and consultations with the Secretary-General or, where appropriate, his special representative, with a view to enhancing the United Nations capability including monitoring and early-warning; participating as observers in the sessions and the work of the General Assembly; secondment of officials to the United Nations Secretariat; making timely and specific requests for United Nations involvement and a readiness to provide necessary resources.

The Council requests the Secretary-General:

- to transmit this statement to those regional arrangements and organisations which have received a standing invitation to participate in the sessions and the work of the General Assembly as observers, and to other regional arrangements and organisations, with a view to promoting the aforementioned studies and encouraging the replies to the United Nations;
- to submit to the Council as soon as possible and preferably by the end of April 1993 a report concerning the replies from the regional arrangements and organisations.

The Council invites the States which are members of regional arrangements and organisations to play a constructive role in the consideration by their respective arrangements or organisations of ways and means to improve coordination with the United Nations.

In discharging its responsibilities, the Council will take into account the replies as well as the specific nature of the issue and the characteristics of the region concerned. The Council considers it important to establish such forms of cooperation between the United Nations and the regional arrangements and organisations, in the area of maintaining peace and security, that are appropriate to each specific situation.

The Council, noting the constructive relationship it has maintained with the League of Arab States, the European Community, the Organisation of the Islamic Conference, the Organisation of American States and the Organisation of African Unity, supports the intention of the Secretary-General as described in paragraph 27 of his report to ask regional arrangements and organisations that have not yet sought observer status at the United Nations to do so.

The Council notes the importance of the understanding reached at the Conference on Security and Cooperation in Europe to consider the CSCE a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations and of the further examination within the framework of the CSCE of the practical implications of this understanding. The Council welcomes the role of the CSCE, together with the European Community, in the implementation of action required to carry out the pertinent resolutions of the Council.

The Council intends to continue its consideration of the report of the Secretary-General, as indicated in the President's statement of 29 October 1992.

S/24872, 30 November 1992

The members of the Council continued the examination of the report of the Secretary-General of 17 June 1992 entitled *An Agenda for Peace*.

The members of the Council welcome and support the proposals in paragraph 25 of the report of the Secretary-General on fact-finding. They are of the view that an increased resort to fact-finding as a tool of preventive diplomacy, in accordance with the Charter of the United Nations and the United Nations Declaration on Fact-finding for International Security and Peacemaking, particularly its guidelines, can result in the best possible understanding of the objective facts of a situation which will enable the Secretary-General to meet his responsibilities under Article 99 of the Charter and facilitate Security Council deliberations. They agree that various forms of fact-finding

can be employed according to the requirements of a situation, and that a request by a State for the dispatch of a fact-finding mission to its territory should be considered without undue delay. They encourage all Member States in a position to do so to provide the Secretary-General with the detailed information needed on issues of concern, so as to facilitate effective preventive diplomacy.

The members of the Council, being aware of the increased responsibilities of the United Nations in the area of preventive diplomacy, invite the Secretary-General to consider the appropriate measures necessary to strengthen the capacity of the Secretariat for information-gathering and in-depth analysis. They also invite Member States and the Secretary-General to consider the secondment of experts to help in this regard. They urge the Secretary-General to take appropriate measures to ensure the availability at short notice of eminent persons who might share, with senior officials of the Secretariat, the burden of fact-finding missions. They note the positive role of regional organisations and arrangements in fact-finding within their areas of competence and welcome its intensification and close coordination with fact-finding efforts by the United Nations.

Bearing in mind the above-mentioned Declaration and the Secretary-General's recommendations in his report, the members of the Council for their part will facilitate and encourage every appropriate use of fact-finding missions on a case-by-case basis and in accordance with the Purposes and Principles of the Charter.

In this context, the members of the Council note and endorse the Secretary-General's view that in some cases a fact-finding mission can help defuse a dispute or situation, indicating to those concerned that the United Nations and in particular the Security Council is actively seized of the matter as a present or potential threat to international peace and security. Such action in the early stages of a potential dispute can be particularly effective. They welcome the Secretary-General's readiness to make full use of his powers under Article 99 of the Charter to draw the attention of the Security Council to any matter which in his opinion may threaten international peace and security. They note with satisfaction the recent greater use of fact-finding missions, as exemplified by the missions to Moldova, Nagorny-Karabakh, Georgia, Uzbekistan and Tajikistan.

The members of the Council intend to continue their work on the Secretary-General's report as indicated in the President's statement of 29 October 1992.

S/25036, 30 December 1992

In pursuance of the President's statement of 29 October 1992 in connection with the Secretary-General's report entitled *An Agenda for Peace*, according to which "the Council intends to study those paragraphs which are addressed to it, including paragraph 41 concerning the special economic problems which may concern other States when sanctions are imposed on a State", the Security Council examined the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter of the United Nations.

The Council shares the observation made by the Secretary-General in paragraph 41 of his report that when such sanctions are imposed under Chapter VII of the Charter, it is important that States confronted with special economic problems have the right to consult the Council regarding such problems, as provided in Article 50 of the Charter. The Council agrees that appropriate consideration should be given to their situation.

The Council notes the Secretary-General's recommendation that the Council devise a set of measures, involving the financial institutions and other components of the United Nations system, that can be put in place to insulate States from such difficulties

The Council, while noting that this matter is being considered in other forums of the United Nations, expresses its determination to consider this matter farther and invites the Secretary-General to consult the heads of the international financial institutions, other components of the United Nations system and Member States, and to report to the Security Council as early as possible.

The Council intends to continue its work on the Secretary-General's report as indicated in the President's statement of 29 October 1992.

S/25344, 26 February 1993

The Security Council has continued its examination of the report of the Secretary-General entitled *An Agenda for Peace*.

The Council welcomes the observations contained in *An Agenda for Peace* concerning the question of humanitarian assistance and its relationship to peacemaking, peace-keeping and peace-building, in particular those contained in paragraphs 29, 40 and 56 to 59. It notes that in some particular circumstances there may be a close relationship between acute needs for humanitarian assistance and threats to international peace and security.

In this respect, the Council notes the Secretary-General's assessment that the impartial provision of humanitarian assistance could be of critical importance in preventive diplomacy.

Recalling its statement on fact-finding in connection with *An Agenda for Peace*, the Council recognises the importance of humanitarian concerns in conflict situations and thus recommends that the humanitarian dimension should be incorporated in the planning and dispatching of fact-finding missions. It also recognises the need to include this aspect in connection with information-gathering and analysis, and encourages Member States concerned to provide the Secretary-General and the Governments concerned with relevant humanitarian information.

The Council notes with concern the incidence of humanitarian crises, including mass displacements of population, becoming or aggravating threats to international peace and security. In this connection, it is important to include humanitarian considerations and indicators within the context of early-warning information capacities as referred to in paragraphs 26 and 27 of *An Agenda for Peace*. The Council emphasises the role of the Department of Humanitarian Affairs in coordinating the activities of the various agencies and functional offices of the United Nations. It believes that this capacity should be utilised systematically at a pre-emergency phase to facilitate planning for action to assist Governments in averting crises that could affect international peace and security.

The Council notes the ongoing and constructive collaboration between the United Nations and various regional arrangements and organisations, within their respective areas of competence, in identifying and addressing humanitarian emergencies, in order to solve crises in a manner appropriate to each specific situation. The Council also notes the important role which is being played by non-governmental organisations, in close cooperation with the United Nations, in the provision of humanitarian assistance in emergency situations around the world. The Council commends this cooperation and invites the Secretary-General further to explore ways in which this cooperation can be advanced in order to enhance the capacity of the United Nations to prevent and respond to emergency situations.

The Council expresses concern about the increased incidence of deliberate obstruction of delivery of humanitarian relief and violence against humanitarian personnel, as well as misappropriation of humanitarian assistance, in many parts of the world, in particular in the former Yugoslavia, Iraq and Somalia, where the Council has called

for secure access to affected populations for the purpose of providing humanitarian assistance. The Council stresses the need for adequate protection of personnel involved in humanitarian operations, in accordance with relevant norms and principles of international law. The Council believes that this matter requires urgent attention.

The Council believes that humanitarian assistance should help establish the basis for enhanced stability through rehabilitation and development. The Council thus notes the importance of adequate planning in the provision of humanitarian assistance in order to improve prospects for rapid improvement of the humanitarian situation. It also notes, however, that humanitarian considerations may become or continue to be relevant during periods in which the results of peacemaking and peace-keeping efforts are beginning to be consolidated. The Council thus recognises the importance of ensuring a smooth transition from relief to development, and notes that the provision of coordinated humanitarian assistance is among the basic peace-building tools available to the Secretary-General. In particular, it fully endorses the Secretary-General's observations in paragraph 58 of *An Agenda for Peace* regarding the problem of land mines and invites him to address this as a matter of special concern.

The Council intends to continue its consideration of the report of the Secretary-General, as indicated in the Presidents statement of 29 October 1992.

S/25493, 31 March 1993

The Security Council has continued its examination of the report of the Secretary-General entitled *An Agenda for Peace*,¹ including the problem identified in paragraphs 66 to 68 - the safety of United Nations forces and personnel deployed in conditions of strife. The Council has considered this question with regard to persons deployed in connection with a Council mandate.

The Council commends the Secretary-General for drawing attention to this problem, including the unconscionable increase in the number of fatalities and incidents of violence involving United Nations forces and personnel. The Council shares fully the Secretary-General's concerns.

The Council recognises that increasingly it has found it necessary, in discharging its responsibility for the maintenance of international peace and security, to deploy United Nations forces and personnel in situations of real danger. The Council greatly appreciates the courage

and commitment of these dedicated people who accept considerable personal risk in order to implement the mandates of this Organisation.

The Council recalls that it has been necessary on a number of occasions to condemn incidents directed against United Nations forces and personnel. It deplores the fact that, despite its repeated calls, incidents of violence continue.

The Council considers that attacks and other acts of violence, whether actual or threatened, including obstruction or detention of persons, against United Nations forces and personnel are wholly unacceptable and may require the Council to take farther measures to ensure the safety and security of such forces and personnel.

The Council reiterates its demand that States and other parties to various conflicts take all possible steps to ensure the safety and security of United Nations forces and personnel. It further demands that States act promptly and effectively to deter, prosecute and punish all those responsible for attacks and other acts of violence against such forces and personnel.

The Council notes the particular difficulties and dangers that can arise where United Nations forces and personnel are deployed in situations where the State or States concerned are unable to exercise jurisdiction in order to ensure the safety and security of such forces and personnel, or where a State is unwilling to discharge its responsibilities in this regard. In such an eventuality, the Council may consider measures appropriate to the particular circumstances to ensure that persons responsible for attacks and other acts of violence against United Nations forces and personnel are held to account for their actions.

The Council requests the Secretary-General to report as soon as possible on the existing arrangements for the protection of United Nations forces and personnel, and the adequacy thereof, taking into account, *inter alia*, relevant multilateral instruments and status of forces agreements concluded between the United Nations and host countries, as well as comments he may receive from Member States, and to make such recommendations as he considers appropriate for enhancing the safety and security of United Nations forces and personnel.

The Council will consider the matter further in the light of the Secretary-General's report and of work done in the General Assembly and its subsidiary bodies, including, in particular, the Special Committee on Peace-keeping Operations established pursuant to

General Assembly resolution 2006 (XIX). In that regard, the Council recognises the need for all relevant bodies of the Organisation to take concerted action to enhance the safety and security of United Nations forces and personnel.

The Council intends to continue its consideration of the report of the Secretary-General entitled *An Agenda for Peace*, as indicated in the President's statement of 29 October 1992.²

S/25696, 30 April 1993

Continuing its examination of the report of the Secretary-General entitled *An Agenda for Peace*,³ the Security Council during the month of April 1993, emphasising the importance of building strong foundations for peace in all countries and regions of the world, considered the subject of post-conflict peace-building.

The Council supports the view that the United Nations, in order to meet its responsibilities in the context of international peace and security, should view its objectives in respect of economic and social cooperation and development with the same sense of responsibility and urgency as its commitments in the political and security areas.

The Council stresses that, in examining the question of post-conflict peace-building, it wishes to highlight the importance and the urgency of the work of the United Nations in the field of development cooperation, without prejudice to the recognised priorities for the activities of the United Nations in that field as defined by the competent bodies.

The Council took note of the Secretary-General's observation that, to be truly successful, peacemaking and peace-keeping operations 'must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people'. It agreed that in addition to the specific measures mentioned by the Secretary-General in paragraph 55 of his report, *An Agenda for Peace*, activities such as disarming and demobilisation of belligerent forces and their reintegration into society, electoral assistance, the restoration of national security through formation of national defence and police forces and mine-clearing, where appropriate and within the framework of comprehensive settlements of conflict situations, strengthen national political structures and enhance institutional and administrative capabilities and are important in restoring a sound basis for sustainable peace.

The Council further agrees that in the aftermath of an international conflict, peace-building may, *inter alia*, include measures and cooperative projects linking two or more countries in mutually beneficial undertakings which contribute not only to economic, social and cultural development but also enhance the mutual understanding and confidence that are so fundamental to peace.

In discharging its responsibilities in the prevention of breaches of peace and in the resolution of conflicts, the Council encourages coordinated action by other components of the United Nations system to remedy the underlying causes of threats to peace and security. The Council is convinced that the organisations and agencies of the United Nations system, in the development and implementation of their programmes, need to be constantly sensitive to the goal of strengthening international peace and security as envisaged in Article 1 of the Charter of the United Nations.

The Council recognises that post-conflict peace-building, in the context of overall efforts to build the foundations of peace, in order to be effective, also needs adequate financial resources. The Council therefore recognises that it is important for Member States and financial and other United Nations bodies and agencies, as well as other organisations outside the United Nations system, to make all possible efforts to have adequate funding available for specific projects, such as the earliest possible return of refugees and displaced persons to their homes of origin, in post-conflict situations.

The Security Council, as the organ having primary responsibility for the maintenance of international peace and security, fully recognizes, as stated in paragraph 59 of *An Agenda for Peace*, that social peace is as important as strategic or political peace and supports the Secretary-General's view that there is a new requirement for technical assistance for the purposes described in that paragraph.

The Council intends to continue its consideration of the report of the Secretary-General entitled *An Agenda for Peace*, as indicated in the President's statement of 29 October 1992.⁴

S/25859, 28 May 1993

In accordance with its statement of 29 October 1992,⁵ the Security Council held a special meeting devoted to the report of the Secretary-General entitled *An Agenda for Peace*.⁶ This meeting concluded the present stage of the examination of this report by the Council. On this occasion, the Council wishes to express once again its gratitude to the Secretary-General for this report.

The Security Council recommends that, all States make participation in and support for international peace-keeping a part of their foreign and national security policy. It considers that United Nations peace-keeping operations should be conducted in accordance with the following operational principles consistent with the provisions of the Charter of the United Nations: a clear political goal with a precise mandate subject to periodic review and to change in its character or duration only by the Council itself; the consent of the Government and, where appropriate, the parties concerned, save in exceptional cases; support for a political process or for the peaceful settlement of the dispute; impartiality in implementing Security Council decisions; readiness of the Council to take appropriate measures against parties which do not observe its decisions; and the right of the Council to authorize all means necessary for United Nations forces to carry out their mandate and the inherent right of United Nations forces to take appropriate measures for self-defence. In this context, the Security Council emphasises the need for the full cooperation of the parties concerned in implementing the mandates of peace-keeping operations as well as relevant decisions of the Council, and stresses that peace-keeping operations should not be a substitute for a political settlement, nor should they be expected to continue in perpetuity.

The Council has studied thoroughly the recommendations of the Secretary-General contained in *An Agenda for Peace*. It pays tribute to the valuable contributions made by the Special Committee on Peace-keeping Operations and other relevant bodies of the General Assembly. These discussions and consultations make it possible to formulate more clearly the common priorities of the Member States.

In the context of the rapid growth in and new approaches to peace-keeping operations, the Council commends the initial measures taken by the Secretary-General to improve the capacity of the United Nations in this field. It believes that bold new steps are required and invites all Member States to make their views known to the Secretary-General. It also invites the Secretary-General to submit by September 1993 a further report addressed to all the Members of the United Nations containing specific new proposals for further enhancing these capabilities, including:

- the strengthening and consolidation of the peace-keeping and military structure of the Secretariat, including creation of a plans and current operations directorate reporting to the Under Secretary-General for Peacekeeping Operations to facilitate planning and to enhance coordination;

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- notification by Member States of specific forces or capabilities which, with the approval of their national authorities, they could make available on a case-by-case basis to the United Nations for the full spectrum of peace-keeping or humanitarian operations; in this context the Council welcomes the Secretary-General's effort to ascertain the readiness and availability of Member States' forces or capabilities for peace-keeping operations and encourages Member states to cooperate in this effort;
 - the feasibility of maintaining a limited revolving reserve of equipment commonly used in peace-keeping or humanitarian operations;
 - elements for inclusion in national military or police training programmes for peace-keeping operations to prepare personnel for a United Nations peace-keeping role, including suggestions concerning the feasibility of conducting multinational peace-keeping exercises;
 - refinement of standardised procedures to enable forces to work together more effectively;
 - developing the non-military elements of peace-keeping operations.

In view of the mounting cost and complexity of peace-keeping operations, the Security Council also requests the Secretary-General in his report to address measures designed to place them on a more solid and durable financial basis, taking into account where appropriate the Volcker-Ogata report⁷ and addressing the necessary financial and managerial reforms, diversification of funding, and the need to ensure adequate resources for peace-keeping operations and maximum transparency and accountability in the use of resources. In this context the Council recalls that, in accordance with the Charter and the relevant resolutions of the General Assembly, financing of peace-keeping operations is the collective responsibility of all Member States. It calls upon all Member States to pay their assessed contributions in full and on time and encourages those States which can do so to make voluntary contributions. The Council expresses gratitude to the soldiers and civilians who have served or are serving in United Nations peace-keeping operations. It pays tribute to the courageous nationals of dozens of States who have been killed or wounded while fulfilling their duty to the United Nations. It also strongly condemns attacks on United Nations peace-keepers and declares its determination to undertake

more decisive efforts to ensure the security of United Nations personnel in the course of fulfilling their duties.

In accordance with Chapter VI of the Charter of the United Nations, the Council notes the need to strengthen the United Nations potential for preventive diplomacy. It welcomes General Assembly resolution 47/120 of 18 December 1992. It notes with satisfaction the increased use of fact-finding missions. It invites Member States to provide the Secretary-General with relevant detailed information on situations of tension and potential crisis. It invites the Secretary-General to consider appropriate measures for strengthening the Secretariat capacity to collect and analyse information. The Council recognises the importance of new approaches to prevention of conflicts, and supports preventive deployment, on a case-by-case basis, in zones of instability and potential crisis the continuance of which is likely to endanger the maintenance of international peace and security.

The Council underlines the close link which may exist, in many cases, between humanitarian assistance and peace-keeping operations and highly appreciates recent efforts by the Secretary-General aimed at further improvement of coordination among Member States and relevant agencies and organisations, including non-governmental organisations. It reiterates, in this context, its concern that humanitarian personnel should have unimpeded access to those in need.

The Council reaffirms the importance it attaches to the role of regional arrangements and organisations and to coordination between their efforts and those of the United Nations in the maintenance of international peace and security. The Council welcomes the readiness of Member States, acting nationally or through regional organisations or arrangements, to cooperate with the United Nations and other Member States by providing their particular resources and capabilities for peace-keeping purposes. The Council, acting within the framework of Chapter VIII of the Charter, calls upon regional Organisations and arrangements to consider ways and means of enhancing their contributions to the maintenance of peace and security. For its part the Council expresses its readiness to support and facilitate, taking into account specific circumstances, peace-keeping efforts undertaken in the framework of regional organisations and arrangements in accordance with Chapter VIII of the Charter. The Council looks forward to the report of the Secretary-General on cooperation between the United Nations and regional organisations.

The Council draws attention to the increasing significance of post-conflict peace-building. It is convinced that in present circumstances peace-building is inseparably linked with the maintenance of peace.

The Council stresses the value of its high-level meetings and expresses its intention to convene such a meeting on the subject of peace-keeping in the near future.

S/PRST/1994/22, 3 May 1994

Aware of its primary responsibility for the maintenance of international peace and security, the Security Council has begun its consideration of the report of the Secretary-General entitled *Improving the capacity of the United Nations for peace-keeping* of 14 March 1994.⁸ The Security Council welcomes the useful account the report provides of the measures the Secretary-General has taken to strengthen the capacity of the United Nations to undertake peace-keeping operations. The Security Council notes that this report follows the report of the Secretary-General entitled *An Agenda for Peace*⁹ and that it responds to the statements made by successive Presidents of the Security Council on *An Agenda for Peace*, including in particular the statement made by the President of the Security Council on 28 May 1993.¹⁰

The Security Council notes that the report 'Improving the capacity of the United Nations for peace-keeping' has been transmitted to the General Assembly and also notes that the Special Committee on Peace-keeping Operations has made recommendations on the report.

Establishment of Peace-keeping Operations

The Security Council recalls that the statement mad by its President on 28 May 1993¹⁰ stated, *inter alia*, that United Nations peace-keeping operations should be conducted in accordance with a number of operational principles, consistent with the provisions of the Charter of the United Nations. In that context, the Security Council is conscious of the need for the political goals, mandate, costs, and, where possible, the estimated time-frame of United Nations peace-keeping operations to be clear and precise, and of the requirement for the mandates of peace-keeping operations to be subject to periodic review. The Council will respond to situations on a case-by-case basis. Without prejudice to its ability to do so and to respond rapidly and flexibly as circumstances require, the Council considers that the following factors, among others, should be taken into account when the establishment of new peace-keeping operations is under consideration:

- whether a situation exists the continuation of which is likely to endanger or constitute a threat to international peace and security;
- whether regional or subregional organisations and arrangements exist and are ready and able to assist in resolving the situation;

- whether a ceasefire exists and whether the parties have committed themselves to a peace process intended to reach a political settlement;
- whether a clear political goal exists and whether it can be reflected in the mandate;
- whether a precise mandate for a United Nations operation can be formulated;
- whether the safety and security of United Nations personnel can be reasonably ensured, including in particular whether reasonable guarantees can be obtained from the principal parties or factions regarding the safety and security of United Nations personnel; in this regard it reaffirms its statement of 31 March 1993¹¹ and its resolution 868 (1993) of 29 September 1993.

The Security Council should also be provided with an estimate of projected costs for the start-up phase (initial 90 days) of the operation and the first six months, as well as for the resulting increase in total projected annualised United Nations peace-keeping expenditures, and should be informed of the likely availability of resources for the new operation.

The Security Council emphasises the need for the full cooperation of the parties concerned in implementing the mandates of peace-keeping operations as well as relevant decisions of the Security Council.

Ongoing Review of Operations

The Security Council notes that the increasing number and complexity of peace-keeping operations, and of situations likely to give rise to proposals for peace-keeping operations, may require measures to improve the quality and speed of the flow of information available to support Council decision-making. The Security Council will keep this question under consideration.

The Security Council welcomes the enhanced efforts made by the Secretariat to provide information to the Council and underlines the importance of further improving the briefing for Council members on matters of special concern.

Communication with Non-Members of the Security Council (including Troop Contributors)

The Security Council recognises the implications which its decisions on peace-keeping operations have for the Members of the United Nations and in particular for troop-contributing countries.

The Security Council welcomes the increased communication between members and non-members of the Council and believes that the practice of monthly consultations between the President of the Security Council and competent groups of Member States on the Council's programme of work (which includes matters relating to peace-keeping operations) should be continued.

The Security Council is conscious of the need for enhanced consultations and exchange of information with troop-contributing countries regarding peace-keeping operations, including their planning, management and coordination, particularly when significant extensions in an operation's mandate are in prospect. Such consultations can take a variety of forms involving Member States, troop-contributing countries, members of the Security Council and the Secretariat.

The Security Council believes that when major events occur regarding peace-keeping operations, including decisions to change or extend a mandate, there is a particular need for members of the Council to seek to exchange views with troop contributors, including by way of informal communications between the Council's President or its members and troop contributors.

The recent practice of the Secretariat convening meetings of troop contributors, in the presence, as appropriate of Council members, is welcome and should be developed. The Council also encourages the Secretariat to convene regular meetings for troop contributors and Council members to hear reports from Special Representatives of the Secretary-General or Force Commanders and, as appropriate, to make situation reports on peace-keeping operations available at frequent and regular intervals. The Security Council will keep under review arrangements for communication with non-members of the Council.

Stand-by Arrangements

The Security Council attaches great importance to improving the capacity of the United Nations to meet the need for rapid deployment and reinforcement of peace-keeping operations.

In this context, the Security Council welcomes the recommendations in the Secretary-General's report of 14 March 1994 concerning stand-by arrangements and capabilities. The Security Council notes the intention of the Secretary-General to devise stand-by arrangements or capabilities which Member States could maintain at an agreed state of readiness as a possible contribution to a United Nations peace-keeping operation and welcomes the commitments undertaken by a number of Member States.

The Security Council welcomes the request by the Secretary-General to Member States to respond positively to this initiative and encourages Member States to do so in-so-far as possible.

The Security Council encourages the Secretary-General to continue his efforts to include civilian personnel, such as police, in the present stand-by arrangements planning initiative.

The Security Council also encourages the Secretary-General to ensure that the Stand-by Arrangements Management Unit carry on its work, including the periodic updating of the list of units and resources.

The Security Council requests the Secretary-General to report by 30 June 1994 and thereafter at least once a year on progress with this initiative.

The Council will keep this matter under review in order to make recommendations or take decisions required in this regard.

Civilian Personnel

The Security Council welcomes the observations made by the Secretary-General in his report in respect of civilian personnel, including civilian police, and invites Member States to respond positively to requests to contribute such personnel to United Nations peace-keeping operations.

The Security Council attaches importance to full coordination between the different components, military and civilian, of a peace-keeping operation, particularly a multifaceted one. This coordination should extend throughout the planning and implementation of the operation, both at United Nations Headquarters and in the field.

Training

The Security Council recognises that the training of personnel for peace-keeping operations is essentially the responsibility of Member States, but encourages the Secretariat to continue the development of basic guidelines and performance standards and to provide descriptive materials.

The Security Council notes the recommendations of the Special Committee on Peace-keeping Operations on training of peace-keeping personnel. It invites Member States to cooperate with each other in the provision of facilities for this purpose.

Command and Control

The Security Council stresses that as a leading principle United Nations, peace-keeping operations should be under the operational control of the United Nations.

The Security Council welcomes the call by the General Assembly (resolution 48/43) that the Secretary-General, in cooperation with the members of the Security Council, troop-contributing States and other interested Member States, take urgent action on the question of command and control, notes the comments of the Secretary-General in his report of 14 March 1994 and looks forward to his further report on the matter.

Financial and Administrative Issues

Bearing in mind the responsibilities of the General Assembly under Article 17 of the Charter, the Security Council notes the Secretary-General's observations and recommendations on budgetary matters relating to peace-keeping operations in his report of 14 March 1994 and notes also that his report has been referred to the General Assembly for its consideration.

The Security Council confirms that estimates of the financial implications of peace-keeping operations are required from the Secretariat before decisions on mandates or extensions are taken so that the Council is able to act in a financially responsible way.

Conclusion

The Security Council will give further consideration to the recommendations contained in the report of the Secretary-General.

S/PRST/1994/36, 27 July 1994

The Security Council has considered the report of the Secretary-General of 30 June 1994 concerning stand-by arrangements for peace-keeping,¹² submitted pursuant to the statement by the President of the Council of 3 May 1994.¹³

The Security Council reiterates the importance it attaches to improving the capacity of the United Nations for rapid deployment and reinforcement of peace-keeping operations. The recent history of United Nations peace-keeping operations demonstrates that such an effort is essential.

In this context, the Security Council is grateful for the efforts undertaken by the Secretary-General in respect of stand-by arrangements and welcomes the responses so far received from Member States. It also welcomes the intention of the Secretary-General to maintain a comprehensive database of the offers made, including the technical details of these offers.

The Security Council notes that one of the major limiting factors in the timely deployment of troops for United Nations peace-keeping is the lack of readily available equipment. It stresses the importance of urgently addressing the issue of availability of equipment both in the context of stand-by arrangements and more broadly.

The Security Council notes the Secretary-General's view that the commitments made so far do not yet cover adequately the spectrum of resources required to mount and execute future peacekeeping operations. It also notes that additional commitments are expected from other Member States. In this context, it welcomes the Secretary-General's call to those Member States which are not already doing so to participate in the arrangements.

The Security Council looks forward to a further and more comprehensive report on the progress of the stand-by arrangements initiative.

S/PRST/1994/62, 4 November 1994

The Security Council has given further consideration to the question of communication between members and non-members of the Council, in particular troop contributing-countries, which was addressed in the statement of the President of the Council of 3 May 1994.¹⁴ The Council remains conscious of the implications that its decisions on peace-keeping operations have for troop-contributing countries. Having regard to the increase in the number and complexity of such operations it believes that there is a need for further enhancement, in a pragmatic and flexible manner, of the arrangements for consultation and exchange of information with troop-contributing countries.

To this end, the Security Council has decided in future to follow the procedures set out in this statement:

- (a) Meetings should be held as a matter of course between members of the Council, troop-contributing countries and the Secretariat to facilitate the exchange of information and views in good time before the Council takes decisions on the extension or termination of, or significant changes in, the mandate of a particular peace-keeping operation;
- (b) Such meetings would be chaired jointly by the Presidency of the Council and a representative of the Secretariat nominated by the Secretary-General;
- (c) The monthly tentative forecast of work of the Council made available to Member States will in future include an indication of the expected schedule of such meetings for the month;

- (d) In the context of their review of the tentative forecast, the members of the Council will examine this schedule and communicate any suggested changes or proposals as to the timing of meetings to the Secretariat;
- (e) *Ad hoc* meetings chaired jointly by the Presidency of the Security Council and a representative of the Secretariat nominated by the Secretary-General may be convened in the event of unforeseen developments in a particular peace-keeping operation which could require action by the Council;
- (f) Such meetings will be in addition to those convened and chaired solely by the Secretariat for troop contributors to meet with special representatives of the Secretary-General or force commanders or to discuss operational matters concerning particular peace-keeping operations, to which members of the Security Council will also be invited;
- (g) An informal paper, including topics to be covered and drawing attention to relevant background documentation, will be circulated by the Secretariat to the participants well in advance of each of the various meetings referred to above;
- (h) The time and venue of each meeting with members of the Council and troop contributors to a peace-keeping operation should, where possible, appear in advance in the Journal of the United Nations;
- (i) The President of the Council will, in the course of informal consultations of members of the Council, summarize the views expressed by participants at each meeting with troop contributors.

The Security Council recalls that the arrangements described herein are not exhaustive. Consultations may take a variety of forms, including informal communication between the Council President or its members and troop-contributing countries and, as appropriate, with other countries especially affected, for example countries from the region concerned.

The Security Council will keep arrangements for the exchange of information and views with troop contributors under review and stands ready to consider further measures, to enhance arrangements in the light of experience.

The Security Council will also keep under review arrangements to improve the quality and speed of the flow of information available to support Council decision-making, bearing in mind the conclusions contained in its statement of 3 May 1994.

REFERENCES

1. Official Records of the Security Council, Forty-seventh Year, Supplement for January, February and March 1992, *document S/24111*.
2. *S/24728*; see Official Records of the Security Council, Forty-seventh Year, Resolutions and Decisions of the Security Council, 1992, p. 102.
3. Official Records of the Security Council, Forty-seventh Year, Supplement for January, February and March 1992, *document S/24111*.
4. *S/24728*; see *official Records of the security council*, Forty-seventh Year.
5. *S/24728*; see Official Records of the Security Council, Forty-seventh Year, Resolutions and Decisions of the Security Council, 1992, p. 102
6. Official Records of the Security Council, Forty-seventh Year, Supplement for January, February and March 1992, *document S/24/111*.
7. Financing an effective United Nations: a report of the Independent Advisory Group on United Nations Financing (*A/48/460. annex, and Corr: I*).
8. *S/26450*.
9. Official Records of the Security Council Forty-seventh Year, Supplement for January, February and March 1992, *document S/24111*.
10. *S/25859*; see Official Records of the Security Council Forty-seventh Year, Resolutions and Decisions of the Security Council, 1993, p. 49.
11. *S/25493*; see Official Records of the Security Council Forty-seventh Year, Resolutions and Decisions of the Security Council, 1993, p. 47.
12. *S/PRST/1994/777*.
13. *S/PRST/1994/22*.
14. *S/PRST/1994/22*.

167

Protocol on Prohibitions or Restrictions on the use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1 996 (Protocol II of the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects)

Geneva, 3 May 1996

Article 1

Scope of Application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices, defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. This Protocol shall apply, in addition to situations referred to in Article 1 of this Convention, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.

4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the

Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Protocol to parties to a conflict, which are not High Contracting Parties that have accepted this Protocol, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

Article 2

Definitions

For the purpose of this Protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.

2. "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be "remotely delivered", provided that they are used in accordance with five and other relevant Articles of this Protocol.

3. "Anti-personnel mine" means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

4. "Booby-trap" means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act

5. "Other devices" means manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.

6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.

7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6 of this Article.

8. "Minefield" is a defined area in which mines have been emplaced and "mined area" is an area which is dangerous due to the presence of mines. "Phoney minefield" means an area free of mines that simulates a minefield. The term "minefield" includes phoney minefields.

9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. "Self-destruction mechanism" means an incorporated or externally attached automatically-functioning mechanism which secures the destruction of the munition into which it is incorporated or to which it is attached.

11. "Self-neutralisation mechanism" means an incorporated automatically-functioning mechanism which renders inoperable the munition into which it is incorporated.

12. "Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example, a battery, that is essential to the operation of the munition.

13. "Remote control" means control by commands from a distance.

14. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with the mine.

15. "Transfer" involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

Article 3

General Restrictions on the Use of Mines, Booby-Traps and Other Devices

1. This Article applies to:

- (a) mines;
- (b) booby-traps; and
- (c) other devices.

2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all

mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.

3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.

4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.

5. It is prohibited to use mines, booby-traps or other devices which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations.

6. It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning.

7. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.

8. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

- (a) which is not on, or directed against, a military objective. In case of doubt as to whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used;
- (b) which employs a method or means of delivery which cannot be directed at a specific military objective; or
- (c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

9. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are not to be treated as a single military objective.

10. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

- (a) the short- and long-term effect of mines upon the local civilian population for the duration of the minefield;
- (b) possible measures to protect civilians (for example, fencing, signs, warning and monitoring);
- (c) the availability and feasibility of using alternatives; and
- (d) the short- and long-term military requirements for a minefield.

11. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

Article 4

Restrictions on the Use of Anti-Personnel Mines

It is prohibited to use anti-personnel mines which are not detectable, as specified in paragraph 2 of the Technical Annex.

Article 5

Restrictions on the Use of Anti-Personnel Mines Other than Remotely-Delivered Mines

1. This Article applies to anti-personnel mines other than remotely-delivered mines.

2. It is prohibited to use weapons to which this Article applies which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex, unless:

- (a) such weapons are placed within a perimeter-marked area which is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and
- (b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State which accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.

3. A party to a conflict is relieved from further compliance with the provisions of sub-paragraphs 2 (a) and 2 (b) of this Article only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If that party regains control of the area, it shall resume compliance with the provisions of sub-paragraphs 2 (a) and 2 (b) of this Article.

4. If the forces of a party to a conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. All feasible measures shall be taken to prevent the unauthorised removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. Weapons to which this Article applies which propel fragments in a horizontal arc of less than 90 degrees and which are placed on or above the ground may be used without the measures provided for in sub-paragraph 2 (a) of this Article for a maximum period of 72 hours, if:

- (a) they are located in immediate proximity to the military unit that emplaced them; and
- (b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

Article 6

Restrictions on the Use of Remotely-Delivered Mines

1. It is prohibited to use remotely-delivered mines unless they are recorded in accordance with sub-paragraph 1 (b) of the Technical Annex.

2. It is prohibited to use remotely-delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex.

3. It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with an effective self-destruction or self-neutralisation mechanism and have a back-up self-deactivation feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed in position.

4. Effective advance warning shall be given of any delivery or dropping of remotely-delivered mines which may affect the civilian population, unless circumstances do not permit.

Article 7

Prohibitions on the Use of Booby-Traps and Other Devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

- (a) internationally recognised protective emblems, signs or signals;
- (b) sick, wounded or dead persons;
- (c) burial or cremation sites or graves;
- (d) medical facilities, medical equipment, medical supplies or medical transportation;
- (e) children's toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;
- (f) food or drink;
- (g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;
- (h) objects clearly of a religious nature;
- (i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; or
- (j) animals or their carcasses.

2. It is prohibited to use booby-traps or other devices in the form of apparently harmless portable objects which are specifically designed and constructed to contain explosive material.

3. Without prejudice to the provisions of Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:

- (a) they are placed on or in the close vicinity of a military objective; or
- (b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issuing of warnings or the provision of fences.

Article 8

Transfers

1. In order to promote the purposes of this Protocol, each High Contracting Party:

- (a) undertakes not to transfer any mine the use of which is prohibited by this Protocol;
- (b) undertakes not to transfer any mine to any recipient other than a State or a State agency authorised to receive such transfers;
- (c) undertakes to exercise restraint in the transfer of any mine the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State agrees to apply this Protocol; and
- (d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.

2. In the event that a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, sub-paragraph 1 (a) of this Article shall however apply to such mines.

3. All High Contracting Parties, pending the entry into force of this Protocol, will refrain from any actions which would be inconsistent with sub-paragraph 1 (a) of this Article.

Article 9

Recording and Use of Information on Minefields, Mined Areas, Mines, Booby-Traps and Other Devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, mines, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of an adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10

Removal of Minefields, Mined Areas, Mines, Booby-Traps and Other Devices and International Cooperation

1. Without delay after the cessation of active hostilities, all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.

2. High Contracting Parties and parties to a conflict bear such responsibility with respect to minefields, mined areas, mines, booby-traps and other devices in areas under their control.

3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the party in control of the area pursuant to paragraph 2 of this Article, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.

4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organisations, on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

Article 11

Technological Cooperation and Assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations System, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

3. Each High Contracting Party in a position to do so shall provide assistance for mine clearance through the United Nations System, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organisations.

5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required.

6. Without prejudice to their constitutional and other legal provisions, the High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.

7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting

Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

Article 12

Protection from Effects of Minefields, Mined Areas, Mines, Booby-Traps and Other Devices

1. Application

- (a) With the exception of the forces and missions referred to in sub-paragraph 2(a)(i) of this Article, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.
- (b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.
- (c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments as applicable, or decisions by the Security Council of the United Nations, which provide for a higher level of protection to personnel functioning in accordance with this Article.

2. Peace-keeping and certain other forces and missions

- (a) This paragraph applies to:
 - (i) any United Nations force or mission performing peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations; and
 - (ii) any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.
- (b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:
 - (i) so far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control;
 - (ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

- (iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to the head of the force or mission all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

3. Humanitarian and fact-finding missions of the United Nations System

- (a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations System.
- (b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:
 - (i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and
 - (ii) if access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:
 - (aa) unless on-going hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or
 - (bb) if information identifying a safe route is not provided in accordance with sub-paragraph (aa), so far as is necessary and feasible, clear a lane through minefields.

4. Missions of the International Committee of the Red Cross

- (a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.
- (b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:
 - (i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and
 - (ii) take the measures set out in sub-paragraph 3(b)(ii) of this Article.

5. Other humanitarian missions and missions of enquiry:

- (a) Insofar as paragraphs 2, 3 and 4 of this Article do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict or to assist the victims of a conflict:
 - (i) any humanitarian mission of a national Red Cross or Red Crescent society or of their International Federation;
 - (ii) any mission of an impartial humanitarian organisation, including any impartial humanitarian demining mission; and
 - (iii) any mission of enquiry established pursuant to the provisions of the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols,
- (b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:
 - (i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and
 - (ii) take the measures set out in sub-paragraph 3(b)(ii) of this Article.

6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorisation of the provider of the information.

7. Respect for laws and regulations

Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, personnel participating in the forces and missions referred to in this Article shall:

- (a) respect the laws and regulations of the host State; and
- (b) refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 13

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, a conference of High Contracting Parties shall be held annually.

2. Participation in the annual conferences shall be determined by their agreed Rules of Procedure.

3. The work of the conference shall include:

- (a) review of the operation and status of this Protocol;
- (b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;
- (c) preparation for review conferences; and
- (d) consideration of the development of technologies to protect civilians against indiscriminate effects of mines.

4. The High Contracting Parties shall provide annual reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the conference, on any of the following matters:

- (a) dissemination of information on this Protocol to their armed forces and to the civilian population;
- (b) mine clearance and rehabilitation programmes;
- (c) steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;
- (d) legislation related to this Protocol;
- (e) measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and
- (f) other relevant matters.

5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 14

Compliance

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control.

2. The measures envisaged in paragraph 1 of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice.

3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of this Protocol.

4. The High Contracting Parties undertake to consult each other and to cooperate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

Technical Annex

1. Recording

- (a) Recording of the location of mines other than remotely-delivered mines, minefields, mined areas, booby-traps and other devices shall be carried out in accordance with the following provisions:
 - (i) the location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these weapons in relation to those reference points;
 - (ii) maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, and these records shall also indicate their perimeters and extent; and
 - (iii) for purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information on all these weapons laid. Whenever feasible the minefield record shall show the exact location of every mine, except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.
- (b) The estimated location and area of remotely-delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible

marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.

- (c) Copies of records shall be held at a level of command sufficient to guarantee their safety as far as possible.
- (d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language or languages with the following information:
 - (i) name of the country of origin;
 - (ii) month and year of production; and
 - (iii) serial number or lot number.

The marking should be visible, legible, durable and resistant to environmental effects, as far as possible.

2. Specifications on Detectability

- (a) With respect to anti-personnel mines produced after 1 January 1997, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from programmes or more of iron in a single coherent mass.
- (b) With respect to anti-personnel mines produced before 1 January 1997, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from programmes or more of iron in a single coherent mass.
- (c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraph (b), it may declare at the time of its notification of consent to be bound by this Protocol that it will defer compliance with sub-paragraph (b) for a period not to exceed nine years from the entry into force of this Protocol. In the meantime it shall, to the extent feasible, minimize the use of antipersonnel mines that do not so comply.

3. Specifications on self-destruction and self-deactivation;

- (a) All remotely-delivered anti-personnel mines shall be designed and constructed so that no more than 10% of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruction mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.
- (b) All non-remotely delivered anti-personnel mines, used outside marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in sub-paragraph (a).
- (c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraphs (a) and/or (b), it may declare at the time of its notification of consent to be bound by this Protocol, that it will, with respect to mines produced prior to the entry into force of this Protocol, defer compliance with sub-paragraphs (a) and/or (b) for a period not to exceed 9 years from the entry into force of this Protocol.

During this period of deferral, the High Contracting Party shall:

- (i) undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply; and
- (ii) with respect to remotely-delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines comply with at least the requirements for self-deactivation.

4. International signs for minefields and mined areas: Signs similar to the example attached and as specified below shall be utilised in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

- (a) size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square;
- (b) colour: red or orange with a yellow reflecting border;
- (c) symbol: the symbol illustrated in the Attachment, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area;

- (d) language: the sign should contain the word "mines" in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language or languages prevalent in that area; and
- (e) spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.

168

Protocol to the Comprehensive Nuclear Test-ban Treaty

PART I

The International Monitoring System and International Data Centre Functions

A. General Provisions

1. The International Monitoring System shall comprise monitoring facilities as set out in Article IV, paragraph 16, and respective means of communication.

2. The monitoring facilities incorporated into the International Monitoring System shall consist of those facilities specified in Annex 1 to this Protocol. The International Monitoring System shall fulfil the technical and operational requirements specified in the relevant operational manuals.

3. The Organisation, in accordance with Article II, shall, in cooperation and consultation with the States Parties, with other States, and with international organisations as appropriate, establish and coordinate the operation and maintenance, and any future agreed modification or development of the International Monitoring System.

4. In accordance with appropriate agreements or arrangements and procedures, a State Party or other State hosting or otherwise taking responsibility for International Monitoring System facilities and the Technical Secretariat shall agree and cooperate in establishing, operating, upgrading, financing, and maintaining monitoring facilities, related certified laboratories and respective means of communication within areas under its jurisdiction or control or elsewhere in conformity with international law. Such cooperation shall be in accordance with the security and authentication requirements and technical specifications contained in the relevant operational manuals. Such a

State shall give the Technical Secretariat authority to access a monitoring facility for checking equipment and communication links, and shall agree to make the necessary changes in the equipment and the operational procedures to meet agreed requirements. The Technical Secretariat shall provide to such States appropriate technical assistance as is deemed by the Executive Council to be required for the proper functioning of the facility as part of the International Monitoring System.

5. Modalities for such cooperation between the Organisation and States Parties or States hosting or otherwise taking responsibility for facilities of the International Monitoring System shall be set out in agreements or arrangements as appropriate in each case.

B. Seismological Monitoring

6. Each State Party undertakes to cooperate in an international exchange of seismological data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of primary and auxiliary seismological monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.

7. The network of primary stations shall consist of the 50 stations specified in Table 1-A of Annex 1 to this Protocol. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Uninterrupted data from the primary stations shall be transmitted, directly or through a national data centre, on-line to the International Data Centre.

8. To supplement the primary network, an auxiliary network of 120 stations shall provide information, directly or through a national data centre, to the International Data Centre upon request. The auxiliary stations to be used are listed in Table 1-B of Annex 1 to this Protocol. The auxiliary stations shall fulfil the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Data from the auxiliary stations may at any time be requested by the International Data Centre and shall be immediately available through on-line computer connections.

C. Radionuclide Monitoring

9. Each State Party undertakes to cooperate in an international exchange of data on radionuclides in the atmosphere to assist in the verification of compliance with this Treaty. This cooperation shall

include the establishment and operation of a global network of radionuclide monitoring stations and certified laboratories. The network shall provide data in accordance with agreed procedures to the International Data Centre.

10. The network of stations to measure radionuclides in the atmosphere shall comprise an overall network of 80 stations, as specified in Table 2-A of Annex 1 to this Protocol. All stations shall be capable of monitoring for the presence of relevant particulate matter in the atmosphere. Forty of these stations shall also be capable of monitoring for the presence of relevant noble gases upon the entry into force of this Treaty. For this purpose, the Conference, at its initial session, shall approve a recommendation by the Preparatory Commission as to which 40 stations from Table 2-A. of Annex 1 to this Protocol shall be capable of noble gas monitoring. At its first regular annual session, the Conference shall consider and decide on a plan for implementing noble gas monitoring capability throughout the network. The Director-General shall prepare a report to the Conference on the modalities for such implementation. All monitoring stations shall fulfil the technical and operational requirements specified in the Operational Manual for Radionuclide Monitoring and the International Exchange of Radionuclide Data.

11. The network of radionuclide monitoring stations shall be supported by laboratories, which shall be certified by the Technical Secretariat in accordance with the relevant operational manual for the performance, on contract to the Organisation and on a fee-for service basis, of the analysis of samples from radionuclide monitoring stations. Laboratories specified in Table 2-B of Annex 1 to this Protocol, and appropriately equipped, shall, as required, also be drawn upon by the Technical Secretariat to perform additional analysis of samples from radionuclide monitoring stations. With the agreement of the Executive Council, further laboratories may be certified by the Technical Secretariat to perform the routine analysis of samples from manual monitoring stations where necessary. All certified laboratories shall provide the results of such analysis to the International Data Centre, and in so doing shall fulfil the technical and operational requirements specified in the Operational Manual on Radionuclide Monitoring and the International Exchange of Radionuclide Data.

D. Hydroacoustic Monitoring

12. Each State Party undertakes to cooperate in an international exchange of hydroacoustic data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment

and operation of a global network of hydroacoustic monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.

13. The network of hydroacoustic stations shall consist of the stations specified in Table 3 of Annex 1 to this Protocol, and shall comprise an overall network of six hydrophone and five T-phase stations. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Hydroacoustic Monitoring and the International Exchange of Hydroacoustic Data.

E. Infrasound Monitoring

14. Each State Party undertakes to cooperate in an international exchange of infrasound data to assist in the verification of compliance with this Treaty. This cooperation shall include the establishment and operation of a global network of infrasound monitoring stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.

15. The network of infrasound stations shall consist of the stations specified in Table 4 of Annex 1 to this Protocol, and shall comprise an overall network of 60 stations. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Infrasound Monitoring and the International Exchange of Infrasound Data.

F. International Data Centre Functions

16. The International Data Centre shall receive, collect, process, analyse, report on and archive data from International Monitoring System facilities, including the results of analysis conducted at certified laboratories.

17. The procedures and standard event screening criteria to be used by the International Data Centre in carrying out its agreed functions, in particular for the production of standard reporting products and for the performance of a standard range of services for States Parties, shall be elaborated in the Operational Manual for the International Data Centre and shall be progressively developed. The procedures and criteria developed initially by the Preparatory Commission shall be approved by the Conference at its initial session.

International Data Centre Standard Products

18. The International Data Centre shall apply on a routine basis automatic processing methods and interactive human analysis to raw International Monitoring System data in order to produce and archive

standard International Data Centre products on behalf of all States Parties. These products shall be provided at no cost to States Parties and shall be without prejudice to final judgements with regard to the nature of any event, which shall remain the responsibility of States Parties, and shall include:

- (a) Integrated lists of all signals detected by the International Monitoring System, as well as standard event lists and bulletins, including the values and associated uncertainties calculated for each event located by the International Data Centre, based on a set of standard parameters;
- (b) Standard screened event bulletins that result from the application to each event by the International Data Centre of standard event screening criteria, making use of the characterisation parameters specified in Annex 2 to this Protocol, with the objective of characterising, highlighting in the standard event bulletin, and thereby screening out, events considered to be consistent with natural phenomena or non-nuclear, man-made phenomena. The standard event bulletin shall indicate numerically for each event the degree to which that event meets or does not meet the event screening criteria. In applying standard event screening, the International Data Centre shall use both global and supplementary screening criteria to take account of regional variations where applicable. The International Data Centre shall progressively enhance its technical capabilities as experience is gained in the operation of the International Monitoring System;
- (c) Executive summaries, which summarise the data acquired and archived by the International Data Centre, the products of the International Data Centre, and the performance and operational status of the International Monitoring System and International Data Centre; and
- (d) Extracts or subsets of the standard International Data Centre products specified in sub-paragraphs (a) to (c), selected according to the request of an individual State Party.

19. The International Data Centre shall carry out, at no cost to States Parties, special studies to provide in-depth, technical review by expert analysis of data from the International Monitoring System, if requested by the Organisation or by a State Party, to improve the estimated values for the standard signal and event parameters.

International Data Centre Services to States Parties

20. The International Data Centre shall provide States Parties with open, equal, timely and convenient access to all International Monitoring System data, raw or processed, all International Data Centre products, and all other International Monitoring System data in the archive of the International Data Centre or, through the International Data Centre, of International Monitoring System facilities. The methods for supporting data access and the provision of data shall include the following services:

- (a) Automatic and regular forwarding to a State Party of the products of the International Data Centre or the selection by the State Party thereof, and, as requested, the selection by the State Party of International Monitoring System data;
- (b) The provision of the data or products generated in response to *ad hoc* requests by States Parties for the retrieval from the International Data Centre and International Monitoring System facility archives of data and products, including interactive electronic access to the International Data Centre data base; and
- (c) Assisting individual States Parties, at their request and at no cost for reasonable efforts, with expert technical analysis of International Monitoring System data and other relevant data provided by the requesting State Party, in order to help the State Party concerned to identify the source of specific events. The output of any such technical analysis shall be considered a product of the requesting State Party, but shall be available to all States Parties.

The International Data Centre services specified in sub-paragraphs (a) and (b) shall be made available at no cost to each State Party. The volumes and formats of data shall be set out in the Operational Manual for the International Data Centre.

National Event Screening

21. The International Data Centre shall, if requested by a State Party, apply to any of its standard products, on a regular and automatic basis, national event screening criteria established by that State Party, and provide the results of such analysis to that State Party. This service shall be undertaken at no cost to the requesting State Party. The output of such national event screening processes shall be considered a product of the requesting State Party.

Technical Assistance

22. The International Data Centre shall, where required, provide technical assistance to individual States Parties:

- (a) In formulating their requirements for selection and screening of data and products;
- (b) By installing at the International Data Centre, at no cost to a requesting State Party for reasonable efforts, computer algorithms or software provided by that State Party to compute new signal and event parameters that are not included in the Operational Manual for the International Data Centre, the output being considered products of the requesting State Party; and
- (c) By assisting States Parties to develop the capability to receive, process and analyse International Monitoring System data at a national data centre.

23. The International Data Centre shall continuously monitor and report on the operational status of the International Monitoring System facilities, of communications links, and of its own processing systems. It shall provide immediate notification to those responsible should the operational performance of any component fail to meet agreed levels set out in the relevant operational manual.

PART II

On-site Inspections

A. General Provisions

1. The procedures in this Part shall be implemented pursuant to the provisions for on-site inspections set out in Article IV.

2. The on-site inspection shall be carried out in the area where the event that triggered the on-site inspection request occurred.

3. The area of an on-site inspection shall be continuous and its size shall not exceed 1000 square kilometres. There shall be no linear distance greater than 50 kilometres in any direction.

4. The duration of an on-site inspection shall not exceed 60 days from the date of the approval of the on-site inspection request in accordance with Article IV, paragraph 46, but may be extended by a maximum of 70 days in accordance with Article IV, paragraph 49.

5. If the inspection area specified in the inspection mandate extends to the territory or other place under the jurisdiction or control of more

than one State Party, the provisions on on-site inspections shall, as appropriate, apply to each of the States Parties to which the inspection area extends.

6. In cases where the inspection area is under the jurisdiction or control of the inspected, State Party but is located on the territory of another State Party or where the access from the point of entry to the inspection area requires transit through the territory of a State Party other than the inspected State Party, the inspected State Party shall exercise the rights and fulfil the obligations concerning such inspections in accordance with this Protocol. In such a case, the State Party on whose territory the inspection area is located shall facilitate the inspection and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner. States Parties through whose territory transit is required to reach the inspection area shall facilitate such transit.

7. In cases where the inspection area is under the jurisdiction or control of the inspected State Party but is located on the territory of a State not Party to this Treaty, the inspected State Party shall take all necessary measures to ensure that the inspection can be carried out in accordance with this Protocol. A State Party that has under its jurisdiction or control one or more areas on the territory of a State not Party to this Treaty shall take all necessary measures to ensure acceptance by the State on whose territory the inspection area is located of inspectors and inspection assistants designated to that State Party. If an inspected State Party is unable to ensure access, it shall demonstrate that it took all necessary measures to ensure access.

8. In cases where the inspection area is located on the territory of a State Party but is under the jurisdiction or control of a State not Party to this Treaty, the State Party shall take all necessary measures required of an inspected State Party and a State Party on whose territory the inspection area is located, without prejudice to the rules and practices of international law, to ensure that the on-site inspection can be carried out in accordance with this Protocol. If the State Party is unable to ensure access to the inspection area, it shall demonstrate that it took all necessary measures to ensure access, without prejudice to the rules and practices of international law.

9. The size of the inspection team shall be kept to the minimum necessary for the proper fulfilment of the inspection mandate. The total number of members of the inspection team present on the territory of the inspected State Party at any given time, except during the conduct of drilling, shall not exceed 40 persons. No national of the

requesting State Party or the inspected State Party shall be a member of the inspection team.

10. The Director-General shall determine the size of the inspection team and select its members from the list of inspectors and inspection assistants, taking into account the circumstances of a particular request.

11. The inspected State Party shall provide for or arrange the amenities necessary for the inspection team, such as communication means, interpretation services, transportation, working space, lodging, meals, and medical care.

12. The inspected State Party shall be reimbursed by the Organisation, in a reasonably short period of time after conclusion of the inspection, for all expenses, including those mentioned in paragraphs 11 and 49, related to the stay and functional activities of the inspection team on the territory of the inspected State Party.

13. Procedures for the implementation of on-site inspections shall be detailed in the Operational Manual for On-Site Inspections.

B. Standing Arrangements

Designation of Inspectors and Inspection Assistants

14. An inspection team may consist of inspectors and inspection assistants. An on-site inspection shall only be carried out by qualified inspectors specially designated for this function. They may be assisted by specially designated inspection assistants, such as technical and administrative personnel, aircrew and interpreters.

15. Inspectors and inspection assistants shall be nominated for designation by the States Parties or, in the case of staff of the Technical Secretariat, by the Director-General, on the basis of their expertise and experience relevant to the purpose and functions of on-site inspections. The nominees shall be approved in advance by the States Parties in accordance with paragraph 18.

16. Each State Party, no later than 30 days after the entry into force of this Treaty for it, shall notify the Director-General of the names, dates of birth, sex, ranks, qualifications and professional experience of the persons proposed by the State Party for designation as inspectors and inspection assistants.

17. No later than 60 days after the entry into force of this Treaty, the Technical Secretariat shall communicate in writing to all States Parties an initial list of the names, nationalities, dates of birth, sex and ranks of the inspectors and inspection assistants proposed for

designation by the Director-General and the States Parties, as well as a description of their qualifications and professional experience.

18. Each State Party shall immediately acknowledge receipt of the initial list of inspectors and inspection assistants proposed for designation. Any inspector or inspection assistant included in this list shall be regarded as accepted unless a State Party, no later than 30 days after acknowledgment of receipt of the list, declares its non-acceptance in writing. The State Party may include the reason for the objection. In the case of non-acceptance, the proposed inspector or inspection assistant shall not undertake or participate in on-site inspection activities on the territory or in any other place under the jurisdiction or control of the State Party that has declared its non-acceptance. The Technical Secretariat shall immediately confirm receipt of the notification of objection,

19. Whenever additions or changes to the list of inspectors and inspection assistants are proposed by the Director-General or a State Party, replacement inspectors and inspection assistants shall be designated in the same manner as set forth with respect to the initial list. Each State Party shall promptly notify the Technical Secretariat if an inspector or inspection assistant nominated by it can no longer fulfil the duties of an inspector or inspection assistant.

20. The Technical Secretariat shall keep the list of inspectors and inspection assistants up to date and notify all States Parties of any additions or changes to the list.

21. A State Party requesting an on-site inspection may propose that an inspector from the list of inspectors and inspection assistants serve as its observer in accordance with Article IV, paragraph 61.

22. Subject to paragraph 23, a State Party shall have the right at any time to object to an inspector or inspection assistant who has already been accepted. It shall notify the Technical Secretariat, of its objection in writing and may include the reason for the objection. Such objection shall come into effect 30 days after receipt of the notification by the Technical Secretariat. The Technical Secretariat shall immediately confirm receipt of the notification of the objection and inform the objecting and nominating States Parties of the date on which the inspector or inspection assistant shall cease to be designated for that State Party.

23. A State Party that has been notified of an inspection shall not seek the removal from the inspection team of any of the inspectors or inspection assistants named in the inspection mandate.

24. The number of inspectors and inspection assistants accepted by a State Party must be sufficient to allow for availability of appropriate numbers of inspectors and inspection assistants. If, in the opinion of the Director-General, the non-acceptance by a State Party of proposed inspectors or inspection assistants impedes the designation of a sufficient number of inspectors and inspection assistants or otherwise hampers the effective fulfilment of the purposes of an on-site inspection, the Director-General shall refer the issue to the Executive Council.

25. Each inspector included in the list of inspectors and inspection assistants shall receive relevant training. Such training shall be provided by the Technical Secretariat pursuant to the procedures specified in the Operational Manual for On-site Inspections. The Technical Secretariat shall co-ordinate, in agreement with the States Parties, a schedule of training for the inspectors.

Privileges and Immunities

26. Following acceptance of the initial list of inspectors and inspection assistants as provided for in paragraph 18 or as subsequently altered in accordance with paragraph 19, each State Party shall be obliged to issue, in accordance with its national procedures and upon application by an inspector or inspection assistant, multiple entry/exit and/or transit visas and other relevant documents to enable each inspector and inspection assistant to enter and to remain on the territory of that State Party for the sole purpose of carrying out inspection activities. Each State Party shall issue the necessary visa or travel documents for this purpose no later than 48 hours after receipt of the application or immediately upon arrival of the inspection team at the point of entry on the territory of the State Party. Such documents shall be valid for as long as is necessary to enable the inspector or inspection assistant to remain on the territory of the inspected State Party for the sole purpose of carrying out the inspection activities.

27. To exercise their functions effectively, members of the inspection team shall be accorded privileges and immunities as set forth in subparagraphs (a) to (i). Privileges and immunities shall be granted to members of the inspection team for the sake of this Treaty and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the inspected State Party, and thereafter with respect to acts previously performed in the exercise of their official functions.

- (a) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961;
- (b) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to this Treaty shall be accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations;
- (c) The papers and correspondence, including records, of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat;
- (d) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in this Treaty and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant regulations;
- (e) The member 3 of the inspection team shall be accorded the immunities accorded to diplomatic agents pursuant to Article 31, paragraphs 1,2 and 3, of the Vienna Convention on Diplomatic Relations;
- (f) The members of the inspection team carrying out prescribed activities pursuant to this Treaty shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations;
- (g) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations;
- (h) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions; and
- (i) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party.

28. When transiting the territory of States Parties other than the inspected State Party, the members of the inspection team shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and correspondence, including records, and samples and approved equipment carried by them, shall be accorded the privileges and immunities set forth in paragraph 27 (c) and (d).

29. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State. If the inspected State Party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held between the State Party and the Director-General to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

30. The immunity from jurisdiction of members of the inspection team may be waived by the Director-General in those cases when the Director-General is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of this Treaty. Waiver must always be express.

31. Observers shall be accorded the same privileges and immunities accorded to members of the inspection team pursuant to this section, except for those accorded pursuant to paragraph 27 (d).

Points of Entry

32. Each State Party shall designate its points of entry and shall supply the required information to the Technical Secretariat no later than 30 days after this Treaty enters into force for it. These points of entry shall be such that the inspection team can reach any inspection area from at least one point of entry within 24 hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat. Points of entry may also serve as points of exit.

33. Each State Party may change its points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective 30 days after the Technical Secretariat receives such notification, to allow appropriate notification to all States Parties.

34. If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

Arrangements for Use of Non-Scheduled Aircraft

35. Where timely travel to the point of entry is not feasible using scheduled commercial flights, an inspection team may utilize non-scheduled aircraft. No later than 30 days after this Treaty enters into force for it, each State Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting an inspection team and equipment necessary for inspection. Aircraft routings shall be along established international airways that are agreed upon between the State Party and the Technical Secretariat as the basis for such diplomatic clearance.

Approved Inspection Equipment

36. The Conference, at its initial session, shall consider and approve a list of equipment for use during on-site inspections. Each State Party may submit proposals for the inclusion of equipment in the list. Specifications for the use of the equipment, as detailed in the Operational Manual for On-site Inspections, shall take account of safety and confidentiality considerations where such equipment is likely to be used.

37. The equipment for use during on-site inspections shall consist of core equipment for the inspection activities and techniques specified in paragraph 69 and auxiliary equipment necessary for the effective and timely conduct of on-site inspections.

38. The Technical Secretariat shall ensure that all types of approved equipment are available for on-site inspections when required. When required for an on-site inspection, the Technical Secretariat shall duly certify that the equipment has been calibrated, maintained and protected. To facilitate the checking of the equipment at the point of entry by the inspected State Party, the Technical Secretariat shall provide documentation and attach seals to authenticate the certification.

39. Any permanently held equipment shall be in the custody of the Technical Secretariat. The Technical Secretariat shall be responsible for the maintenance and calibration of such equipment.

40. As appropriate, the Technical Secretariat shall make arrangements with States Parties to provide equipment mentioned in the list. Such States Parties shall be responsible for the maintenance and calibration of such equipment.

C. On-site Inspection Request, Inspection Mandate and Notification of Inspection

On-site Inspection Request

41. Pursuant to Article IV, paragraph 37, the on-site inspection request shall contain at least the following information:

- (a) The estimated geographical and vertical co-ordinates of the location of the event that triggered the request with an indication of the possible margin of error;
- (b) The proposed boundaries of the area to be inspected, specified on a map and in accordance with paragraphs 2 and 3;
- (c) The State Party or States Parties to be inspected or an indication that the area to be inspected or part thereof is beyond the jurisdiction or control of any State;
- (d) The probable environment of the event that triggered the request;
- (e) The estimated time of the event that triggered the request, with an indication of the possible margin of error;
- (f) All data upon which the request is based;
- (g) The personal details of the proposed observer, if any; and
- (h) The results of a consultation and clarification process in accordance with Article IV, or an explanation, if relevant, of the reasons why such a consultation and clarification process has not been carried out.

Inspection Mandate

42. The mandate for an on-site inspection shall contain:

- (a) The decision of the Executive Council on the on-site inspection request;
- (b) The name of the State Party or States Parties to be inspected or an indication that the inspection area or part thereof is beyond the jurisdiction or control of any State;
- (c) The location and boundaries of the inspection area specified on a map, taking into account all information on which the request was based and all other available technical information, in consultation with the requesting State Party;

- (d) The planned types of activity of the inspection team in the inspection area;
- (e) The point of entry to be used by the inspection team;
- (f) Any transit or basing points, as appropriate;
- (g) The name of the head of the inspection team;
- (h) The names of members of the inspection team;
- (i) The name of the proposed observer, if any; and
- (j) The list of equipment to be used in the inspection area.

If a decision by the Executive Council pursuant to Article IV, paragraphs 46 to 49, necessitates a modification of the inspection mandate, the Director-General may update the mandate with respect to sub-paragraphs *id)*, *(h)* and *(j)*, as appropriate. The Director-General shall immediately notify the inspected State Party of any such modification.

Notification of Inspection

43. The notification made by the Director-General pursuant to Article IV, paragraph 55 shall include the following information:

- (a) The inspection mandate;
- (b) The date and estimated time of arrival of the inspection team at the point of entry;
- (c) The means of arrival at the point of entry;
- (d) If appropriate, the standing diplomatic clearance number for non-scheduled aircraft; and
- (e) A list of any equipment which the Director-General requests the inspected State Party to make available to the inspection team for use in the inspection area.

44. The inspected State Party shall acknowledge receipt of the notification by the Director-General no later than 12 hours after having received the notification.

D. Pre-Inspection Activities

Entry into the Territory of the Inspected State Party, Activities at the Point of Entry and Transfer to the Inspection Area

45. The inspected State Party that, has been notified of the arrival of the inspection team shall ensure the immediate entry of the inspection team into its territory.

46. When a non-scheduled aircraft is used for travel to the point of entry, the Technical Secretariat shall provide the inspected State Party

with a night plan, through the National Authority, for the flight of the aircraft from the last airfield prior to entering the airspace of that State Party to the point of entry, no less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organisation applicable to civil aircraft. The Technical Secretariat shall include in the remarks section of the flight plan the standing diplomatic clearance number and the appropriate notation identifying the aircraft as an inspection aircraft. If a military aircraft is used, the Technical Secretariat shall request prior authorisation from the inspected State Party to enter its airspace.

47. No less than three hours before the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the inspected State Party, the inspected State Party shall ensure that the flight plan filed in accordance with paragraph 46 is approved, so that the inspection team may arrive at the point of entry by the estimated arrival time.

48. Where necessary, the head of the inspection team and the representative of the inspected State Party shall agree on a basing point and a flight plan from the point of entry to the basing point and, if necessary, to the inspection area.

49. The inspected State Party shall provide for or arrange parking, security protection, servicing and fuel as required by the Technical Secretariat for the aircraft of the inspection team at the point of entry and, where necessary, at the basing point and at the inspection area. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. This paragraph shall also apply to aircraft used for overflight during the on-site inspection.

50. Subject to paragraph 51, there shall be no restriction by the inspected State Party on the inspection team bringing approved equipment that is in conformity with the inspection mandate into the territory of that State Party, or on its use in accordance with the provisions of the Treaty and this Protocol.

51. The inspected State Party shall have the right, without prejudice to the time-frame specified in paragraph 54, to check in the presence of inspection team members at the point of entry that the equipment has been approved and certified in accordance with paragraph 38. The inspected State Party may exclude equipment that is not in conformity with the inspection mandate or that has not been approved and certified in accordance with paragraph 38.

52. Immediately upon arrival at the point of entry and without prejudice to the time-frame specified in paragraph 54, the head of the inspection team shall present to the representative of the inspected State Party the inspection mandate and an initial inspection plan prepared by the inspection team specifying the activities to be carried out by it. The inspection team shall be briefed by representatives of the inspected State Party with the aid of maps and other documentation as appropriate. The briefing shall include relevant natural terrain features, safety and confidentiality issues, and logistical arrangements for the inspection. The inspected State Party may indicate locations within the inspection area that, in its view, are not related to the purpose of the inspection.

53. After the pre-inspection briefing, the inspection team shall, as appropriate, modify the initial inspection plan, taking into account any comments by the inspected State Party. The modified inspection plan shall be made available to the representative of the inspected State Party.

54. The inspected State Party shall do everything in its power to provide assistance and to ensure the safe conduct of the inspection team, the approved equipment specified in paragraphs 50 and 51 and baggage from the point of entry to the inspection area no later than 36 hours after arrival at the point of entry, if no other timing has been agreed upon within the time-frame specified in paragraph 57.

55. To confirm that the area to which the inspection team has been transported corresponds to the inspection area specified in the inspection mandate, the inspection team shall have the right to use approved location-finding equipment. The inspected State Party shall assist the inspection team in this task.

E. Conduct of Inspections

General Rules

56. The inspection team shall discharge its functions in accordance with the provisions of the Treaty and this Protocol.

57. The inspection team shall begin its inspection activities in the inspection area as soon as possible, but in no case later than 72 hours after arrival at the point of entry.

58. The activities of the inspection team shall be so arranged as to ensure the timely and effective discharge of its functions and the least possible inconvenience to the inspected State Party and disturbance to the inspection area.

59. In cases where the inspected State Party has been requested, pursuant to paragraph 43 (e) or in the course of the inspection, to make available any equipment for use by the inspection team in the inspection area, the inspected State Party shall comply with the request to the extent it can.

60. During the on-site inspection the inspection team shall have, *inter alia*,

- (a) The right to determine how the inspection will proceed, consistent with the inspection mandate and taking into account any steps taken by the inspected State Party consistent with the provisions on managed access;
- (b) The right to modify the inspection plan, as necessary, to ensure the effective execution of the inspection;
- (c) The obligation to take into account the recommendations and suggested modifications by the inspected State Party to the inspection plan;
- (d) The right to request clarifications in connection with ambiguities that may arise during the inspection;
- (e) The obligation to use only those techniques specified in paragraph 69 and to refrain from activities that are not relevant to the purpose of the inspection. The team shall collect and document such facts as are related to the purpose of the inspection, but shall neither seek nor document information that is clearly unrelated thereto. Any material collected and subsequently found not to be relevant shall be returned to the inspected State Party;
- (f) The obligation to take into account and include in its report data and explanations on the nature of the event that triggered the request, provided by the inspected State Party from the national monitoring networks of the inspected State Party and from other sources;
- (g) The obligation to provide the inspected State Party, at its request, with copies of the information and data collected in the inspection area; and
- (h) The obligation to respect the confidentiality and the safety and health regulations of the inspected State Party.

61. During the on-site inspection the inspected State Party shall have, *inter alia*:

- (a) The right to make recommendations at any time to the inspection team regarding possible modification of the inspection plan;

- (b) The right and the obligation to provide a representative to liaise with the inspection team;
- (c) The right to have representatives accompany the inspection team during the performance of its duties and observe all inspection activities carried out by the inspection team. This shall not delay or otherwise hinder the inspection team in the exercise of its functions;
- (d) The right to provide additional information and to request (he collection and documentation of additional facts it believes are relevant to the inspection;
- (e) The right to examine all photographic and measurement products as well as samples and to retain any photographs or parts thereof showing sensitive sites not related to the purpose of the inspection. The inspected State Party shall have the right to receive duplicate copies of all photographic and measurement products. The inspected State Party shall have the right to retain photographic originals and first-generation photographic products and to put photographs or parts thereof under joint seal within its territory. The inspected State Party shall have the right to provide its own camera operator to take still/video photographs as requested by the inspection team. Otherwise, these functions shall be performed by members of the inspection team;
- (f) The right to provide the inspection team, from its national monitoring networks and from other sources, with data and explanations on the nature of the event that triggered the request; and
- (g) The obligation to provide the inspection team with such clarification as may be necessary to resolve any ambiguities that arise during the inspection.

Communications

62. The members of the inspection team shall have the right at all times during the on-site inspection to communicate with each other and with the Technical Secretariat. For this purpose they may use their own duly approved and certified equipment with the consent of the inspected State Party, to the extent that the inspected State Party does not provide them with access to other telecommunications.

Observer

63. In accordance with Article IV, paragraph 61, the requesting State Party shall liaise with the Technical Secretariat to co-ordinate

the arrival of the observer at the same point of entry or basing point as the inspection team within a reasonable period of the arrival of the inspection team.

64. The observer shall have the right throughout the inspection to be in communication with the embassy of the requesting State Party located in the inspected State Party or, in the case of absence of an embassy, with the requesting State Party itself.

65. The observer shall have the right to arrive at the inspection area and to have access to and within the inspection area as granted by the inspected State Party.

66. The observer shall have the right to make recommendations to the inspection team throughout the inspection.

67. Throughout the inspection, the inspection team shall keep the observer informed about the conduct of the inspection and the findings.

68. Throughout the inspection, the inspected State Party shall provide or arrange for the amenities necessary for the observer similar to those enjoyed by the inspection team as described in paragraph 11. All costs in connection with the stay of the observer on the territory of the inspected State Party shall be borne by the requesting State Party.

Inspection Activities and Techniques

69. The following inspection activities may be conducted and techniques used, in accordance with the provisions on managed access, on collection, handling and analysis of samples, and on overflights:

- (a) Position finding from the air and at the surface to confirm the boundaries of the inspection area and establish coordinates of locations therein, in support of the inspection activities;
- (b) Visual observation, video and still photography and multi-spectral imaging, including infrared measurements, at and below the surface, and from the air, to search for anomalies or artifacts;
- (c) Measurement of levels of radioactivity above, at and below the surface, using gamma radiation monitoring and energy resolution analysis from the air, and at or under the surface, to search for and identify radiation anomalies;
- (d) Environmental sampling and analysis of solids, liquids and gases from above, at and below the surface to detect anomalies;

- (e) Passive seismological monitoring for aftershocks to localize the search area and facilitate determination of the nature of an event;
- (f) Resonance seismometry and active seismic surveys to search for and locate underground anomalies, including cavities and rubble zones;
- (g) Magnetic and gravitational field mapping, ground penetrating radar and electrical conductivity measurements at the surface and from the air, as appropriate, to detect anomalies or artifacts; and
- (h) Drilling to obtain radioactive samples.

70. Up to 25 days after the approval of the on-site inspection in accordance with Article IV, paragraph 46, the inspection team shall have the right to conduct any of the activities and use any of the techniques listed in paragraph 69 (a) to (e). Following the approval of the continuation of the inspection in accordance with Article IV, paragraph 47, the inspection team shall have the right to conduct any of the activities and use any of the techniques listed in paragraph 69 (a) to (g). The inspection team shall only conduct drilling after the approval of the Executive Council in accordance with Article IV, paragraph 48. If the inspection team requests an extension of the inspection duration in accordance with Article IV, paragraph 49, it shall indicate in its request which of the activities and techniques listed in paragraph 69 it intends to carry out in order to be able to fulfil its mandate.

Overflights

71. The inspection team shall have the right to conduct an overflight over the inspection area during the on-site inspection for the purposes of providing the inspection team with a general orientation of the inspection area, narrowing down and optimising the locations for ground-based inspection and facilitating the collection of factual evidence, using equipment specified in paragraph 79.

72. The overflight shall be conducted as soon as practically possible. The total duration of the overflight over the inspection area shall be no more than 12 hours.

73. Additional overflights using equipment specified in paragraphs 79 and 80 may be conducted subject to the agreement of the inspected State Party.

74. The area to be covered by overflights shall not extend beyond the inspection area.

75. The inspected State Party shall have the right to impose restrictions or, in exceptional cases and with reasonable justification, prohibitions on the overflight of sensitive sites not related to the purpose of the inspection. Restrictions may relate to the flight altitude, the number of passes and circling, the duration of hovering, the type of aircraft, the number of inspectors on board, and the type of measurements or observations. If the inspection team considers that the restrictions or prohibitions on the overflight of sensitive sites may impede the fulfilment of its mandate, the inspected State Party shall make every reasonable effort to provide alternative means of inspection.

76. Overflights shall be conducted according to a flight plan duly filed and approved in accordance with aviation rules and regulations of the inspected State Party. Flight safety regulations of the inspected State Party shall be strictly observed throughout all flying operations.

77. During overflights landing should normally be authorised only for purposes of staging or refuelling.

78. Overflights shall be conducted at altitudes as requested by the inspection team consistent with the activities to be conducted, visibility conditions, as well as the aviation and the safety regulations of the inspected State Party and its right to protect sensitive information not related to the purposes of the inspection. Overflights shall be conducted up to a maximum altitude of 1500 metres above the surface.

79. For the overflight conducted pursuant to paragraphs 71 and 72. the following equipment may be used on board the aircraft:

- (a) Field glasses;
- (b) Passive location-finding equipment;
- (c) Video cameras; and
- (d) Hand-held still cameras.

80. For any additional overflights conducted pursuant to paragraph 73, inspectors on board the aircraft may also use portable easily installed equipment for:

- (a) Multi-spectral (including infrared) imagery;
- (b) Gamma spectroscopy; and
- (c) Magnetic field mapping.

81. Overflights shall be conducted with a relatively slow fixed or rotary wing aircraft. The aircraft shall afford a broad, unobstructed view of the surface below.

82. The inspected State Party shall have the right to provide its own aircraft, pre-equipped as appropriate in accordance with the

technical requirements of the relevant operational manual, and crew. Otherwise, the aircraft shall be provided or rented by the Technical Secretariat.

83. If the aircraft is provided or rented by the Technical Secretariat, the inspected State Party shall have the right to check the aircraft to ensure that it is equipped with approved inspection equipment. Such checking shall be completed within the time-frame specified in paragraph 57.

84. Personnel on board the aircraft shall consist of:

- (a) The minimum number of flight crew consistent with the safe operation of the aircraft;
- (b) Up to four members of the inspection team;
- (c) Up to two representatives of the inspected State Party;
- (d) An observer, if any, subject to the agreement of the inspected State Party; and
- (e) An interpreter, if necessary.

85. Procedures for the implementation of overflights shall be detailed in the Operational Manual for On-site Inspections.

Managed Access

86. The inspection team shall have the right to access the inspection area in accordance with the provisions of the Treaty and this Protocol.

87. The inspected State Party shall provide access within the inspection area in accordance with the time-frame specified in paragraph 57.

88. Pursuant to Article IV, paragraph 57 and paragraph 86 above, the rights and obligations of the inspected State Party shall include:

- (a) The right to take measures to protect sensitive installations and locations in accordance with this Protocol;
- (b) The obligation, when access is restricted within the inspection area, to make every reasonable effort to satisfy the requirements of the inspection mandate through alternative means. Resolving any questions regarding one or more aspects of the inspection shall not delay or interfere with the conduct of the inspection team of other aspects of the inspection; and
- (c) The right to make the final decision regarding any access of the inspection team, taking into account its obligations under this Treaty and the provisions on managed access.

89. Pursuant to Article IV, paragraph 57 (b) and paragraph 88 (a) above, the inspected State Party shall have the right throughout the inspection area to take measures to protect sensitive installations and locations and to prevent disclosure of confidential information not related to the purpose of the inspection. Such measures may include, *inter alia*:

- (a) Shrouding of sensitive displays, stores, and equipment;
- (b) Restricting measurements of radionuclide activity and nuclear radiation to determining the presence or absence of those types and energies of radiation relevant to the purpose of the inspection;
- (c) Restricting the taking of or analysing of samples to determining the presence or absence of radioactive or other products relevant to the purpose of the inspection;
- (d) Managing access to buildings and other structures in accordance with paragraphs 90 and 91; and
- (e) Declaring restricted-access sites in accordance with paragraphs 92 to 96.

90. Access to buildings and other structures shall be deferred until after the approval of the continuation of the on-site inspection in accordance with Article IV, paragraph 47, except for access to buildings and other structures housing the entrance to a mine, other excavations, or caverns of large volume not otherwise accessible. For such buildings and structures, the inspection team shall have the right only of transit, as directed by the inspected State Party, in order to enter such mines, caverns or other excavations.

91. If, following the approval of the continuation of the inspection in accordance with Article IV, paragraph 47, the inspection team demonstrates credibly to the inspected State Party that access to buildings and other structures is necessary to fulfil the inspection mandate and that the necessary activities authorised in the mandate could not be carried out from the outside, the inspection team shall have the right to gain access to such buildings or other structures. The head of the inspection team shall request access to a specific building or structure indicating the purpose of such access, the specific number of inspectors, as well as the intended activities. The modalities for access shall be subject to negotiation between the inspection team and the inspected State Party. The inspected State Party shall have the right to impose restrictions or, in exceptional cases and with reasonable justification, prohibitions, on the access to buildings and other structures.

92. When restricted-access sites are declared pursuant to paragraph 89 (e), each such site shall be no larger than four square kilometres. The inspected State Party has the right to declare up to 50 square kilometres of restricted-access sites. If more than one restricted-access site is declared, each such site shall be separated from any other such site by a minimum distance of 20 metres. Each restricted-access site shall have clearly defined and accessible boundaries.

93. The size, location, and boundaries of restricted-access sites shall be presented to the head of the inspection team no later than the time that the inspection team seeks access to a location that contains all or part of such a site.

94. The inspection team shall have the right to place equipment and take other steps necessary to conduct its inspection up to the boundary of a restricted-access site.

95. The inspection team shall be permitted to observe visually all open places within the restricted-access site from the boundary of the site.

96. The inspection team shall make every reasonable effort to fulfil the inspection mandate outside the declared restricted-access sites prior to requesting access to such sites. If at any time the inspection team demonstrates credibly to the inspected State Party that the necessary activities authorised in the mandate could not be carried out from the outside and that access to a restricted-access site is necessary to fulfil the mandate, some members of the inspection team shall be granted access to accomplish specific tasks within the site. The inspected State Party shall have the right to shroud or otherwise protect sensitive equipment, objects and materials not related to the purpose of the inspection. The number of inspectors shall be kept to the minimum necessary to complete the tasks related to the inspection. The modalities for such access shall be subject to negotiation between the inspection team and the inspected State Party.

Collection, Handling and Analysis of Samples

97. Subject to paragraphs 86 to 96 and 98 to 100, the inspection team shall have the right to collect and remove relevant samples from the inspection area.

98. Whenever possible, the inspection team shall analyse samples on-site. Representatives of the inspected State Party shall have the right to be present when samples are analysed on-site. At the request of the inspection team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on-site. The inspection team shall have the right to transfer samples

for off-site analysis at laboratories designated by the Organisation only if it demonstrates that the necessary sample analysis can not be performed on-site.

99. The inspected State Party shall have the right to retain portions of all samples collected when these samples are analysed and may take duplicate samples.

100. The inspected State Party shall have the right to request that any unused samples or portions thereof be returned.

101. The designated laboratories shall conduct chemical and physical analysis of the samples transferred for off-site analysis. Details of such analysis shall be elaborated in the Operational Manual for On-site Inspections.

102. The Director-General shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for off-site analysis is protected. The Director-General shall do so in accordance with procedures contained in the Operational Manual for On-site Inspections. The Director-General shall, in any case:

- (a) Establish a stringent regime governing the collection, handling, transport and analysis of samples;
- (b) Certify the laboratories designated to perform different types of analysis;
- (c) Oversee the standardisation of equipment and procedures at these designated laboratories and of mobile analytical equipment and procedures;
- (d) Monitor quality control and overall standards in relation to the certification of these laboratories and in relation to mobile equipment and procedures; and
- (e) Select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

103. When off-site analysis is to be performed, samples shall be analysed in at least two designated laboratories. The Technical Secretariat shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the Technical Secretariat and any unused samples or portions thereof shall be returned to the Technical Secretariat.

104. The Technical Secretariat shall compile the results of the laboratory analysis of samples relevant to the purpose of the inspection. Pursuant to Article IV, paragraph 63, the Director-General shall

transmit any such results promptly to the inspected State Party for comments and thereafter to the Executive Council and to all other States Parties and shall include detailed information concerning the equipment and methodology employed by the designated laboratories.

Conduct of Inspections in Areas beyond the Jurisdiction or Control of any State

105. In case of an on-site inspection in an area beyond the jurisdiction or control of any State, the Director-General shall consult with the appropriate States Parties and agree on any transit or basing points to facilitate a speedy arrival of the inspection team in the inspection area.

106. The States Parties on whose territory transit or basing points are located shall, as far as possible, assist in facilitating the inspection, including transporting the inspection team, its baggage and equipment to the inspection area, as well as providing the relevant amenities specified in paragraph 11. The Organisation shall reimburse assisting States Parties for all costs incurred.

107. Subject to the approval of the Executive Council, the Director-General may negotiate standing arrangements with States Parties to facilitate assistance in the event of an on-site inspection in an area beyond the jurisdiction or control of any State.

108. In cases where one or more States Parties have conducted an investigation of an ambiguous event in an area beyond the jurisdiction or control of any State before a request is made for an on-site inspection in that area, any results of such investigation may be taken into account by the Executive Council in its deliberations pursuant to Article IV.

Post-Inspection Procedures

109. Upon conclusion of the inspection, the inspection team shall meet with the representative of the inspected State Party to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide the representative of the inspected State Party with its preliminary findings in written form according to a standardised format, together with a list of any samples and other material taken from the inspection area pursuant to paragraph 98. The document shall be signed by the head of the inspection team. In order to indicate that he or she has taken notice of the contents of the document, the representative of the inspected State Party shall countersign the document. The meeting shall be completed no later than 24 hours after the conclusion of the inspection.

Departure

110. Upon completion of the post-inspection procedures, the inspection team and the observer shall leave, as soon as possible, the territory of the inspected State Party. The inspected State Party shall do everything in its power to provide assistance and to ensure the safe conduct of the inspection team, equipment and baggage to the point of exit. Unless agreed otherwise by the inspected State Party and the inspection team, the point of exit used shall be the same as the point of entry.

PART III**Confidence-Building Measures**

1. Pursuant to Article IV, paragraph 68, each State Party shall, on a voluntary basis, provide the Technical Secretariat with notification of any chemical explosion using 300 tonnes or greater of TNT-equivalent blasting material detonated as a single explosion anywhere on its territory, or at any place under its jurisdiction or control. If possible, such notification shall be provided in advance. Such notification shall include details on location, time, quantity and type of explosive used, as well as on the configuration and intended purpose of the blast.

2. Each State Party shall, on a voluntary basis, as soon as possible after the entry into force of this Treaty provide to the Technical Secretariat, and at annual intervals thereafter update, information related to its national use of all other chemical explosions greater than 300 tonnes TNT-equivalent. In particular, the State Party shall seek to advise:

- (a) The geographic locations of sites where the explosions originate;
- (b) The nature of activities producing them and the general profile and frequency of such explosions;
- (c) Any other relevant detail, if available; and to assist the Technical Secretariat in clarifying the origins of any such event detected by the International Monitoring System.

3. A State Party may, on a voluntary and mutually-acceptable basis, invite representatives of the Technical Secretariat or of other States Parties to visit sites within its territory referred to in paragraphs 1 and 2.

4. For the purpose of calibrating the International Monitoring System, States Parties may liaise with the Technical Secretariat to carry out chemical calibration explosions or to provide relevant information on chemical explosions planned for other purposes.

169

Protocol to the July 1991 START Treaty*

Lisbon, 23 May 1992

The Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, Ukraine, and the United States of America, hereinafter referred to as the Parties,

Reaffirming their support for the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the Treaty,

Recognising the altered political situation resulting from the replacement of the former Union of Soviet Socialist Republics with a number of independent states,

Recalling the commitment of the member states of the Commonwealth of Independent States that the nuclear weapons of the former Union of Soviet Socialist Republics will be maintained under the safe, secure, and reliable control of a single unified authority,

Desiring to facilitate implementation of the Treaty in this altered situation,

Have agreed as follows:

Article I

The Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as successor states of the former Union of Soviet Socialist Republics in connection with the Treaty, shall assume the obligations of the former Union of Soviet Socialist Republics under the Treaty.

* Text obtained from the United States Department of State.

Article II

The Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine shall make such arrangements among themselves as are required to implement the Treaty's limits and restrictions; to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine; and to allocate costs.

Article III

1. For purposes of Treaty implementation, the phrase "Union of Soviet Socialist Republics" shall be interpreted to mean the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine.

2. For purposes of Treaty implementation, the phrase "national territory", when used in the Treaty to refer to the Union of Soviet Socialist Republics, shall be interpreted to mean the combined national territories of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine.

3. For inspections and continuous monitoring activities in the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, or Ukraine, that state shall provide communications from the inspection site or continuous monitoring site to the Embassy of the United States in the respective capital.

4. For purposes of Treaty implementation, the embassy of the Inspecting Party referred to in Section XVI of the Protocol on Inspections and Continuous Monitoring Activities 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 shall be construed to be the embassy of the respective state in Washington or the embassy of the United States of America in the respective capital.

5. The working languages for Treaty activities shall be English and Russian.

Article IV

Representatives of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine will participate in the Joint Compliance and Inspection Commission on a basis to be worked out consistent with Article I of this Protocol.

Article V

The Republic of Byelarus, the Republic of Kazakhstan, and Ukraine shall adhere to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 as non-nuclear-weapons states Parties in the shortest possible time, and shall begin immediately to take all necessary actions to this end in accordance with their constitutional practices.

Article VI

1. Each Party shall ratify the Treaty together with this Protocol in accordance with its own constitutional procedures. The Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine shall exchange instruments of ratification with the United States of America. The Treaty shall enter into force on the date of the final exchange of instruments of ratification.

2. This Protocol shall be an integral part of the Treaty and shall remain in force throughout the duration of the Treaty.

Done at Lisbon on May 23, 1992, in five copies, each in the Byelarusian, English, Kazakh, Russian, and Ukrainian languages, all texts being equally authentic.

170

Protocol I Additional to the Geneva Conventions of 1949 Relating to the Protection of Victims of International Armed Conflicts (1977)

ALSO KNOWN AS: Protocol I

DATE OF SIGNATURE: December 12, 1977

PLACE OF SIGNATURE: Berne

SIGNATORY STATES: Bangladesh, Bahamas, Botswana, Cyprus, Ecuador, El Salvador, Finland, Gabon, Ghana, Jordan, Libya, Laos, Mauritania, Niger, Sweden, Tunisia, Vietnam, Yugoslavia

DATE OF ENTRY INTO FORCE: December 7, 1978

The High Contracting Parties Proclaiming their earnest wish to see peace prevail among peoples,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Believing it necessary nevertheless to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application, *Expressing* their conviction that nothing in this Protocol or in the Geneva Conventions of 12 August 1949 can be construed as legitimising or authorising any act of aggression or any other use of force inconsistent with the Charter of the United Nations, *Reaffirming* further that the provisions of the Geneva Conventions of 12 August 1949 and of this Protocol must be fully applied in all circumstances to all persons who are protected by

those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict, *Have agreed* on the following:

PART I

GENERAL PROVISIONS

Article 1

General Principles and Scope of Application

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.

2. In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from dictates of public conscience.

3. This Protocol, which supplements the Geneva Conventions of 12 August 1949 for the protection of war victims, shall apply in the situations referred to in Article 2 common to those Conventions.

4. The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

Article 1

Definitions

For the purposes of this Protocol:

- (a) "First Convention", "Second Convention", "Third Convention" and "Fourth Convention" mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949; the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949; the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949; the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; "the

Conventions" means the four Geneva Conventions of 12 August 1949 for the protection of war victims;

- (b) "Rules of international law applicable in armed conflict" means the rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties and the generally recognised principles and rules of international law which are applicable to armed conflict;
- (c) "Protecting Power" means a neutral or other State not a Party to the conflict which has been designated by a Party to the conflict and accepted by the adverse Party and has agreed to carry out the functions assigned to a Protecting Power under the Conventions and this Protocol;
- (d) "Substitute" means an organisation acting in place of a Protecting Power in accordance with Article 5.

Article 3

Beginning and End of Application

Without prejudice to the provisions which are applicable at all times:

- (a) the Conventions and this Protocol shall apply from the beginning of any situation referred to in Article 1 of this Protocol;
- (b) the application of the Conventions and of this Protocol shall cease, in the territory of Parties to the conflict, on the general close of military operations and, in the case of occupied territories, on the termination of the occupation, except, in either circumstance, for those persons whose final release, repatriation or re-establishment takes place thereafter. These persons shall continue to benefit from the relevant provisions of the Conventions and of this Protocol until their final release repatriation or re-establishment.

Article 4

Legal status of the Parties to the Conflict

The application of the Conventions and of this Protocol, as well as the conclusion of the agreements provided for therein, shall not affect the legal status of the Parties to the conflict. Neither the occupation of a territory nor the application of the Conventions and this Protocol shall affect the legal status of the territory in question.

[At the outset of any conflict, Protecting Powers shall be designated with responsibility for supervising and implementing this Convention.]

Article 6

Qualified Persons

1. The High Contracting Parties shall, also in peacetime, endeavour, with the assistance of the national Red Cross (Red Crescent, Red Lion and Sun) Societies, to train qualified personnel to facilitate the application of the Conventions and of this Protocol, and in particular the activities of the Protecting Powers.

2. The recruitment and training of such personnel are within domestic jurisdiction.

3. The International Committee of the Red Cross shall hold at the disposal of the High Contracting Parties the lists of persons so trained which the High Contracting Parties may have established and may have transmitted to it for that purpose.

4. The conditions governing the employment of such personnel outside the national territory shall, in each case, be the subject of special agreements between the Parties concerned.

PART II

WOUNDED, SICK AND SHIPWRECKED

Section I: General Protection

Article 8

Terminology

[This Article gives definitions of the wounded, sick, shipwrecked, medical personnel, religious personnel etc.]

Article 9

Field of Application

1. This Part, the provisions of which are intended to ameliorate the condition of the wounded, sick and shipwrecked, shall apply to all those affected by a situation referred to in Article 1, without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.

Article 10

Protection and Care

1. All the wounded, sick and shipwrecked, to whichever Party they belong, shall be respected and protected.

2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 11

Protection of Persons

1. The physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article i shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the State of health of the person concerned and which is not consistent with generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the Party conducting the procedure and who are in no way deprived of liberty.

2. It is, in particular, prohibited to carry out on such persons, even with their consent:

- (a) physical mutilations;
- (b) medical or scientific experiments;
- (c) removal of tissue or organs for transplantation, except where these acts are justified in conformity with the conditions provided for in paragraph 1.

3. Exceptions to the prohibition in paragraph 2 (c) may be made only in the case of donations of blood for transfusion or of skin for grafting, provided that they are given voluntarily and without any coercion or inducement, and then only for therapeutic purposes, under conditions consistent with generally accepted medical standards and controls designed for the benefit of both the donor and the recipient.

Article 12

Protection of Medical Units

1. Medical units shall be respected and protected at all times and shall not be the object of attack.

2. Paragraph 1 shall apply to civilian medical units, provided that they:

- (a) belong to one of the Parties to the conflict;
- (b) are recognised and authorised by the competent authority of one of the Parties to the conflict; or
- (c) are authorised in conformity with Article 9, paragraph 2, of this Protocol or Article 27 of the First Convention.

3. The Parties to the conflict are invited to notify each other of the location of their fixed medical units. The absence of such notification shall not exempt any of the Parties from the obligation to comply with the provisions of paragraph 1.

4. Under no circumstances shall medical units be used in an attempt to shield military objectives from attack. Whenever possible, the Parties to the conflict shall ensure that medical units are so sited that attacks against military objectives do not imperil their safety.

Article 13

Discontinuance of Protection of Civilian Medical Units

[The protection of civilian medical units shall be discontinued, after reasonable warning, if they commit acts harmful to the enemy.]

Article 14

Limitations on Requisition of Civilian Medical Units

1. The Occupying Power has the duty to ensure that the medical needs of the civilian population in occupied territory continue to be satisfied.

2. The Occupying Power shall not, therefore, requisition civilian medical units, their equipment, their *material* or the services of their personnel, so long as these resources are necessary for the provision of adequate medical services for the civilian population and for the continuing medical care of any wounded and sick already under treatment.

Article 15

Protection of Civilian Medical and Religious Personnel

[Civilian medical personnel and civilian religious personnel shall be clearly identified and fully protected at all times.]

Article 16

General Protection of Medical Duties

1. Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

2. Persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to the rules of medical ethics or to other medical rules designed for the benefit of the wounded and sick or to the provisions of the Conventions or of this Protocol, or to refrain from performing acts or from carrying out work required by those rules and provisions.

3. No person engaged in medical activities shall be compelled to give to anyone belonging either to an adverse Party, or to his own Party except as required by the law of the latter Party, any information concerning the wounded and sick who are, or who have been, under his care, if such information would, in his opinion, prove harmful to the patients concerned or to their families. Regulations for the compulsory notification of communicable diseases shall, however, be respected.

Article 17

Role of the Civilian Population and of Aid Societies

1. The civilian population shall respect the wounded, sick and shipwrecked, even if they belong to the adverse Party, and shall commit no act of violence against them. The civilian population and aid societies, such as national Red Cross (Red Crescent, Red Lion and Sun) Societies, shall be permitted, even on their own initiative, to collect and care for the wounded, sick and shipwrecked, even in invaded or occupied areas. No one shall be harmed, prosecuted, convicted or punished for such humanitarian acts.

2. The Parties to the conflict may appeal to the civilian population and the aid societies referred to in paragraph 1 to collect and care for the wounded, sick and shipwrecked, and to search for the dead and report their location; they shall grant both protection and the necessary facilities to those who respond to this appeal. If the adverse Party gains or regains control of the area, that Party also shall afford the same protection and facilities for so long as they are needed.

Article 18

Identification

[This Article specifies regulations concerning the identification of medical and religious personnel, and of medical units and transport.]

Article 19

Neutral and other States not Parties to the Conflict

Neutral and other States not Parties to the conflict shall apply the relevant provisions of this Protocol to persons protected by this Part

who may be received or interned within their territory, and to any dead of the Parties to that conflict whom they may find.

Article 20

Prohibition of Reprisals

Reprisals against the persons and objects protected by this Part are prohibited.

Section II: Medical Transportation

Article 21

Medical Vehicles

Medical vehicles shall be respected and protected in the same way as mobile medical units under the Conventions and this Protocol.

Article 22

Hospital Ships and Coastal Rescue Craft

Protection for hospital ships and coastal rescue craft.

Article 23

Other Medical Ships and Craft

[Other medical ships and craft shall be clearly identified and shall be protected.]

Article 24

Protection of Medical Aircraft

Medical aircraft shall be respected and protected, subject to the provisions of this Part.

Articles 25-27

[Medical aircraft shall be protected; provided that prior agreement for flights over enemy territory has been obtained from the enemy.]

Article 28

Restrictions on Operations of Medical Aircraft

[Medical aircraft shall not be used for military purposes, nor for collecting or transmitting medical data.]

Article 29

Notifications and Agreements Concerning Medical Aircraft

[Notifications and agreements regarding medical aircraft.]

Article 30

Landing and Inspection of Medical Aircraft

[Medical aircraft flying over enemy territory may be ordered to land, and may be subject to inspection.]

Article 31**Neutral or other States not Parties to the Conflict**

[Medical aircraft flying over neutral territory may be required to land and shall be subject to inspection.]

Section III: Missing and Dead Persons**Article 32****General Principle**

In the implementation of this Section, the activities of the High Contracting Parties, of the Parties to the conflict and of the international humanitarian organisations mentioned in the Conventions and in this Protocol shall be prompted mainly by the right of families to know the fate of their relatives.

Article 33**Missing Persons**

1. As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.

2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each Party to the conflict shall, with respect to persons who would not receive more favourable consideration under the Conventions and this Protocol:

- (a) record the information specified in Article 138 of the Fourth Convention in respect of such persons who have been detained, imprisoned or otherwise held in captivity for more than two weeks as a result of hostilities or occupation, or who have died during any period of detention;
- (b) to the fullest extent possible, facilitate and, if need be, carry out the search for and the recording of information concerning such persons if they have died in other circumstances as a result of hostilities or occupation.

3. Information concerning persons reported missing pursuant to paragraph 1 and requests for such information shall be transmitted either directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International Committee

of the Red Cross and its Central Tracing Agency, each Party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.

4. The Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties.

Article 34

Remains of Deceased

[The remains of the deceased shall be respected and gravesites maintained. Relatives shall be granted access to graves as soon as circumstances permit.]

PART III

METHODS AND MEANS OF WARFARE COMBATANT AND PRISONER-OF-WAR STATUS

Section I: Methods and Means of Warfare

Article 35

Basic Rules

1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Article 36

New Weapons

In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.

Article 37**Prohibition of Perfidy**

1. It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy:

- (a) the feigning of an intent to negotiate under a flag of truce or of a surrender;
- (b) the feigning of an incapacitation by wounds or sickness;
- (c) the feigning of civilian, non-combatant status; and
- (d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.

2. Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary or to rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. The following are examples of such ruses; the use of camouflage, decoys, mock operations and misinformation.

Article 38**Recognised Emblems**

[Improper use shall not be made of the red cross, red crescent, or other comparable emblems.]

Article 39**Emblems of Nationality**

[Improper use shall not be made of the emblems of neutral states.]

Article 40**Quarter**

It is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis.

Article 41**Safeguard of an Enemy Hors de Combat**

[An enemy who is *hors de combat* shall not be attacked.]

Article 42**Occupants of Aircraft**

[No-one parachuting from an aircraft in distress shall be attacked.]

Section II: Combatant and Prisoner-of-War Status**Article 43****Armed Forces**

1. The armed forces of a Party to a conflict consist of *all* organised armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates even if that Party is represented by a government or an authority not recognised by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, *inter alia*, shall enforce compliance with the rules of international law applicable in armed conflict.

2. Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities.

3. Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.

Article 44**Combatants and Prisoners of War**

[Combatants as defined in Article 43 who fall into enemy hands shall be treated as prisoners of war.]

Article 45**Protection of Persons who Have Taken Part in Hostilities**

[A person who has taken part in hostilities and falls into enemy hands shall be presumed to be a prisoner of war.]

Article 46**Spies**

1. Notwithstanding any other provision of the Conventions or of this Protocol, any member of the armed forces of a Party to the conflict who falls into the power of an adverse Party while engaging in espionage shall not have the right to the status of prisoner of war and may be treated as a spy.

2. A member of the armed forces of a Party to the conflict who, on behalf of that Party and in territory controlled by an adverse Party, gathers or attempts to gather information shall not be considered as engaging in espionage if, while so acting, he is in the uniform of his armed forces.

3. A member of the armed forces of a Party to the conflict who is a resident of territory occupied by an adverse Party and who, on behalf of the Party on which he depends, gathers or attempts to gather information of military value within that territory shall not be considered as engaging in espionage unless he does so through an act of false pretences or deliberately in a clandestine manner. Moreover, such a resident shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured while engaging in espionage.

4. A member of the armed forces of a Party to the conflict who is not a resident of territory occupied by an adverse Party and who has engaged in espionage in that territory shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured before he has rejoined the armed forces to which he belongs.

Article 47

Mercenaries

1. A mercenary shall not have the right to be a combatant or a prisoner of war 2. A mercenary is any person who:

- (a) is specially recruited locally or abroad in order to fight in an armed conflict;
- (b) does, in fact, take a direct part in the hostilities;
- (c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
- (d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
- (e) is not a member of the armed forces of a Party to the conflict; and
- (f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

PART IV

CIVILIAN POPULATION

Section I: General Protection Against Effects of Hostilities

CHAPTER I

Basic Rule and Field of Application

Article 48

Basic Rule

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Article 49

Definition of Attacks and Scope of Application

[This Article gives the definition of attacks and scope of application.]

CHAPTER II

Civilians and Civilian Population

Article 50

Definition of Civilians and Civilian Population

[This Article gives the definition of civilians and civilian populations.]

Article 51

Protection of the Civilian Population

[The civilian population shall enjoy general protection. Indiscriminate attacks on civilians and reprisals against civilians are specifically forbidden.]

CHAPTER III

Civilian Objects

Article 52

General Protection of Civilian Objects

1. Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.

2. Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.

3. In case of doubt Whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.

Article 53

Protection of Cultural Objects and of Places of Worship

[Historic monuments, works of art, and places of worship are specifically protected from hostile acts.]

Article 54

Protection of Objects Indispensable to the Survival of the Civilian Population

[Starvation of civilians is forbidden. Destruction of food-stuffs, crops, livestock, or drinking water installations is forbidden.]

Article 55

Protection of the Natural Environment

[Protection of the natural environment.]

Article 56

Protection of Works and Installations Containing Dangerous Forces

1. Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population.

CHAPTER IV

Precautionary Measures

Article 57

Precautions in Attack

[Military attacks shall take precautions in order to minimize loss of civilian life, injury to civilians, and damage to civilian objects.]

Article 58

Precautions Against the Effects of Attacks

The Parties to the conflict shall, to the maximum extent feasible:

- (a) without prejudice to Article 49 of the Fourth Convention, endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives;
- (b) avoid locating military objectives within or near densely populated areas;
- (c) take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.

CHAPTER V

Localities and Zones Under Special Protection

Article 59

Non-defended Localities

1. It is prohibited for the Parties to the conflict to attack, by any means whatsoever, non-defended localities.

2. The appropriate authorities of a Party to the conflict may declare as a non-defended locality any-inhabited place near or in a zone where armed forces are in contact which is open for occupation by an adverse Party. Such a locality shall fulfil the following conditions:

- (a) all combatants, as well as mobile weapons and mobile military equipment must have been evacuated;
- (b) no hostile use shall be made of fixed military installations or establishments;
- (c) no acts of hostility shall be committed by the authorities or by the population; and

- (d) no activities in support of military operations shall be undertaken.

Article 60

Demilitarised Zones

[Parties to the conflict shall not extend their military operations into areas that have already been designated demilitarised zones.]

CHAPTER VI

Civil Defence

Article 61

Definitions and Scope

[This Article gives the definition and scope of civil defence.]

Article 62

General Protection

1. Civilian civil defence organisations and their personnel shall be respected and protected, subject to the provisions of this Protocol, particularly the provisions of this section. They shall be entitled to perform their civil defence tasks except in case of imperative military necessity.

2. The provisions of paragraph 1 shall also apply to civilians who, although not members of civilian civil defence organisations, respond to an appeal from the competent authorities and perform civil defence tasks under their control.

3. Buildings and *material* used for civil defence-purposes and shelters provided for the civilian population are covered by Article 52. Objects used for civil defence purposes may not be destroyed or diverted from their proper use except by the Party to which they belong.

Article 63

Civil Defence in Occupied Territories

1. In occupied territories, civilian civil defence organisations shall receive from the authorities the facilities necessary for the performance of their tasks. In no circumstances shall their personnel be compelled to perform activities which would interfere with the proper performance of these tasks. The Occupying Power shall not change the structure or personnel of such organisations in any way which might jeopardize the efficient performance of their mission. These organisations shall not be required to give priority to the nationals or interests of that Power.

2. The Occupying Power shall not compel, coerce or induce civilian civil defence organisations to perform their tasks in any manner prejudicial to the interests of the civilian population.

3. The Occupying Power may disarm civil defence personnel for reasons of security.

Article 64

Civilian Civil Defence Organisations of Neutral or Other States Not Parties to the Conflict and International Co-ordinating Organisations

1. Articles 62, 63, 65, and 66 shall also apply to the personnel and *material* of civilian civil defence organisations of neutral or other States not Parties to the conflict which perform civil defence tasks mentioned in Article 61 in the territory of a Party to the conflict, with the consent and under the control of that Party. Notification of such assistance shall be given as soon as possible to any adverse Party concerned. In no circumstances shall this activity be deemed to be an interference in the conflict. This activity should, however, be performed with due regard to the security interests of the Parties to the conflict concerned.

Article 65

Cessation of Protection

[The protection afforded to civil defence organisations shall be withdrawn, after warning, if they commit acts harmful to the enemy.]

Article 66

Identification

1. Each Party to the conflict shall endeavour to ensure that its civil defence organisations, their personnel, buildings and *materiel*, are identifiable while they are exclusively devoted to the performance of civil defence tasks. Shelters provided for the civilian population should be similarly identifiable.

2. Each Party to the conflict shall also endeavour to adopt and implement methods and procedures which will make it possible to recognize civilian shelters as well as civil defence personnel, buildings and *materiel* on which the international distinctive sign of civil defence is displayed.

3. In occupied territories and in areas where fighting is taking place or is likely to take place, civilian civil defence personnel should be recognizable by the international distinctive sign of civil defence and by an identity card certifying their status.

Article 67**Members of the Armed Forces and Military Units Assigned to Civil Defence Organisations**

1. Members of the armed forces' and military units assigned to civil defence organisations shall be respected and protected, provided that:

- (a) such personnel and such units are permanently assigned and exclusively devoted to the performance of any of the tasks mentioned in Article 61;
- (b) if so assigned, such personnel do not perform any other military duties during the conflict;
- (c) such personnel are clearly distinguishable from the other members of the armed forces by prominently displaying the international distinctive sign of civil defence, which shall be as large as appropriate, and such personnel are provided with the identity card referred to in Chapter V of Annex I to this Protocol certifying their status;

Section II: Relief in Favour of the Civilian Population**Article 68****Field of Application**

The provisions of this Section apply to the civilian population as defined in this Protocol and are supplementary to Articles 23, 55, 59, 60, 61 and 62 and other relevant provisions of the Fourth Convention.

Article 69**Basic Needs in Occupied Territories**

1. In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means, of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

2. Relief actions for the benefit of the civilian population of occupied territories are governed by Articles 59, 60, 61, 62, 108, 109, 110 and 111 of the Fourth Convention, and by Article 71 of this Protocol, and shall be implemented without delay.

Article 70

Relief Actions

1. If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the Parties concerned in such relief actions. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts. In the distribution of relief consignments, priority shall be given to those persons, such as children, expectant mothers, maternity cases and nursing mothers, who, under the Fourth Convention or under this Protocol, are to be accorded privileged treatment or special protection.

2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.

3. The Parties to the conflict and each High Contracting Party which allows the passage of relief consignments, equipment and personnel in accordance with paragraph 2:

- (a) shall have the right to prescribe the technical arrangements, including search, under which such passage is permitted;
- (b) may make such permission conditional on the distribution of this assistance being made under the local supervision of a Protecting Power;
- (c) shall, in no way whatsoever, divert relief consignments from the purpose for which they are intended nor delay their forwarding, except in cases of urgent necessity in the interest of the civilian population concerned.

4. The Parties to the conflict shall protect relief consignments and facilitate their rapid distribution.

5. The Parties to the conflict and each High Contracting Party concerned shall encourage and facilitate effective international co-ordination of the relief actions referred to in paragraph 1.

Article 71**Personnel Participating in Relief Actions**

1. Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignments; the participation of such personnel shall be subject to the approval of the Party in whose territory they will carry out their duties.

2. Such personnel shall be respected and protected.

3. Each Party in receipt of relief consignments shall, to the fullest extent practicable, assist the relief personnel referred to in paragraph 1 in carrying out their relief mission. Only in case of imperative military necessity may the activities of the relief personnel be limited or their movements temporarily restricted.

**Section III: Treatment of Persons in the Power of
a Party to the Conflict****CHAPTER 1*****Field of Application and Protection of Persons and Objects*****Article 72****Field of Application**

The provisions of this Section are additional to the rules concerning humanitarian protection of civilians and civilian objects in the power of a Party to the conflict contained in the Fourth Convention, particularly Parts I and III thereof, as well as to other applicable rules of international law relating to the protection of fundamental human rights during international armed conflict.

Article 73**Refugees and Stateless Persons**

Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction.

Article 74**Reunion of Dispersed Families**

The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a

result of armed conflicts and shall encourage in particular the work of the humanitarian organisations engaged in this task in accordance with the provisions of the Conventions and of this Protocol and in conformity with their respective security regulations.

Article 75

Fundamental Guarantees

1. In so far as they are affected by a situation referred to in Article 1 of this Protocol, persons who are in the power of a Party to the conflict and who do not benefit from more favourable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria. Each Party shall respect the person, honour, convictions and religious practices of all such persons.

2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

- (a) violence to the life, health, or physical or mental well-being of persons, in particular:
 - (i) murder;
 - (ii) torture of all kinds, whether physical or mental;
 - (iii) corporal punishment; and
 - (iv) mutilation;
- (b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;
- (c) the taking of hostages;
- (d) collective punishments; and
- (e) threats to commit any of the foregoing acts.

3. Any person arrested, detained or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for penal offences, such persons shall be released with the minimum delay possible and in any event as soon as the circumstances justifying the arrest, detention or internment have ceased to exist.

4. No sentence may be passed and no penalty may be executed on a person found guilty of a penal offence related to the armed conflict except pursuant to a conviction pronounced by an impartial and regularly constituted court respecting the generally recognised principles of regular judicial procedure, which include the following:

- (a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;
- (b) no one shall be convicted of an offence except on the basis of individual penal responsibility;
- (c) no one shall be accused or convicted of a criminal offence on account of any act or, omission which did not constitute a criminal offence under the national or international law to which he was subject at the time it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;
- (d) anyone charged with an offence is presumed innocent until proved guilty according to law;
- (e) anyone charged with an offence shall have the right to be tried in his presence;
- (f) no one shall be compelled to testify against himself or to confess guilt;
- (g) anyone charged with an offence shall have the right to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (h) no one shall be prosecuted or punished by the same Party for an offence in respect of which a final judgement acquitting or convicting that person has been previously pronounced under the same law and judicial procedure;
- (i) anyone prosecuted for an offence shall have the right to have the judgement pronounced publicly; and
- (j) a convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

CHAPTER II

Measures in Favour of Women and Children

Article 76

Protection of Women

1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.

2. Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority.

3. To the maximum extent feasible, the Parties to the conflict shall endeavour to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants, for an offence related to the armed conflict. The death penalty for such offences shall not be executed on such women.

Article 77

Protection of Children

1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.

2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years the Parties to the conflict shall endeavour to give priority to those who are oldest.

3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.

4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.

5. The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time the offence was committed.

Article 78

Evacuation of Children

[Children shall only be evacuated to a foreign country for compelling reasons of their health or safety. Written consent of parents or guardians is required.]

CHAPTER III

Journalists

Article 79

Measures of Protection for Journalists

[Journalists working in areas of armed conflict shall be clearly identified and protected at all times.]

PART V

**EXECUTION OF THE CONVENTIONS AND
OF THIS PROTOCOL**

Section I: General Provisions

Article 80

Measures for Execution

1. The High Contracting Parties and the Parties to the conflict shall without delay take all necessary measures for the execution of their obligations under the Conventions and this Protocol.

2. The High Contracting Parties and the Parties to the conflict shall give orders and instructions to ensure observance of the Conventions and this Protocol, and shall supervise their execution.

Article 81

**Activities of the Red Cross and Other Humanitarian
Organisations**

[The Red Cross, Red Crescent, and comparable organisations shall be granted facilities to carry out their humanitarian and relief activities.]

Article 82

Legal Advisers in Armed Forces

The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are

available, when necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject.

Article 83

Dissemination

1. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed forces and to the civilian population.

2. Any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and this Protocol shall be fully acquainted with the text thereof.

Article 84

Rules of Application

The High Contracting Parties shall communicate to one another, as soon as possible, through the depository and, as appropriate, through the Protecting Powers, their official translations of this Protocol, as well as the laws and regulations which they may adopt to ensure its application.

Section II: Repression of Breaches of the Conventions and of this Protocol

Article 85

Repression of Breaches of this Protocol

[This Article gives the definition of breaches and grave breaches of this Convention. Grave breaches shall be regarded as war crimes.]

Article 86

Failure to Act

1. The High Contracting Parties and the Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the Conventions or of this Protocol which result from a failure to act when under a duty to do so.

2. The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal

disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.

Article 87

Duty of Commanders

[Military commanders will be responsible for ensuring that the Convention is not breached by persons under their control.]

Article 88

Mutual Assistance in Criminal Matters

1. The High Contracting Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of grave breaches of the Conventions or of this Protocol.

2. Subject to the rights and obligations established in the Conventions and in Article 85, paragraph 1 of this Protocol, and when circumstances permit, the High Contracting Parties shall co-operate in the matter of extradition. They shall give due consideration to the request of the State in whose territory the alleged offence has occurred.

3. The law of the High Contracting Party requested shall apply in all cases. The provisions of the preceding paragraphs shall not, however, affect the obligations arising from the provisions of any other treaty of a bilateral or multilateral nature which governs or will govern the whole or part of the subject of mutual assistance in criminal matters.

Article 93

Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 94

Accession

This Protocol shall be open for accession by any party to the conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

171

**Document on Confidence-Building
Measures and Certain Aspects of Security
and Disarmament Included in the Final
Act of the Conference on Security and
Cooperation in Europe (1975)**

ALSO KNOWN AS: Helsinki Final Act, Document on Confidence-Building Measures

DATE OF SIGNATURE: August 1, 1975

PLACE OF SIGNATURE: Helsinki

SIGNATORY STATES: Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Soviet Union, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States, Yugoslavia.

The participating States,

Desirous of eliminating the causes of tension that may exist among them and thus of contributing to the strengthening of peace and security in the world; *Determined* to strengthen confidence among them and thus to contribute to increasing stability and security in Europe;

Determined further to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the Declaration on Principles Guiding Relations between Participating States as adopted in this Final Act:

Recognising the need to contribute to reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where the participating States lack clear and timely information about the nature of such activities; *Taking into account* considerations relevant to efforts aimed at lessening tension and promoting disarmament;

Recognising that the exchange of observers by invitation at military manoeuvres will help to promote contacts and mutual understanding; *Having studied* the question of prior notification of major military movements in the context of confidence-building;

Recognising that there are other ways in which individual States can contribute further to their common objectives;

Convinced of the political importance of prior notification of major military manoeuvres for the promotion of mutual understanding and the strengthening of confidence, stability and security; *Accepting* the responsibility of each of them to promote these objectives and to implement this measure, in accordance with the accepted criteria and modalities, as essentials for the realisation of these objectives;

Recognising that this measure deriving from political decision rests upon a voluntary basis; *Have adopted the following*:

I

PRIOR NOTIFICATION OF MAJOR MILITARY MANOEUVRES

They will notify their major manoeuvres to all other participating States through usual diplomatic channels in accordance with the following provisions:

Notification will be given of major military manoeuvres exceeding a total of 25,000 troops, independently or combined with any possible air or naval components (in this context the word "troops" includes amphibious and airborne troops). In the case of independent manoeuvres of amphibious or airborne troops, or of combined manoeuvres involving them, these troops will be included in this total. Furthermore, in the case of combined manoeuvres which do not reach the above total but which involve land forces together with significant numbers of either amphibious or airborne troops, or both, notification can also be given.

Notification will be given of major military manoeuvres which take place on the territory, in Europe, of any participating State as well as if applicable, in the adjoining sea area and air space.

In the case of a participating State whose territory extends beyond Europe, prior notification need be given only of manoeuvres which take place in an area within 250 kilometres from its frontier facing or shared with any other European participating State, the participating State need not, however, give notification in cases in which that area is also contiguous to the participating State's frontier facing or shared with a non-European non-participating State.

Notification will be given 21 days or more in advance of the start of the manoeuvre or in the case of a manoeuvre arranged at shorter notice at the earliest possible opportunity prior to its starting date.

Notification will contain information of the designation, if any, the general purpose of and the State: involved in the manoeuvres, the type or types and numerical strength of the forces engaged, the area and estimated time-frame of its conduct. The participating States will also, if possible, provide additional relevant information, particularly that related to the components of the forces engaged and the period involvement of these forces.

Prior Notification of Other Military Manoeuvres

The participating States recognize that they can contribute further to strengthening confidence and increasing security and stability, and to this end may also notify smaller-scale military manoeuvres to other participating States, with special regard for those near the area of such manoeuvres.

To the same end, the participating States also recognize that they may notify other military manoeuvres conducted by them.

Exchange of Observers

The participating States will invite other participating States, voluntarily and on a bilateral basis, in a spirit of reciprocity and goodwill towards all participating States, to send observers to attend military manoeuvres.

The inviting State will determine in each case the number of observers, the procedures and conditions of their participation, and give other information which it may consider useful. It will provide appropriate facilities and hospitality.

The invitation will be given as far ahead as is conveniently possible through usual diplomatic channels.

Prior Notification of Major Military Movements

In accordance with the Final Recommendations of the Helsinki Consultations the participating States studied the question of prior

notification of major military movements as a measure to strengthen confidence.

Accordingly, the participating States recognize that they may, at their own discretion and with a view to contributing to confidence-building, notify their major military movements.

In the same spirit, further consideration will be given by the States participating in the Conference on Security and Co-operation in Europe to the question of prior notification of major military movements, bearing in mind, in particular, the experience gained by the implementation of the measures which are set forth in this document.

Other Confidence-Building Measures

The participating States recognize that there are other means by which their common objectives can be promoted.

In particular, they will, with due regard to reciprocity and with a view to better mutual understanding, promote exchanges by invitation among their military personnel, including visits by military delegations.

In order to make a fuller contribution to their common objective of confidence-building, the participating States, when conducting their military activities in the area covered by the provisions for the prior notification of major military manoeuvres, will duly take into account and respect this objective.

They also recognize that the experience gained by the implementation of the provisions set forth above, together with further efforts, could lead to developing and enlarging measures aimed at strengthening confidence.

II

QUESTIONS RELATING TO DISARMAMENT

The participating States recognize the interest of all of them in efforts aimed at lessening military confrontation and promoting disarmament which are designed to complement political detente in Europe and to strengthen their security. They are convinced of the necessity to take effective measures in these fields which by their scope and by their nature constitute steps towards the ultimate achievement of general and complete disarmament under strict and effective international control, and which should result in strengthening peace and security throughout the world.

III

GENERAL CONSIDERATIONS

Having considered the views expressed on various subjects related to the strengthening of security in Europe through joint efforts aimed at promoting detente and disarmament, the participating States, when engaged in such efforts, will, in this context, proceed, in particular, from the following essential considerations:

- The complementary nature of the political and military aspects of security;
- The interrelation between the security of each participating State and security in Europe as a whole and the relationship which exists, in the broader context of world security, between security in Europe and security in the Mediterranean area;
- Respect for the security interests of all States participating in the Conference on Security and Cooperation in Europe inherent in their sovereign equality;
- The importance that participants in negotiating fora see to it that information about relevant developments, progress and results is provided on an appropriate basis to other States participating in the Conference on Security and Co-operation in Europe and, in return, the justified interest of any of those States in having their views considered.

172

Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (1974)

DATE OF SIGNATURE: July 3, 1974

PLACE OF SIGNATURE: Moscow

SIGNATORY STATES: United States, Soviet Union

DATE OF ENTRY INTO FORCE: May 25, 1976

[The signatories],

Proceeding from the basic principles of relations between the United States of America and the Union of Soviet Socialist Republics signed on May 29, 1972,

Desiring to further the objectives of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems signed on May 26, 1972, hereinafter referred to as the Treaty, Reaffirming their conviction that the adoption of further measures for the limitation of strategic arms would contribute to strengthening international peace and security,

Proceeding from the premise that further limitation of anti-ballistic missile systems will create more favourable conditions for the completion of work on a permanent agreement on more complete measures for the limitation of strategic offensive arms, Have agreed as follows:

Article I

1. Each Party shall be limited at any one time to a single area out of the two provided in Article III of the Treaty for deployment of anti-ballistic missile (ABM) systems or their components and accordingly shall not exercise its right to deploy an ABM system or its components in the second of the two ABM system deployment areas permitted by Article III of the Treaty, except as an exchange of one permitted area for the other in accordance with Article II of this Protocol.

2. Accordingly, except as permitted by Article II of this Protocol: The United States of America shall not deploy an ABM system or its components in the area centered on its capital, as permitted by Article III (a) of the Treaty, and the Soviet Union shall not deploy an ABM system or its components in the deployment area of intercontinental ballistic missile (ICBM) silo launchers as permitted by Article III (b) of the Treaty.

Article II

1. Each Party shall have the right to dismantle or destroy its ABM system and the components thereof in the area where they are presently deployed and to deploy an ABM system or its components in the alternative area permitted by Article III of the Treaty, provided that prior to initiation of construction, notification is given in accord with the procedure agreed to by the Standing Consultative Commission during the year beginning October 3, 1977 and ending October 2, 1978, or during any year which commences at five year intervals thereafter, those being the years for periodic review of the Treaty, as provided in Article XIV of the Treaty. This right may be exercised only once.

2. Accordingly, in the event of such notice, the United States would have the right to dismantle or destroy the ABM system and its components in the deployment area of ICBM silo launchers and to deploy an ABM system or its components in an area centered on its capital, as permitted by Article III (a) of the Treaty, and the Soviet Union would have the right to dismantle or destroy the ABM system and its components in the area centered on its capital and to deploy an ABM system or its components in an area containing ICBM silo launchers, as permitted by Article III (b) of the Treaty.

3. Dismantling or destruction and deployment of ABM systems or their components and the notification thereof shall be carried out in accordance with Article VIII of the ABM Treaty and procedures agreed to in the Standing Consultative Commission.

Article III

The rights and obligations established by the Treaty remain in force and shall be complied with by the Parties except to the extent modified by this Protocol. In particular, the deployment of an ABM system or its components within the area selected shall remain limited by the levels and other requirements established by the Treaty.

Article IV

This Protocol shall be subject to ratification in accordance with the constitutional procedures of each Party. It shall enter into force on the day of the exchange of instruments of ratification and shall thereafter be considered an integral part of the Treaty.

173

Protocol to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests

[The signatories], hereinafter referred to as the Parties,
Having agreed to limit underground nuclear weapon tests.
Have agreed as follows:

1. For the purpose of ensuring verification of compliance with the obligations of the Parties under the Treaty by national technical means, the Parties shall, on the basis of reciprocity, exchange the following data:

- (a) The geographic coordinates of the boundaries of each test site and of the boundaries of the geophysically distinct testing areas therein.
- (b) Information on the geology of the testing areas of the sites (the rock characteristics of geological formations and the basic physical properties of the rock; i.e., density, seismic velocity, water saturation, porosity and depth of water table).
- (c) The geographic coordinates of underground nuclear weapon tests, after they have been conducted.
- (d) Yield date, time, depth and coordinates for two nuclear weapon tests for calibration purposes from each geophysically distinct testing area where underground nuclear weapon tests have been and are to be conducted. In this connection the yield of such explosions for calibration purposes should be as near as possible to the limit defined in Article I of the Treaty and not

less than one-tenth of that limit. In the case of testing areas where data are not available on two tests for calibration purposes, the data pertaining to one such test shall be exchanged, if available, and the data pertaining to the second test shall be exchanged as soon as possible after a second test having a yield in the above-mentioned range. The provisions of the Protocol shall not require the Parties to conduct tests solely for calibration purposes.

2. The Parties agree that the exchange of data pursuant to subparagraphs a, b, and d of paragraph shall be carried out simultaneously with the exchange of instruments of ratification of the Treaty, as provided in Article IV of the Treaty, having in mind that the Parties shall, on the basis of reciprocity, afford each other the opportunity to familiarize themselves with these data before the exchange of instruments of ratification.

3. Should a Party specify, a new test site or testing area after the entry into force of the Treaty, the data called for by subparagraphs a and b of paragraph 1 shall be transmitted to the other Party in advance of use of that site or area. The data called for by sub-paragraph d of paragraph 1 shall also be transmitted in advance of use of that site or area if they are available; if they are not available, they shall be transmitted as soon as possible after they have been obtained by the transmitting Party.

4. The Parties agree that the test sites of each Party shall be located at places under its jurisdiction or control and that all nuclear weapon tests shall be conducted solely within the testing areas specified in accordance with paragraph 1.

5. For the purposes of the Treaty, all underground nuclear explosions at the specified test sites shall be considered nuclear weapon tests and shall be subject to all the provisions of the Treaty relating to nuclear weapon tests. The provisions of Article III of the Treaty apply to all underground nuclear explosions conducted outside of the specified test sites, and only to such explosions.

This Protocol shall be considered an integral party of the Treaty.

174

Protocol to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests

[The signatories], hereinafter referred to as the Parties,
Having agreed to limit underground nuclear weapon tests.
Have agreed as follows:

1. For the purpose of ensuring verification of compliance with the obligations of the Parties under the Treaty by national technical means, the Parties shall, on the basis of reciprocity, exchange the following data:

- (a) The geographic coordinates of the boundaries of each test site and of the boundaries of the geophysically distinct testing areas therein.
- (b) Information on the geology of the testing areas of the sites (the rock characteristics of geological formations and the basic physical properties of the rock; i.e., density, seismic velocity, water saturation, porosity and depth of water table).
- (c) The geographic coordinates of underground nuclear weapon tests, after they have been conducted.
- (d) Yield date, time, depth and coordinates for two nuclear weapon tests for calibration purposes from each geophysically distinct testing area where underground nuclear weapon tests have been and are to be conducted. In this connection the yield of such explosions for calibration purposes should be as near as possible to the limit defined in Article I of the Treaty and not

less than one-tenth of that limit. In the case of testing areas where data are not available on two tests for calibration purposes, the data pertaining to one such test shall be exchanged, if available, and the data pertaining to the second test shall be exchanged as soon as possible after a second test having a yield in the above-mentioned range. The provisions of the Protocol shall not require the Parties to conduct tests solely for calibration purposes.

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3. Should a Party specify, a new test site or testing area after the entry into force of the Treaty, the data called for by subparagraphs a and b of paragraph 1 shall be transmitted to the other Party in advance of use of that site or area. The data called for by sub-paragraph d of paragraph 1 shall also be transmitted in advance of use of that site or area if they are available; if they are not available, they shall be transmitted as soon as possible after they have been obtained by the transmitting Party.

4. The Parties agree that the test sites of each Party shall be located at places under its jurisdiction or control and that all nuclear weapon tests shall be conducted solely within the testing areas specified in accordance with paragraph 1.

5. For the purposes of the Treaty, all underground nuclear explosions at the specified test sites shall be considered nuclear weapon tests and shall be subject to all the provisions of the Treaty relating to nuclear weapon tests. The provisions of Article III of the Treaty apply to all underground nuclear explosions conducted outside of the specified test sites, and only to such explosions.

This Protocol shall be considered an integral party of the Treaty.

175

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925)

ALSO KNOWN AS: Geneva Protocol

DATE OF SIGNATURE: June 17, 1925

PLACE OF SIGNATURE: Geneva Ratifications: France, Venezuela, Italy, Austria, Belgium, Egypt, Poland, Serbs, Croats and Slovenes, (Kingdom of the), Germany, Finland, Spain, Roumania. Turkey, Denmark, Sweden, British Empire, India, Canada

ACCESSIONS: Liberia, Soviet Union, Persia, China, Union of South Africa, Australia, New Zealand

THE UNDERSIGNED PLENIPOTENTIARIES, IN THE NAME OF THEIR RESPECTIVE GOVERNMENTS: Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids materials or devices, has been justly condemned by the general opinion of the civilised world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations:

Declare

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of

warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present

Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.

176

Protocol for the Pacific Settlement of International Disputes (1924)

DATE OF SIGNATURE: October 2, 1924

PLACE OF SIGNATURE: Geneva

SIGNATORY STATES: Approved by the Assembly of the League of Nations on the above date

Animated by the firm desire to ensure the maintenance of general peace and the security of nations whose existence, independence or territories may be threatened;

Recognising the solidarity of the members of the international community; Asserting that a war of aggression constitutes a violation of this solidarity and an international crime; Desirous of facilitating the complete application of the system provided in the Covenant of the League of Nations for the pacific settlement of disputes between states and of ensuring the repression of international crimes; and

For the purpose of realising, as contemplated by Article 8 of the Covenant, the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations; The undersigned, duly authorised to that effect, agree as follows:

Article 1

The signatory states undertake to make every effort in their power to secure the introduction into the Covenant of amendments on the lines of the provisions contained in the following articles.

They agree that, as between themselves, these provisions shall be binding as from the coming into force of the present protocol and that, so far as they are concerned, the Assembly and the Council of the League of Nations shall thenceforth have power to exercise all the rights and perform all the duties conferred upon them by the protocol.

Article 2

The signatory states agree in no case to resort to war either with one another or against a state which, if the occasion arises, accepts all the obligations hereinafter set out, except in case of resistance to acts of aggression or when acting in agreement with the Council or the Assembly of the League of Nations in accordance with the provisions of the Covenant and of the present protocol.

Article 3

The signatory states undertake to recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Permanent Court of International Justice in the cases covered by paragraph 2 of Article 36 of the Statute of the Court, but without prejudice to the right of any state, when acceding to the special protocol provided for in the said Article and opened for signature on December 16, 1920, to make reservations compatible with the said clause.

Accession to this special protocol, opened for signature on December 16, 1920, must be given within the month following the coming into force of the present protocol.

States which accede to the present protocol, after its coming into force, must carry out the above obligation within the month following their accession.

Article 4

With a view to render more complete the provisions of paragraphs 4, 5, 6, and 7 of Article 15 of the Covenant, the signatory states agree to comply with the following procedure:

1. If the dispute submitted to the Council is not settled by it as provided in paragraph 3 of the said Article 15, the Council shall endeavour to persuade the parties to submit the dispute to judicial settlement or arbitration.
2. (a) If the parties cannot agree to do so, there shall, at the request of at least one of the parties, be constituted a Committee of Arbitrators. The Committee shall so far as possible be constituted by agreement between the parties.
- (b) If within the period fixed by the Council the parties have failed to agree, in whole or in part, upon the number, the names and the powers of the arbitrators and upon the procedure, the Council shall settle the points remaining in suspense. It shall with the utmost possible despatch select in consultation with

the parties the arbitrators and their President from among persons who by their nationality, their personal character and their experience, appear to it to furnish the highest guarantees of competence and impartiality.

- (c) After the claims of the parties have been formulated, the Committee of Arbitrators, on the request of any party, shall through the medium of the Council request an advisory opinion upon any points of law in dispute from the Permanent Court of International Justice, which in such case shall meet with the utmost possible despatch.

3. If none of the parties asks for arbitration, the Council shall again take the dispute under consideration. If the Council reaches a report which is unanimously agreed to by the members thereof other than the representatives of any of the parties to the dispute, the signatory states agree to comply with the recommendations therein.

4. If the Council fails to reach a report which is concurred in by all its members, other than the representatives of any of the parties to the dispute, it shall submit the dispute to arbitration. It shall itself determine the composition, the powers and the procedure of the Committee of Arbitrators and, in the choice of the arbitrators, shall bear in mind the guarantees of competence and impartiality referred to in paragraph 2 (b) above.

5. In no case may a solution, upon which there has already been a unanimous recommendation of the Council accepted by one of the parties concerned, be again called in question.

6. The signatory states undertake that they will carry out in full good faith any judicial sentence or arbitral award that may be rendered and that they will comply, as provided in paragraph 3, above, with the solutions recommended by the Council. In the event of a state failing to carry out the above undertakings, the Council shall exert all its influence to secure compliance therewith. If it fails therein, it shall propose what steps should be taken to give effect thereto, in accordance with the provision contained at the end of Article 13 of the Covenant. Should a state in disregard of the above undertakings resort to war, the sanctions provided for by Article 16 of the Covenant, interpreted in the manner indicated in the present protocol, shall immediately become applicable to it.

7. The provisions of the present Article do not apply to the settlement of disputes which arise as the result of measures of war taken by one or more signatory states in agreement with the Council or the Assembly.

Article 5

The provisions of paragraph 8 of Article 15 of the Covenant shall continue to apply in proceedings before the Council.

If in the course of an arbitration, such as is contemplated by Article 4 above, one of the parties claims that the dispute, or part thereof, arises out of a matter which by international law is solely within the domestic jurisdiction of that party, the arbitrators shall on this point take the advice of the Permanent Court of International Justice through the medium of the Council. The opinion of the Court shall be binding upon the arbitrators, who, if the opinion is affirmative, shall confine themselves to so declaring in their award.

If the question is held by the Court or by the Council to be a matter solely within the domestic jurisdiction of the state, this decision shall not prevent consideration of the situation by the Council or by the Assembly under Article 11 of the Covenant.

Article 6

If in accordance with paragraph 9 of Article 15 of the Covenant a dispute is referred to the Assembly, that body shall have for the settlement of the dispute all the powers conferred upon the Council as to endeavouring to reconcile the parties in the manner laid down in paragraphs 1, 2 and 3 of Article 15 of the Covenant and in paragraph 1 of Article 4 above.

Should the Assembly fail to achieve the amicable settlement:

If one of the parties asks for arbitration, the Council shall proceed to constitute the Committee of Arbitrators in the manner provided in sub-paragraphs (a), (b) and (c) of paragraph 2 of Article 4 above.

If no party asks for arbitration, the Assembly shall again take the dispute under consideration and shall have in this connection the same powers as the Council. Recommendations embodied in a report of the Assembly, provided that it secures the measure of support stipulated at the end of paragraph 10 of Article 15 of the Covenant, shall have the same value and effect, as regards all matters dealt with in the present protocol, as recommendations embodied in a report of the Council adopted as provided in paragraph 3 of Article 4 above.

If the necessary majority cannot be obtained, the dispute shall be submitted to arbitration and the Council shall determine the composition, the powers and the procedure of the Committee of Arbitrators as laid down in paragraph 4 of Article 4.

Article 7

In the event of a dispute arising between two or more signatory states, these states agree that they will not, either before the dispute is submitted to proceedings for pacific settlement or during such proceedings, make any increase of their armaments or effectives which might modify the position established by the Conference for the Reduction of Armaments provided for by Article 17 of the present protocol, nor will they take any measure of military, naval, air, industrial or economic mobilisation, nor, in general, any actions of a nature likely to extend the dispute or render it more acute.

It shall be the duty of the Council, in accordance with the provisions of Article 11 of the Covenant, to take under consideration any complaint as to infraction of the above undertakings which is made to it by one or more of the states parties to the dispute. Should the Council be of opinion that the complaint requires investigation, it shall, if it deems it expedient, arrange for enquiries and investigations in one or more of the countries concerned. Such enquiries and investigations shall be carried out with the utmost possible despatch and the signatory states undertake to afford every facility for carrying them out.

The sole object of measures taken by the Council as above provided is to facilitate the pacific settlement of disputes and they shall in no way prejudge the actual settlement.

If the result of such enquiries and investigations is to establish an infraction of the provisions of the first paragraph of the present article, it shall be the duty of the Council to summon the state or states guilty of the infraction to put an end thereto. Should the state or states in question fail to comply with such summons, the Council shall declare them to be guilty of a violation of the Covenant or of the present protocol, and shall decide upon the measures to be taken with a view to end as soon as possible a situation of a nature to threaten the peace of the world.

For the purposes of the present Article decisions of the Council may be taken by two-thirds majority.

Article 8

The signatory states undertake to abstain from any act which might constitute a threat of aggression against another state.

If one of the signatory states is of opinion that another state is making preparations for war, it shall have the right to bring the matter to the notice of the Council.

The Council, if it ascertains that the facts are as alleged, shall proceed as provided in paragraphs 2, 4, and 5 of Article 7.

Article 9

The existence of demilitarised zones being calculated to prevent aggression and to facilitate a definite finding of the nature provided for in Article 10 below, the establishment of such zones between states mutually consenting thereto is recommended as a means of avoiding violations of the present protocol.

The demilitarised zones already existing under the terms of certain treaties or conventions, or which may be established in future between states mutually consenting thereto, may at the request and at the expense of one or more of the conterminous states, be placed under a temporary or permanent system of supervision to be organised by the Council.

Article 10

Every state which resorts to war in violation of the undertakings contained in the Covenant or in the present protocol is an aggressor. Violation of the rules laid down for a demilitarised zone shall be held equivalent to resort to war.

In the event of hostilities having broken out, any state shall be presumed to be an aggressor, unless a decision of the Council, which must be taken unanimously, shall otherwise declare:

1. If it has refused to submit the dispute to the procedure of pacific settlement provided by Articles 13 and 15 of the Covenant as amplified by the present protocol, or to comply with a judicial sentence or arbitral award or with a unanimous recommendation of the Council, or has disregarded a unanimous report of the Council, a judicial sentence or an arbitral award recognising that the dispute between it and the other belligerent state arises out of a matter which by international law is solely within the domestic jurisdiction of the latter state; nevertheless, in the last case the state shall only be presumed to be an aggressor if it has not previously submitted the question to the Council or the Assembly, in accordance with Article 11 of the Covenant.

2. If it has violated provisional measures enjoined by the Council for the period while the proceedings are in progress as contemplated by Article 7 of the present protocol.

Apart from the cases dealt with in paragraphs 1 and 2 of the present article, if the Council does not at once succeed in determining the aggressor, it shall be bound to enjoin upon the belligerents an armistice, and shall fix the terms, acting, if need be, by a two-thirds majority and shall supervise its execution.

Any belligerent which has refused to accept the armistice or has violated its terms shall be deemed an aggressor.

The Council shall call upon the signatory states to apply forthwith against the aggressor the sanctions provided by Article 11 of the present protocol, and any signatory state thus called upon shall thereupon be entitled to exercise the rights of a belligerent.

Article 11

As soon as the Council has called upon the signatory states to apply sanctions, as provided in the last paragraph of Article 10 of the present protocol, the obligations of the said states, in regard to the sanctions of all kinds mentioned in paragraphs 1 and 2 of Article 16 of the Covenant, will immediately become operative in order that such sanctions may forthwith be employed against the aggressor.

Those obligations shall be interpreted as obliging each of the signatory states to cooperate loyally and effectively in support of the Covenant of the League of Nations, and in resistance to any act of aggression, in the degree which its geographical position and its particular situation as regards armaments allow.

In accordance with paragraph 3 of Article 16 of the Covenant the signatory states give a joint and several undertaking to come to the assistance of the state attacked or threatened, and give to each other mutual support by means of facilities and reciprocal exchanges as regards the provision of raw materials and supplies of every kind, openings of credits, transport and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened state.

If both parties to the dispute are aggressors within the meaning of Article 10, the economic and financial sanctions shall be applied to both of them.

Article 12

In view of the complexity of the conditions in which the Council may be called upon to exercise the functions mentioned in Article 11 of the present protocol concerning economic and financial sanctions, and in order to determine more exactly the guarantees afforded by the present protocol to the signatory states, the Council shall forthwith invite the economic and financial organisations of the League of Nations to consider and report as to the nature of the steps to be taken to give effect to the financial and economic sanctions and measures of cooperation contemplated in Article 16 of the Covenant and in Article 11 of this protocol.

When in possession of this information, the Council shall draw up through its competent organs:

1. Plans of action for the application of the economic and financial sanctions against an aggressor state;
2. Plans of economic and financial cooperation between a state attacked and the different states assisting it; and shall communicate these plans to the members of the League and to the other signatory states.

Article 13

In view of the contingent military, naval and air sanctions provided for by Article 16 of the Covenant and by Article 11 of the present protocol, the Council shall be entitled to receive undertakings from states determining in advance the military, naval and air forces which they would be able to bring into action immediately to ensure the fulfilment of the obligations in regard to sanctions which result from the Covenant and the present protocol.

Furthermore, as soon as *the* Council has called upon the signatory states to apply sanctions, as provided in the last paragraph of Article 10 above, the said states may, in accordance with any agreements which they may previously have concluded, bring to the assistance of a particular state, which is the victim of aggression, their military, naval and air forces.

The agreements mentioned in the preceding paragraph shall be registered and published by the Secretariat of the League of Nations. They shall remain open to all states members of the League which may desire to accede thereto.

Article 14

The Council shall alone be competent to declare that the application of sanctions shall cease and normal conditions be reestablished.

Article 15

In conformity with the spirit of the present protocol, the signatory states agree that the whole cost of any military, naval or air operations undertaken for the repression of an aggression under the terms of the protocol, and reparation for all losses suffered by individuals, whether civilians or combatants, and for all material damage caused by the operations of both sides, shall be borne by the aggressor state up to the extreme limit of its capacity.

Nevertheless, in view of Article 10 of the Covenant, neither the territorial integrity nor the political independence of the aggressor state shall in any case be affected as the result of the application of the sanctions mentioned in the present protocol.

Article 16

The signatory states agree that in the event of a dispute between one or more of them and one or more states which have not signed the present protocol and are not members of the League of Nations, such non-member states shall be invited, on the conditions contemplated in Article 17 of the Covenant, to submit, for the purpose of a pacific settlement, to the obligations accepted by the states signatories of the present protocol.

If the state so invited, having refused to accept the said conditions and obligations, resorts to war against a signatory state, the provisions of Article 16 of the Covenant, as defined by the present protocol, shall be applicable against it.

Article 17

The signatory states undertake to participate in an International Conference for the Reduction of Armaments which shall be convened by the Council and shall meet at Geneva on Monday, June 15, 1925. All other states, whether members of the League or not, shall be invited to this Conference.

In preparation for the convening of the Conference, the Council shall draw up with due regard to the undertakings contained in Articles 11 and 13 of the present protocol a general programme for the reduction and limitation of armaments, which shall be laid before the Conference and which shall be communicated to the governments at the earliest possible date, and at the latest three months before the Conference meets.

If by May 1, 1925, ratifications have not been deposited by at least a majority of the permanent Members of the Council and ten other members of the League, the Secretary-General of the League shall immediately consult the Council as to whether he shall cancel the invitations or merely adjourn the Conference until a sufficient number of ratifications have been deposited.

Article 18

Wherever mention is made in Article 10, or in any other provision of the present protocol, of a decision of the Council, this shall be understood in the sense of Article 15 of the Covenant, namely that the votes of the representatives of the parties to the dispute shall not be counted when reckoning unanimity or the necessary majority.

Article 19

Except as expressly provided by its terms, the present protocol shall not affect in any way the rights and obligations of members of the League as determined by the Covenant.

Article 20

Any dispute as to the interpretation of the present protocol shall be submitted to the Permanent Court of International Justice.

Article 21

The present protocol, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at the Secretariat of the League of Nations as soon as possible.

States of which the seat of government is outside Europe will be entitled merely to inform the Secretariat of the League of Nations that their ratification has been given; in that case, they must transmit the instrument of ratification as soon as possible.

So soon as the majority of the permanent members of the Council and ten other members of the League have deposited or have effected their ratifications, a *proces-verbal* to that effect shall be drawn up by the Secretariat.

After the said *proces-verbal* has been drawn up, the protocol shall come into force as soon as the plan for the reduction of armaments has been adopted by the Conference provided for in Article 17.

If within such period after the adoption of the plan for the reduction of armaments as shall be fixed by the said Conference, the plan has not been carried out, the Council, shall make a declaration to that effect; this declaration shall render the present protocol null and void.

The grounds on which the Council may declare that the plan drawn up by the International Conference for the Reduction of Armaments has not been carried out, and that in consequence the present protocol has been rendered null and void, shall be laid down by the Conference itself.

A signatory state which, after the expiration of the period fixed by the Conference, fails to comply with the plan adopted by the Conference, shall not be admitted to benefit by the provisions of the present protocol.

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CONTENTS

99. Chronology Concerning the Atlantic Charter	2363
100. List of Documents Concerning the Atlantic Charter	2369
101. Four Freedoms Speech, Roosevelt, January 6, 1941	2371
102. The Atlantic Charter: Joint Declaration by the President and the Prime Minister, 12th August 1941	2372
103. Agreement between the United States of America and Greece Relating to the Principles Applying to Mutual Aid in the Prosecution of the War against Aggression, signed at Washington, on 10th July 1942, No. 319	2374
104. Churchill's Speech Zurich, September 19, 1946 on European Unity	2376
105. Charter of the United Nations, Art. 3, 4, 103 and 110	2390
106. United Nations Model Rules for the Conciliation	2393
107. Security Assurances of France	2402
108. Helsinki Document 1992 (Excerpts)	2405
109. Missile Technology Control Regime Plenary Meeting	2412
110. Joint United States-Russian Statements	2414
111. Permanent Five Interim Guidelines Related to Weapons of Mass Destruction	2417
112. Excerpts from the Report of the Secretary-General of the United Nations on Cambodia	2419
113. Developments in the El Salvador Peace Process	2426
114. Excerpts from the Final Act of Paris Conference on Cambodia	2428
115. Closing Communique of the Meeting of the Five on Arms Transfers and Non-Proliferation	2440
116. The Compressed Negotiations	2443
117. Democratic People's Republic of Korea and the International Atomic Energy Agency Secretariat Complete Safeguards Agreement Text	2447
118. Communique from Paris Meeting of Five on Arms Transfers and Non-Proliferation	2448

119. Communique of the Political Consultative Committee of the Warsaw Treaty Member States and Protocol Signed	2451
120. Final Document of the Seminar for High-Level Military and Civilian Officials	2455
121. Excerpt on Nuclear Disarmament and Non-Proliferation from the French Arms Control and Disarmament Plan	2458
122. Final Document of Extraordinary Conference of States Parties to the CFE Treaty, Oslo, 5 June 1992	2459
123. Memorandum on the European Security Commission Issued on 6 April 1990 by the Federal Ministry of Foreign Affairs of the Federal Republic of Czechoslovakia	2468
124. Summary of Conclusions of the Meeting of the Five Permanent Members of the Security Council on the Cambodian Problem	2472
125. Principles that should Govern Further Actions of the States in the Field of the Freezing and Reduction of Military Budgets	2474
126. Government-Industry Conference against Chemical Weapons: Summary Statement by the Chairman Canberra, 22 September 1989	2477
127. Joint United States-Soviet Statement on Chemical Weapons	2485
128. Communique Issued by the Committee of the Ministers of Foreign Affairs of the States Parties to the Warsaw Treaty at its Session Held at Berlin	2488
129. Proposals for the Negotiations on Conventional Armed Forces in Europe (CFE) Submitted by: Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom and United States	2494
130. Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Provisions of the Final Act Relating to the Follow-up to the Conference	2499

132. Western European Union Platform on European Security Interests the Hague	2516
133. Final Document of the International Conference on the Relationship Between Disarmament and Development	2522
134. Memorandum of Poland on Decreasing Armaments and Increasing Confidence in Central Europe	2533
135. Communique Issued by the Session of the Political Consultative Committee of the States Parties to the Warsaw Treaty	2537
136. Guidelines on Nuclear Transfers Agreed by the Nuclear Suppliers Group	2550
137. Basic Principles of Negotiations on the Further Limitation of Strategic Offensive Arms (1973)	2563
138. Memorandum of Understanding between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Direct Communications Link (1963)	2565
139. Statement by the Ministers for Foreign Affairs of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan	2569
140. Statements on Security Assurances of the Russian Federation	2573
141. Statement on Security Assurances of the United Kingdom of Great Britain and Northern Ireland	2575
142. Statement on Security Assurances of the United States of America	2578
143. Statement on Security Assurances of the People's Republic of China	2581
144. Concluding Statement by the President of the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water	2583
145. Statement from the Nordic Foreign Ministers' Meeting Non-Proliferation of Weapons of Mass Destruction	2585

146. Joint Statement of the President of the Argentine Republic and the President of the Federative Republic of Brazil upon the Twenty-fifth Anniversary of the Signing of the Treaty of Tlatelolco	2587
147. Statement by the Verkhovna Rada of Ukraine on the Non-Nuclear Status of Ukraine	2589
148. Statement by President F. W. de Klerk on South African Accession to the NPT	2591
149. Statement of the Member States of the Warsaw Treaty	2593
150. Statement of the United Nations Secretary-General on the Occasion of the Signing of the Treaty on Conventional Forces in Europe	2595
151. Agreed Statement in Connection with the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons	2597
152. Joint United States-USSR Statements	2598
153. Joint Statement on the Treaty on Strategic Offensive Arms	2604
154. Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability	2609
155. Statement Made on 5 March 1990 by the President of the United States of America Concerning the Treaty on the Non-Proliferation of Nuclear Weapons	2611
156. Joint Statement Issued at the Conclusion of the United States-Soviet Ministerial Meeting	2613
157. Joint Statement on Chemical Weapons Issued at the Conclusion of the United States-Soviet Ministerial Meeting	2617
158. Final Statement of the Palme Commission on Disarmament and Security Issues	2619
159. Conventional Arms Control: Statement of the Ministerial Session of the North Atlantic Council	2642

160.	Joint Statement between the United States of America and the Union of Soviet Socialist Republics Issued Following Meetings in Moscow from 29 May to 1 June 1988	2646
161.	Joint Statement Between the President of the United States of America and the General Secretary of the Central Committee of the Communist Party of the Soviet Union Washington, D.C., 10 December 1987 (excerpts)	2660
162.	Statement on the Ministerial Meeting of the North Atlantic Council	2667
163.	Joint Statement of the Six 22 May 1987	2671
164.	Statements by the President of the Security Council on behalf of the Council	2673
165.	High-Level Meeting of the Security Council: Note by the President of the Security Council on Behalf of the Members	2678
166.	Statements by the President of the Security Council	2699
167.	Protocol on Prohibitions or Restrictions on the use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996 (Protocol II of the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects)	2722
168.	Protocol to the Comprehensive Nuclear Test-ban Treaty	2740
169.	Protocol to the July 1991 START Treaty	2769
170.	Protocol I Additional to the Geneva Conventions of 1949 Relating to the Protection of Victims of International Armed Conflicts (1977)	2772
171.	Document on Confidence-Building Measures and Certain Aspects of Security and Disarmament Included in the Final Act of the Conference on Security and Cooperation in Europe (1975)	2799
172.	Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (1974)	2804
173.	Protocol to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests	2807

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|--|------|
| 174. Protocol to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests | 2809 |
| 175. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925) | 2811 |
| 176. Protocol for the Pacific Settlement of International Disputes (1924) | 2813 |